



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

December 26, 2006



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Linn County Plan Amendment
DLCD File Number 002-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 9, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Amanda Punton, DLCD Natural Resource Specialist
Marguerite Nabeta, DLCD Regional Representative
Robert Wheeldon, Linn County

<paa> ya/

FORM 2

DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610 and OAR Chapter 660, Division 18

(See reverse side for submittal requirements)

DEPT OF
LAND CONSERVATION
AND DEVELOPMENT
DEC 20 2006

Jurisdiction: Linn County Local File # BC06-0002
(If no number, use none)
Date of Adoption: December 13, 2006 Date Mailed December 18, 2006
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: September 25, 2006

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other: Aggregate Resource Overlay
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Amend the Comprehensive Plan aggregate resource inventory to include the 50-acre property in the inventory of significant aggregate resource sites; and apply the Aggregate Resource Overlay (ARO) to the property.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from: N/A to _____

Zone Map Changed from: F/F to F/F with an ARO

Location: T14S, R02W, Section 2, Tax Lot 200 Acres Involved: 50 acres

Specify Density: Previous: N/A New: _____

Applicable Statewide Planning Goals: Goal 5

Was an Exception adopted? _____ Yes _____ No X

DLCD File No: 002-06 (15585)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing?** Yes: X No: _____

If no, do the Statewide Planning Goals apply? Yes: _____ No: _____

If no, did the emergency circumstances require immediate adoption? Yes: _____ No: _____

Affected State or Federal Agencies, Local Governments or Special Districts: _____

Linn County, DOGAMI, DLCD

Local Contact: Robert Wheeldon Area Code + Phone: 541-967-3816, ext. 2075

Address: Linn County Planning & Building Dept., PO Box 100

City: Albany, OR Zip Code + 4 97321

ADOPTION SUBMITTAL REQUIREMENTS

this form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610 and OAR Chapter 660, Division 18

1. Send this Form and **TWO (2) Copies** of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
Department of Land Conservation and Development
635 Capitol St. NE, Ste. 150
Salem, Oregon 97301-2540
2. Submit **TWO (2) copies** of the adopted material; if copies are bounded, please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date the Notice of Adoption is sent to DLCD..
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8 ½ x 11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to (503) 378-5518; or Email your request to Larry.French@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

FILED

DEC 13 2006

STEVE DRUCKENMILLER, CLERK
[Signature]
Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR LINN COUNTY OREGON

IN THE MATTER OF AMENDING THE)
LINN COUNTY *COMPREHENSIVE*)
PLAN TEXT AND THE LINN COUNTY)
ZONING MAP; AND APPROVING AN)
AGGREGATE MINING PERMIT)

RESOLUTION &
ORDER NO. 2006-574

(Planning and Building Department BC06-0002)
(Findings and Conclusions)

WHEREAS, The Board of County Commissioners for Linn County (Board) conducted a duly advertised public meeting on November 29, 2006 for the purpose of considering the matter of a proposed *Comprehensive Plan* text amendment and zoning map amendment that would amend the *Comprehensive Plan* text to include a 50-acre portion of the property identified as Tax Lot 200 on Assessor map T14S, R2W, Section 2, in the inventory of significant aggregate resource sites without conflicting uses; amend the Zoning Map to apply the Aggregate Resource Overlay (ARO) to the resource site; and permit the mining and processing of aggregate on the property;

WHEREAS, The proposed *Comprehensive Plan* text amendment and proposed zoning map amendment had been previously considered by the Linn County Planning Commission at a duly advertised meeting on November 14, 2006 and who voted 4-0 to recommend approval to the Board;

WHEREAS, The Board, after considering all testimony and evidence submitted, reached a consensus to recommend that the proposed *Comprehensive Plan* text amendment and proposed zoning map amendment be adopted to permit the proposed aggregate mining and processing; and

WHEREAS, The findings in support of the proposed *Comprehensive Plan* text amendment and zoning map amendment are attached hereto as Exhibit 1 (BC06-0002 Decision Criteria, Findings and Conclusions); and now, therefore, be it

RESOLVED, That the Board of County Commissioners for Linn County approve the Findings and Conclusions as set forth in Exhibit 1 (BC06-0002 Decision Criteria, Findings and Conclusions); and

ORDERED, That the applications be approved as proposed to include a 50-acre portion of the subject 92.84-acre property in the Linn County aggregate inventory as a significant aggregate resource site without conflicting uses; to apply the aggregate resource overlay (ARO) zone to the resource site and the impact area; and to authorize mining consistent with the ARO and other applicable regulations;

ORDERED, That the *Linn County Comprehensive Plan* text be prepared for Board adoption amending LCC Chapter 905, Appendix 5, entitled "*Inventory of Significant Sites Without Conflicting Uses – Privately Owned Aggregate Sites*" to include the 50-acre portion of the property identified on Linn County Assessor maps as T14S, R2W, Section 2, TL200 containing a significant aggregate resource;

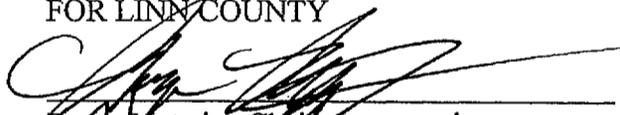
ORDERED, That the *Linn County Comprehensive Plan* text be prepared for Board adoption amending LCC Chapter 905, Appendix 5A, entitled "*Analyses Justifying a Classification as a Significant Site Without Conflicting Uses*" to include the conclusions of the Goal 5 resource and conflict analysis in support of adding the identified 50-acre portion of the property identified on Linn County Assessor maps as T14S, R2W, Section 2, TL200 to the aggregate inventory as a significant site;

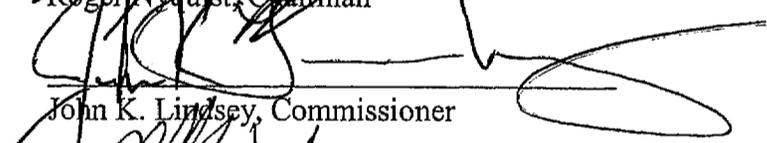
ORDERED, That the proposed Zoning Map amendment be adopted to apply the Aggregate Resource Overlay (ARO) to the 50-acre portion of the property identified on Linn County Assessor maps as T14S, R2W, Section 2, TL200 that is identified as a significant aggregate resource site, as delineated in Exhibit 1, Attachment A; and

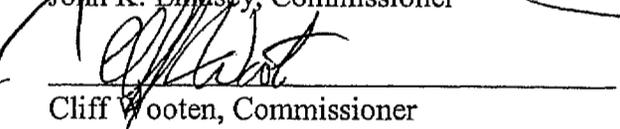
ORDERED, That a development permit be issued to authorize aggregate mining and processing on the 50-acre portion of the property identified on Linn County Assessor maps as T14S, R2W, Section 2, TL200 that is identified as a significant aggregate resource site, consistent with LCC Chapter 905, Appendix 5 and Appendix 5A; LCC Chapter 921; LCC Chapter 931; and LCC Chapter 934.

Resolved this 13th, day of December, 2006.

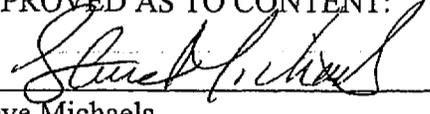
BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY


Roger Nyquist, Chairman


John K. Lindsey, Commissioner


Cliff Wooten, Commissioner

APPROVED AS TO CONTENT:


Steve Michaels
Linn County Planning and Building Director

APPROVED AS TO FORM:

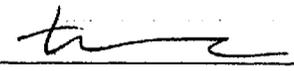

Thomas N. Corr
Linn County Legal Counsel

EXHIBIT 1
BC06-0002
Decision Criteria, Findings and Conclusions

I. APPLICATION SUMMARY

- A. A Comprehensive Plan (Plan) text amendment application to include a 50-acre portion of a 92.84-acre property in the Linn County aggregate inventory as a significant aggregate resource site.
- B. An aggregate resource overlay (ARO) zone amendment application to apply the ARO to the 50-acre resource site and the mining impact area. Mining and processing is an allowed use in the ARO.
- C. A development permit application for aggregate mining and processing on the resource site consistent with adopted provisions in the Plan and the ARO, if applicable.

II. DECISION CRITERIA

The proposed aggregate inventory Plan text amendment will be reviewed and decided using the applicable criteria and procedures in *Linn County Code (LCC) 921.872* and *LCC 939.010 to 939.200*. If the property is included in the aggregate inventory, the mining and processing development permit will be subject to the criteria in *LCC 921.540 to 921.569*.

If the resource site is determined to be a significant site that is approved for mining, the Aggregate Resource Overlay (ARO) will be applied to the site. Mining and processing aggregate is an allowed use in the ARO. If the site is determined to be a non-significant site, the mining and processing development permit application will be reviewed using the criteria in *LCC 933.310*. The operating standards that govern aggregate mining and processing are identified in *LCC 934.350 to 934.359*.

III. FINDINGS

A. Proposal Summary

The subject property is owned by Larry and Mary Northern, owner-operators of Northern Rock Supply LLC. The subject property is identified on Linn County Assessor maps as T14S, R2W, S2, TL200; is zoned Farm/Forest (F/F); and is located at 37355 Northern Drive approximately four miles east of Brownsville.

The applicants currently operate an 11-acre rock quarry on the subject property. The proposal is to expand the existing quarry to authorize mining on an additional 39 acres, for a total of 50 acres of the 92.84-acre property. A Plan text amendment is required to include the property in the aggregate inventory. The Plan amendment, zone amendment, and development permit applications are being reviewed concurrently.

The proposed operating characteristics are the same as currently exist on the property. The application states the amount of mining activity on the property and the area of the property affected at any one time would remain the same. The quarry generally operates seven days

a week, year-round, with normal hours of 8:00 a.m. to 5:30 p.m., and with additional hours utilized on a project by project basis. The applicant states that actual hours are substantially less due to the limited and sporadic nature of the mining operation. The quarry employs blasting once or twice per year. Typically, crushing occurs in December and January, for approximately 14 days which includes the drilling, shooting, and preparatory work for crushing. During this time, crushing occurs during normal business hours.

The application states that the operator expects no more than one employee at most times, although up to eight may be required on certain projects, for example crusher employees and other third-party contractors. Typical mining equipment that would be used on-site includes: excavator; D6 bulldozer; 980 CAT loader; John Deere loader; dump truck; trailer; 70' scales and scale shack; portable crusher and crushing equipment; generator plant; rock drill/drilling equipment; asphalt batching equipment (to be located near rock stockpiles); and a water truck.

B. Inventory Classification (LCC 939.120)

The location, quality and quantity information for this aggregate resource site is in *Section 1, Section 3* and *Section 4* of the application materials. The property is identified on Linn County Assessor maps as T14S, R2W, Section 2, tax lot 200 and is located at 37355 Northern Drive, approximately four miles east of Brownsville.

The resource site totals 50 acres of the 92.84-acre property, and is comprised of the existing 11-acre quarry and a 39-acre expansion area. The identified resource area is approximately 2200 feet north to south from the northern property line and 1,000 feet east to west from the eastern property line. The area is depicted on the map in *Exhibit 1, Attachment A*.

Section 3 of the application contains the results of laboratory testing of aggregate samples from the property. The test results indicate that a representative set of samples from the property meet Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and sodium sulfate soundness. These results satisfy the requirements of *LCC 939.120(B)(1)* for a significant aggregate site.

Section 4 of the application contains a report prepared by Cascade Earth Sciences detailing the location and quantity of aggregate material on the property. The report calculates that the resource site contains 4,575,427 cubic yards of aggregate material, which is approximately 7,407,083 tons. This amount is greater than the significance threshold of 2,000,000 tons or 1.5 million cubic yards in *LCC 939.120(B)(2)* to include the property in the inventory as a significant aggregate resource site.

The property contains predominately SCS Class VI soil. The average depth of the aggregate layer is greater than 17 feet. The significance criteria in *LCC 939.120(C)* therefore do not apply to this property.

Pursuant to the significance criteria in *LCC 939.120*, the Board concludes that the site contains a significant aggregate resource, and that the site shall be included in one of the inventories of significant aggregate sites in the Linn County Comprehensive Plan.

C. Impact Area (LCC 939.130)

To determine existing and potential conflicts between the proposed mining and processing activities and other area land uses, *Oregon Administrative Rules (OAR)* and *LCC 939.130(A)(1)* establish an impact area of 1500 feet from the boundaries of the proposed mining area, except where factual information is adequate to indicate significant potential conflicts beyond this distance.

The impact area includes forest land to the north and east and farm land to the south and west. There are six adjacent properties partially within the impact area, and one off-site dwelling. No information has been submitted to date to indicate a larger impact area is required. The Board finds that the designated impact area is consistent with the provisions in *LCC 939.130(A)*.

D. Conflicts Due to Noise, Dust or Other Discharges [LCC 939.130(B)(4)(a)]

The impact area includes forest land to the north and east and farm land to the south and west of the subject property. There are six adjacent properties partially within the impact area and one off-site dwelling. The application includes six letters in support from area property owners, including the owners of the only off-site dwelling within the impact area. The Board finds that no significant conflicts have been identified with these properties.

Seneca Jones Timber Company (tax lot 200) submitted a letter requesting that the applicant maintain a vegetative barrier and appropriate setbacks to minimize dust and other by-products from entering areas of their property replanted with young seedlings. There is existing native vegetation and trees between the proposed quarry area and the Seneca property. The existing quarry operation is over one-quarter mile from the Seneca Jones property. A well is located along the haul road to provide water for dust mitigation for the haul road, crushing equipment, and stockpile areas. Crushing equipment is used on the property approximately two weeks per year and must comply with DEQ dust standards. The haul road would not be developed near the Seneca Jones property. The development standards in *LCC 934.352* limit excavation to a minimum of 75 feet from adjacent property. The reclamation plan submitted with the application states the quarry will maintain natural topography as a screen as the quarry face is mined toward the north.

Pages 6 and 7 of the application include the following response regarding conflicts:

There are no anticipated conflicts with other land uses as a result of this application. Mining currently exists on the property. The level of activity will remain the same but will allow expansion of the mining area.

Periodic watering of the mining area will prevent dust impacts. A well located next to the haul road will provide sufficient water. Continued compliance with DEQ and DOGAMI mining practices further prevents certain dust and noise impacts.

Landscaping including trees and shrubs along the southern, western, and eastern sides of the mining area prevent visual conflict with areas in these directions. The presence of the hill containing mature trees on the eastern and southern portions of the mining area prevents certain visual, dust, and noise conflicts.

Properties to the east, west, and south contain some livestock. The presence of livestock on the adjacent properties is sporadic and seasonal. Distances between the site and the adjacent properties where livestock are substantial and prevent most conflicts. Most livestock activity falls outside the 1,500-foot potential conflict area. The applicant raises some livestock within the 1,500-foot conflict area and has not had problems with conflicts between the mining activity and the livestock. Dust or other discharges will be minimal due to dust abatement activity on the site and compliance with DEQ dust discharge standards.

The home to the south is located across Northern Drive from the subject sit. The homeowner is a family member to the members of Northern Rock Supply, LLC and supports the application. Exhibit 8 contains letters from the adjacent property owners and those from the local community in support of the application.

The Board finds that the proposal does not create conflicts due to noise, dust or other discharges within the impact area, and the criteria in LCC 939.130(B)(4)(a) are satisfied.

E. Potential Conflicts to Local Roads [LCC 939.130(B)(4)(b)]

Truck traffic to and from the site will use the existing paved quarry access. The sight-distance is good from the existing intersection where the haul road meets Northern Drive. The Linn County Roadmaster provided a letter stating that the Roadmaster finds that there will be no significant impacts to Linn County roads from the proposed quarry expansion. The Roadmaster further states that he has reviewed the rock haul plan and finds that it meets the requirements of the Linn County Road Department. The Board finds that this criterion is satisfied.

F. Conflicts with Other Goal 5 Resource Sites [LCC 939.130(B)(4)(c)]

No other Goal 5 resources are identified in the Comprehensive Plan in the impact area. No conflicts with other Goal 5 resources are identified.

G. Conflicts with Agricultural Practices [LCC 939.130(B)(4)(d)]

The impact area includes forest land to the north and east and farm land to the south and west of the subject property. The application includes the following statement regarding conflicts with agricultural practices in the area:

Properties to the east, west, and south contain some livestock. The presence of livestock on the adjacent properties is sporadic and seasonal. Distances between the site and the adjacent properties where livestock are substantial and prevent most conflicts. Most livestock activity falls outside the 1,500-foot potential conflict area. The applicant raises some livestock within the 1,500-foot conflict area and has not had problems with conflicts between the mining activity and the livestock. Dust or other discharges will be minimal due to dust abatement activity on the site and compliance with DEQ dust discharge standards.

There are no known conflicts with the current mining activity and adjacent agricultural practices within 1500 of the resource site boundaries. The primary use of the neighboring agricultural properties is growing hay and grass seed. The

proposed mining on the site does not pose any significant conflict with these agricultural practices. Dust from mining activity will be minimized or abated utilizing periodic watering of the mining area. Noise impacts will not affect hay and grass seed practices on adjacent properties.

Impacts of any crushing equipment will be mitigated through the requirements of the DEQ permit required for operation rock crushing machinery. Permit requirements include dust abatement controls. Compliance with the DEQ permit will minimize impacts to local agricultural practices.

The Board finds that the proposal does not result in conflicts with agricultural practices within the impact area and that the proposal satisfies the criterion in *LCC 939.130(B)(4)(d)*.

H. Potential Future Conflicting Uses (*LCC 939.180*)

The impact area includes forest land to the north and east and farm land to the south and west of the subject property. There are six adjacent properties partially within the impact area and one off-site dwelling. No significant conflicts have been identified to-date within the impact area. The property to the east is zoned FCM. No future residential or non-resource related commercial use is permitted in the FCM zone.

The properties to the north, west and south are zoned F/F and EFU. Residential and limited resource-related commercial uses are permitted in the F/F and EFU zones only with a conditional use permit, and only if it can be shown that those proposed uses would not conflict with existing resource uses on adjacent property, including property with an ARO designation. If the ARO is applied to the site, there are no identifiable outright or permitted uses in County Code that could be placed within 1,500 feet of the resource area boundary that would be permitted to conflict with the resource use of the property. The Board finds that the proposal satisfies the criterion in *LCC 939.180*.

I. Measures to Minimize Potential Conflicts (*LCC 939.140*)

The Board finds that no potential conflicts have been identified within the impact area. If a conditional use permit were proposed within an ARO impact area, potential conflicts with existing land uses, including this resource site, would be considered in the decision. This would preclude new uses in the EFU portion of the impact area from conflicting with mining at this site. The Board finds that the proposal satisfies the criterion in *LCC 939.140*.

J. Economic, Social, Environmental and Energy (ESEE) Consequences (*LCC 939.150*)

The Board finds that there are no conflicts between the proposed quarry expansion and adjacent land uses. An ESEE conflict analysis in *LCC 939.150* is therefore not required.

K. Plan Consistency [*LCC 921.872(A)*]

The proposal would add the identified 50-acre resource site to the inventory of significant aggregate resource sites without conflicting uses; apply the Aggregate Resource Overlay (ARO) to the property; and authorize a development permit for aggregate extraction and

processing on the site. To approve an aggregate inventory Plan amendment, the amendment must be consistent with the intent of the applicable section(s) of the Comprehensive Plan (Plan) [LCC 921.872(A)].

The aggregate resources element of the Plan states at LCC 905.800(F) that: "Aggregate resources must be inventoried and significant resource sites must be protected for use by future generations." The Plan at LCC 905.800(G) states: "...an Aggregate Resource Overlay (ARO) is established in the Agricultural Resource...plan designation(s) when a significant aggregate resource site qualifies for protection from conflicting land uses."

The aggregate resources policy in LCC 905.820(B)(1) states, "Linn County shall consider mineral and aggregate resource extraction and processing as a resource use of the land in Agricultural Resources, Farm/Forest and Forest Resource plan designations." The aggregate resources policies in LCC 905.820(B)(2) to 905.820(B)(20) establish review policies and procedures to include aggregate resource sites in the Plan inventory as appropriate.

The procedures and criteria in LCC Chapter 939 implement the Aggregate Resources element of the Plan. This application has been submitted and reviewed pursuant to LCC Chapter 939 to ensure consistency with the Comprehensive Plan. The Board finds that the record supports a conclusion that the proposal is consistent with the applicable sections of the Comprehensive Plan, and the criteria in LCC 921.872(A) are satisfied.

L. Statewide Planning Goals [LCC 921.872(B)]

Aggregate is a Goal 5 resource. The aggregate element of the Plan (LCC 905.800 to 905.820), and LCC Chapter 939 are acknowledged to be consistent with the Goal 5 rule for aggregate. The application is consistent with Goal 5 when these procedures and rules governing protection of significant aggregate resources are followed. The applicant has submitted written testimony showing compliance with Goal 5 and other applicable statewide planning goals on pages 14 through 16 of the application. Additional information showing compliance with each statewide planning goal is contained in the staff report. The Board finds that the proposal is consistent with the criteria in LCC 921.872(B).

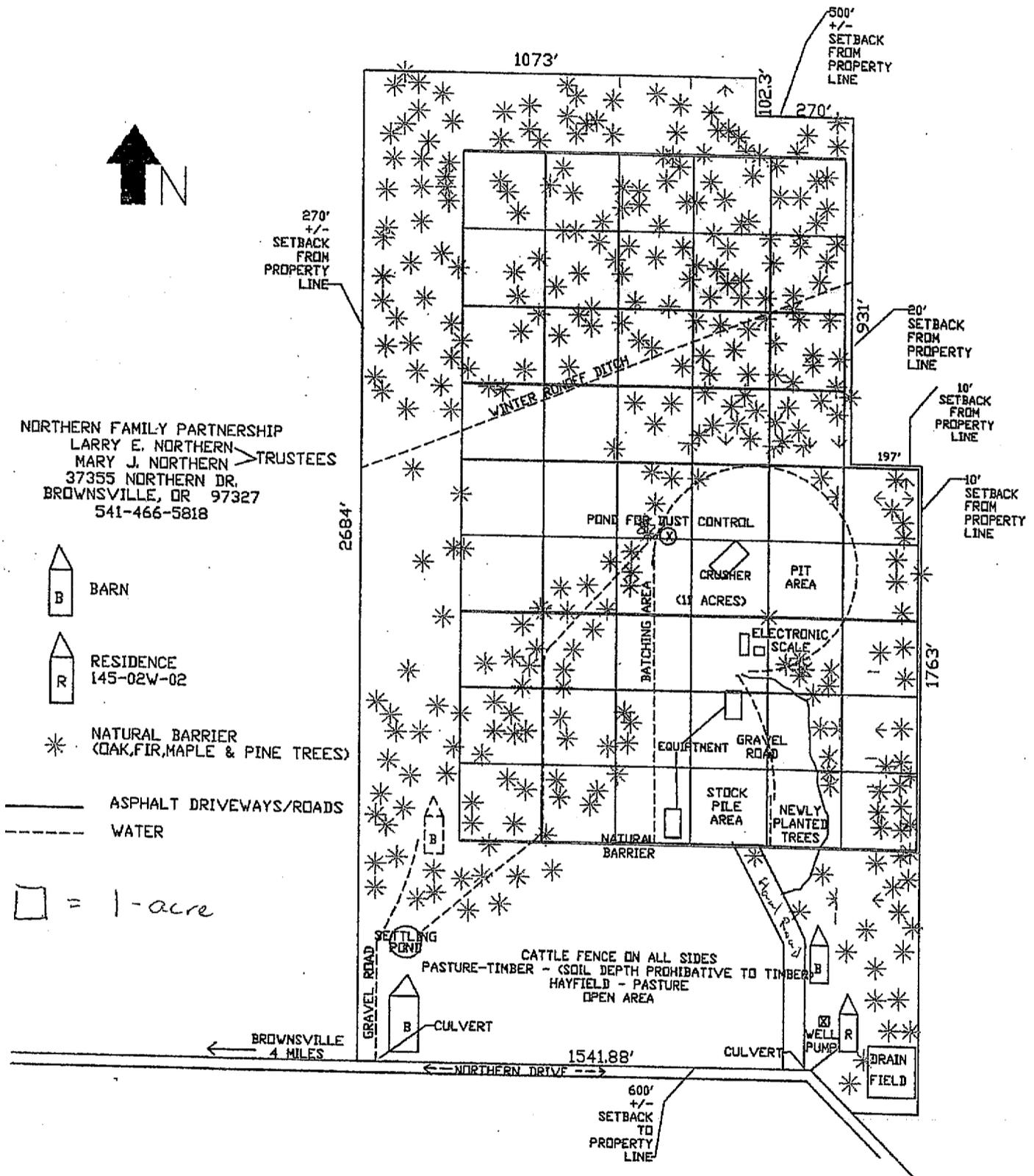
IV. CONCLUSION

The proposal has been reviewed in compliance with the procedures and criteria in LCC 939.050 to LCC 939.200 and LCC 921.872. Based on the facts presented in this hearing the Board hereby concludes that:

1. A 50-acre portion of the subject property is a significant aggregate resource site pursuant to the criteria in LCC 939.120.
2. There are no existing or potential conflicts between the proposed mining area and land uses within the impact area.
3. The 50-acre resource site shall be identified in LCC Chapter 905, Appendix 5, entitled "Inventory of Significant Sites Without Conflicting Uses" pursuant to LCC 939.200(A)(1)(c).

4. The conclusions of the Goal 5 analysis shall be included in LCC Chapter 905, Appendix 5A, entitled "Analyses Justifying a Classification as a Significant Site Without Conflicting Uses."
5. The zoning map shall be amended to apply the Aggregate Resource Overlay (ARO) to the subject 50-acre resource site and to the impact area pursuant to LCC 939.200(B).
6. A development permit shall be issued authorizing aggregate mining and processing on the 50-acre resource site subject to the applicable provisions of LCC Chapter 921; LCC Chapter 931; and LCC Chapter 934.

EXHIBIT 1
ATTACHMENT A



FILED

DEC 13 2006

BEFORE THE BOARD OF COUNTY COMMISSIONERS, STEVE DRUCKENMILLER, CLERK
Steve Druckenmiller
Clerk

FOR LINN COUNTY

IN THE MATTER OF AMENDING THE)
LINN COUNTY *COMPREHENSIVE*)
PLAN TEXT AND THE LINN COUNTY)
ZONING MAP)

ORDINANCE NO. 2006-575
(Amending Code)
(Planning and Building Department BC06-0002)

WHEREAS, The Linn County Board of Commissioners (Board) advertised notice that it would consider proposed amendments to the Linn County *Comprehensive Plan* text and zoning map on November 29, 2006;

WHEREAS, At 10:30 a.m., on November 29, 2006, the Board conducted a regularly scheduled and duly advertised public hearing, considered the proposed amendments for the *Comprehensive Plan* text and the zoning map;

WHEREAS, The Board having read the proposed ordinance and having received and considered the oral and written public testimony presented prior to and at the hearing; and

WHEREAS, The findings in support of this ordinance are attached to Resolution and Order No. 2006-574 and entitled Exhibit 1, (BC06-0002 Decision Criteria, Findings and Conclusions); and, now, therefore, be it

Ordained by the Linn County Board of Commissioners, That:

Section 1. Text Amendment. The Linn County *Comprehensive Plan*, LCC Chapter 905 Appendix 5, entitled *Inventory of Significant Sites Without Conflicting Uses – Privately Owned Aggregate Sites*, be amended to add the following subsection and text:

Northern Rock Supply	13S 3W 27 100	74.50	2006-574; 2006-575;
BC06-0002	Farm and Forest Use		

Section 2. Text Amendment. The Linn County *Comprehensive Plan*, LCC Chapter 905 Appendix 5A, entitled *Analyses Justifying a Classification as a Significant Site Without Conflicting Uses*, be amended to add the following subsection and text:

GOAL 5 ANALYSIS

Findings of Fact

The findings of fact in support of this resource site analysis are contained in Order No. 2006-574. The record supporting this analysis is located in the office of the Linn County Clerk. Copies of the application, evidence and decision documents are contained in Planning and Building Department case file number BC06-0002.

Inventory Information

The resource site is a 50-acre portion of a 92.84-acre property identified on Linn County Assessor maps as T14S, R2W, S2, TL100. The site is in a Farm/Forest (F/F) zone and is located approximately 4 miles east of Brownsville on the north side of Northern Drive.

The site contains 4,575,427 cubic yards, or 7,407,083 tons, of aggregate material that meets the Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and sodium sulfate soundness. The 50-acre aggregate resource site is a significant site as set forth in the *Comprehensive Plan* and the Goal 5 rule for aggregate.

Impact Area

To determine conflicts associated with the proposed mining of this resource site an impact area including all land within 1500 feet from the boundaries of the site is established. There is no substantive evidence of significant impacts or conflicts beyond the 1500-foot impact area boundary.

Conflicts Due to Noise, Dust or Other Discharges

The impact area includes forest land to the north and east and farm land to the south and west of the subject property. There are six adjacent properties partially within the impact area and one off-site dwelling. The existing quarry operation is over one-quarter mile from the timber land to the north. The development standards in *LCC 934.352* limit excavation to a minimum of 75 feet from adjacent property. There is existing native vegetation and trees between the proposed quarry area and adjacent timber lands. The quarry will maintain natural topography and the steep quarry face as a screen as the quarry is mined. Periodic watering of the mining area will prevent dust impacts. Continued compliance with DEQ and DOGAMI mining practices further prevents certain dust and noise impacts. Topography and vegetation along the southern, western, and eastern sides of the mining area prevent visual conflict with areas in these directions. The Board finds that no significant conflicts have been identified with these properties.

Other Conflicts

No potential conflicts with local roads are identified.

No safety conflicts with existing public airports are identified.

No conflicts with other Goal 5 resource sites are identified.

No existing or potential conflicts with agricultural practices are identified.

Potential Future Conflicting Uses

No significant conflicts have been identified within the impact area. The impact area includes forest land to the north and east and farm land to the south and west of the resource site. The property to the east is zoned FCM. No future residential or non-resource related commercial use is permitted in the FCM zone.

The properties to the north, west and south are zoned F/F and EFU. Potential conflicting uses are permitted in the F/F and EFU zones only with a conditional use permit, and only if it can be shown that those proposed uses would not conflict with existing resource uses on adjacent property, including property with an ARO designation.

Program to Protect the Resource

The program to protect the resource is contained in the Plan policies for aggregate resources in LCC 905.820(B); by the application of the Aggregate Resource Overlay (ARO) pursuant to LCC 939.200(B) and LCC 931.700 to 931.755.; and by the provisions set forth in this resource site analysis.

Post-mining Use and Reclamation

The proposed post-mining use is identified in the reclamation plan as farm and forest uses.

Section 3. Map Amendment. Appendix 1, Zoning map, following LCC Chapter 920 [see LCC 920.010(B)] be amended to designate the 50-acre resource site on the 92.84-acre property identified on Linn County Assessor maps as T14S, R2W, S2, TL100 an Aggregate Resource Overlay (ARO) mining area.

Section 4. Map Amendment. Appendix 1, Zoning map, following LCC Chapter 920 [see LCC 920.010(B)] be amended to designate the land that is within 1500 feet of the identified ARO mining area boundaries on the property identified on Linn County Assessor maps as T14S, R2W, S2, TL100 identified an Aggregate Resource Overlay (ARO) impact area.

Section 5. Savings clause. Repeal of a code section or ordinance shall not revive a code section or ordinance in force before or at the time the repealed code section or ordinance took effect. The repeal shall not affect a punishment or penalty incurred before the repeal took effect, nor a suit, prosecution, or proceeding pending at the time of the repeal for an offense committed under the repealed code section or ordinance.

Section 6. Severability. Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

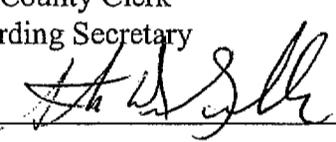
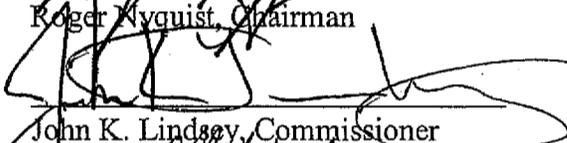
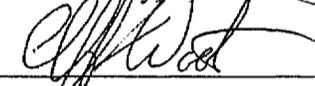
Section 7. Effective date. To protect the health, safety, and welfare of the citizens of Linn County, this ordinance shall take effect following adoption.

Section 8. Codification. Following adoption, this ordinance shall be codified pursuant to LCC Chapter 120.

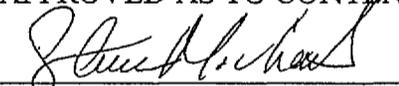
Public reading held ^{November} ~~December~~ 29, 2006.
Adopted and passed ^{November} ~~December~~ 29, 2006.
The effective date of this Ordinance shall be December 13, 2006.

BOARD OF COUNTY COMMISSIONERS FOR LINN COUNTY

Signed December 13, 2006

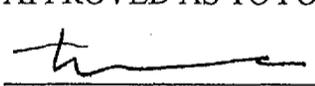
		Voting	
		For	Against
Steve Druckenmiller, Linn County Clerk Recording Secretary	 _____ Roger Nyquist, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
By 	 _____ John K. Lindsay, Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	 _____ Cliff Wooten, Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>

APPROVED AS TO CONTENT:



Steve Michaels
Linn County Planning and Building Director

APPROVED AS TO FORM:



Thomas N. Corr
Linn County Legal Counsel