

**EXHIBIT 2**  
**Resolution and Order No. 2013-168**  
**Planning File BC10-0004**  
**Conditions of Approval and**  
**Site-specific Program to Achieve Goal 5**  
**Myles Conway; Weber Pit**

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:

**Mining Requirements:**

1. The mining, processing and sale of rock produced on-site shall be authorized within the 37.1-acre resource site identified on the Resource Site Map adopted as part of this Resolution, subject to limitations set forth in the development permit. Primary processing activities including drilling, excavating, crushing, blasting, stockpiling and hauling are permitted uses. Asphalt batching is not authorized under this permit.
2. The operator shall survey and mark the permitted mining area 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 permitted mining boundary and setbacks (property line, river, and north boundary of pasture) must be marked and clearly visible to equipment operators. Other features, such as processing areas, stockpiles, access roads and excavation boundaries must be staked.
3. The operator shall maintain an excavation setback from property lines of no less than 75-feet.
4. Aggregate extraction may occur year-round, in conformance with these conditions and other applicable law.
5. The 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 the 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 required for operation of the facility.
6. The aggregate site shall comply with the applicable noise standards regulated by the Department of Environmental Quality.
7. The applicant shall obtain and maintain a current permit from the Department of Environmental Quality.
8. The operation shall at all times remain in compliance with the Aggregate Site standards in LCC 934.350-359.
9. The 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.

10. The post-mining use of the site shall be forestry, 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.
11. All buildings and structures used in conjunction with this quarry shall comply with the applicable provisions of the Linn County Development Code.
12. 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.
13. Applicant shall comply with all requirements found in Linn County Code Chapter 921.541-921.546 & 934.350 – 934.359.

**Measures to Minimize Conflicts:**

1. The applicant shall retain the forested area located between the resource site and dwellings within the Impact area, to act as a buffer between the quarry and nearby land uses.
2. Mining and processing activities shall be permitted Monday – Friday, 6:30am – 6:30pm, and 9:00am – 5:00pm on Saturday's. 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.
3. Rock crushing is authorized Monday – Friday only, 8:00am – 5:00pm.
4. Blasting shall occur only between the hours of 10:00am – 4:00pm, Monday through Friday.
5. Drilling shall be limited to the hours of 8:00am – 5:00pm, Monday through Friday. Written notice of blasting shall be provided to the residents of properties within 1500-feet of the approved Aggregate Resource Overlay (ARO) boundary. Notice letters shall be postmarked at least four days prior to blasting and shall indicate the date and estimated time of the scheduled blast. Any alteration to the blast schedule shall require a minimum 24 hour notice by mail, phone or hand-delivered to each residence within that notice area.
6. Asphalt batching is not authorized under this permit.
7. Blasting at the quarry shall be designed and conducted in a manner which minimizes conflicts with surrounding properties. To ensure blasting impacts are minimized, all blasting shall be conducted under the following conditions:
  - a. All residents within 1500 feet of the quarry shall be notified in writing of the date and time of scheduled blasts. Notice letters shall be postmarked at least four days prior to blasting and shall indicate the date and estimated time of the scheduled blast. Any alteration to the blast schedule shall require a minimum 24 hour notice by mail, phone, or hand-delivered to each residence within the notice area. The notice shall advise that people who have farm animals or livestock should avoid being in a confined space with animals or riding horses during the blast.
  - b. To ensure that safe ground vibration and air shock levels, based on accepted industry standards, are not exceeded, each blast at the quarry shall include vibration and acoustic monitoring and analysis at selected locations on surrounding properties. A minimum of three locations on nearby properties shall be monitored during each blast. The quarry operator shall be responsible to ensure the seismographic monitoring requirements are carried out.

- c. Blast plans shall be designed and approved by a qualified blast design professional prior to each future blast. The quarry operator shall provide a copy of the approved blast plan to the Linn County Planning and Building Director prior to each blast.
  - d. Measured ground vibration and air overpressure shall not exceed the limits specified in the National Fire Protection Association NFPA 495, Explosive Materials Code. The quarry operator shall provide evidence to the Planning and Building Department Director that the blast did not exceed the NFPA standards subsequent to each blast.
- 8. The applicant shall develop an adequate truck circulation and parking areas to accommodate all trucks entering and leaving the property. Trucks shall not park within the public right-of-way.
  - 9. The Planning and Building 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.
  - 10. The operator shall use water or another dust palliative conforming to DEQ standards to mitigate dust on the stockpiles, on-site haul roads and vehicle circulation areas as needed.
  - 11. The following restrictive covenant shall be made part of the chain of title to the 84.11-acre parcel:

Grantees and their heirs, legal representatives, assigns and lessees hereby acknowledge by the placement of this covenant, or the acceptance and recording of this instrument, that the property herein described is situated in a Exclusive Farm Use zoning district of Linn County, Oregon. As such, they may be subjected to common, customary and accepted farm or forest management activities for the operation of a commercial farm or forest that includes management and harvesting of agricultural products or timber, disposal of slash, reforestation, application of chemicals, road construction and maintenance, and any other accepted and customary farm or forest management activity conducted in accordance with federal and state laws. The above practices ordinarily and necessarily produce noise, dust, smoke and other types of visual, odor or noise impacts which grantees accept as normal and necessary farming or forestry management activities and as part of the risk of building a residential dwelling in a Exclusive Farm Use zoning district.

- 12. Prior to the issuance of development permits or operation of the mining area, the applicant shall supply proof that the deed covenant has been incorporated into the deed and recorded in the Linn County Clerk's Office.
- 13. The operator shall comply with all requirements of the Linn County Road Department.