STAFF REPORT FOR HEARINGS BODY REVIEW

APPLICANT: Kevin Yeager, Godfrey & Yeager Excavating Inc.

OWNER: Gordon Hayes & Sharon Brickey

REQUEST: Expansion of an existing aggregate mining operation

STAFF CONTACT: Jill Rolfe, Planning Director

REVIEWING BODY: Coos County Planning Commission

MAP NUMBER(S) / LEGAL DESCRIPTION

ASSESSOR’S MAPS: Township 31S Range 11W Section 07 Tax Lot 101 & 102

PROPERTY LOCATION

The property is located off of North Woodward Creek Road north of the City of Powers.

APPLICABLE CRITERIA

Coos County Zoning and Land Development Ordinance (LDO), Coos County Comprehensive Plan (CCCP), Oregon Administrative Rule (OAR)

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I. BASIC FINDINGS

A. LAWFULLY CREATED PARCELS: The property was lawfully created in accordance with LDO § 3.3.800(2). The properties were consolidated through a property line adjustment process.

B. ZONING: The property is currently zoned Forest Mixed Use and Exclusive Farm Use.

The purpose of the "F" district is to designate forest lands and protect them for forest uses, except where findings establish that certain limited non-forest uses may be allowed. Some of the areas covered by the "F" zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.

Mixed Farm-Forest Area
These areas include land which is currently or potentially in farm-forest use. Typically such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and grazing uses. The areas generally occupy land on the periphery of large corporate and agency holdings and tend to form a buffer between more remote uplands and populated valleys. In addition, these "mixed use" areas contain ownerships of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.

In certain areas of the County, these "mixed use" areas consist of extensive uplands where the lands are held predominantly by ranchers who manage their properties interchangeably between grazing and forestry depending on the economic base of each commodity at any given time. An essential management approach practiced by these ranchers is to maintain enough upland grazing acreage to sustain livestock during the winter months due to the flooding of lowland areas. Some intensive forest management is practiced on these lands, but not to the same extent as in "prime forest areas", and grazing is in many places a co-dominant use. There are typically mixtures of farm and forest uses in these areas. Certain non-forest uses will be allowed in areas that meet the criteria of this classification as established in the zoning ordinance.

The purpose of the "EFU" district is to preserve the integrity and encourage the conservation of agricultural lands within Coos County and thereby comply with the provisions of ORS 215; to minimize conflicts between agricultural practices and non-farm uses by limiting any development to uses distinguished as dependent upon or accessory to supporting agricultural or forestry production and which qualify such farm lands for special tax relief pursuant to the provisions of Oregon Revised Statutes. This zone is also for the cultivation and marketing of specialty crops, horticultural crops and other intensive farm uses.

C. SITE DESCRIPTION: The subject property1 is being utilized as an aggregate mining operation and agricultural use. There are some trees located on the property but most of it appears to be grasslands with the exception of the quarry area. The Google images show the terrain in the area as well as the vegetation. The mining operation is located off of N. Woodward Creek Lane. Woodward Creek Lane is a County maintained road for approximately 1.8 miles. N. Woodward Creek Lane comes off of Woodward Creek Lane and is not maintained by the County which leaves approximately .34 miles of road that is privately maintained.

D. HISTORY: Mr. Hayes applied and received approval to operate the rock quarry in 1987. Tidewater Contactors operated the rock pit (mining operation) from 1987 to 2004. In 2004 the quarry was operated by Houshour Inc. until Godfrey & Yeager Excavating Inc. began operation in 2008. Godfrey & Yeager Excavating Inc. (applicant) were told by Oregon Department of Geology & Mineral Industries (DOGAMI) that they may need to expand the county permit authorization. The original conditional use was for approximately 3 acres and the area which limits the current operator’s storage of overburden is not within that area. Therefore, the applicant has applied to expand the quarry area. Staff has included at Attachment “B” historical images from Google Maps to show the mining operation and surrounding properties.

E. SPECIAL CONSIDERATIONS: The southern quarter of tax lot 102 is located within the Powers Airport Conical Zone. A notification was provided to Oregon Department of Aviation. Jeff Caines, Aviation Planner provided a letter in the record requesting the use of a dust suppression system to eliminate emission of dust, smoke or any visual obstructions that may interfere with aircraft traffic in the area. He also

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1 The reference to subject property includes both tax lots owned by the Gordon Hayes and Sharon Brickey
suggested the use of lighting on site to be at an angle as to not cause glare or other visual impacts to aircrafts in the area. The Planning Commission should consider this as conditions of approval; however, the Department of Aviation finds that the proposed rock quarry expansion operation, as proposed, does not appear to pose a direct negative impact on aviation in the immediate area.

### II. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

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SECTION 4.6.315 Airport Surfaces Height Limitations. Notwithstanding other provisions of this Ordinance, no structure shall be created or altered to a height in excess of the applicable height limits herein established. Such applicable height limitations are hereby established (Subsection 3)

Horizontal Conical Zone – Maximum allowable height = 35 feet.

FINDING: The airport overlay is located on the southern quarter of tax lot 102. The request is for an expansion of an approved aggregate mining operation. The mining and extraction of rock will have a negative height effect but the storage of rock and overburden should be limited to 35 feet in height. Under the agency comments staff has addressed the letter from Mr. Caines, Oregon Department of Aviation. Due to the fact that only a portion of this property is subject to § 4.6.315 the height limitation should only be applied to that portion of the property. Therefore, this can be met with a condition of approval that applied to the southern quarter of the property.

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SECTION 4.8.350 Hearings Body Conditional Uses: The following uses and their accessory uses may be allowed as hearings body conditional uses in the Forest zone subject to the applicable requirements in Section 4.8.400 and applicable siting criteria set forth in this Article and elsewhere in this Ordinance. (Subsection E) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Section 4.8.200 (R) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517. *** Any operation that sells greater than 5,000 cubic yards of aggregate must comply with standards established by the Department of Geology and Mineral Industries.

SECTION 4.9.350 Hearings Body Conditional Uses: The following uses and their accessory uses may be allowed as hearings body conditional uses in the "Exclusive Farm Use" zone and "Mixed Use" overlay subject to the applicable requirements in Section 4.9.400***. (Subsection S) Any operation that sells greater than 5,000 cubic yards must comply with standards established by the Department of Geology and Mineral Industries (DOGAMI).

FINDING: This operation is a mining and processing of aggregate over 5,000 cubic yards. The original
application was approved in 1987 and has been continually operating since that time. The purpose of this application is to expand the mining operation which will consist of mining, processing, sorting and storage of both aggregate and overburden\(^2\).

SECTION 4.8.400 Review Criteria for Conditional Uses in Section 4.8.300 and Section 4.8.350. A use authorized by Section 4.8.300 and Section 4.8.350 may be allowed provided the following requirements are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.
A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; and
B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and
C. All uses must comply with *** (Applicable portions of) Section 4.8.750 listed in this report.

SECTION 4.9.400. Review Criteria for Conditional Uses in Section 4.9.300 and Section 4.9.350. A use authorized by Section 4.9.300 and Section 4.9.350 may be allowed provided the following requirements are met. Uses may be approved only where such uses:
A. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
B. Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

FINDING: The current mining operation has been in existence since 1987 without any evidence to show that it has significant increased or changed the cost of accepted farming or forest practices on agricultural or forestlands. The subject property is split zoned FMU and EFU with the majority of abutting properties being located within the EFU zone. Accepted farming practice are defined in the ORS as a mode of operation that is common to farms of a similar nature, necessary for the operation of these similar farms to obtain a profit in money and customarily utilized in conjunction with farm use. Accepted forest practices are a much broader definition but basically mean any commercial activity relating to the establishment, management or harvest of forest tree species.

The burden of proof is on the applicant to provide evidence that the expansion area will meet the criteria. He does not have to justify the current operation. The applicant has stated that the proposal will not have any cost of farm or forest practices and after mining of aggregate has been completed the area will be reclaimed and seeded back to grassy pastureland or reforested. He further states, that the proposed use will not increase potential fire risk. Quarry vehicles run on improved gravel roads during fire season. All measures are used in compliance with forest practice acts. All activities related to the mining operation expansion will be contained on the subject property. The applicant stated that mining area would be kept to a minimum. The existing roadways, private and public, will remain the same as they are needed to transport overburden and finished product. Road maintenance will be completed by the applicant as needed. Ditches and slopes will continue to be maintained as needed to prevent erosion. Ditches and pipes will be maintained by the applicant as needed to address water runoff and possible erosion. DOGAMI conducts yearly inspections on the site to ensure mining, erosion control, and safeties are addressed.

\(^2\) Overburden in mining, also referred to as waste or spoil, is the material that lies above the area of interest or product of choice such as topsoil.
The majority of farm operations in this area seem to be raising livestock and feed for livestock. There are forestlands more to the north and northwest of the subject property. There have been some comments received from opponents to the project but they have not specifically addressed how the expansion will interfere with accepted farming practices.

Mr. Atkinson stated he purchased his property to grow organic foods, develop an orchard and eventually a native plant nursery but does not explain if this is for personal use or if he plans on obtaining a profit. After reviewing the records on this property it seems there is some unauthorized development on this property, according to assessment records the dwelling was established in 1978 and may have been receiving a special tax rate for farm/forest.

Mr. Atkinson has raised some valid concerns but fails to address the criteria directly. Mr. Atkinson has requested that the Planning Commission review some issues that are regulated by other agencies. The Planning Commission is bound by the applicable criteria but if they find that his concerns can be linked to subsection A or B they may choose to condition or deny the application.

Mr. Grandmontagne is an abutting owner and he opposes the application but he too fails to link his concerns to the criteria. The speed of the trucks, private road issues and survey markers are not related to the criteria. Mr. Grandmontagne’s property seems to be undeveloped and zoned EFU. The property seems to be used as range land for livestock.

Mr. Todnem owns property to the north of the mining operation. Mr. Todnem properties are developed with a total of three dwellings and some accessory structures. All dwellings are supposed be used in conjunction with farm use. In one of the applications for a dwelling the applicant states that this property is engaged in farming by raising and breeding livestock. The property also has some timberlands. Mr. Todnem raises a valid point with concerns regarding the road but he has not linked it to the accepted farming or forest practices or fire suppression criteria. Also, the expansion of the road is outside of the review. However, his water concern could be a potential conflict if the water issue is linked to fire suppression or agricultural use. Mr. Todnem does not seem to be opposed to the project overall but has made some suggestions that the applicant may want to consider.

Mr. Harris states that he and his wife are lean holders for the Davis’. A portion of the road the access the pit from N. Woodward Lane crosses The Harris/Davis’ property. This property contains a 1930 dwelling and there are no other land use records. However, it seems from the testimony and images that this property is being used for livestock and hay. The request is not a zone change but a use listed in EFU and FMU provided that the applicant can meet the criteria. The value of the property is not a consideration in the land use application. Mr. Harris raises concerns with traffic, water and gates being left open allowing the livestock to wonder out. Mr. Davis explains he and his wife are the operators of the ranch and rely on income from the ranch to make the payments. His issues seem to be about the traffic and water. The water loss to livestock brought up by the Davis’ is a concern that needs to be addressed by the applicant. Staff assumes that there are no fences or the gates are not properly being shut but is not sure from the testimony submitted to Mr. Davis that is the case.

The opponents seem to have similar arguments which are property values, road usage, dust from the operation and water pollution. However, they have all failed to direct it toward the criteria. Dust can be controlled and water should be protected if used for agricultural uses.
SUMMARY / CONCLUSIONS

The majority of the concerns do not directly relate to the criteria. However, all parties will have a chance to make their case before the Planning Commission. Testimony must be directed toward the criteria or it will not be considered. There has been an existing operation on the property and the applicant is responsible for explaining the future expansion of the area. Road disputes are civil issues.

COOS COUNTY PLANNING DEPARTMENT

Jill Rolfe, Planning Director

Attachment:   A – Application
             B – Google Maps
             C – Testimony Received

C:   Applicant
     Parties

EC:   Counsel
      Dave Perry, DLCD
ATTACHMENT A
Please place a check mark on the appropriate type of review that has been requested.

- [ ] Administrative Review
- [ ] Site Plan Review
- [X] Hearings Body Review
- [ ] Variance

An **incomplete** application **will not** be processed. Applicant is responsible for completing the form and addressing all criteria. Attach additional sheets to answer questions if needed. Please indicated not applicable on any portion of the application that does not apply to your request.

**A. Applicant:**

Name: **Godfrey & Yeager Excavating Inc.**
Telephone: **541-269-5316**
Address: **P. O. Box 719**
City: **Coos Bay**
State: **OR**
Zip Code: **97420**

**B. Owner:**

Name: **Gordon L. Hayes & Sharon S. Brickey**
Telephone: **541-572-2172**
Address: **45837 Highway 242**
City: **Myrtle Point**
State: **OR**
Zip Code: **97458**

**C. As applicant, I am (check one): Please provide documentation.**

- [ ] The owner of the property (shown on deed of record);
- [ ] The purchaser of the property under a duly executed written contract who has the written consent of the vendor to make such application (consent form attached);
- [X] A lessee in possession of the property who has written consent of the owner to make such application (consent form attached);
- [ ] The agent of any of the foregoing who states on the application that he/she is the duly authorized agent and who submits evidence of being duly authorized in writing by his principal (consent form attached).

**D. Description of Property:**

Township: **31**
Range: **11**
Section: **7**
Tax Lot: **101 - 55.66 acres**
Tax Lot: **102 - 145.6 acres**
Tax Account: **13937.02, 13937.03**
Lot Size: **See Tax Lots**
Zoning District: **101 - EFU**

*Updated 2013*
E. Information (please check off as you complete)

1. Existing Use  See attached Exhibit A
2. Site Address  No. Woodward Road to private road
3. Access Road  Same as above
4. Is the Property on Farm/Forest Tax Deferral  See attached Exhibit A
5. Current Land Use (timber, farming, residential, etc.)  See attached Exhibit A
6. Major Topography Features (streams, ditches, slopes, etc.)  See attached Exhibit A
7. List all lots or parcels that the current owner owns, co-owns or is purchasing which have a common boundary with the subject property on an assessment map.
8. Identify any homes or development that exists on properties identified in #8. N/A
9. A copy of the current deed of record.  Attached
10. Covenants or deed restrictions on the property, if unknown contact title company.
11. A detailed parcel map of the subject property illustrating the size and location of existing and proposed uses, structures and roads on an 8½” x 11” paper to scale. Applicable distances must be noted on the parcel map along with slopes. (See example plot map)

F. Proposed use and Justification

Please attach an explanation of the requested proposed use and findings (or reasons) regarding how your application and proposed use comply with the following the Coos County Zoning and Land Development Ordinance (LDO). Pursuant to the LDO, this application may be approved only if it is found to comply with the applicable criteria for the proposed use. Staff will provide you with the criteria; however, staff cannot provide you with any legal information concerning the adequacy of the submitted findings, there is no guarantee of approval and the burden rests on the applicant. (You may request examples of a finding)

Applicable Criteria:  See attached Exhibit A


G. Authorization:

Updated 2013
All areas must be initialed by all applicant(s) prior to the Planning Department accepting any application unless the statement is not applicable. If one of the statements, below is not applicable to your request indicated by writing N/A.

I hereby attest that I am authorized to make the application for a conditional use and the statements within this application are true and correct to the best of my knowledge and belief. I affirm that this is a legally created tract, lot or parcel of land. I understand that I have the right to an attorney for verification as to the creation of the subject property. I understand that any action authorized by Coos County may be revoked if it is determined that the action was issued based upon false statements or misrepresentation.

ORS 215.416 Permit application; fees; consolidated procedures; hearings; notice; approval criteria; decision without hearing. (1) When required or authorized by the ordinances, rules and regulations of a county, an owner of land may apply in writing to such persons as the governing body designates, for a permit, in the manner prescribed by the governing body. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service. The Coos County Board of Commissioners adopt a schedule of fees which reflect the average review cost of processing and set-forth that the Planning Department shall charge the actual cost of processing an application. Therefore, upon completion of review of your submitted application/permit a cost evaluation will be done and any balance owed will be billed to the applicant(s) and is due at that time. By signing this form you acknowledge that you are response to pay any debt caused by the processing of this application. Furthermore, the Coos County Planning Department reserves the right to determine the appropriate amount of time required to thoroughly complete any type of request and, by signing this page as the applicant and/or owner of the subject property, you agree to pay the amount owed as a result of this review. If the amount is not paid within 30 days of the invoice, or other arrangements have not been made, the Planning Department may chose to revoke this permit or send this debt to a collection agency at your expense.

I understand it is the function of the planning office to impartially review my application and to address all issues affecting it regardless of whether the issues promote or hinder the approval of my application. In the event a public hearing is required to consider my application, I agree I bare the burden of proof. I understand that approval is not guaranteed and the applicant(s) bear the burden of proof to demonstrate compliance with the applicable review criteria.

As applicant(s) I/we acknowledge that is in my/our desire to submit this application and staff has not encouraged or discouraged the submittal of this application.

Applicant(s) Original Signature

Applicant(s) Original Signature

Updated 2013
Coos County Planning Department  
Land Use Permit  

Exhibit A  

1. Existing Use: Existing Permit, File #HBCU-87-14, Conditional Use Permit for Gordon Hayes dated 03/04/87 – grazing and mining.  

4. Is the Property on Farm/Forest Tax Deferral: Tax lot 101 Deferral EFU  
Tax Lot 102 – F  

5. Current Land Use: 101 EFU – Grazing; 102 F – Mining  

6. Major Topography Features: Minimum to semi-major topography changes in Elevations with drain ditches, etc.  

7. List all lots or parcels with common boundary: See enclosed maps  

F. Applicable Criteria:  

The existing Conditional Use Permit needs to be updated and expand the acreage of Lot 101 to 55.66 acres and Lot 102 to 145.6 acres to comply with the future needs in production and soil stabilization for storage of strippings; to reclaim mined areas when rock removal has been completed. The existing area to be mined will need to be expanded for the increment in product needs. Production will be processed at the existing area. Smaller rock outcroppings may be mined and hauled and processed at the existing area; therefore, keeping soil disturbance to a minimum. Mining area would also be a minimum area.  

The existing roadways, private and public, will remain the same as needed to transport overburden and finished product. Road maintenance will be completed by Permitee as needed. Ditches and slopes will continue to be maintained as needed to prevent erosion. Water will be directed through pipes and ditches and with rock as needed.  

Areas completed, such as piled overburden, will be seeded as necessary to prevent erosion.  

The Oregon Dept. of Geology and Minerals Industries (DOGAMI) conducts yearly inspections on site to make sure mining, erosion control, and safety are all being done in a professional manner.
Coos County Planning Department
Coos County Courthouse Annex, Coquille, Oregon 97423
Mailing Address: Planning Department, Coos County Courthouse, Coquille, Oregon 97423
(541) 396-7770
FAX (541) 396-1022 / TDD (800) 735-2900
Jill Rolfe Planning Director

CONSENT

On this ___________ day of __________, 2014.

I, ___________ Gordon L. Hayes
(Print Owners Name as on Deed)

as owners of the property described as Township ___31_____, Range ___11_____

Section _____7_____, Tax Lot _____102_____, Deed Reference ___13937.03___

hereby grant permission to ___________ Godfrey & Yeager Excavating Inc._____
(Print Name)

Conditional Use Permit
(Print Application Type)

application can be submitted to the Coos County Planning Department.

Owners Signature/s ___________ Gordon Hayes ___________ Sam Burke
<table>
<thead>
<tr>
<th>Name and Tax Lot Information</th>
<th>DATE OF ENTRY ON THIS CARD</th>
<th>DEED RECORD</th>
<th>ACRES REMAINING</th>
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OFFICIAL RECORDS OF DESCRIPTIONS OF REAL PROPERTIES

ACCT. NO. 13937.03
TAX LOT NO.

FORMERLY PART OF 101

TAX LOT NUMBER

31.07 31 11 07 102

CODE AREA NUMBER

NAP NUMBER PARCEL NUMBER

TYPE NO SPEC INT
True consideration for this conveyance is transfer to trust.

BARGAIN AND SALE DEED
(ORS 93.860)

GORDON L. HAYES, Grantor, conveys to GORDON L. HAYES, Trustee of the Gordon L. Hayes Trust of March 2008, Grantee, the following described real property in Coos County, Oregon, to-wit:

Tract 1

The East half of the Southwest quarter of Section 19, Township 31 South, Range 11 West of the Willamette Meridian, Coos County, Oregon, EXCEPTING THEREFROM the following described tract of land: Beginning at the quarter quarter section corner 1320 feet, more or less, East of the quarter section corner on the West boundary of Section 19, said Township and Range; thence South 980 feet, more or less, to mid channel of the South Fork of the Coquille River; thence downstream along mid channel to a point due East of the place of beginning; thence West 450 feet, more or less, to the point of beginning. ALSO EXCEPTING THEREFROM the following: A parcel of land situated in the Northeast quarter of the Southwest quarter of Section 19, said Township and Range, more particularly described as follows: Beginning at the Northeast corner of the said Northeast quarter of the Southwest quarter; thence West 754 feet; thence along the center of the South Fork of the Coquille River upstream South 26° 30’ West 875 feet; thence South 62° 00’ East 810 feet; thence North 63° 43’ East 479.35 feet; thence along the North and South quarter line North 950 feet the place of beginning.

ALSO: That portion of the Northeast quarter of the Northwest quarter of Section 30, Township 31 South, Range 11 West of the Willamette Meridian, Coos County, Oregon, lying North of the South Fork of the
Coquille River, EXCEPT the following: A tract of land in the Northeast quarter of the Northwest quarter of Section 30, more particularly described as follows: Beginning at the quarter corner on the North boundary of said Section 30; thence South along the center of said Section 30 to a point 443 feet North of the center line of the south Fork of the Coquille River; thence West and at right angles to said center line 425 feet to a point; thence South and parallel with the center line of said Section 30 430 feet, more or less, to the center line of the South Fork of the Coquille River; thence easterly along the center line of said river 425 feet, more or less, to the intersection with the center line of said Section 30; thence North along the center line of said Section 30 for a distance of 443 feet to the point of beginning.

Tract 2

All that part of the Robert Y. Phillips Donation Land Claim lying East of the South Fork of the Coquille River in Section 26, Township 30 South, Range 12 West of the Willamette Meridian, in Coos County, Oregon, containing one hundred acres, more or less; also Lot Five in Section 26, Township 30 South, Range 12 West of the Willamette Meridian, in Coos County, Oregon, containing twelve and eighty-one hundredth acres, more or less, in Coos County, Oregon.

Tract 3

A parcel of land situated in Section 7, Township 31 South, Range 11 West, Willamette Meridian, Coos County, Oregon, being more particularly described as follows:

BEGINNING at the Southwest corner of the East ½ of the West ½ of said Section 7 and running thence along the South boundary of said Section 7 South 87° 34′ 31″ East 826.19 feet to a point on the Easterly boundary of that parcel of land deeded by Howard J. and Florence L. Coldiron to Georgia-Pacific Corporation; thence along the Easterly boundary of last said parcel on the following courses:

North 21° 45′ East 6.1 feet; thence North 28° 15′ East 261.5 feet; thence North 45° 30′ East 150.6 feet; thence North 61° 30′ East 81.2 feet to a 1 and ½ inch iron pipe; thence North 19° 00′ East 329.6 feet; thence North 13° 00′ East 108.4 feet; thence North 02° 0′ East 126.2 feet; thence North 04° 00′ West 135.1 feet; thence North 07° 30′ West 115.2 feet; thence North 24° 30′ West 231.0 feet; thence North 24° 00′ East 265.5 feet; thence North 08° 0′ East 89.3 feet; thence North 04° 00′ 123.6 feet; thence North 13° 00′ East 268.2 feet; thence North
02° 30' West 126.4 feet; thence North 30° 00' East 211.7 feet; thence North 50° 45' East 295.4 feet; thence North 08° 30' East 326.5 feet to a 1 and ½ inch iron pipe; thence North 17° 30' East 199.5 feet; thence North 14° 45' West 134.5 feet; thence leaving said Coldiron parcel boundary and running North 28° 10' 09" West 148.06 feet to a 1 inch iron pipe; thence North 67° 52' 16" West 138.80 feet to a 3/4 inch iron pipe; thence North 77° 05' 14" West 205.93 feet to a 5/8 inch iron rod; thence North 30° 20' 33" West 78.59 feet to a 5/8 inch iron rod; thence North 13° 42' 48" East 78.52 feet to a 5/8 inch iron rod; thence North 12° 22' 35" West 73.25 feet to a 5/8 inch iron rod; thence North 22° 48' 13" West 76.80 feet to a 5/8 inch iron rod; thence North 05° 55' 19" 185.27 feet to a 5/8 inch iron rod; thence North 25° 51' 00" West 179.90 feet to a 5/8 inch iron rod; thence North 14° 37' 11" West 448.91 feet to a 3/4 inch iron rod; thence North 00° 50' 27" West 880.37 feet to a point on the North boundary of said Section 7; thence along said North boundary line South 89° 09' 33" West 893.54 feet to the Northwest corner of the East ½ of the West ½ of said Section 7; thence along the West boundary of said East ½ of the West ½ South 01° 28' 36" West 5,368.05 feet to the point of beginning.

Tract 4

Parcel I

COMMENCING at the East quarter corner of Section 30, Township 31 South, Range 11 West, Willamette Meridian, Coos County, Oregon, and running thence North along the section line to the middle of Bed Rock Creek; thence downstream in a Westerly direction to the East line of the Powers South Ford County Road; thence Southerly along said County Road to a point which is 7 rods West, when measured at right angles, from the East section line; thence North, parallel with said East section line, to the East-West quarter line of said Section 30; thence East along said quarter line to the point of beginning.

Parcel II

That parcel of land situated in the East quarter of Section 30, Township 31 South, Range 11 West, Willamette Meridian, Coos County, Oregon, bound as follows: On the East by the West boundary of the Powers South Ford County Road; on the West by the center meander line of the South Fork of the Coquille River; on the North by
the center meander line of Bed Rock Creek; on the South by the most
direct line extending from the gate and gateway which intersects the
West boundary line of the County Road, to the center meander line of
the South Fork of the Coquille River, as set forth in Decree of
Partition in Circuit Court Case No. 34818, filed November 14, 1975.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY
DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE
LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT,
THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH
THE APPROPRIATE CITY OR COUNTY BUILDING DEPARTMENT TO VERIFY
APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST
FARMING OR FOREST PRACTICE AS DEFINED IN ORS 30.930.

DATED this 21st day of March , 2008.

GORDON L. HAYES

STATE OF OREGON )
County of Douglas ) ss

On this 21st day of March, 2008, personally appeared before me the above
named Gordon L. Hayes and acknowledged that the foregoing instrument is his voluntary
act and deed.

Mark Hendershot
Notary Public for Oregon
My Commission Expires: 11/27/08

PAGE 4 - BARGAIN & SALE DEED

COOS COUNTY CLERK, OREGON \ TOTAL $41.00 03/24/2008 #2008-2859
TERRI L. TURI, CCC, COUNTY CLERK 10:54AM 4 OF 4
CONSENT

On this 6th day of March 2014.

1. Gordon L. Hayes & Sharon S. Brickey
   (Print Owners Name as on Deed)

as owner/owners of the property described as Township 31, Range 11,

Section 7, Tax Lot 101, Deed Reference 13937.02

hereby grant permission to Godfrey & Yeager Excavating Inc.
   (Print Name)
   Conditional Use Permit
   (Print Application Type)

application can be submitted to the Coos County Planning Department.

Owners Signature/s

Gordon Hayes

Sharon Brickey
<table>
<thead>
<tr>
<th>NAME AND TAX LOT INFORMATION</th>
<th>DATE OF ENTRY ON THIS CARD</th>
<th>DEED RECORD</th>
<th>ACRES REMAINING</th>
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<tr>
<td>Hawes, Merle &amp; Evelyn</td>
<td>4-10-81</td>
<td>V1, P2001</td>
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<td>Bricker, Sharon S.</td>
<td>9-22-00</td>
<td>2003, P28/5</td>
<td>57.31</td>
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<td>Hayes, Gordon L.</td>
<td>4-21-02</td>
<td>2004, P38/5</td>
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<td>Bricker, Sharon S.</td>
<td>9-22-01</td>
<td>2005, P37/5</td>
<td>55.86</td>
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<td>4-21-02</td>
<td>2003, P39/15</td>
<td>202.91</td>
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<td>EXCEPT PARCEL 102 W/145.60 AC</td>
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<td>2008, P28/3</td>
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<td>ACREAGE ADJUSTMENT -1.65 AC.</td>
<td>9-13-08</td>
<td>2008, P28/3</td>
<td>55.86</td>
</tr>
</tbody>
</table>
BARGAIN AND SALE DEED

Sharon S. Brickey and Gordon L. Hayes, Grantors, convey unto themselves, Sharon S. Brickey and Gordon L. Hayes, Grantees, not as tenants in common but with right of survivorship, that is the fee shall vest in the survivor of the grantees, the real property set forth on Exhibit "B" and on Exhibit "C."

The true and actual consideration for this conveyance stated in terms of dollars is: None.

Until a change is requested, all future tax statements are to be sent to Sharon S. Brickey, c/o 155 E. Market, Coos Bay, OR 97420.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED BY ORS 30.930.

After recording, this document should be returned to Donald H. Landes, Attorney at Law, P.O. Box 966, Coos Bay, OR 97420.

Dated this 14 day of September, 2001.

Sharon S. Brickey

Gordon L. Hayes

STATE OF OREGON
County of Coos \ss.

Personally appeared before me this 10 day of September, 2001, the above-named Sharon S. Brickey and Gordon L. Hayes who acknowledged the foregoing instrument to be their voluntary act and deed.

Notary Public for Oregon
My Commission Expires: 12/14/05

BARGAIN AND SALE DEED

2001-11053
A parcel of land situated in Section 7, Township 31 South, Range 11 West, Willamette Meridian, Coos County, Oregon, being more particularly described as follows:

Beginning at the Southwest corner of the East 1/2 of the West 1/2 of said Section 7 and running thence along the South boundary of said Section 7 South 87° 34' 31" East 426.19 feet to a point on the Easterly boundary of the parcel of land deeded by Howard J. and Florence L. Coldiron to Georgia-Pacific Corporation; thence along the Easterly boundary of said parcel on the following courses:

North 21° 45' East 6.1 feet; thence North 20° 15' East 261.3 feet; thence North 45° 30' East 150.6 feet; thence North 61° 30' East 81.7 feet to a 1 and 1/2 inch iron pipe; thence North 19° 09' East 329.6 feet; thence North 13° 00' East 108.4 feet; thence North 02° 00' East 126.2 feet; thence North 04° 00' West 135.4 feet; thence North 07° 30' West 115.2 feet; thence North 24° 30' West 231.0 feet; thence North 24° 00' East 265.5 feet; thence North 08° 00' East 89.3 feet; thence North 04° 00' West 123.6 feet; thence North 13° 00' East 260.2 feet; thence North 02° 30' West 126.4 feet; thence North 30° 00' East 211.7 feet; thence North 50° 45' East 295.4 feet; thence North 08° 30' East 326.5 feet to a 1 and 1/2 inch iron pipe; thence North 17° 30' East 193.5 feet; thence North 14° 45' West 134.5 feet; thence leaving said Coldiron parcel boundary and running North 28° 10' 09" West 140.06 feet to a 1 inch iron pipe; thence North 67° 52' 18" West 138.80 feet to a 3/4 inch iron pipe; thence North 77° 05' 14" West 285.93 feet to a 5/8 inch iron rod; thence North 30° 20' 33" West 78.59 feet to a 5/8 inch iron rod; thence North 13° 42' 08" East 78.52 feet to a 5/8 inch iron rod; thence North 12° 22' 35" West 75.25 feet to a 5/8 inch iron rod; thence North 22° 46' 13" West 76.00 feet to a 5/8 inch iron rod; thence North 05° 55' 19" West 185.77 feet to a 5/8 inch iron rod; thence North 29° 51' 00" West 179.39 feet to a 5/8 inch iron rod; thence North 14° 37' 11" West 146.91 feet to a 3/4 inch iron rod; thence North 00° 50' 27" West 884.37 feet to a point on the North boundary of said Section 7; thence along said North boundary line South 09° 09' 33" West 893.54 feet to the Northwest corner of the East 1/2 of the West 1/2 of said Section 7; thence along the West boundary of said East 1/2 of the West 1/2 South 28° 36' West 5,368.05 feet to the point of beginning.

Exhibit "B"
PARCEL I:
Commencing at the East quarter corner of Section 30, Township 31 South, Range 11 West, Willamette Meridian, Coos County, Oregon, and running thence North along the section line to the middle of Bed Rock Creek; thence down stream in a westerly direction to the East line of the Powers South Ford County Road; thence Southerly along said County Road to a point which is 7 rods West, when measured at right angles, from the East section line; thence North, parallel with said East Section line, to the East-West quarter line of said Section 30; thence East along said quarter line to the point of beginning.

PARCEL II:
That parcel of land situated in the East quarter of Section 30, Township 31 South, Range 11 West, Willamette Meridian, Coos County, Oregon, bounded as follows:
On the East, by the West boundary of the Powers South Ford County Road; on the West by the center meander line of the South Ford of the Coquille River; on the North, by the center meander line of Bed Rock Creek; on the South by the most direct line extending from the gate and gateway which intersects the West boundary line of the County Road, to the center meander line of the South Fork of the Coquille River, as set forth in Decree of Partition in Circuit Court Case No. 34810, filed November 14, 1975.

EXCEPTING THEREFROM any portion thereof deeded to Coos County for Road purposes.

Exhibit "C"
MINING AGREEMENT  
Hayes Pit – Powers

This agreement made and entered into this 1st day of June, 2008, between Gordon Hayes and Sharon Brickey (lessor) and Godfrey & Yeager Excavating Inc. (Lessee).

Lessor and Lessee hereby enter into this agreement for the mining, crushing, stockpiling, and processing of rock and by-products from the property hereafter referred to as Hayes Pit. Hayes pit is located in Coos County, Section 7, Township 31S, Range 11W.

Lessee shall have the right to construct and build, at Lessee’s expense, upon Lessor’s premises, such conveyors and roads as deemed necessary by Lessee to mine and excavate rock. Lessee shall consult with Lessor as to the location of any such new roads. Lessee’s determination of the location of said new roads shall be binding upon the parties unless Lessor has a reasonable objection.

The initial term of this Agreement shall begin on June 1, 2008 and continue for 10 years unless terminated by Lessor or Lessee with 60-days written notice. This lease shall automatically renew for an additional 10 years, at the end of each term unless Lessee gives Lessor written notice of at least 90-days.

Lessee shall have the sole and exclusive right to erect and operate any portable and permanent plants on the Premises, which may be necessary or convenient for the mining, manufacturing, processing or removal of materials.

Lessee shall have the right to install all utilities required by Lessee for their mining operation. Lessee shall pay all utilities and services supplied to the Premises that are used by Lessee.

Lessee shall have the exclusive right to stockpile on the Premises all materials mined and/or processed, including imported materials. Upon termination of this Agreement, Lessee shall have 180 days to remove stockpiles, equipments and plants.

Royalty paid shall be $1.00 per cubic yard for all materials removed from the site. Royalties to be paid monthly following the month of the removal. No royalty will be paid on any imported products. Royalty rates may be reviewed at the start of any new term.
Lessee shall conduct all of its activities under this Agreement in a good and workmanlike manner in compliance with the terms of the Dept. of Geology and Mineral Industries Permit affecting the Premises, and any other relevant permit needed.

Lessee agrees to comply with all requirements listed in the DOGAMI Permit for reclamation of the Premises.

Lessee shall provide to Lessor a certificate of insurance in the amount of $1,000,000.00 naming the Lessor as additional insured.

In the event either party defaults under any term or provision of this Agreement, the nondefaulting party shall give the defaulting party no less than 30-days notice in writing identifying the problem. If the defaulting party fails to correct, recognize or arbitrate the problem within a 60-day period, the party giving notice may at their option terminate this Agreement.

The conditions of this Agreement shall apply to any successors. Any sale by Lessor shall be made subject to the terms of this Agreement.

Lessor:
Gordon Hayes
Sharon Brickey

Lessee:
Godfrey & Yeager Excavating Inc.
Kevin Yeager, President
March 11, 2014

Coos County Planning Department
Coos County Courthouse
250 N. Baxter
Coquille, OR 97423

RE: Conditional Use Application Hayes site

Criteria:

Section 4.8.400 Review Criteria for Conditional use section 4.8.300

A: The proposed use will not force a change in cost of forest or farming land. The proposal will not have any cost on farm or forest practices after mining of aggregates has been completed. The affected areas will be reclaimed and seeded back to grassy pastureland or reforested.

B: Increased fire hazard – The proposed use will not increase potential fire risk. Quarry vehicles run on improved gravel roads during fire season. All measures are used in compliance with forest practice acts. No known reasons why the request proposed would increase cost of fire suppression or safety to fire suppression crews. Improved road systems would help access in the event of a fire.

C: Use complies with section 4.8.600, 4.8.700, 4.8.750 - N/A there will be no permanent structures on site.

D: Forest Management Covenant – N/A no dwellings on site.
Section: 4.9.400 Criteria for Conditional use Section 4.9.300 & Section 4.9.350

A: Will not force significant change in accepted farm or forest practices on surrounding land devoted to farm or forest use. Activities will not affect surrounding landowners and their practices. All proposed activities will be contained to the described land parcel described in the application.

B: Activities on described land parcel will not have any financial cost to farm or forest use. All affected land areas will be reclaimed back to the original conditions after mining has been completed.
GRANT OF EASEMENT

KNOW ALL MEN by these presents that JOSEPH GREGORY HARRIS and JOSEPH WILLIAM HARRIS, herein referred to as First Parties, for valuable consideration to them paid by GORDON L. HAYES, herein referred to as Second Party, receipt whereof is hereby acknowledged do hereby give and grant unto Second Party his heirs and assigns a permanent nonexclusive right-of-way and easement for road purposes over and across the presently existing road which runs in a generally Southwesterly to Northeasterly direction through the land of First Parties situated in the H.H. Woodward Donation Land claim No. 37 and the Northeast Quarter of the Northeast Quarter of Section 12, all being in Section 12, township 31 South, Range 12, West of the Willamette Meridian in Coos County, Oregon, said roadway runs from the Woodward Creek County Road to the East boundary of the said Northeast Quarter of the Northeast Quarter.

Said right-of-way and easement shall be appurtenant to and for the use and benefit of the following described real property to-wit:

The West half of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 7, Township 31 South, Range 11, West of the Willamette Meridian and any other property now owned or hereafter acquired by Second Party.

This easement is granted upon the condition that Second Party shall bear his proportionate share of maintenance and upkeep of said roadway.

IN WITNESS WHEREOF First Parties have executed this instrument this 7th day of September, 1985.

[Signature]
JOSEPH GREGORY HARRIS

[Signature]
JOSEPH WILLIAM HARRIS
STATE OF OREGON,  

County of Coos,  

On the 5th day of September, 1985, personally appeared the above named JOSEPH WILLIAM HARRIS, and acknowledged the foregoing instrument to be his voluntary act and deed.

STATE OF OREGON,  

County of Coos,  

On the 5th day of September, 1985, personally appeared the above named JOSEPH GREGORY HARRIS, and acknowledged the foregoing instrument to be his voluntary act and deed.

------

[Stamp and Signature]
Notary Public for Oregon
My Commission Expires: 1/4/11

[Stamp and Signature]
Notary Public for Oregon
My Commission Expires: 5-31-87

------

[Stamp and Signature]

[Stamp and Signature]

[Stamp and Signature]

[Stamp and Signature]

GRANT OF EASEMENT - Page 2 (end)
ATTACHMENT B
1994 Google Earth Image
ATTACHMENT C
March 20, 2014

Ms. Jill Rolf
Planning Director – Coos County
250 N. Baxter
Coos County Courthouse
Coquille, OR 97423

Re: File # HBCU-12-01 – Rock Quarry Expansion

Dear Ms. Rolf:

The Oregon Department of Aviation (ODA) appreciates the opportunity to comment on the proposed rock quarry expansion located north of the city of Power off of Woodward Creek Road (File # HBCU-12-01). Upon a review of the application the Department of Aviation finds the proposed rock quarry expansion operation, as proposed, does not appear to pose a direct negative impact on aviation in the immediate area.

The Department would like to include the following items as part of the conditions of approval in the final staff report:

1) The use of a dust suppression system to eliminate the emission of dust, smoke or any visual obstructions that may interfere with aircraft in the area.
2) The use of lighting on site to be at an angle as to not cause glare or other visual impact to aircraft in the area.

Thank you for this opportunity to comment on this land use action. If you have any questions or need further information please feel free to contact me at Jeff.Caines@aviation.state.or.us or (503) 378-2529.

Sincerely,

Jeff Caines, AICP
Aviation Planner

cc: Heather Peck
Project Manager – Dept. of Aviation
Coos County Planning Department

As a connecting land owner I am opposed to #HBCU-12-01

1. Due to the high speed of rock trucks on the private and public roads trying to reach state highway 242.

2. The dust raised by this type of driving and no dust control.

3. When this operation quits hauling they walk off and don’t fix the roads.

4. The present operation at the current site has left me in total a total shock.
   
   A. My surveyed marker on the north east corner has been removed by this rock operation.
   B. The road going to my land has been removed and located on other property and I was never contacted on these changes

Note: If rules could be written into the contract to correct the above problems I would support HBCH-12-01.

Leo Grandmontagne
P.O BOX 542
POWERS, OREGON 97466

Leo Grandmontagne 03/23/14

RECEIVED
MAR 24 2014
COOS COUNTY PLANNING DEPARTMENT
Richard & Peggy Todnem  
PO Box 533  
Powers, OR. 97466  

Jill Rolfe  
Coos County Planning Director  
250 N. Baxter  
Coquille, OR. 97423  

Mar. 20, 2014  

To: Coos County Planning  

This letter is in response to the request for testimony concerning the proposed expanded quarry operations # HBCU-12-01 (sic HBCU-14-01)  

As an adjoining land owner to the North boundary, I have two main concerns, traffic and a water source spring located on the subject property which serves our three family homes  

Traffic  

In 2012 & 2013 this quarry was used for a job that required 170,000 cubic yards of rock. By the time the Tidewater Co. finished the project in 2013, the road was worn down so the shoulders were higher than the roadway. When the job was nearing completion a request was made of the Tidewater Co. to provide crushed rock so we could repair the road damage. Unfortunately after Tidewater completed their multi-million dollar job they refused to take responsibility for any of the damage. Mr Yeager did add a thin coat of 1/4" crushed rock, but with no where to drain the water stood on the road and it began to deteriorate. The problem was compounded later that Fall when Kevin had another job and this time the truck traffic was working in the wet season. This truck traffic completely destroyed the benefit of the previous repairs and added several places where the road bed was down to bare dirt that was pumping and settling. This Spring 3 neighbors and Kevin agreed to address the damage using a local gravel supplier (John Bushnell). The $1200 cost was split 4 ways in an effort to repair earlier damages and partially rebuild the road. From the neighbors point of view it is rather disheartening that out of a million + dollar job this quarry operation could not find a few thousand dollars to rebuild and maintain a decent access road.  

In a previous year one of the main culverts had to be replaced as it had deteriorated and was partially crushed by the heavy truck traffic. Again Kevin participated in the shared cost, but it seems more and more like we as a community are supporting the enterprise which is causing most of the wear and tear on our road.  

RECEIVED  
MAR 24 2014  
COOS COUNTY  
PLANNING DEPARTMENT
Traffic safety

The access road (North Woodward Creek Ln) is basically a single lane gravel driveway including several areas of limited visibility (see Figures 1 and 2).

Figures 1: Blind curves

Figure 2: Blind rises
There are no turnouts and very little shoulder. It was never designed or intended for high volume heavy truck traffic. This requires us to back up a fair distance every time we meet a quarry haul truck. This is made even more difficult when the ground is wet and soft as we can’t use what little shoulder there may be available and is a real problem for those who are not adept at backing up; for example, my 93 year old father-in-law who has range of motion issues and can’t turn to look back. It’s also a problem when we need to drive kids to and from the Powers school each day, which entails at least 2 round trips per day plus their activities, in addition to the normal daily routine of 3 households.

I have 2 solutions to the traffic problem. The first and best for all the neighbors, is for the quarry to build an access road south through their own property and connect to the current Mill Creek road just south of Powers. This would avoid all the current residential traffic, dust and noise complaints. The second option would be to design and rebuild N. Woodward Creek Lane to 2 full lanes capable of handling this kind of heavy traffic. In this case I would request that a condition of approval be that the rebuilt road is maintained by the quarry company. I dont expect to share in their profits and really don't want to share in in what I would consider their maintenance expense.

Spring Water

The three family homes on our property currently have water supplied from a spring located directly in the center of the current quarry area. When I heard that Tidewater would be blasting in the area, I talked to the driller and expressed my concern as to how close he was to the spring and my water line. He said it would be no problem. Well it was no problem until the rain came and the newly created (near vertical bank) slid and took out the water line several times. I have fixed it multiple times, as has Kevin. The problem is the ditch containing the original water line slid away. The dirt that was there has sluffed down the hill and broke the line (Figure 3). Another time we lost the location of the output pipe as the bank continued to sluff. I had asked that a major wash out below the spring be filled with large rock so the spring would not continue to erode further (Figure 4). Again there has been no action taken to resolve these problems. These are issues that can be fixed, but my major concern is that near by blasting in the area could change the rock fracture and that the spring would go dry. I just don’t know how to fix that problem if it occurs.
Figure 3: A first slide broke the water pipe

Figure 4: A second erosion event lead to another water pipe break
This is a difficult situation for me as Gordon Hayes has been a friend since we moved here in 1999. We have helped each other in several situations and he generously allowed us to continue the use and more fully develop the spring that we use today. There have been 4 wells drilled on our property, none of which have provided any water. This is why this spring is such a blessing to our three families and we are so grateful to Gordon. I am not against this quarry operation, in fact I spent 18 years as a gravel pit operator so I understand many of the problems a quarry can face. In that time I also learned that public relations and addressing the concerns of the neighbors and general public is crucial to a successful operation. I would hope these concerns will be addressed and solutions can be found so it can be a win win situation for all concerned.

Sincerely,

[Signature]

Richard & Peggy Todnem
PO Box 533
Powers, OR. 97466
Mark J. Atkinson  
PO Box 543  
96504 N. Woodward Creek Ln  
Powers, OR 97466  
(tel-541-9004)  

Jill Rolfe  
Planning Director  
Coos County Planning Director  
250 N Baxter  
Coquille, OR 97423  

March 24, 2014

To members of the Coos County Planning Department:

This letter is to provide testimony, evidence, and my perspectives in response to an application by Kevin Yeager (HBCU-14-01, incorrectly stated as HBCU-12-01 on the notice of hearing) for extension of the existing conditional use permit HBCU-87-14.

I am the owner and resident of parcel 101 whose property boundaries closely follow (and even cross) the controversial easement road for about ¼ mile (ref: Coos County Map_No 31S12W12) (Exhibit A).

I have three areas of concern with regards to the renewal and extension of pit operations, namely; 1) Adequate protection of natural resources, 2) Impact of pit operations on agricultural activities, and 3) Loss of property value if a property sale is required.

1. Protection of Natural Resources

File HBCU-14-01 does not provide a clear statement of the boundaries or scope of future operations to be covered by the requested expansion – since the boundaries location(s) of future operations are not stated, the impact of these operations on the watershed and surrounding agricultural activities cannot be evaluated in detail.

There are a number of events that raise concerns about operation of this pit. Some of these have been noted by Department of Geology and Mining Industries (DOGAMI), specifically regarding the ability of pit operator(s) to adequately address the impact of pit operations on the local geology, topography and run-off from the mining site. Of central importance, the salmon spawning grounds of Woodward Creek are fed by the watershed that includes the referenced and recent gravel pit operations characterized by significant slides, inadequate erosion control and lack of sediment containment.

As evidenced in a letter dated Feb 26, 2014, DOGAMI (Exhibit B), an observed slope failure had occurred that has potentially affected Woodward Creek. The following paragraph is quoted from a letter and is based on two on-site inspections, one conducted on Jan 16th, 2013 and another more recently on Jan 29th, 2014.
During the site inspection conducted on January 16, 2013, DOGAMI documented a large slope failure event along the northeastern portion of the processing and stockpile storage area floor. The slope failed towards the north and down the out-slope towards Woodward Creek. During the January 16, 2013 inspection, DOGAMI had been unable to determine if the slope failure was contained within the DOGAMI permit boundary. In the Inspection Report mailed March 18, 2013, DOGAMI requested the permittee submit an Oregon licensed Professional Land Surveyed (PLS) map of the Operating Permit boundary and other distinct features. To date, DOGAMI has not received the requested survey map. However DOGAMI has determined that the slope failure is contained within the Hayes property boundary.

DOGAMI has reviewed aerial photos of the surface mine and surrounding area and has determined that additional information regarding slope stability is required.

As a result of these findings, fulfillment of the following request was made prior to any further operations in the pit.

DOGAMI is therefore requiring the permittee to complete the following tasks prior to the next operation or by March 15, 2015 whichever comes first:

1. Geotechnical evaluation performed by a Geotechnical Engineer or Certified Engineering Geologist to evaluate slope stability within the permit boundary including the known slope failure and hillside above the active excavation area.
2. Notify DOGAMI when the geotechnical expert is scheduled to be on site so DOGAMI can provide direct input into our concerns regarding the evaluation or provide DOGAMI with a detailed geotechnical evaluation report including an assessment of the potential risks of continued mining activity.
3. The geotechnical evaluation should include a review of storm water drainage in order to ensure storm water Best Management Practices are not contributing to slope stability issues.

At this time, it is unclear whether any of these three requirements have been addressed by the applicant.

Although DOGAMI indicates that the site remains in compliance with the current operating permits, concerns remain as to whether sufficient steps have been taken to correct past environmental disruption, most of it due to slides and inadequate storm water management. A careful evaluation of future threats posed by this extension to the salmon spawning areas is required (N.b., a monitored spawning ground is my property and stream turbidity has increased dramatically over the last few years). Although DOGAMI is aware of this issue and will be conducting yearly compliance visits to the site, I am concerned that without a detailed evaluation of plans for every future mining activity, discoveries of problems will be made after the fact and this poses an unacceptable risk to the aquatic ecology of North Woodward Creek.

2. Impact of Pit Operations on Agricultural Activities

It is generally agreed by members of the local community that two properties have been, and may continue to be, most affected by the daily operation of expanded gravel pit operations. These are the properties of Rhett Davis/Greg Harris and myself (Mark Atkinson). The effects of pit operations are primarily due to continuous travel of heavy equipment along the single lane access road along North Woodward Creek Ln up to the Hayes property line.

There is a long and contentious history between well-established families over unwritten agreements between the Harris and Hayes families as to the preconditions and agreements associated with granting of this right-of-way, particularly regarding the permissible use of
the road on the easement. The current owner of the land on which the road predominantly, although not exclusively, resides is Rhett Davis, with Greg Harris carrying the note.

The residence in closest proximity to the pit access road is mine. Exhibit A shows the access road curving around the southern and southeast boundaries of my property in close proximity to the 3000 square foot garden, newly planted orchard and house. The access road passes only 50 feet above my house on its way up to the Hayes property boundary.

During the periods of approximately June – Oct 2012 and June – Sept 2013, a TARP funded initiative awarded to Tidewater Construction required 170,000 yards of gravel to be hauled by my house, gardens and orchard – trucks traversed this route often hauling more than 12 loads/day. On many days, workers in the gardens and orchard were required to wear respirators due to rock dust. In response to several complaints, neither the pit owner nor the pit foreman acted to abate dangerous levels of rock dust. As a result, I made a verbal complaint to the Department of Environmental Quality (Air Quality program). This finally resulted in some improvement with the use of regular watering (sometimes every two hours), but again dust control was difficult on hot days and a safe level of dust control was not consistently achieved.

In addition to the health hazards posed by dust to human and livestock, there have been a number of near collisions and accidents due to excessive haul speeds, careless driving, and inability of drivers to provide right-of-way due to narrowness of the local roads. At one time, I witnessed two passenger cars both having to back up over 1/5 of a mile to allow a truck through.

3. Loss of Personal and Community Property Value

Maintenance of the local roads during this period has been a significant cost to local residents due to the road itself being subject to many times the normal wear and tear than it was designed for. When asked, neither the pit operator nor pit owner have been willing to contribute any significant gravel towards road maintenance despite being asked on a number of occasions, even after completion of the 1.5 million dollar pit operation.

I bought this house to grow organic foods, start an orchard, and eventually a native plant nursery. If this assess road continues to be used for heavy mining activities, I may need to sell the property that I have put so much into. If I do, I will need to disclose pit operations to any potential buyers. According to documentation of the effects of other large gravel pit operations in Oregon, such an event will on average devalue this property by at least 15% and probably closer to 25% of its current market value. This is a significant amount, and represents figure of 49,000 to 81,000 in 2013 dollars.

Summary

In summary I have three major concerns and one suggestion that could address many of them.
1. My primary concerns with the proposed expansion of the pit are the very real ecological threats associated with the enlargement of this open pit mining operation. At very least, the three DOGAMI requirements need to be satisfied, with slide prevention and storm water management practices in place before any further consideration be given to expanding the existing pit. If it is discovered that remediation of existing deficiencies can be addressed by the geotechnical evaluation, there is a need to define mechanisms by which the ongoing operations of the pit will meet or exceed environmental quality standards going forward. Given this pits history, it seems necessary to formally review and carefully monitor any planned expansions.

2. The impact of day-to-day operation of heavy equipment on roadways that are adjacent to properties along North Woodward Creek Lane, North Woodward Creek, and Gant Creek roads has a significant impact on the viability and profitability of current agricultural activities on these properties. In violation of Section 4.9.400, Section 4.9.300 and Section 4.9.350 (Exhibit C), on of the criteria for conditional use the effects of pit operations is that operations 'Will (A) not force significant change in farm or forest practices on surrounding land devoted to farm or forest use.'

3. It is our contention that extensive hauling of gravel on the local residential road system by mining operations has a significant impact on local property values as well as costs associated with road safety and maintenance. Moreover, the risks and costs associated with both mining and transport of gravel are the sole responsibilities of the pit owner (Gordon Hayes Trust) and/or the leaseholder of the pit (Kevin Yeager) and are not to be born by the local residents.

Finally, the current road location appears to have been deliberately altered and is disallowed by the easement contract – thus requiring significant road construction work on the property. This gives further reason to address community members’ call for an alternate pre-existing route to be established connecting to the Powers Highway. While improvements required to improve the existing alternate route may have significant cost, it is likely to be substantially lower than combined legal and financial liabilities associated with trying to maintain the current route of travel. I trust that fairness to all who have a stake in this decision will prevail.

Sincerely,

[Signature]

Mark J. Atkinson, PhD
96504 North Woodward Creek Rd
Powers, Oregon 97466

(541) 439-2880
Exhibit A: An areal picture with house and land boundary location of parcel 101, as well as the roads of N Woodward Creek Ln and the current Hayes Trust pit access road

(source: http://cooscounty.maps.arcgis.com/explorer/?open=e588e63cf4f2340eda55044e62eb0f7c4&extent=-13945721.8638394,5245175.75149522,-13665071.0881659,5418609.16052469)
Report of Onsite Inspection
Conducted January 29, 2014

Geoffrey & Yeager Excavating Inc.
PO Box 719
Coos Bay OR 97420

MLRR ID: 06-0071
Hayes Site
DEQ Permit: None

I was accompanied on this site inspection by Kevin Yeager of Geoffrey and Yeager Excavating Inc. The inspection was scheduled to assess and inspect general site conditions. The weather at the time of the inspection was cloudy, cool, and wet.

Site Conditions

The site is operating under an Operating Permit. According to a September 26, 2012 aerial photo, approximately 9 acres are disturbed by mining related activities. It does not appear that the site has changed significantly since the last site visit conducted on January 16, 2013. At the time of the site visit, mining related activities including stockpiling were occurring at the site. Several stockpiles of varying sized, processed and unprocessed material remain stockpiled on site.

The site is an upland quarry operating via sidehill cut. The overall height of the quarry highwall is approximately 90 feet and consists of two partially developed benches. The sloping configuration of the quarry highwall ranges from approximately 1:H:1V to vertical. The quarry highwall consists of basalt overburden by overburden material and minor soils. The overburden is estimated to have an average thickness of approximately 15 feet with an estimated 1 foot of combined topsoil and subsoil.

It appears that minor amounts of topsoil, subsoil, and overburden materials have been salvaged and stockpiled along the western and northeastern perimeter of the quarry highwall and have since become revegetated with a variety of grasses. Other parts of the quarry highwall and floor have become revegetated with a variety of native grasses, shrubs and Douglas fir trees. As mining related activities continue to proceed at this site, topsoil, subsoil, and overburden materials should be kept on site, stockpiled at 2:1H:1V, seeded annually or otherwise treated against erosion from wind or rain for final reclamation purposes.

During the site inspection conducted on January 16, 2013, DOGAMI documented a large slope failure event along the southeastern portion of the processing and stockpile storage area floor. The slope failed towards the north and down the upslope towards Woodward Creek. During the January 16, 2013 inspection, DOGAMI has been unable to determine if the slope failure was contained within the DOGAMI permit boundary. In the Inspection Report dated March 18, 2013, DOGAMI requested the permittee submit an Oregon Licensed Professional Land Surveyor (PLS) map of the Operating Permit boundary and other distinct features. To date, DOGAMI has not received the requested survey map. However, DOGAMI has determined that the slope failure is contained within the Hayes property boundary.

DOGAMI has reviewed aerial photos of the surface mine and surrounding area and has determined that additional information regarding slope stability is required.

Inspected by
Kelly Wood
Kelly Wood
Natural Resource Specialist
Mineral Land Regulation & Reclamation

cc: Coos County Planning Department
Gordon & Evelyn Hayes Myrtle Point
DOGAMI is therefore requiring the permittee to complete the following tasks prior to the next operation or by March 15, 2015 whichever comes first:

1. Geotechnical evaluation performed by a Geotechnical Engineer or Certified Engineering Geologist to evaluate slope stability within the permit boundary including the known slope failure and hillside above the active mining area.
2. Notify DOGAMI when the geotechnical expert is scheduled to be on site so DOGAMI can provide direct input into our concerns regarding the evaluation or provide DOGAMI with a detailed geotechnical evaluation report including an assessment of the potential risks of continued mining activity.
3. The geotechnical evaluation should include a review of storm water drainage in order to ensure storm water Best Management Practices are not contributing to slope stability issues.

Storm Water

This site is not covered under DEQ’s NPDES 1200A Storm Water permit. Storm water Best Management Practices were observed on site via sloping, gravelled roads and fields, retention basin, vegetated conveyance ditches, and settling ponds.

The majority of the processing and stockpile storage area however is sloped away from the highway and therefore does not contain all storm water within the disturbed area. There is a retention basin along portions of the processing and stockpiling area perimeter that does direct some of the storm water runoff to a settling pond area located on the north side of the access road adjacent to the western portion of the site. According to Mr. Yeager, the settling pond has rapid internal drainage and has never been observed to reach capacity.

There are significant rills bisecting the processing and stockpile storage area floor that allow runoff from the disturbed area to discharge over the eroded area of the floor. At the time of the site visit, storm water was observed to flow north across the floor and drain over the edge into the vegetated area downslope. The storm water was observed to rapidly infiltrate into the vegetated area and there was no observed evidence of erosion on the slope. From the top of the slope, flowing water could be heard from below. DOGAMI inspected the area further downslope and determined that there was a narrow channel with significant flow at the base of the slope. Upon following the channel back up the slope, the water was found to be derived from hillside seepage. The water was observed to be seeping from multiple locations along the hillside slope. The water seepage did not appear to have turbidity.

Based on the field observations taken at the time of the site visit, DOGAMI has determined that storm water associated with the surface mine site is discharging from the disturbed area to the vegetated upslope however it does not appear to have a direct discharge point from the permit boundary. Storm water was observed to be infiltrating near the top of the slope adjacent north of the disturbed area and it was interpreted to discharge through the base of the slope into a small vegetated conveyance ditch. From the ditch, storm water appears to drain into the large vegetated area north of the surface mine site.

The implementation of additional Best Management Practices under the guidance of the geotechnical expert is highly recommended and portions of the existing storm water system were in need of maintenance at the time of the site visit. Maintenance and construction of storm water structures including but not limited to ditches and settling ponds should be conducted during the dry season only.

At the time of the site visit, Mr. Yeager and DOGAMI discussed some options for storm water Best Management Practices including storm water diversion channels, conveyance ditches, and settling. Given the landscape prone geology of the site specific location and surrounding area, storm water Best Management Practices should be considered carefully at this site. Several springs were observed to be coming from the highway area as well as the upper slope of the processing and stockpile storage area floor. It is possible that attempting to contain storm water near the northern edge of the processing area could result in additional slope stability issues. DOGAMI recommends implementing a storm water diversion and drainage system as opposed to a containment system for this site. Please contact Vaughn Barger, DOGAMI Water Quality Specialist at, (541) 561-2018, for additional information or with questions.

Reclamation Security and Permit Compliance

The reclamation security for any operation must be based on the actual reclamation cost that DOGAMI would have to pay to contract for reclamation of the disturbed area to the standards outlined in the reclamation plan and DOGAMI’s Note to Reclamation Agencies dated February 15, 1988. The reclamation security for this site is currently $6,000 which is deemed adequate at this time. The current reclamation security of $6,000 was calculated when the mining related disturbance was approximately 3 acres. Since that time the site has grown to approximately 9 acres. As such, the current reclamation security is no longer adequate to cover the reclamation liability at the site. DOGAMI will schedule a follow-up site inspection to evaluate the slope failure mitigation and to re-evaluate the security deposit for the site.

At the time of the site visit, the source remains in compliance with DOGAMI’s Operating Permit. Please contact Jason Sanders, lead reclamationist for Coff County, at (541) 567-2181, or Kelly Wood, at (541) 567-2166, with any questions.
March 11, 2014

Coos County Planning Department
Coos County Courthouse
250 N. Baxter
Coquille, OR 97423

RE: Conditional Use Application Hayes site

Criteria:

Section 4.8.400 Review Criteria for Conditional use section 4.8.300

A: The proposed use will not force a change in cost of forest or farming land. The proposal will not have any cost on farm or forest practices after mining of aggregates has been completed. The affected areas will be reclaimed and seeded back to grassy pastureland or reforested.

B: Increased fire hazard – The proposed use will not increase potential fire risk. Quarry vehicles run on improved gravel roads during fire season. All measures are used for compliance with forest practice acts. No known reasons why the request proposed would increase cost of fire suppression or safety to fire suppression crews. Improved road systems would help access in the event of a fire.

C: Use complies with section 4.8.600, 4.8.700, 4.8.750 - N/A there will be no permanent structures on site.

D: Forest Management Covenant – N/A no dwellings on site.

Section: 4.9.400 Criteria for Conditional use Section 4.9.300 & Section 4.9.350

A: Will not force significant change in accepted farm or forest practices on surrounding land devoted to farm or forest use. Activities will not affect surrounding landowners and their practices. All proposed activities will be contained to the described land parcel described in the application.

B: Activities on described land parcel will not have any financial cost to farm or forest use. All affected land areas will be reclaimed back to the original conditions after mining has been completed.
Coos County Planning Department
Land Use Permit

Exhibit A

1. Existing Use: Existing Permit, File #HBCU-87-14, Conditional Use Permit for Gordon Hayes dated 03/04/87 - grazing and mining.

4. Is the Property on Farm/Forest Tax Deferral? Tax lot 101 Deferral. EFU Tax Lot 102 - F

5. Current Land Use: 101 EFU - Grazing; 102 F - Mining

6. Major Topography Features: Minimum to semi-major topography changes in Elevations with drain ditches, etc.

7. List all lots or parcels with common boundary: See enclosed maps

F. Applicable Criteria:

The existing Conditional Use Permit needs to be updated and expand the acreage of Lot 101 to 55.66 acres and Lot 102 to 145.6 acres to comply with the future needs in production and soil stabilization for storage of stripplings; to reclaim mined areas when rock removal has been completed. The existing area to be mined will need to be expanded for the increase in product needs. Production will be processed at the existing area. Smaller rock outcroppings may be mined and hauled and processed at the existing area; therefore, keeping soil disturbance to a minimum. Mining area would also be a minimum area.

The existing roadways, private and public, will remain the same as needed to transport overburden and finished product. Road maintenance will be completed by Permittee as needed. Ditches and slopes will continue to be maintained as needed to prevent erosion. Water will be directed through pipes and ditches and with rock as needed.

Areas completed, such as piled overburden, will be seeded as necessary to prevent erosion.

The Oregon Dept. of Geology and Minerals Industries (DOGAMI) conducts yearly inspections on site to make sure mining, erosion control, and safety are all being done in a professional manner.
March 22, 2014

Joseph Gregory Harris
For the Harris Family Trust
2744 N 164th Ave
Goodyear, AZ, 85395

Jill Rolfe
Planning Director
Coos County Planning Director
250 N Baxter
Coquille, OR 97423

Dear Planning Department:

This letter is to provide testimony and evidence regarding File HBCU-14-01 which was incorrectly sent to stakeholders as File #HBCU-12-01 Zoning request.

My wife and I are the lean holders of tax parcel 14204-01 and 14204-05 that is adjacent to the proposed mining operation and provided the easement to such property.

Our concern regarding this request to change the zoning is that it will materially affect the value of the said property and may result in a default from the purchaser Noah Rhett Davis and Sonya Marie Davis if this commission allows the rock quarry to be developed to the extent that is being requested. We feel it is likely the value of our property will be lowered to the extent that the value is below the current balance and they will be forced to give the land back. Here is the current balance:

<table>
<thead>
<tr>
<th>2014 General Information</th>
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<tbody>
<tr>
<td>Original Balance</td>
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<tr>
<td>Remaining Balance</td>
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<tr>
<td>P&amp;I Payment Amount</td>
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<tr>
<td>Interest Rate</td>
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<td>Interest Paid To</td>
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</tbody>
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In addition to the $1,200 payment each month, there is a $10,000 balloon payment due each March based on the Davises being able to raise cattle and sell them to make this payment. Their other income without the cattle would not be enough. With the value lowered because of the quarry operation plus the loss of income because the cattle are constantly getting out and being lost due to the gates being left open and the constant traffic they would have no option other than to return it to us. It is unlikely we can sell it for the residual value with the quarry operation going on.

When my father asked me to allow the easement for Gordon Hayes it was to make it easier for an old family friend and actually family member to access his property. It was a gesture of friendship and trust. My father assured me it was only for personal use and the gates would remain locked at all times. We are part of the Gant, Shorb, Hayes and Wagner families that have lived in the Powers and Myrtle Point area for many
generations. When asked to provide access like this it is the right thing to do. It never occurred to us that it would turn into something that would dramatically lower the value of our property. Gordon and his father helped us in many ways over the years to cut and bail hay and many other tasks and were considered good friends.

Our property is home to a steelhead pond on Woodward Creek monitored by fish and game and has springs that are required to provide water to the cattle. Also, at risk are springs that have provided water for the Gant property now owned by Jake and Vickie Caughell. Their water supply is just a few hundred yards below the mining area and has been a reliable source of fresh excellent water for generations of families. My mother was born there and got their water from the same excellent springs.

The road is this area including Woodward Creek road were never designed to carry heavy traffic and large trucks. Someone could easily be run off the road or run over as the roads are not wide enough for the size of these trucks to pass. The easement through our property is over existing roadway and cannot legally be widened to allow cars and trucks to pass. The current road was illegally made when gravel operations started. Please look at the easement contract, there was never supposed to be new roads made or roads widened to accommodate large trucks.

Please do what is best to preserve the pleasant and peaceful lifestyle that the people who purchased homes and land in this area expected. To allow a large gravel operation in this beautiful area is a disservice to the people of Coos Country who have used the land for many generations without destroying it as these people from Coos Bay want to do with no consideration to generations of people living here in the Powers area.

For townspeople of Powers the area described as proposed overburden storage area will be visible to everyone in town. I contend that it will lower the value of living in the pristine and beautiful valley with an eyesore mining operation that overlooks the entire town. This could have an impact on property values and future tax revenue. Considering that everyone in Powers will be impacted by your decision, I think it only fair you send the corrected application to everyone in Powers for review. Besides the eyesore, everyone is at risk of death or injury from gravel trucks using the narrow Powers road. As a child we were in a head on collision just south of Broadbent by a drunken Coos County employee driving a gravel truck. My mother had migraine headaches from that time on.

Sincerely,

[Signature]

Joseph Gregory Harris
03-24-2014

Gravel pit use expansion and roadway easement and use through Harris-Davis property (File HBCU 14-01)

I Noah "Rhett" Davis and my wife Sonya M Davis leased the Harris Property form Oct. 2008 until Jan. 2013. In January 2013 we received a blessing and were able to begin purchasing the ranch property that has easement concerns. Greg Harris is carrying the contract and First American Title Insurance Company Handled the account. Our main concern is our livestock and their well-being, this is not a hobby farm, but a ranch that needs to pay for itself. We pay a monthly ranch mortgage payment of $1200.00 a month and a yearly balloon payment of $10,000.00 dollars. We need each and every calf to make the balloon payment, we can’t even keep one back for our own food.

I cannot worry about them being out in the roadways or on neighbor’s property every single day, and the truck drivers rolled 2 trucks over and wrecked the trucks on the haul road leaving the rock pit, no driver was hurt fortunately but this and their speed leads me to worry that they may hurt someone or run over my cows or horses because the animals do not get out of the road because we feed in the winter with vehicles so they have no fear of motor vehicles (on their own pasture!!)

It was suggested to me in 2012 that I move the cows to another pasture while the trucks were hauling. There is not another pasture to move to because the other half of the 128 acres is in hay ground and the animals have to stay off that till after haying season or I will not have hay for the winter months (Dec./ Mar.) No feed for the Winter means no Animals, no property payment.

Noah Rhett Davis

Sonya M. Davis

RECEIVED
MAR 24 2014
COOS COUNTY PLANNING DEPARTMENT
Rhett Davis

From: Sonya Davis <rhettnonya@gmail.com>
Sent: Saturday, March 22, 2014 9:08 AM
To: crhetppd@hotmail.com

The topic of the roadway and the gravel pit through the Harris-Davis property.

We have have grave concerns about the prospect of having a full used roadway through our upper ranch property. the repercussions of such a through way would be devistating to our production, income and well being .Esentionally the 70 acres on this area, would unuseable, reducing our ranch to 60 acres, all hay ground, and no ground to run the animals on. The reason the property becomes unusable is from the result of the past 2 years the companies were on this property, REFUSING to shut the gates which were CLEARLY marked to keep closed, saying the steep grade was to much to stop the trucks on, thus , our animals were out on other peoples property, DAILY. As a result of the livestock being out we have suffered much frustration and worry, Rhett would have to leave work everyday to find the cows roaming over the area, and chasing them back in, daily, causing stress, loss of time and threatening his job security, Sonya,(wife) received an injury to her wrist and bad cut that required hospital attention on one of these occasions while driving the cows across the neighboring ranch back to our fence line across an unfamiliar field on the 4 wheeler, because the gates were left open for the cows to wander off. There was never any compensation for the injury and we are still paying the emergency room bill. She lost 2 1/2 weeks of work as a result, being unable to walk for several days and losing the used of her left hand for 2 weeks. Timothy,(our son) was run off the road by rock tricks twice and called Rhett very upset by how close it was and how fast the trucks were driving. Rhett had to stop the several of the drivers in his patrol vehicle and tell them to slow down after numerous contacts with neighbors being run off the road.

The roadway crosses over our spring system that would result in a loss of water for the livestock, causing us to have haul water daily to the animals, time and money we do not have. The idea of widening a road through our property is devistating to us, we can not lose 1 foot of land if we want to sustain our lives on this property. It is simply out of the question, we would not be able to make our property payments if we were to lose any use of this property, we would lose everything.

[Signature]

03-24-2014
03-24-2014