



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

7/8/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: Linn County Plan Amendment
DLCD File Number 005-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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: Tuesday, July 20, 2010

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Olivia Glantz, Linn County
Jon Jinings, DLCD Community Services Specialist
Amanda Punton, DLCD Regional Representative
Ed Moore, DLCD Regional Representative

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

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DEPT OF

JUL 01 2010

**LAND CONSERVATION
AND DEVELOPMENT**

For Office Use Only

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Linn County**

Local file number: **BC09-0001**

Date of Adoption: **03/17/2010**

Date Mailed: **06/29/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 12/22/2009

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

A comprehensive plan text amendment to add a 70-acre portion of a 73.39-acre property to the Linn County aggregate inventory as a significant aggregate resource site. A zone map amendment to add an aggregate resource overlay (ARO) designation to the 70-acre portion of the property is also requested

Does the Adoption differ from proposal? Yes, Please explain below:

The approval included only a 45-acre portion of the 73.39-acre property.

Plan Map Changed from:

to:

Zone Map Changed from: **F/F**

to: **F/F - ARO**

Location: **09S-02E-21-00300**

Acres Involved: **45**

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Linn County Enviromental Health, Linn County Assessor, Linn County Building Offical, Linn County Roads Department, Lebanon Rural Fire Protection District, State Fire Marshall, Department of Forestry, DEQ, WRD, DOGAMI, United State Army Corps of Engineers, Oregon Fish and Wildlife

Local Contact: **OLIVIA GLANTZ**

Phone: (541) 967-3816

Extension: 2368

Address: **PO BOX 100, ROOM 114**

Fax Number: 541-967-2060

City: **ALBANY**

Zip: 97322

E-mail Address: **OGLANTZ@CO.LINN.OR.US**

DLCD File No. 005-09 (17983) [16199]



LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Robert Wheeldon, Director

Room 114, Linn County Courthouse
PO Box 100, Albany, Oregon 97321
Phone 541-967-3816, 1-800-319-3816
Fax 541-926-2060 www.co.linn.or.us

NOTICE OF ADOPTION

RESOLUTION NO: 2010-069
ORDINANCE NO. 2010-070
PLANNING FILE NO: BC09-0001
APPLICANT Northrock, Inc – Wordon Pit

PROPOSAL

Applications by Northrock, Inc for a *Comprehensive Plan* text amendment to include a 45-acre portion of a 73.39-acre property in the Linn County aggregate inventory as a significant aggregate resource site, an Aggregate Resource Overlay (ARO) zone amendment, and a development permit for aggregate mining and processing. The proposed development permit would authorize the mining, crushing, processing, batching, stockpiling and hauling of aggregate within the proposed 45-acre resource site. The property is identified as T09S, R02E, Section 21, Tax Lot 300 and is zoned Farm Forest (F/F). The proposed mining site is located at 46195 E. Lyons-Mill City Drive, approximately one mile east of Lyons.

Board Action: Resolution and Order No. 2010-069

The Linn County Board Of Commissioners approved *Resolution and Order No. 2010-069* to: (1) Approve the Findings and Conclusions supporting the Board decision; (2) Order that the applications be approved as proposed to include the identified 45-acre portion of the subject 73.39-acre property in the Linn County aggregate inventory as a significant aggregate resource site without conflicting uses; (3) apply the aggregate resource overlay (ARO) zone to the resource site and the impact area; and (4) Authorize mining consistent with the ARO and other applicable regulations.


Board Action: Ordinance No. 2010-070

The Linn County Board Of Commissioners approved *Ordinance No. 2010-070* to: (1) Amend the Linn County *Comprehensive Plan* text to include the subject 45-acre resource site in the Linn County *Comprehensive Plan*, LCC Chapter 905 Appendix 5, entitled *Inventory of Significant Sites Without Conflicting Uses – Privately Owned Aggregate Sites*; and (2) Amend the Linn County *Comprehensive Plan*, LCC Chapter 905 Appendix 6A, entitled *Inventory of significant Sites With all Conflicts Minimized* to add the adopted subsection and text.

If you wish to appeal this decision, an appeal must be filed with the Land Use Board of Appeals (LUBA) within 21 days from the date this notice is mailed.

Appeals to LUBA must be filed in accordance with ORS 197.830. If you have any questions about this process, you should contact LUBA in Salem.

Resolution/Order No. 2010-069 and Ordinance No. 2010-070 may be reviewed at the office of the Linn County Clerk, Room 205, Linn County Courthouse; that office is open from 8:30 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. A copy of the ordinance is available in the office of the Linn County Clerk. A fee to cover copying costs will be charged.


Robert Wheeldon
Director

3/18/10
Date

c: Northrock, Inc, DLCD, DOGAMI, DEQ, ODOT, Oregon State Parks, Linn County EHP, Linn County Road Department, State Fire Marshal, Rodger and Margaret Knox, April Hall, Ted Freres, Vincent Brand, Michelle Behrens-Webb, Daniel Fox, Kerrie Standlee, Ron & Juli Bochsler, Bill Lulay, Matt Briggs, Terry & Laverne Behrens, Leroy & Marry Benda

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY**

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

ORDINANCE NO. 2010-070
(Amending Code)
(Planning & Building Department BC09-0001)

WHEREAS, The Linn County Planning Commission held a duly advertised hearing on February 9, 2010 to make a recommendation to the Board of Commissioners (Board) regarding proposed amendments to the Linn County *Comprehensive Plan* text and zoning map;

WHEREAS, At 10:00 a.m., on February 24, 2010, the Board conducted a regularly scheduled and duly advertised public hearing and considered the proposed amendments of 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. 2010-069 and entitled Exhibit 1, (Resolution and Order No. 2010-069; Planning File BC09-0001; Wordon Pit; Northrock, Inc; 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 6, entitled *Inventory of Significant Sites Not Having Sufficient Information to Make a Determination of Significance* to be amended to delete the following subsection and text:

Young & Morgan Timber Company T09S R02E S21

Section 2. Text Amendment. The Linn County *Comprehensive Plan*, LCC Chapter 905 Appendix 3, entitled *Inventory of Possibly Significant Sites With All Conflicts Minimized*, be amended to add the following subsection and text:

6004 Wordon T09S R02E S21, TL 300; Acreage: 45 acres

Section 3. Text Amendment. The Linn County *Comprehensive Plan*, LCC Chapter 905 Appendix 6A, entitled *Analyses Justifying a Classification as a Significant Site With All Conflicts Minimized*, be amended to add the following subsection and text:

905.6003 Weddle Site

(A) Goal 5 analysis.

(1) Findings of Fact.

The findings of fact in support of this resource site analysis are contained in Resolution and Order No. 2010-069. 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 BC09-0001.

(2) Inventory Information.

(a) The resource site is a 45-acre portion of a 75-acre property identified on Linn County Assessor maps as T09S R02E S21, TL 300. The site is in an Farm Forest Zone, and located on the north side of Lyons-Mill City Drive approximately .40 mile east of its intersection with Trask Road, Lyons. The 45-acre extraction area added to the inventory is an expansion of an existing extraction and processing facility, located at 46195 Lyons-Mill City Drive, Lyons, Oregon.

(b) The area added to the inventory contains an estimated 2.7 million 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 average thickness of the aggregate layer is 30 feet. The 45-acre aggregate resource site is a significant site as set forth in the *Comprehensive Plan* and the Goal 5 rule for aggregate.

(c) Impact Area

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

(B) Conflicts Due to Noise, Dust or Other Discharges

(1) The truck haul route and intersection between Lyons-Mill City Drive and the interior haul road were evaluated by the Linn County Road Master. The Linn County Road Master reviewed the applicants Traffic Impact Analysis and found that the truck haul route will have no significant impact

to Linn County roads. The applicant will be required as a condition to this application to improve the access and driveway to minimize the dust and tracking on to Lyons-Mill City Drive. The conflicts identified with the haul road due to noise, dust or other discharges have been minimized.

- (2) The property is a new noise source on a previously unused site. A noise study is required prior to mining in the expansion area. The study will take measurements for the mining operation. Based on the analysis and modeling results a noise compliance boundary shall be established below DEQ limits. The operator shall comply with the conclusions and requirements of the noise study performed by a acoustical engineer and shall meet DEQ noise standards for all noise sensitive uses in the impact area.
- (3) The findings adopted in Resolution and Order 2010-069 establish that all identified potential conflicts with the Wordon Site are prevented or minimized. Measures to minimize conflicts adopted in that resolution are included in the County's program to achieve Goal 5 compliance for the site. Mining at this site, as proposed, will not cause significant conflicts with any land uses that are sensitive to noise, dust, or other discharges when mining is conducted in compliance with the adopted measures to minimize conflicts. All potential conflicts will be minimized such that they are not significant.

Potential dust conflicts with dwellings within the impact area are minimized by wet mining and through applications of water and dust palliatives on the site as necessary to prevent the generation of fugitive dust and meet DEQ nuisance standards. Potential noise impacts will be minimized by the operator complying with the conclusions and requirements of the noise study performed by a acoustical engineer and by meeting DEQ noise standards prior to operating within the expansion area.

(C) Other Potential Conflicts

- (1) No potential conflicts with local roads are identified.
- (2) No safety conflicts with existing public airports are identified.
- (3) The subject property does contain a portion of the North Santiam River, which is identified as a significant fish habitat in the comprehensive plan. The 300-foot setback from the top of bank of the North Santiam River will minimize the impact to the Goal 5 Resource. The property is not within the 100-year floodplain and the elevation of the extraction area is higher than the elevation of the river during the 1996 flood. The natural topography of the site and low areas created by the mining operation will prevent any storm and surface water runoff from leaving the site itself.
- (4) No existing or potential conflicts with agricultural practices are identified.

(D) Measures to Minimize Identified Conflicts

Potential conflicts are identified with some residential uses within the 1500-foot impact area boundary. Resolution and Order No. 2010-069

contains a list of reasonable and practical measures that will ensure all existing and potential conflicts will be minimized. The development permit to mine the expansion area of this site shall require compliance with all the conditions and requirements set for in Resolution and Order No. 2010-069.

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; by the provisions set forth in this resource site analysis; and by the Conditions of Approval adopted as part of Resolution and Order 2009-259.

(E) Post-mining Use and Reclamation.

The proposed post-mining use is farm uses, wetlands, and fish and wildlife habitat.

(F) Potential Future Conflicting Uses.

The mining operation is designed and permitted to minimize all potential conflicts with surrounding uses such that they are not significant. New uses permitted within the identified impact area, including farming areas and areas within the Rural Residential zoning district, will not be significantly impacted by extraction area activities and will not significantly impact those activities. The County is not limiting land uses within the impact area beyond limitations already contained in the code, but has established conditions for operations in the proposed extraction expansion area to prevent impacts to existing and potential future uses within the impact area.

Section 3. Map Amendment. Appendix 1, Zoning map, following LCC Chapter 920 [see LCC 920.010(B)] be amended to apply the Aggregate Resource Overlay (ARO) designation to the significant 45-acre resource site identified as portions of Linn county Assessor maps T09S R02E S21, TL 300. (Exhibit 1)

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 as Aggregate Resource Overlay (ARO) impact area, with no additional restrictions other than those established by existing code. (Exhibit 1)

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.



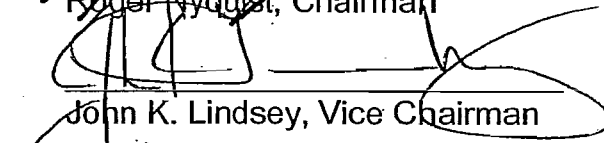

Section 7. Effective date. To protect the health, safety, and welfare of the citizens of Linn County, this ordinance shall take effect following adoption.

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

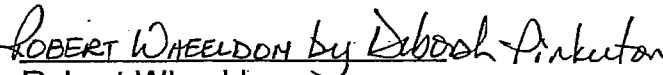
Public reading held Feb. 24, 2010.
Adopted and passed March 17, 2010.
The effective date of this Ordinance shall be March 17, 2010.

BOARD OF COUNTY COMMISSIONERS FOR LINN COUNTY

Signed March 17, 2010


		Voting	
		For	Against
Steve Druckenmiller, Linn County Clerk Recording Secretary	 _____ Roger Nyquist, Chairman		_____
By _____	 _____ John K. Lindsey, Vice Chairman	X	_____
	 _____ William Tucker, Commissioner	X	_____

APPROVED AS TO CONTENT:



Robert Wheeldon
Linn County Planning and Building Director

APPROVED AS TO FORM:



Thomas N. Corr
Linn County Attorney

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. 2010-069**
(Planning and Building Department BC09-0001)
(Findings and Conclusions)

WHEREAS, The Board of County Commissioners for Linn County (Board) conducted a duly advertised public hearing on February 24, 2010 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 45-acre portion of the property identified as Tax Lot 300 on Assessor map T09S, R02E, Section 21, in the inventory of significant aggregate resource sites with all conflicts minimized; 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 hearing on February 9, 2010, which voted unanimously 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 (Resolution and Order No. 2010-069; Planning File BC09-0001; Northrock, Inc; Wordon Site; Decision Criteria, Findings and Conclusions); and

WHEREAS, The Conditions of Approval, to ensure minimization of all potential conflicts and to supplement the County's program to achieve Goal 5 for the Wordon Site are attached hereto as Exhibit 2 (Resolution and Order No. 2010-069;

Planning File BC09-0001; Conditions of Approval and Site-specific Program to Achieve Goal 5; Northrock, Inc; Wordon Site) 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 (Resolution and Order No. 2010-069; Planning File BC09-0001; Northrock, Inc; Wordon Site; Decision Criteria, Findings and Conclusions) and Conditions of Approval in Exhibit 2 (Resolution and Order No. 2010-069; Planning File BC09-0001; Conditions of Approval and Site-specific Program to Achieve Goal 5; Northrock, Inc; Wordon Site); and

ORDERED, That the applications be approved to include a 45-acre portion of the subject 73.39-acre property in the Linn County aggregate inventory as a significant aggregate resource site with all conflicts minimized; to apply the aggregate resource overlay (ARO) zone to the resource site and the impact area; and to authorize mining consistent with the ARO, the Conditions of Approval, and other applicable regulations;

ORDERED, That the *Linn County Comprehensive Plan* text be prepared for Board adoption amending LCC Chapter 905, Appendix 6, entitled "*Inventory of Significant Sites With All Conflicts Minimized*" to include the 45-acre portion of the property identified on Linn County Assessor maps as Tax Lot 300 on Assessor map T09S, R02E, Section 21 containing a significant aggregate resource;

ORDERED, That *Linn County Comprehensive Plan* text be prepared for Board adoption amending LCC Chapter 905, Appendix 6A, entitled "*Analyses Justifying a Classification as a Significant Site With All Conflicts Minimized*" to include the conclusions of the Goal 5 resource and conflict analysis in support of adding the identified 45-acre portion of the property identified on Linn County Assessor maps as Tax Lot 300 on Assessor map T09S, R02E, Section 21, to the aggregate inventory as a significant site;

ORDERED, That the proposed Zoning Map amendment be prepared for adoption to apply the Aggregate Resource Overlay (ARO) to designated land that is within 1500 feet of the identified ARO mining area boundaries, with no additional restrictions other than those established by existing code, as delineated in Exhibit 1, Attachment A;

ORDERED, That the proposed Zoning Map amendment be prepared for adoption to apply the Aggregate Resource Overlay (ARO) to the 45-acre portion of the property identified on Linn County Assessor maps as Tax Lot 300 on Assessor map T09S, R02E, Section 21 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 45-acre portion of the property identified on Linn County Assessor maps as Tax Lot 300 on Assessor map T09S, R02E, Section 21, that is identified as a significant aggregate resource site, consistent with LCC Chapter 905,

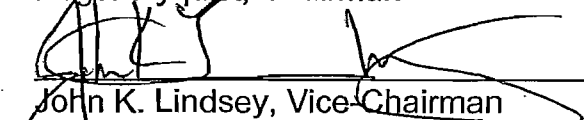
Appendix 6 and Appendix 6A; LCC Chapter 921; LCC Chapter 931; LCC Chapter 934; and the Conditions of Approval attached hereto as Exhibit 2.

Resolved this 17th, day of March, 2010.

BOARD OF COUNTY
COMMISSIONERS FOR LINN
COUNTY



Roger Nyquist, Chairman

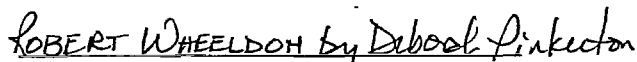


John K. Lindsey, Vice-Chairman



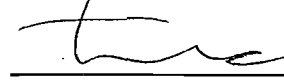
William Tucker, Commissioner

APPROVED AS TO CONTENT:



Robert Wheeldon
Linn County Planning and Building Director

APPROVED AS TO FORM:



Thomas N. Corr
Linn County Attorney

EXHIBIT 1
Resolution and Order No. 2010-069
Planning File BC09-0001
Northrock, Inc
Wordon Site
Decision Criteria, Findings and Conclusions

I. APPLICATION SUMMARY

- A. A Comprehensive Plan (Plan) text amendment application to include a 45-acre portion of a 73.39-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 45-acre resource site.
- 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, and Conditions of Approval.

II. DECISION CRITERIA

The proposed aggregate inventory Plan text amendment has been reviewed and decided using the applicable criteria and procedures in *Linn County Code (LCC) 921.872* and *LCC 939*. The decision by the Board is to include the property in the aggregate inventory as a significant Goal 5 Resource Site. The mining and processing development permit is subject to the criteria in *LCC 921.540* to *921.569*.

In the above referenced proceedings, the resource site has been established as 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, and as specified and limited by the Conditions of Approval. 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 an expansion of the existing Wordon mining and processing site located on Lyons-Mill City Drive, one mile east of the city of Lyons. The existing 5-acre mining site was approved on August 18, 1982 and modified conditions on April 4, 1983 with a conditional use permit.

The applicant is seeking permission to mine adjacent areas that contain the same deposit of aggregate that has been extracted from the existing site. The resource available at the site is suitable for use as base rock, and for the production of both asphalt and concrete.

An aggregate resource is "significant" if the available deposit exceeds 2,000,000 tons. The proposed extraction area will retain a setback of 75-feet the east and west property lines, 300-feet to the top of bank of the North Santiam River and over 300-feet to the south property line. Processing activities will take place only in the area designated by the noise study conducted by a licensed acoustical engineer.

Site reclamation for the property is for wildlife and wetland uses, which is consistent with the intent of Goal 3.

The wet mining operations are designed to prevent potential groundwater impacts and dust generation.

The Planning Commission with a vote of 6-0-1 recommended approval of the application, and the Board of County Commissioners has approved the application for the reasons stated in these findings. The site is a significant aggregate resource. As ensured by the Conditions of Approval, which were proposed by the applicant and have been supplemented through the hearing process, the operating and reclaimed phases of the project are designed to minimize all potential conflicts with surrounding uses.

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 in *Exhibit 1* of this report. The property is identified on Linn County Assessor maps as T09S, R02E, Section 21, tax lot 300 and is located at 46195 E. Lyons-Mill City Drive, approximately one mile east of Lyons.

The resource site proposal totals approximately 45-acres of the 73.39-acre property, and is comprised of the existing 5-acre quarry. The proposed resource area is approximately 75 feet from the east and west property lines, over 300 feet to the south property line and 300 feet from the top of bank of the North Santiam River.

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.

The application contains a report prepared by Oregon Department of Transportation detailing the location and quantity of aggregate material on the property. The report calculates that the resource site contains 2.7 million tons of aggregate material. 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 quantity of the aggregate material did not change from the original application, even though the proposal has decreased in size by 15 acres. The applicants address this by stating "Based on prior mining activities and exploratory drilling it is found that the available aggregate averages in depth in excess of 30 feet. We have amended the DOGAMI Reclamation permit map showing a 300 foot setback along the (North)

Santiam River. The revised area and the average mining depth produce a volume of 1,500,000 cubic yards or 2,700,000 tons." The applicant provided testimony at the Planning Commission that the first calculation of quantity was a conservative quantity and even with the amended extraction area the site will still produce 2,700,000 tons of material.

The property contains predominately SCS Class IV soil. The average depth of the aggregate layer is greater than 30 feet. The significance criteria in *LCC 939.120(C)* therefore do not apply to this property.

The applicant has established the location, quantity and quality of the resource as meeting the requirements of the Goal 5 rule and County Code. The site meets the significance criteria in *LCC 939.120*.

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. No information was submitted 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)*.

Impact Area maps and data were provided with the application, and includes the following description of impact area uses:

North: Timber Conservation (TC)-zoned property within Marion County. There are eight tax lots within the 1500 foot impact area to the north. The tax lots range from 6.98-acres to 79.78-acres. There is one dwelling north of the subject property within the 1500 foot impact area. Approximately 95-acres located directly north of the Santiam River is owned by State of Oregon Parks and Recreation and is identified on the Marion County maps as a Park.

South: Rural Residential (RR-2.5), Heavy Industrial (HI), and Farm/Forest (F/F)-zoned property. There are approximately nine tax lots directly south of the subject property zoned RR-2.5. Further south there are three tax lots ranging in size from 85-acres to 185-acres zoned F/F. There are approximately sixteen additional tax lots zoned RR-2.5 to the southeast of the subject property. To the southwest of the subject property there are two tax lots zoned HI, each contain one single family dwelling. According to the Assessors records and 2008 Aerial photograph there is no industrial use located on the properties. There are 19 homes located south of the subject property within the 1500 foot impact area.

East: Rural Residential (RR-2.5) and Farm Forest (F/F) -zoned property. There are eleven tax lots located to the east of the subject property. Five of the eleven tax lots are zoned F/F, six are zoned RR-2.5 and one tax lot is split zoned RR-2.5 and F/F. There are 7 dwellings located east of the subject property within the 1500 foot impact area.

West: Rural Residential (RR-2.5) Urban Growth Area- Urban Growth Management- Heavy Industrial (UGA-UGM-HI) and Farm Forest (F/F)-zoned properties. There are three tax lots zoned F/F, six tax lots zoned RR-2.5 and one tax lot zoned UGA-UGM-HI. There are five dwelling within the 1500 foot impact area and an old mill site just outside the impact area.

The number and location of homes, schools, businesses, and other land uses within 1500 feet of the resource site boundary, are as follows:

The impact area to the north is zoned Timber Conservation (TC)-zoned property within Marion County. There are eight tax lots within the 1500 foot impact area to the north with one tax lot containing a dwelling. Approximately 95-acres located directly north of the Santiam River is owned by State of Oregon Parks and Recreation and is identified on the Marion County maps as a Park. There are approximately nine tax lots directly south of the subject property zoned RR-2.5. Further south there are three tax lots ranging in size from 85-acres to 185-acres zoned Farm/Forest. There are an additional sixteen tax lots zoned RR-2.5 to the southeast of the subject property. To the southwest of the subject property there are two tax lots zoned HI, one contains a single family dwelling and the other is vacant. According to the Assessors records and 2008 Aerial photograph there is no industrial use located on these properties. There are 14 homes located south of the subject property within the 1500 foot impact area. There are eleven tax lots located to the east of the subject property. Five of the eleven tax lots are zoned F/F, six are zoned RR-2.5 and one tax lot is split zoned RR-2.5 and F/F. There are 7 dwellings located east of the subject property within the 1500 foot impact area. To the west there are three tax lots zoned F/F, six tax lots zoned RR-2.5 and one tax lot zoned UGA-UGM-HI. There are 5 dwelling within the 1500 foot impact area to the west and an old mill site just outside the impact area.

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

The impact area includes forest land, an Oregon State park and one dwelling to the north, residential development to the south (14 dwellings) and farm/forest land and residential development of seven dwellings to the east and five dwellings to the west.

Dust Control:

Periodic watering of the mining area will prevent dust impacts. There is no anticipated discharge from this site. Site activity operations, including crushing equipment, stockpiles and on-site haul roads, will be required to comply with DOGAMI, DEQ, and State and Local law ordinances.

The applicant will comply with all requirements of the Linn County Road Department, to pave on site to control dusting and tracking.

Noise:

To reduce noise impacts to surrounding properties all equipment used in the mining process is equipped with noise reduction devises. As material is generated berms will be placed in the setback areas around property lines to help reduce noise and visual impacts. A majority of the mining will take place below the surrounding property levels which will also reduce noise and visual impacts.

According to the maps provided by the applicant and Linn County GIS there are 14 dwellings located to the south across Lyons-Mill City Drive, the closest being

approximately 700 feet from the south edge of the initial process area and final mining area. To the east there are 7 dwellings the closest being approximately 500 feet from the proposed mining area. There are 5 dwellings located to the west of the subject property, the closest being within 100 feet to the mining area. There is one dwelling located on the subject property and one dwelling located in Marion County.

The proposal indicates that those buffers will be reduced to 75-feet to the east and west property lines, no setback to the south property line and the revised 300-feet to the top bank of the North Santiam River.

Because the pasture of the identified berm is to be maintain as a buffer to minimize conflicts and is not included in the DOGAMI permit this area should not be included as part of the protected aggregate site. Omitting this area from the sit would result in a total acreage of approximately 45-acres.

The application does indicate the development of berms as material is generated from the mining operation to reduce noise and visual impacts to the surrounding properties. In addition the majority of mining will take place below the surrounding property levels which will also reduce noise and visual impacts. The applicant has obtained an Acoustical Engineer, Kerri Standlee, PE to complete a noise study. The study is intended to result in designed recommendations to minimize noise conflicts with surrounding noise sensitive uses such as dwellings and comply with DEQ standards. Prior to operation of the mine expansion the applicant shall obtain a complete noise study and shall comply with all recommendations and design standards of the study.

The proposed normal operation Monday- Saturday from 7am to 6pm, with additional hours utilized on a project by project basis.

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

Truck traffic to and from the site will use the existing quarry access. The sight-distance is good from the existing intersection where the haul road meets Lyons-Mill City 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 Linn County Road Department has submitted comments that an access and driveway permit shall be obtained by the applicant. The applicant shall submit a site plan, driveway access configuration, drainage plan, and other practices and improvements to control dusting and tracking. A paved access and drive into the site with sufficient width to adequately handle the traffic entering and exiting the site shall be required. A paved road shoulder may be required to be widened to provide safe exit and entry to the site.

The flag strip located to the south of Tax Lot 400 can not be used as a secondary mining access under Linn County Code Chapter 934.351 & 934.352.

No other potential conflicts with local roads have been identified.

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

The northern portion of the property borders on the North Santiam River. The North Santiam River is identified as sensitive riparian, fish or wildlife habitat in the Comprehensive Plan Wildlife Habitat Inventory. The North Santiam River is a Goal 5 resource and should be addressed as part of this application. The applicant provided testimony to the Linn County Planning Commission that the 300-foot setback to the top of bank of the North Santiam River will minimize the impact to the Goal 5 Resource. The property is not within the 100-year floodplain and the elevation of the extraction area is higher than the elevation of the river during the 1996 flood. The natural topography of the site and low areas create by the mining operation will prevent any storm and surface water runoff from leaving the site itself. The proposed 300-foot mining setback to the top of the bank should be an approval requirement to minimize Goal 5 conflicts. The County has not identified any potential conflicts with other Goal 5 resource sites, and to the extent any may have existed, the applicant's plans minimize potential conflicts to a level at which they can no longer be considered significant.

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

The Board finds that there are no known conflicts with the current mining activity and adjacent agriculture practices within 1500 feet of the mining site property boundary. The primary use of the adjacent agricultural properties is hay, grass seed, timber and a few cattle and horses. The applicant is unaware of any significant conflict with these activities. Due to the moist nature of the mined material dust is very minimal and can be abated utilizing periodic watering of the mine site. According to the applicant, noise impacts will not affect the surrounding agricultural uses.

There are no known noise impacts with agricultural and forest uses on adjacent properties. Noise and dust impacts of mining & crushing equipment will be mitigated through the requirements of the DEQ permit and mitigation identified in the noise study being conducted by Kerri Standlee, PE. Mining and crusher permit requirements include dust abatement controls. Compliance with the DEQ permit will minimize impacts to local agricultural practices.

H. Potential Future Conflicting Uses (LCC 939.180)

The impact area to the north is zoned Timber Conservation (TC)-zoned property within Marion County. There are eight tax lots within the 1500 foot impact area to the north, one with a dwelling. Approximately 95-acres located directly north of the Santiam River is owned by State of Oregon Parks and Recreation and is identified on the Marion County and Oregon parks and recreation maps as a State Park. There are approximately nine tax lots directly south of the subject property zoned RR-2.5. Further south there are three tax lots ranging in size from 85-acres to 185-acres zoned Farm/Forest. There are approximately an additional sixteen tax lots zoned RR-2.5 to the southeast of the subject property. To the southwest of the subject property there are two tax lots zoned HI, one contains a single family dwelling and the other is vacant. According to the Assessors records and 2008 Aerial photograph there is no industrial use located on the property. There are 14 homes located south of the subject property within the 1500 foot impact area. There are eleven tax lots located to the east of the subject property. Five of the eleven tax lots are zoned F/F, six are zoned RR-2.5 and one tax lot is split zoned RR-2.5 and F/F. There are 7 dwellings located east of the subject property within the 1500 foot impact area. To the west there are three tax lots zoned F/F, six tax lots zoned RR-2.5 and one tax lot zoned UGA-UGM-HI. There are 5

dwellings within the 1500 foot impact area to the west and an old mill site just outside the impact area.

Within the 1500 foot impact area there are a total of 27 existing dwellings with the potential for an additional five outright permitted dwellings and four dwellings authorized by Measure 49. The Measure 49 dwellings have received subsequent land use approval from Linn County. With the 300-foot setback to the top of bank of the North Santiam River and the applicant meeting DEQ standards the Measure 49 dwelling would not be a conflict.

A number of existing dwellings could represent a noise and dust conflict with the mining operation. The proposal would increase the current operation from five acres to approximately 55-acres on an approximately 73.39-acre property. The current mining operation is located near the center of the subject property and currently provides buffers to the north property line of over 1000-feet, to the east property line of over 800-feet, to the west property line of over 175-feet and to the south property line of over 700-feet. The proposal indicates that those buffers will be reduced to 75-feet to the east and west property lines, over 300-feet to the south property line and 300-feet to the top bank of the North Santiam River. The original application indicates the development of berms, as material is generated from the mining operation, to reduce noise and visual impacts to the surrounding properties. In addition the majority of mining will take place below the surrounding property levels which will also reduce noise and visual impacts. The applicant has obtained an Acoustical Engineer to insure that the mining operation will meet DEQ noise standards and reduce the impact to the surrounding dwellings. The applicant shall implement the recommendations of the noise study being prepared by Kerri Standlee, PE.

I. Measures to Minimize Potential Conflicts (LCC 939.140)

The Board finds that no potential conflicts have been identified within the impact area that cannot be minimized to a level at which they can no longer be considered significant. The Board finds that the proposal satisfies the standard 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 mine expansion and adjacent land uses that cannot be minimized to a level at which they can no longer be considered significant. An ESEE conflict analysis, as specified in *LCC 939.150*, is therefore not required.

K. Plan Consistency [LCC 921.872(A)]

The applicants currently operate a five-acre rock quarry on the subject property. The proposal is to expand the existing quarry to authorize mining on additional 50-acres, for a total of 55-acres of the 73.39-acre property approved for mining. The proposal would add the entire 55-acre resource site to the inventory of significant aggregate resource sites with conflicting uses minimized; 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)]. A copy of the Aggregate Resources element of the Plan is included in *Exhibit 2*.

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 will be reviewed pursuant to LCC Chapter 939 to ensure consistency with the Comprehensive Plan.

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 the following goal analysis, which is accepted by the County:

Goal 1—Citizen Involvement: Goal 1 directs local governments to adopt and administer programs to assure citizen involvement in the planning process. The County conducted hearings when it established its original Goal 5 aggregate resource inventory and when it adopted land use regulations governing the development of aggregate resources. Those regulations require review of this application by the Planning Commission and the Board of Commissioners, in a process that includes notice to neighbors and the community and a public hearing or hearings. Citizens have had the opportunity to participate in the review of this application.

Goal 2—Land Use Planning (Coordination): Goal 2 requires that the county establish a factual basis for its decisions, and ensure that its decisions are coordinated with other governmental agencies. The factual basis for the decision is contained in the numerous geologic and engineering studies submitted in support of the application. The applicant has coordinated with and has addressed the concerns of numerous governmental agencies in the development of this application and in development of appropriate conflict minimization measures, and has presented the results of that coordination to the County. The County's procedures include notice and opportunity to comment to governmental agencies. By following established procedures in reviewing this application, the County has complied with Goal 2.

Goal 3—the property is zoned Farm/Forest. Approximately 72-percent of the parcel is comprised of non high-value soils and of SCS Class VI soils that is not classified in

OAR 660-33-20(8) as high value farmland. The proposed quarry expansion area is not suitable for agricultural use due to slope and soil characteristics. The reclamation plan for the property is for farm and forest uses consistent with the intent of Goal 3.

Goal 4—Forest Lands: The property is comprised of soils capable of producing more than 5,000 cubic feet per year and capable of producing 113 cubic feet per acre per year. The applicant states that the proposal is consistent with Goal 4.

Goal 5—Open Spaces, Scenic and Historic Areas and Natural Resources: The subject property does contain a portion of the North Santiam River, which is identified as a significant fish habitat in the comprehensive plan. The identified final use for the property is for farm and forest uses.

Aggregate is a Goal 5 resource. The aggregate element of the Plan 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. If the Commission recommends approval of the proposal without asphalt batching and includes the property in the inventory of significant aggregate sites the Board will then determine the level of protection to provide the site, if any, consistent with the Goal 5 rule for aggregate.

Goal 6—Air, Water and Land Resources Quality: Under Goal 6, local governments must ensure that land uses do not threaten to violate, or violate, state or federal environmental quality standards. Since the County does not administer state or federal statutes and regulations itself, it relies on the expertise of state and federal agencies, and coordinates with those agencies to ensure compliance with Goal 6. The County complies with Goal 6 by prohibiting mining activities on the site until the applicant has demonstrated the receipt of all state and federal permits and approvals required for operation of a quarry on the site. The application materials establish the feasibility and likelihood of the applicant receiving all state and federal permits necessary to mine the site.

Goal 7—Areas Subject to Natural Disasters and Hazards: The property is not within an area identified in the *Environmental Geology of Western Linn County, Oregon* as being subject to mass movement topography. Slope angle and stabilization measures during mining and reclamation are regulated by DOGAMI and are indicated in the DOGAMI inspection report, in the reclamation plan, and in the operating permit. The property is not within the identified 100-year floodplain, as indicated by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps.

Goal 8—Recreational Needs: Goal 8 directs local governments to plan for the recreational needs of its citizens. This proposal will not negatively impact county recreational facilities, because none are located in the immediate vicinity or impact area of the proposed mining area. The property is across the North Santiam River from an Oregon State Recreation Area (North Santiam State Recreation Area). The initial mining area is over 600-feet from the north side of the North Santiam River. According to the Oregon State Parks and Recreation website, this park is for picnicking, wildlife watching, boating, fishing walking trail, and hiking trail. It is unclear if the mining operation will have an impact on the recreational activities being conducted at this park. The Oregon Department of Parks and Recreation commented on the application and stated that the distance and location of the operation does not appear to have a negative impact on the park regarding dust and discharge. The Park and Recreation Department did have concern with noise having an impact on the park experience,

depending on days and time of operation and the presence or absence of mitigation improvements. The setback to the North Santiam River will be 300-feet from the top of bank and an Acoustical Engineer will conduct a noise study with measures to ensure compliance with DEQ standards. The hours of operation proposed by the applicant would be consistent with the parks "quiet hours".

Goal 9—Economic Development: Goal 9 seeks to provide adequate opportunities for continued economic growth in Oregon. Guidelines in the Goal specifically emphasize the expansion of existing industries as a means to strengthen local and regional economic development. A mining operation at the site provides jobs in Linn County and raw materials essential for the construction of businesses, homes and infrastructure, promoting this goal. Allowing local demand for aggregate to be met by local sources is a more sustainable economic model than shipping aggregate from elsewhere. Gravel is heavy, and fuel costs are high. The local economy, including the development and maintenance of businesses, industries and public infrastructure, clearly benefits from County policies and decisionmaking that allows for the local production of aggregate.

Goal 10—Housing: Goal 10 is not relevant to this project or analysis. Approval of this expansion will not result in any restrictions or impacts relative to housing.

Goal 11—Public Facilities and Services: The purpose of this goal is "To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development." The use of this site does not require extensive public facilities or services, and will not negatively impact any public facilities or services now available in the area. The resources available at the site will contribute to the development and maintenance of public infrastructure in Linn County.

Goal 12—Transportation: Goal 12 directs local governments "to provide and encourage a safe, convenient and economic transportation system." Aggregate resources can affect the local transportation system, and are also needed to maintain such a system. The quarry expansion area would generate up to 40 additional truck trips per day at peak. Truck traffic to and from the site will use the existing quarry access. The sight-distance is good from the existing intersection where the haul road meets Lyons-Mill City 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 applicant has agreed to comply with all requirements of the Linn County Road Department, for more information please contact the Road Department. Therefore, under Goal 12, the quarry expansion is consistent with current and planned transportation facilities and in compliance with the policies of this Statewide Planning Goal.

Goal 13--Energy Conservation: Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles." As stated elsewhere in this report, an aggregate mine has been in existence in the immediate vicinity of the expansion site for many years, and is located in close proximity to potential markets. By allowing production to continue at, and adjacent to, an existing mine and processing facility, providing needed aggregate products, existing access roads and processing facilities can be utilized, saving energy that might otherwise be used to develop new aggregate sites. Approval of this application will promote energy

conservation and overall sustainability by diminishing the fuel costs of shipping rock from more distant locations to satisfy local aggregate demand.

Remaining Goals: None of the remaining Statewide Land Use Planning Goals, including Goal 14--Urbanization; Goal 15--Willamette River Greenway; and Coastal Goals 16-19, are relevant to this project or analysis.

The Board finds that the proposal meets the requirements of *LCC 921.872(B)*.

IV. CONCLUSION

The proposal has been reviewed in compliance with all applicable law, including the procedures and criteria in *LCC 939.050 to LCC 939.200* and *LCC 921.872*. Based on the facts presented in the application materials and in County hearings, the Board hereby concludes that:

1. A 45-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 that cannot be minimized to a level at which they are no longer considered significant. The binding Conditions of Approval attached as Exhibit 2 to this Resolution & Order constitute a supplemental, site-specific program to achieve Goal 5 for the site, and ensure conflict minimization.
3. The 45-acre resource site shall be identified in LCC Chapter 905, Appendix 6, entitled "Inventory of Significant Sites With All Conflicts Minimized" pursuant to *LCC 939.200*.
4. The conclusions of the Goal 5 analysis shall be included in LCC Chapter 905, Appendix 6A, entitled "Analyses Justifying a Classification as a Significant Site With All Conflicts Minimized."
5. The zoning map shall be amended to apply the Aggregate Resource Overlay (ARO) to the subject 45-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 without asphalt batching on the 45-acre resource site subject to the applicable provisions of LCC Chapter 921; LCC Chapter 931; LCC Chapter 934; and the Conditions of Approval in Exhibit 2 to this Order.

EXHIBIT 2
Resolution and Order No. 2009-259

Planning File BC09-0001

**Conditions of Approval and
Site-specific Program to Achieve Goal 5
Northrock, Worden Site**

The following requirements and conditions intended to minimize conflicts with surrounding land uses shall be included in the Comprehensive Plan and shall be incorporated into the mining permit issued for this resource site:

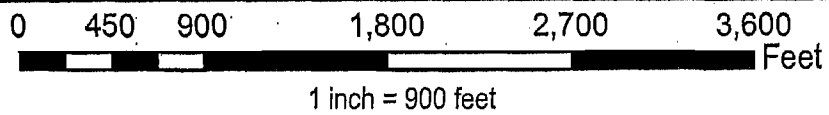
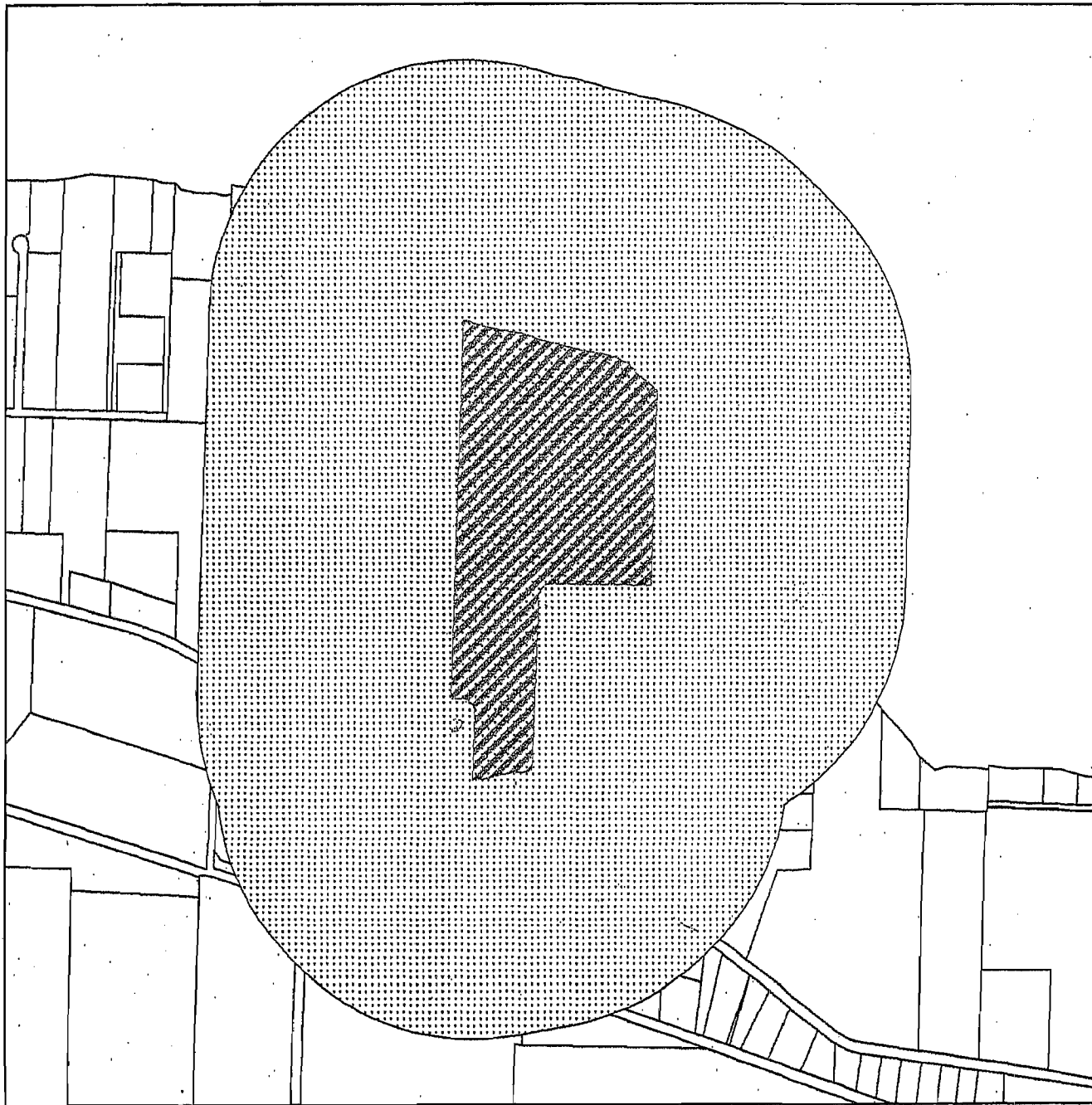
1. The mining, processing and sale of rock produced on-site shall be authorized within the 45-acre resource site, identified as the ARO-Extraction Area on the Resource Site Map adopted as part of this Resolution, subject to the conditions and requirements set forth in the Plan, this Resolution and the development permit. Primary processing activities including drilling, excavating, crushing, concrete batching, stockpiling and hauling are permitted uses. This approval does not include blasting.
2. Prior to mining within the expansion area, the mining operator shall survey and mark the property and the adopted resource site boundary. The survey must be conducted by a registered land surveyor and the resulting survey coordinates must be capable of being converted to the state plane coordinate system. The resource site boundary and setback markers (property line, river, and north boundary of pasture) must be clearly seen by equipment operators. Other features, such as processing areas, stockpiles, access roads and excavation boundaries must be staked.
3. The mining operator shall maintain an excavation setback from property lines of no less than 75-feet.
4. The mining operator shall maintain an undisturbed setback from the river to the top of bank and an excavation setback of no less than 300-feet southward of the top of bank.
5. The mining operator shall create and maintain a series of berms, as necessary, and a vegetative screen within the 75-foot setback area of the property, sufficient that the crushing and processing operation is not visible from homes on area property or from Lyons-Mill City Drive.
6. Asphalt batching is not an approved use under this Plan amendment and mining permit but may be approved under a separate land use decision.
7. Concrete batching shall be limited to portable batching equipment only. Permanent batching facilities shall not be established on-site.
8. Only aggregate produced on-site shall be used in batching on this property.
9. Mining and processing activities shall be permitted Monday through Saturday, 7:00 a.m. until 6:00 p.m. Mining and processing activities shall not be permitted on Sundays or any of the following holidays: New Year's Day, Memorial Day; the Fourth of July; Labor Day; Thanksgiving Day or Christmas Day.



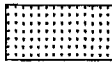

10. The Linn County Planning and Building Department Director may grant an exception allowing additional hours of operation upon a demonstration that such hours are needed to address damage to public roads or structures that require immediate repair; or road construction or repair that is scheduled during nighttime hours or weekends to reduce traffic conflicts.
11. Aggregate extraction and processing may occur year-round, in conformance with these conditions and other applicable law.
12. The mining operator shall obtain and maintain all permits necessary for operation and reclamation of the site. Prior to commencing mining operations, the operator shall submit to Linn County:
 - a. A copy of a DOGAMI approved operating permit and reclamation plan for the site;
 - b. Relevant documents demonstrating that the operator's DOGAMI reclamation bond is in full force and effect;
 - c. Copies of any and all NPDES, Fill and Removal, or other state or federal permits if required for operation of the facility.
13. The entrance to the access roadway shall be paved to a minimum of 50-feet from Lyons-Mill City Drive prior to operation of the mining site.
14. Either water or another dust palliative conforming to DEQ standards shall be used to mitigate dust on the stockpiles, on-site haul roads and vehicle circulation areas as needed.
15. The mining and processing operation shall at all times comply with the applicable noise standards regulated by the Department of Environmental Quality (DEQ).
16. The mining and processing operator shall obtain and maintain current permits from the Department of Environmental Quality (DEQ) as required.
17. Prior to mining or processing activities within the expansion area the mining operator shall implement the operational and site design recommendations contained in a noise study prepared by an Acoustical Engineer licensed in the State of Oregon, including any recommendations for earthen berms, vegetative screens, location of equipment, phasing of mining, types of equipment to be used, and other measures designed to reduce noise impacts on neighboring properties and noise sensitive uses in compliance with DEQ regulations.
18. Notwithstanding other conditions of approval, the operation shall at all times remain in compliance with the Aggregate Site standards in LCC 934.35-359. These include a vegetative screen 10 feet in width planted along any adjoining public roadway or residential, commercial or industrial zoning district before extraction activities may commence. The screen shall consist of native plants and trees or plants and trees with a demonstrated ability to thrive under these site conditions. The vegetative screen shall consist of species capable of growing to a height of at least 10 feet.
19. The quarry operator shall obtain and maintain a current permit from the Oregon Department of Geology and Mineral Industries (DOGAMI). A copy of the permit,

approved reclamation plan and performance bond shall be provided to the Planning and Building Department prior to establishing the mining operation.

20. The post-mining use of the site shall be agricultural use and fish and wildlife habitat, consistent with the provisions of the DOGAMI approved Reclamation Plan, the Linn County Comprehensive Plan and implementing ordinances, and State law.
21. All buildings and structures used in conjunction with this mining operation shall comply with the applicable provisions of the Linn County Development Code.
22. All lighting used on the resource site shall be shielded to cast light downward and shall be arranged so as not to shine the light directly towards other properties.
23. If the mining operator unearths Native American artifacts or remains or has reason to suspect they have discovered a site with Native American artifacts or remains, the mining operator shall immediately cease operations, leave any artifacts in place, and contact any appropriate agencies, including the Oregon State Historic Preservation Office at 503-986-0681.
24. The mining operator shall comply with all development requirements of the Linn County Road Department. For more information please contact the Road Department at 541-967-3919.

Linn County Planning & Building Department
Zoning Map Amendment



-  Subject Property
-  ARO-Extraction
-  ARO-Impact
-  taxlots

BC09-0001
09S02E21 00300
NORTHROCK INC
73.39 acres



Exhibit 1

Date: 03/08/2010