



LINN COUNTY SHERIFF'S OFFICE

Michelle Duncan, Sheriff
1115 Jackson Street SE, Albany, OR 97322
Phone: 541-967-3950
www.linnsheriff.org

MEMORANDUM

To: Linn County Board of Commissioners

From: Captain Andy Franklin

Date: April 30, 2024

Re: Resolution & Order No. 2024-125

This is a radio site agreement with Silke Communications for their McCully Mountain radio site. This site is for the new Fire Radio System and will cost \$1,325.75/month. The ongoing costs will be split by Linn County Fire Agencies and the Linn County Emergency Telephone Agency.



Linn County Road Department

*Providing safe and efficient transportation to
citizens and visitors of Linn County.*

Memorandum

Date: 4/24/2024

To: Linn County Board of Commissioners

From: Wayne Mink, Roadmaster *WEM*

RE: Background Information for Agenda Items – 4/30/2024

The Road Department has the following item on the Board of Commissioners agenda for the weekly meeting on April 30, 2024. The following is a brief description of the item.

Bid Award Recommendation – Seven Mile Lane Left Turn Lane Paving Project

Bids were opened for the Seven Mile Lane Left Turn Lane Paving Project on Tuesday, April 23. Please see the attached Bid Award Recommendation Memo.

We request your approval.



Linn County Road Department

*Providing safe and efficient transportation to
citizens and visitors of Linn County.*

Memorandum

Date: April 24, 2024
To: Linn County Board of Commissioners
From: Wayne Mink, Roadmaster *WEM*
RE: Seven Mile Lane Left Turn Lane Paving project
– Bid Award Recommendation

Bids for the Seven Mile Lane Left Turn Lane Paving project were opened on Tuesday, April 23, 2024.

Seven (7) bids were received for the project. The apparent low bidder (\$205,126.00) at the time of Bid Opening was Roy Houck Construction LLC, Salem, Oregon. However, this bid was deemed non-responsive due to the fact that the bidder was not prequalified with Linn County and was not registered on the County's Planholder Registration as required by provided bidding instructions. The next low bid was submitted by RiverBend Construction, Inc., Eugene, Oregon in the amount of \$232,338.50. The Engineer's Estimate was \$319,287.00.

RiverBend Construction, Inc. is a qualified contractor and the content of the Bid meets all of the public bidding requirements. **We have carefully reviewed all Bids and recommend that the Bid from RiverBend Construction, Inc., be accepted and that the contract be awarded to them.**

The Tabulation of Bids is attached for your use.

Enclosures

SEVEN MILE LANE LEFT TURN LANE PAVING

TABULATION OF BIDS

ITEM #	ITEM	UNIT	QUANTITY	Riverbend Construction, Inc.		Knife River Corporation - Northwest		Wildish Construction Co.		KNL Industries, Inc.		North Santiam Paving Co.		CNH Remodelling, LLC		Roy Houck Construction LLC	
				UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	Mobilization	LS	1	\$15,500.00	\$15,500.00	\$5,660.00	\$5,660.00	\$15,000.00	\$15,000.00	\$20,000.00	\$20,000.00	\$25,900.00	\$25,900.00	\$120,000.00	\$120,000.00	\$20,000.00	\$20,000.00
2	Temporary Protection and Direction of Traffic	LS	1	\$16,000.00	\$16,000.00	\$20,400.00	\$20,400.00	\$10,800.00	\$10,800.00	\$10,000.00	\$10,000.00	\$12,000.00	\$12,000.00	\$30,000.00	\$30,000.00	\$5,000.00	\$5,000.00
3	Pollution Control Plan	LS	1	\$750.00	\$750.00	\$275.00	\$275.00	\$150.00	\$150.00	\$1,000.00	\$1,000.00	\$300.00	\$300.00	\$20,000.00	\$20,000.00	\$250.00	\$250.00
4	Asphalt Pavement Saw Cutting	FT	86	\$7.00	\$602.00	\$5.10	\$438.60	\$3.00	\$258.00	\$10.00	\$860.00	\$2.50	\$215.00	\$190.17	\$16,354.62	\$1.00	\$86.00
5	Cold Plane Pavement Removal, 0-2" Depth	SY	483	\$15.50	\$7,486.50	\$13.30	\$6,423.90	\$10.00	\$4,830.00	\$15.00	\$7,245.00	\$20.00	\$9,660.00	\$80.00	\$38,640.00	\$10.00	\$4,830.00
6	Level 3, 1/2" ACP Mixture	TON	1,840	\$100.00	\$184,000.00	\$107.29	\$197,413.60	\$110.00	\$202,400.00	\$110.00	\$202,400.00	\$113.00	\$207,920.00	\$190.22	\$350,004.80	\$94.00	\$172,960.00
7	Extra for Asphalt Driveways	EA	4	\$2,000.00	\$8,000.00	\$1,100.00	\$4,400.00	\$1,500.00	\$6,000.00	\$1,000.00	\$4,000.00	\$950.00	\$3,800.00	\$43,750.00	\$175,000.00	\$500.00	\$2,000.00
*Notes																	

Roy Houck Construction LLC was deemed non-responsive and was disqualified for not being prequalified with Linn County.

Linn County had 1 discrepancy in the solicitation documents for the quantity of bid item 7. There should be 4 Each. The discrepancy in quantity of bid item 7 does not change the outcome of the low bidder.

Knife River Corporation - Northwest had 1 discrepancy in their Bid Schedule:

1. Bid Item 7 - Bid shows a unit price of \$1,100/Each. The estimated quantity is 4 Each. When multiplied together the result is \$4,400.00. Their total showed \$5,500.00

KNL Industries, Inc. - 1 change has been made to their Bid Schedule:

1. Bid Item 7 - Bid shows a unit price of \$1,000/Each. The estimated quantity should be 4 Each. When multiplied together the result is \$4,000.00. Their total showed \$5,000.00

North Santiam Paving Co. - 1 change has been made to their Bid Schedule:

1. Bid Item 7 - Bid shows a unit price of \$950/Each. The estimated quantity should be 4 Each. When multiplied together the result is \$3,800. Their total showed \$4,750.00



LINN COUNTY PLANNING AND BUILDING DEPARTMENT

Steve Wills, Director

Room 114, Linn County Courthouse
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www.co.linn.or.us

TO: Linn County Board of Commissioners (Board)
FROM: Alyssa Boles, Planning Manager
DATE: April 30, 2024
RE: Resolution & Order No. 2024-148 and Ordinance 2024-149

The following items are scheduled to be signed by the Board on April 30, 2024:

Resolution & Order No. 2024-148 and Ordinance 2024-149 – PD23-0743: Applications by Talon Hennes for a *Comprehensive Plan* (Plan) map amendment and a Zoning map amendment on a property totaling 1.00 acres. The amendments would change the Plan designation on the subject property from Forest Resource to Farm/Forest and change the zoning from Forest Conservation Management (FCM) to Farm/Forest (F/F).

The Board conducted a duly noticed public hearing on this matter voted unanimously to approve the applications.



LINN COUNTY GENERAL ADMINISTRATION

300 Fourth Avenue, SW (Room 201), PO Box 100, Albany OR 97321-0031
Phone (541) 967-3825 Fax (541) 926-8228

Accounting/Payroll, Personnel Services, IT, GIS, County Attorney
General Services/Facilities/Property, Printing/Supplies, Veterans' Services

BOARD OF COMMISSIONERS

Roger Nyquist
Sherrie Sprenger
Will Tucker

DARRIN L. LANE
Administrative Officer

AGENDA SUMMARY

To: Board of Commissioners
From: Bill Palmer, Linn County Accounting Officer
Date: April 24, 2024
Re: Resolution & Order 2024-153

The following item is scheduled to be heard on April 30, 2024.

Resolution & Order 2024-153

Assessment & Taxation Grant

Linn County is applying to the Department of Revenue in order to participate in the County Assessment Function Funding Assessment Program. This state grant provides funding for counties to help them come into compliance or remain in compliance with ORS 308.232, 308.234, Chapters 309, 310, 311, 312, and other laws requiring equity and uniformity in the system of property taxation.

Linn County has undertaken a self-assessment of its compliance with the laws and rules that govern the Oregon property tax system. Linn County is generally in compliance with ORS 308.232, 308.234, Chapters 309, 310, 311, 312, and other laws requiring equity and uniformity in the system of property taxation.

Linn County agrees to appropriate the budgeted dollars based on 100 percent of the expenditures certified in the grant application. The total expenditure amount for consideration in the grant is \$4,735,437. If 100 percent is not appropriated, no grant shall be made to the county for each quarter in which the county is out of compliance.

BOARD OF COMMISSIONERS HEARING STAFF REPORT



PREPARED BY: Alyssa Boles, Planning Manager

DATE ISSUED: April 23, 2024

HEARING DATE: April 30, 2024

APPLICATION: **PD24-0027:** Concurrent applications by Willamette Valley Excavating LLC for a *Comprehensive Plan* text amendment to include a proposed expansion of an existing aggregate quarry in the Linn County aggregate inventory as a significant aggregate resource site, totaling 60.97 acres; a zone amendment to apply an Aggregate Resource Overlay (ARO) to the proposed mining area and the surrounding ARO Impact Area; and a development permit for mining and processing on the subject properties.

PLAN / ZONE: Farm/Forest / Farm/Forest (F/F)

LOCATION: The properties are identified as T10S, R03W, Section 9, Tax Lots 700 and 1400 and zoned F/F. The properties are located at the northeast intersection of Highway 99E and Interstate 5, and approximately 2.21 miles west of the city limits of Jefferson.

CRITERIA: Linn County Land Development Code (LCC) Linn County Code (LCC) 921.872, LCC Chapter 939, and LCC 921.540 to 921.568 contain the decision criteria and standards specified for use with this application.



1 inch = 900 feet

Linn County Planning & Building Department

Date: 03/29/2024

I. APPLICATIONS SUMMARY

- A. Amend the *Comprehensive Plan* aggregate inventory to include a 60.97-acre site as a significant aggregate resource site.
- B. A *Comprehensive Plan* text amendment to expand an existing 19.99-acre quarry to include the two subject properties as aggregate resource site, totaling 60.97 acres
- C. An Aggregate Resource Overlay (ARO) zone amendment to apply the ARO to the proposed total site and the surrounding ARO Impact Area. Mining and processing is an allowed use in the ARO.
- D. A development permit application for aggregate mining and processing on the new mining area consistent with adopted provisions in the Plan and the ARO, if applicable.

A copy of the complete application is attached to this report in **Exhibit A**.

II. PROPOSAL SUMMARY

The subject properties total 60.97 acres in size and contain an existing 19.99-acre quarry site on tax lot 1400 operated by Willamette Valley Excavating, LLC. The subject properties are identified on Linn County Assessor maps as T10S, R03W, Section 9, Tax Lots 700 and 1400; is zoned Farm/Forest (F/F); and is located at the northeast intersection of Highway 99E and Interstate 5, and approximately 2.21 miles west of the city limits of Jefferson.

Applicant seeks approval of mining for the entire 60.97-acre area and seeks to modify and expand the extraction area from the pre-existing 19.90 acres on only Tax Lot 1400 to include 30.5 acres on both Tax Lots 1400 and 700 to the north.

The *Comprehensive Plan (Plan)* currently identifies the mining area as a significant site not protected by Goal 5 and not approved per mining pursuant to an ESEE analysis (Appendix 8 and Appendix 8A). Before expansion of the mining area can be authorized on the property, the County must first include the proposed total 60.97-acre mining aggregate resource site in the County's aggregate inventory (ORS 215.298). The inventory process and classification must comply with the implementing regulations for Statewide Planning Goal 5 (OAR 660-023-0180). A *Plan* text amendment is required to include the 60.97-acre total mining area on the aggregate inventory. The *Plan* text amendment, Zoning map amendment, and development permit applications are being reviewed concurrently.

The application states that mining on the site occurs between the hours of 6:00 AM and 6:00 PM on weekdays with sporadic work only as needed on weekends.

Applicant's operation on the property includes extraction of aggregate from the quarry and processing and crushing the aggregate resources. The aggregate is stored on the property along with heavy equipment, crushers, screen plants, trucks, and related support equipment for the quarry and rock crushing operation. There are existing improvements for the operation including a shop, fuel island, truck scales, and a small office. Blasting is conducted on site and is proposed as part of the application. Batching is not conducted on site and is not proposed as part of the application.

The site currently employs three full-time employees who work directly in the quarry business. If the expansion requested the applications is approved, Applicant intends to add another 1-2 employees to assist in day-to-day operations. Applicant also employs mechanics to assist with maintenance and repairs of equipment. Without expansion, the site could continue to operate until summer 2024.

III. LAND USE PROCESS AND DECISION CRITERIA

A. PUBLIC HEARINGS

The applications will be reviewed concurrently. The Planning Commission (Commission) held a public hearing on this matter at **7:00 p.m., Tuesday, April 9, 2020**. After the close of the hearing, the Commission adopted a motion to recommend that the Board of Commissioners (Board) approve the amendments, with modifications proposed to permit conditions.

The Board is scheduled to hold a public hearing on this matter at **10:00 a.m., April 30, 2024** and will make a decision after the close of the public hearing. The Board hearing will be conducted in Room 200 of the Linn County Courthouse in Albany Oregon.

B. PLANNING COMMISSION RECOMMENDATION

The Planning Commission (Commission) held a public hearing on this matter at 7:00 p.m., April 9, 2024. After considering all the written evidence and oral testimony presented at the Commission hearing, the Commission voted 5-0 to adopt a motion to recommend that the Board approve the proposed applications, with modifications to permit conditions associated with the development permit for mining. Voting in favor of the motion were Commissioners Alderman, Boshart, Cromwell, McHenry, and McKinney.

C. 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. 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. The applicable decision criteria, Plan elements and development standards are attached to this report in Exhibit B.

D. DECISION PROCESS

1. Statewide Planning Goal 5 and Oregon Administrative Rule (OAR 660-23-180) requires that significant aggregate resource sites be inventoried and conflicts with certain other land uses be evaluated to determine if the site should be a protected resource site. An aggregate resource site must be included in the County's aggregate inventory before a development permit to mine the property can be reviewed or approved.
2. If the Board determines the property does not contain a significant aggregate resource as defined in LCC 939.120, the site will be included in the inventory of non-significant aggregate sites and the development permit

application to mine the site will be reviewed under the procedures and criteria in LCC 939.200(A)(1)(b), LCC 921.560, and LCC 933.310.

3. If the site is determined to be a significant site as defined in LCC 939.120, the Board must then determine if conflicting land uses exist within the identified impact area. If the Board determines that no significant conflicts exist, or that all identified conflicts can be minimized through establishing specific site development requirements and operating conditions, then the Plan inventory shall be amended accordingly, the Aggregate Resource Overlay (ARO) shall be applied to the property and to the impact area, and mining shall be allowed as set forth in LCC 939.160 to 939.200 and LCC 921.552.
4. If there are any identified or potential conflicts which cannot be minimized through reasonable and practicable measures, the Board must determine the Economic, Social, Environmental, and Energy (ESEE) consequences of allowing, limiting, or not allowing the mining to take place, as set forth in LCC 939.150. The application does not include an ESEE analysis. If one is required, the applicant may request a continuance to prepare an ESEE analysis. If an ESEE analysis supports a decision to protect the resource site, the *Plan* inventory shall be amended accordingly, the ARO shall be applied to the property and to the impact area, and mining shall be allowed as set forth in LCC 939.160 to 939.200 and LCC 921.552.
5. If the Board determines as a result of an ESEE analysis that conflicting land uses shall be protected fully and that a significant aggregate resource site shall not be a protected Goal 5 resource site, the Plan inventory shall be amended accordingly, the Aggregate Resource Overlay (ARO) shall not be applied, and the decision whether or not to permit mining shall be made according to the criteria in LCC 939.200(A)(4).

IV. LAND USE INFORMATION

A. SITE LOCATION

The subject properties are identified on the Linn County Assessor maps as of T10S, R03W, Section 9, Tax Lots 700 and 1400; are zoned Farm/Forest (F/F); and at the northeast intersection of Highway 99E and Interstate 5, and approximately 2.21 miles west of the city limits of Jefferson.

B. ZONING AND DEVELOPMENT BACKGROUND

The properties have been zoned Farm/Forest (F/F) since September 2, 1980. The properties were zoned Agriculture, Residential, Timber (ART) between March 22, 1972, when zoning was first established in Linn County, until September 2, 1980.

Previous land use actions involving the subject property include:

- **PLA-9-94/95:** Property line adjustment to recognize the consolidation of ODOT right of way into tax lots 700 and 1400.

**Table 1
Existing and Proposed Conditions**

CONDITION	EXISTING	PROPOSED
Plan Designation	Farm/Forest	Same. Plan text amendment to add the total acreage of the subject properties to the inventory of significant aggregate sites.
Zone Designation	Farm/Forest (F/F)	Aggregate Resource Overlay (ARO) protection applied to the total 60.97-acre expansion area.
Site Location	T10S, R03W, Section 9, Tax Lots 700 and 1400	Same
Access	Flag strip off of Mason Road	Same
Land Use	Existing aggregate mining and processing operation.	Same

V. PROPERTY CHARACTERISTICS

- A. SOIL TYPES** – The soils on the property are determined from the Soil Conservation Service (SCS) *Soil Survey of Linn County Area, Oregon*, July 1987. The soil types present within the proposed aggregate resource area are listed below (Source: NRCS Soil Survey of Linn County, Oregon).

**Table 1
Subject Property Soil Classification**

Soil Type	HVFL type	SCS type	% of parcel	# of acres	Cu ft/ ac/yr
104G – Witzel Very Cobbly Loam, 30-70% Slopes	Non	Vls	30.15%	18.38	106
80 – Pits	Non	Vllls	25.08%	15.29	0
22E – Chehulpum Silt Loam, 12-35% Slopes	Non	Vle	15.12%	9.22	40
95F- Steiwer Silt Loam, 20-50% Slopes	Non	Vle	11.80%	7.19	80
22C – Chehulpum Silt Loam, 3-12% Slopes	Non	Vle	9.44%	5.75	40
106C – Woodburn Silt Loam, 3-12% Slopes	1	lle	4.74%	2.89	170
95D – Steiwer Silt Loam, 12-20% Slopes	Non	IVe	2.41%	1.48	80
106A – Woodburn Silt Loam, 0-3% Slopes	1	llw	0.44%	0.27	170
28 – Conser Silty Clay Loam	2	lllw	0.40%	0.24	45
26 – Coburg Silty Clay Loam	1	llw	0.22%	0.13	100
8 – Bashaw Silty Clay	2	IVw	0.20%	0.12	0

- B. TOPOGRAPHY** – Hale Butte rises above the surrounding flat landscape from about 200 feet above mean sea level (MSL) to a peak at 436 feet MSL. The side slopes of Hale Butte are moderate to steep grade and are steepest along the west slope descending to Interstate 5. The butte is largely vegetated with trees and bushes with blackberry growth along the lower slopes and some grass covered areas on the flattened, upper portions of the butte. The quarry operator must maintain the slope ratio as required by DOGAMI.

- C. NATURAL AND/OR GEOLOGIC HAZARDS** – There are no potential geologic hazards identified on the proposed resource site (Environmental Geology of Western Linn County Oregon). Slope stabilization measures during mining and reclamation are regulated by Oregon DOGAMI and are indicated on DOGAMI inspection reports as part of the operating permit and reclamation procedures. DOGAMI will require that the operation be designed and engineered to comply with accepted hazard mitigation requirements. The operation must comply with all DOGAMI requirements.

The properties are not located within designated flood hazard area according to the Federal Emergency Management Agency (FEMA) Flood Insurance Study for Linn County, Oregon and Incorporated Areas dated September 29, 2010.

VI. ENVIRONMENTAL FACTORS

- A. WILDLIFE HABITAT** – The properties are not within a mapped wildlife habitat area.
- B. WETLANDS** – There is an identified wetland located on tax lot 1400 (PUBFx). The applicant indicates that the mapped wetland is a settling pond at the south end of the current mine is and is a manufactured feature actively used for stormwater management on the site.
- C. NOISE** – The potential noise sensitive uses identified within the impact area are existing dwellings.
- D. DUST** - The potential dust sensitive use identified within the impact area are existing dwellings.
- E. RECLAMATION AND FINAL USE** -- The exact post-mining use has not yet been determined by Applicant because it is unclear what an economically viable use of the site will be by the time it is ready for reclamation.

VII. PUBLIC FACILITIES AND SERVICES

- A. FIRE** -- The property is located within the Jefferson Rural Fire Protection District.
- B. POLICE** -- The Linn County Sheriff's Department serves the area.
- C. SEWAGE DISPOSAL** – No dedicated septic system is currently used or proposed on-site. The applicant currently uses and proposes to continue to provide a self-contained portable sewage disposal unit.
- D. WATER SUPPLY** – The site is served by a private well.
- E. ACCESS** – The site has access via a 30-foot wide flag strip connecting to Mason Road, a County right of way.

VIII. ANALYSIS

The application proposes to amend LCC 905 Appendix 6 and Appendix 6A to add the existing 19.99-acre significant aggregate site and to encompass both subject properties, totaling 60.97 acres of mining area to the inventory of "significant" aggregate resource sites with conflicts minimized, and requests the Aggregate Resource Overlay (ARO) be applied to the new mining area and the surrounding ARO Impact Area, and a development permit to allow for mining and processing. **Exhibit A** of the staff report contains the application and supporting documents. The following analysis addresses the review criteria.

Oregon Administrative Rule (OAR) 660-023-0180(5)(a) requires the County to determine an impact area for purposes of identifying conflicts with proposed mining and processing activities. The impact area is limited to 1500 feet from the boundaries of the mining area, except where factual information indicates significant potential conflicts beyond that distance. A map indicating the 1500-foot impact area is included in the staff report as **Exhibit A, page 109**. The map was prepared in compliance with OAR 660-023-0180(5)(a) and LCC 939.130(A)(1-2).

The subject properties and properties to the immediate north, east, and south form a pocket of land zoned Farm/Forest that is surrounded by EFU land, with some Rural Residential land at the south end of the impact area. Specific land uses are described below:

North: Tax Lot 600 to the immediate north of the Subject Property consists of heavily forested land improved with one single-family residence. The properties further to the north and northeast are in the EFU zone and are used primarily for agricultural purposes. The residential structures on the northern parcels border Santiam Bluff Road which forms the northernmost boundary of these properties.

East: The land to the east of the Subject Property is in the Farm/Forest zone and is designated in the Linn County Comprehensive Plan as Rural-Residential land. Tax Lot 1500 consists of lightly forested land and is improved with a single-family residence. Tax Lot 1300 consists of heavily forested land and is improved with a single-family residence. Tax Lot 1400 consists of a mix of farm and forest uses and is not improved with any buildings.

South: The parcels to the immediate south of the Subject Property are in the Farm/Forest zone and are used for both agricultural and commercial uses. The properties serve as the headquarters for a company producing animal feed. Further to the southeast, several smaller parcels along Highway 99E are used for residential and commercial purposes including a trucking and logistic service warehouse and a dog grooming business. Even further to the south across Highway 99E, the properties are in the EFU zone and are used primarily as agricultural land. A few parcels to the south of Highway 99E and the I-5 ramps are in the RR-5 zone.

West: The Subject Property is bordered by I-5 to the immediate west. The land further to the west of I-5 is in the EFU zone and is used primarily for agricultural uses. This area includes residential structures which were constructed near smaller roadways like Dever Conner Drive to the north and west and Morningstar Road to the west and south of these parcels.

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

A map indicating the 1500-foot impact area is included in the staff report as **Exhibit A, page 109**. The map was prepared in compliance with OAR 660-023-0180(5)(a) and LCC 939.130(A)(1-2).

The applicant states: *Within the impact area there are conflicts with sensitive residential uses to the north, northeast, and south. The conflicts between the mining operation and the residential uses will likely be minimal because of the landscape of the area and the characteristics of the proposed expansion. Any*

conflicts can be addressed by implementing conditions of approval that would mitigate the impacts of the conflict.

Property owners within the 1500-foot impact area were notified of the proposed expansion.

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

The applicant states: *No conflicts with local roads exist. Applicant's driveway connects to Mason Road, a local street in the Linn County TSP. Mason Road connects to Highway 99E, a minor arterial in the Linn County TSP and a district highway under the jurisdiction of ODOT, which connects the Applicant's site to Interstate 5. The section of Mason Road between Applicant's driveway and the intersection with Highway 99E is the only local street included in the site's haul route. Applicant's Traffic Impact Analysis shows that the roadways surrounding the site are sufficient to support truck traffic.*

*Applicant's traffic study shows that there were no crashes at the intersection of Mason Road and Highway 99E reported in the past 5 years. Both the intersections on the haul route provide adequate lines of sight and stopping distance for drivers, adequate space for truck maneuvering, and adequate capacity for traffic created by the continued mining use. The site's proximity and ease of access to Interstate 5 minimizes the operation's impact on local road traffic in the surrounding area. The traffic analysis shows that traffic from application of the ARO zone to the site would not increase PM peak hour trips above what is allowed in the F/F zone thereby maintaining the functionality of the existing plan for the transportation system around the site. See Applicant's Traffic Impact Analysis (**Exhibit A, pages 69-108**) and a detailed discussion of traffic implications. See **Exhibit A, page 195** for Applicant's summary of estimated daily truck trips.*

The applicant includes a letter from the Linn County Roadmaster approving the truck haul route (**Exhibit A, page 70**). The County Road Department and the Oregon Department of Transportation were both notified of the proposed expansion. No comments have been submitted identifying potential conflict to local roads as of the date this staff report was prepared.

F. Safety Conflicts with Existing Public Airports [LCC 939.130(B)(4)(c)]

There are no existing public airports within three miles of this site; no conflicts with existing public airports are identified.

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

The applicant states: *There is no significant impact to other Goal 5 resources on the site. No wetlands or streams are mapped on the expansion property. One of the settling ponds at the south end of the current mine is mapped by NWI as a wetland, even though it is a manufactured feature actively used for stormwater management. The current stormwater management system has been successfully used for years to avoid offsite impacts from erosion and sedimentation. This system will continue to be used for the proposed expanded mining. The mining operation would not have significant impacts on ground water. The mine floor as proposed will remain 20 feet above the ground water level. See the Applicant's Evaluation of Potential Environmental Impacts (**Exhibit A, pages 166-189**).*

Staff notes there are no inventoried wildlife, fish, or riparian habitats on the subject properties or within the 1500-foot impact area. There is an identified wetland located on tax lot 1400 (PUBFx). The applicant indicates that the mapped wetland is a settling pond at the south end of the current mine and is a manufactured feature actively used for stormwater management on the site. Oregon Department of State Lands was notified of the proposed applications and has not submitted comments identifying any conflicts as of the date this staff report was prepared.

H. Conflicts with Agricultural Practices [LCC 939.130(B)(4)(e)]

The application states:

No conflicts exist with agricultural practices in the area. The expansion of the mining operation would not require any significant changes to the existing agricultural practices and would not increase the cost of existing practices. The EFU parcels to the west of the Subject Property are used primarily for farm uses. Any impacts from the proposed mining site on those farms are buffered by I-5, which lies between the Subject Property and the farm uses. The farms have been operating next to the existing mining operation on Tax Lot 1400 since it was established, and the proposed expansion of the quarry to the north would not create any adverse impacts to the agricultural practices of these farms.

Within the impact area, there are also lots used primarily for farm uses within the EFU zone to the north and northeast of the Subject Property. These farm uses would be buffered from the mining operation by forestland in the Farm-Forest Zone which immediately borders the Subject Property to the north and east. The proposed expansion to the Extraction Area would not create conflicts with farm uses to the north because of the substantial, natural forestland buffer.

The lot to the south of the Subject Property is in the Farm-Forest zone and is used primarily as farmland. The lot borders the existing quarry operation on Tax Lot 1400 and has been operating next to the mining operation without issue since mining on the site started. Expansion of the mining operation to the north onto Tax Lot 700 would not create any new conflicts with the agricultural practices on the farm and animal feed production uses to the south.

The area to the east of the Subject Property is used primarily as forestland in the Farm-Forest zone. The section of Tax Lot 1400 that is used as farmland is buffered from the mining operation by forestland. Expansion of the Extraction Area to the north would not create new conflicting uses with the existing agricultural practices on Tax Lot 1400.

I. Other Conflicts for which Consideration is Necessary [LCC 939.130(B)(4)(f)]

No other conflicts for which consideration is necessary in order to carry out ordinances that supersede Oregon Department of Geology and Mineral Industries (DOGAMI) regulations pursuant to ORS 517.780 have been identified.

J. Potential Future Conflicting Uses (LCC 939.180)

The application states: *Any of the proposed uses identified above would not generate any conflicts with surrounding uses within the impact area, because all proposed uses are either allowed outright or with conditions in the zone. The uses*

weekdays with sporadic work only as needed on weekends. These limited hours of operation also reduce the impact of general operation noise. Applicant has established a truck speed limit of 15 miles per hour which reduces the noise traceable to vehicle movement on the property. Any conflicts with residential uses caused by general operation noise can be mitigated.

Blasting: The mining operation also produces noise and other impacts on surrounding properties when engaging in blasting. Blasting only occurs a few times per year and the noise impacts from blasting, while loud, are extremely limited because the noise created by the blast is only audible for only a few seconds. As a result, blasting noise does not create an ongoing health concern for residential uses on surrounding properties. All blasting on the site is done by licensed professionals abided by state and federal standards for blasting. Following these regulations minimizes the impacts of blasting noise, ground and air vibration, and the risk of flyrock. In order to further minimize the impacts of blasting on surrounding properties, Applicant has implemented a comprehensive notification system for neighbors consisting of contact made by phone, email, flyers, or a personal visit. See the notification flyer form (**Exhibit A, page 190**) and the neighbor notification list attached (**Exhibit A, page 191**). Applicant has expanded the notification list to include all neighbors within the 1500-foot Impact Area and will use that list when performing notifications for all future blasts.

Proposed Condition 1: Applicant shall notify all surrounding property owners within the impact area not less than three (3) days before the planned blast.

Proposed Condition 2: Applicant shall not engage in blasting activity more than six (6) times per year.

Dust: Applicant's mining operation produces dust when rock to be sold is crushed or processed. To help minimize dust production, Applicant has installed water spray bars at multiple locations throughout the site. The spray system wets the aggregate material which reduces dust through the crushing process. During drier seasons the Applicant also applies water to the storage area for the final stockpile which helps to reduce the amount of dust blowing off the stockpile.

Within the mining operation, dust can also be produced by vehicle traffic on the site's internal roads. To minimize dust stirred up by vehicle traffic, Applicant uses a 60/40 lignin, an environmentally safe, noncorrosive, and non-toxic solution for dust control on the roads within the quarry site and around the office area. When well maintained, the 60/40 lignin substantially reduces dust on the site. In addition to the lignin, Applicant uses a truck to apply water to the roadways to further control dust as needed. The 15 mile per hour speed limit also limits the creation of dust from vehicle movement. See **Exhibit A, pages 212-217** for a description of Applicant's dust mitigation practices and equipment.

Proposed Condition 3: The Applicant shall maintain the 60/40 lignin on site as required to mitigate the impacts of dust.

Hydrology: The operation and expansion of the quarry would not impact surface water. No wetlands or streams are mapped on the expansion property. One of the settling ponds at the south end of the current mine is mapped by NWI as a wetland, but that facility is a manufactured feature actively used for stormwater management on the site. No mapped streams exist within the 1500-foot impact

area and environmental review of the site identified limited flow of water off the site into surrounding wetlands because of the stormwater management system already in place on the site. The current stormwater management system has been successfully used for years to avoid offsite impacts from erosion and sedimentation and this system, monitored under its 1200A stormwater permit, will continue to be used for the proposed Expansion Area. See **Exhibit A, pages 166-189**.

The operation and expansion of the quarry also would not impact groundwater. DOGAMI standards require mine floors to stay at least 10 feet above groundwater. The existing mine and proposed expansion are planned to stay at least 20 feet above the interpreted groundwater level as demonstrated in the Mine Plan in **Exhibit A-1, pages 1-7**. See **Exhibit A, pages 166-189**. Additionally, Applicant plans to avoid mining in the northwest corner of the Subject Property in order to maintain a larger distance from domestic wells on surrounding properties. Applicant has reached out to their northern neighbors about mine-expansion plans and will continue to communicate with them regarding their wells. With these measures in place, the mining operation as planned will not have a significant impact on surface or ground water. See (**Exhibit A, pages 166-189**).

STAFF ANALYSIS: The Planning Commission recommended modifications to some of the permit conditions at the request of the applicant and to address concerns raised by surrounding property owners at the Commission hearing. Conditions proposed to be amended included:

Requirement #3: The applicant shall maintain an excavation setback from property lines of no less than 50-feet.

Operating Condition #1: The applicant shall only operate if the vegetative (tree) screen is maintained in the 50-foot setback area on all sides of the property adjacent to any areas that are being actively mined.

Operating Condition #2: Mining, stockpiling, crushing, processing, loading and hauling activities shall be conducted between the hours of 6:30 a.m. and 5:00 p.m. Monday through Friday, and 7:00 a.m. to 12:00 p.m. Saturdays. Mining and processing shall not be conducted on New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day. The Planning Director may grant extended operating hours upon demonstration that unusual contract demands required such extension.

Operating Condition #3: Blasting shall be limited to Monday through Friday, between the hours of 10:00am to 4:00pm. Written notice of blasting shall be provided to the residents of properties within 1500-feet of the ARO mining area boundary and others who request notification. Notice letters shall be sent registered mail postmarked at least ten (10) 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.

- a. Drilling shall be limited to Monday through Friday, between the hours of 8:00am to 5:00pm.

- b. So that the operator can ensure blasting impacts are minimized, both the planned and measured ground vibration and air overpressure shall not exceed the limits specified in the National Fire Protection Association NFPA 495, Explosive Materials Code.
- c. Blasting may occur no more than six (6) times per year.

Potential conflicts to local roads

No potential conflicts to local roads have been identified as a result of the expansion.

Safety Conflicts with Existing Public Airports

There are no existing public airports within three miles of the expansion area; No conflicts with existing public airports are identified.

Conflicts with Other Goal 5 Resource Sites

No potential conflicts with Goal 5 Resource Sites have been identified as a result of the expansion.

Conflicts with agricultural practices

No potential conflicts with existing farm and forest practices have been identified as a result of the expansion.

LCC 939.140(C) states that recording a waiver of remonstrance in compliance with LCC 933.150(B) is evidence that a conflict has been minimized under LCC 939.140. The waiver of remonstrance is signed and recorded in the deed records for the County, binding the landowner, and the landowner's successors in interest, and prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. The recording of the waiver of remonstrance is included as a permit condition of the development permit for mining.

Other Conflicts for which Consideration is Necessary

No other conflicts for which consideration is necessary in order to carry out ordinances that supersede Oregon Department of Geology and Mineral Industries (DOGAMI) regulations pursuant to ORS 517.780 have been identified.

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

If there are conflicts between the proposed quarry expansion and adjacent land uses, and if the Board finds that those conflicts cannot be minimized by imposing appropriate operating conditions, Applicant must analyze the economic, social, environmental and energy consequences of protecting the resource fully and allowing mining; and of protecting the conflicting use(s) and restricting mining.

The applicant indicates that, based on the record, that all conflicts can be minimized and an ESEE analysis is not required.

The applicant provides an alternative ESEE analysis to demonstrate compliance with all the requirements in Code in the event an ESEE analysis is required. If the Board determines that all conflicts are minimized, the ESEE analysis not required to be adopted into findings. If the Board determines that all conflicts are not minimized and an ESEE analysis is required, the findings below must be adopted as part of the findings.

The applicant states: *Applicant also provides the following alternative findings regarding Goal 5 Economic, Social, Environmental, and Energy (ESEE) analysis. The findings below are presented in the alternative to Applicant's findings above and Applicant does not present these findings to contradict those above. Applicant's sole intent of providing the findings below is to provide the alternative findings that Applicant also satisfies all LCC requirements for an ESEE analysis under Goal 5 in the event it is determined that Goal 5 ESEE analysis is required in this application. Applicant maintains Goal 5 ESEE analysis is not required as based on the foregoing findings.*

939.150 STEP 5 — analyze ESEE consequences if significant conflicts cannot be minimized

(A) STEP 5 — Identify and resolve conflicts through ESEE analysis. Limited to any conflicts identified in LCC 939.140 that could not be minimized, the decision maker shall determine the ESEE consequences of either protecting the resource by allowing mining without or with limitations, or not protecting the resource and prohibit mining or permit mining under a permit pursuant to LCC 921.560 to 921.569. The determination shall be based on weighing the identified ESEE consequences, with consideration of the following:

(1) The degree of adverse effect on existing land uses within the impact area;

Applicant Proposed Finding: *The adverse effects on conflicting land uses within the impact area are minimal as discussed above. The biggest conflict is between the residential uses in the impact area and the noise associated with mining.*

(2) Reasonable and practicable measures that could be taken to reduce the identified adverse effects; and

Applicant Proposed Finding: *As noted above, the closest residential use is over 300 feet away from the mining operation and has a substantial vegetative buffer and beneficial topography that both work to reduce the ability of soundwaves to reach the residential use. With all residential uses in the impact area, the ambient noise from I-5 makes most noise from the mining operation nearly indistinguishable. Additionally, appropriate conditions of approval can mitigate nearly all impacts of the mining use. These factors substantially mitigate the adverse effects indicating that the mining operation can coexist with the residential uses.*

(3) The probable duration of the mining operation and the proposed post-mining use of the site.

Applicant Proposed Finding: *The mining operation will continue for years. After the mining operation has ceased, the land will be graded in accordance with DOGAMI's reclamation regulations. It will then be available for other uses allowed*

in the zone. Because the mine will operate for many more years, it is difficult to predict what an economically viable use will be for the site in the future. The site will be eligible for a variety of uses allowed in the Farm/Forest zone and whatever the site will be used for will not create any new conflicts given the consistency of the zoning with abutting lands.

Goal 5 ESEE Analysis:

Economic: The quarry operation has been located on the Subject Property for decades. Applicant's business is a well-known and long-established company in the Willamette Valley that provides aggregate material for a myriad of local projects and provides stable employment opportunities within Linn County. The majority of the aggregate produced is base aggregate used in road and building construction. Applicant also produces some free draining aggregate, boulders for landscaping, and anticipates providing screened overburden for landscaping in the future. The strategic location of the site near I-5 and close to several public jurisdictions reduces transportation costs associated with moving aggregate to various project sites in the area. Material from the site has benefited public entities like Linn County, Marion County, ODOT, and Albany in road, pipe, sewer, and sidewalk projects. Applicant also provides aggregate material for private development. Loss of this site would increase costs of transporting aggregate for the entities relying on this site. Based on the quantity of aggregate available if expansion is allowed, the site could be a stable source of materials for these entities for decades to come.

In addition to providing a stable source of aggregate with low transportation costs, the site also provides long-term, stable employment opportunities. The site currently employs three full-time employees who work directly in the quarry business. If the expansion requested in this application is approved, Applicant intends to add another 1-2 employees to assist in day-to-day operations. Applicant also employs mechanics to assist with maintenance and repairs of equipment. Without expansion, the site could continue to operate until summer 2024. At that time the aggregate on the site would be depleted and the operation would have to shut down, ultimately eliminating at least the three existing quarry employment positions.

Social: The quarry operation has existed on the site for decades and has established a good reputation in the Willamette Valley. As noted above, the site creates stable employment opportunities within Linn County which would be lost if the ability to expand the site is denied. The loss of employment opportunities would be a substantial negative social consequence of denying the expansion application.

Applicant has undertaken the task of developing a thorough blasting notification system and will be implementing that system to ensure positive relationships with neighboring property owners. See the notification flyer form attached as **Exhibit A, page 190** and the neighbor notification list attached as **Exhibit A, page 191**. These measures are designed to further integrate the quarry as a good neighbor in the area.

Environmental: The advantageous location of the quarry site near I-5 reduces the negative impacts of dust, noise, and carbon emissions because the site location reduces the amount of drive time it takes to deliver materials to development sites.

Trucks moving to and from the site spend little time on small local roads. Any aggregate being transported can get to I-5 and its ultimate destination much more efficiently than aggregate that is transported via small roadways. Fewer truck miles required to transport the aggregate and other materials produced on the Subject Property to construction sites significantly reduces the carbon impact when compared to the truck mile requirements of other nearby quarries. See **Exhibit A, pages 196-197.**

Impacts to water resources are limited because of Applicant's stormwater management system. No wetlands or streams are mapped on the expansion property. One of the settling ponds at the south end of the current mine is mapped by NWI as a wetland, even though it is a manufactured feature actively used for stormwater management. The current stormwater management system has been successfully used for years to avoid offsite impacts from erosion and sedimentation. This system will continue to be used for the proposed expanded mining. The mining operation would not have significant impacts on ground water or surrounding water wells because the mine floor as proposed will remain 20 feet above the ground water level. Applicant has also strategically chosen to limit the expansion area in order to create a buffer between the mining area and the domestic water wells to the north. See the Evaluation of Potential Environmental Impacts in **Exhibit A, pages 166-189.** Applicant's dust mitigation procedures are described in depth above in the Step 4 analysis above and are further described above and in **Exhibit A, pages 212-217.**

Energy: Approving the expansion of the quarry operation will have positive energy benefits based on the continually increasing need for aggregate products and reduced time spent transporting product to its final destination. Denial of the expansion will have negative energy consequences due to the required additional miles spent to transport the aggregate to its final destination. The closure of the quarry operation will require demand for aggregate to be fulfilled elsewhere and will have an overall negative energy effect due to transportation miles. The demand for aggregate is vital to infrastructure in Marion County, Linn County and the local municipalities.

M. Plan Consistency [LCC 921.872(A)]

The applicant statement addressing applicable policies in the Plan is contained in **Exhibit A, pages 44-49.**

The proposal is to include a proposed expansion of an existing aggregate quarry in the Linn County aggregate inventory as a significant aggregate resource site, totaling 60.97 acres; a zone amendment to apply an Aggregate Resource Overlay (ARO) to the proposed mining area and the surrounding ARO Impact Area; and a development permit for mining and processing on the subject properties. 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 Farm/Forest...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*.

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

To approve the proposed aggregate inventory *Plan* amendment, the amendment must be consistent with the statewide planning goals [LCC 921.872(B)]

The application includes the following analysis addressing Statewide Planning Goals:

Statewide Planning Goal 1: Citizen Involvement

Applicant states: "Linn County's procedures conform to the requirements for citizen involvement in the land use planning process. The application will be reviewed at public hearings before the Planning Commission and the Board of Commissioners. Notice of the hearings will be provided to property owners and public agencies and published in the newspaper of local circulation. Through the notification and public hearings process, interested parties are afforded the opportunity to review and comment on the proposal and participate in the decision, thereby meeting the requirements of this Goal.:"

The applicant statement adequately addresses this Goal.

Statewide Planning Goal 2: Land Use Planning

Applicant states, "The Linn County Comprehensive Plan is acknowledged as compliant with the Statewide Goals. The Plan and the Goal 5 rule for mineral and aggregate resources provide the process and policy framework for the decision on this application. The proposal is reviewed according to the procedures and policies established in the Statewide Planning Goals, Oregon Administrative Rules, Linn County Comprehensive Plan, and Linn County Code (LCC). By following these procedures and requirements, Goal 2 is met."

The applicant statement adequately addresses this Goal.

Statewide Planning Goal 3: Agricultural Lands

Statewide Planning Goal 4: Forest Lands

Applicant addresses these Goals together. Applicant states: *"The use of the site as a mineral and aggregate resource protected under Goal 5 is consistent with the provisions of Goals 3 and 4. A portion of the Subject Property is listed on the Linn County Comprehensive Plan Inventory as a significant aggregate resource site not protected under Goal 5 based on the ESEE analysis performed when the site was first included on the Linn County Inventory. The mining operation on Tax Lot 1400 existed prior to 1972 and thus pre-dates the Statewide Planning Goals*

and relevant LCC provisions. As a result, the mine has been operating within the pre-1972 approval area and without the ARO overlay.

However, as demonstrated above in response to LCC 939 Step 5, the existing mine situated on Tax Lot 1400 and the proposed expansion onto Tax Lot 700 do qualify for protection under Goal 5 based on an ESEE analysis. All factors considered indicate that the potential conflicts with mining are outweighed by the benefits of allowing mining on the Subject Property. No exception to Goals 3 or 4 is requested and the Subject Property will remain zoned for resource use. Qualification of the Subject Property as an aggregate resource protected under Goal 5 makes use of the site for mining consistent with the provisions of Goals 3 and 4."

The subject property is designated as Farm/Forest on the Comprehensive Plan map. Surrounding areas are predominately employed for farm and forest practices. Policies in the Plan allow for new and expanded aggregate sites on Agricultural Resource and Farm/Forest designated land.

The applicant statement adequately addresses this Goal.

Statewide Planning Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Applicant states: "LCC 939 implements Goal 5. As discussed above, the Subject Property qualifies for protection as a significant aggregate resource based on the ESEE analysis provided in response to the requirements of LCC 939. While the County initially concluded that the mining site on Tax Lot 1400 did not qualify for protection, an updated ESEE analysis shows that the Subject Property, including the proposed Expansion Area on Tax Lot 700, is a significant aggregate resource. The ESEE analysis complies with the procedural requirements in Goal 5 by identifying potential conflicting uses on surrounding lands, proposing measures for minimizing conflicts, and by developing a program to achieve the Goal. Thus, protecting the Subject Property as a significant resource by listing it on the proper appendix of the Linn County Inventory and applying the ARO zoning as requested by the Applicant complies with and advances the policies underlying LCC 939 and Goal 5."

The applicant statement adequately addresses this Goal.

Statewide Planning Goal 6: Air, Water and Land Resources Quality

Applicant statement addressing this goal is contained in **Exhibit A, pages 50-51**.

Goal 6 instructs the County to consider protection of air, water and land resources from pollution and pollutants when developing comprehensive plans. The applicant statement indicates that the proposed aggregate resource operation is required comply with all applicable air and water discharge standards specified by Oregon DEQ, as well as any requirements of DOGAMI for the mining and reclamation of the proposed expansion area.

The applicant statement adequately addresses this Goal.

Statewide Planning Goal 7: Areas Subject to Natural Disasters and Hazards

Applicant states: "No natural hazards have been identified as specific to this site that will adversely affect the proposed additional mining areas, or that will cause a hazard to people or property. The aggregate resource is a naturally occurring, sub-surface resource that will not be impacted by flooding, high winds, downed timber, fire, earthquake, or similar hazards."

Goal 7 requires the County to address natural hazards. Natural hazards include floods, landslides, earthquake and related hazards, and wildfires. The subject property is not located within a mapped geologic hazard area or within the mapped special flood hazard area. The property is served by the Jefferson Rural Fire Protection District.

Slope stabilization measures undertaken during mining and reclamation are regulated by DOGAMI and are indicated on DOGAMI inspection reports as part of the operating permit and reclamation procedures. The proposed expansion must apply for a permit amendment with DOGAMI and must comply with all DOGAMI requirements.

The applicant statement adequately addresses this Goal.

Statewide Planning Goal 8: Recreational Needs

Goal 8 requires the County to plan for the recreation needs of their residents and visitors. The property is not identified or designated as a recreation area. Statewide Planning Goal 8 does not apply.

Statewide Planning Goal 9: Economy of the State

Applicant states: "Aggregate, sand, and gravel are essential construction materials that support the economy of the state. Provision of these materials in proximity to roads and population centers helps to control the cost of transportation, a major cost component for these materials. This proposal will maintain a long-term supply of aggregate materials in central Willamette Valley. The location is a significant source of aggregate products in proximity to markets and population centers in Linn and Marion Counties. The mining operation also provides stable employment opportunities. Maintaining an available supply of these materials contributes to improving the economy of the local area and the state. For these reasons, the proposal is in keeping with this Goal."

The purpose of Goal 9 is to make sure cities and counties have enough land available to realize economic growth and development opportunities, notably on commercial and industrial land.

The applicant statement adequately addresses this goal.

Goal 10 – Housing

Goal 10 requires jurisdictions with buildable lands in urban and urbanizable areas to be inventoried and comprehensive plans shall encourage the availability of adequate numbers of needed housing units. The property is not urban or urbanizable land, therefore Goal 10 does not apply.

Goal 11: Public Facilities and Services

Applicant states: "The proposal involves resource use on rural land and does not require public services for its operation. The mining operation relies on water from a well and manages stormwater onsite through settling ponds. The site has no septic system and instead uses a holding tank serviced weekly or as needed. Other public services, such as fire and police protection, are available to the property but the requirements for these services are low. In general, the public service requirements for this use are low and the proposal will have little impact on public facilities or services."

Goal 11 allows for planning and development of a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The applicant is not proposing to establish public facilities in association with the proposed expansion.

The applicant statement adequately addresses this goal.

Statewide Planning Goal 12

Applicant statement addressing this goal is contained in **Exhibit A, page 52**.

Goal 12 requires the County and the state to create a transportation system plan that takes into account all relevant modes of transportation. The County has an adopted transportation plan that addresses the various forms of transportation.

The applicant statement adequately addresses this goal.

Goal 13 – Energy Conservation

Applicant states: *"The site has efficient access to local markets using the existing public road system. Based on the location of the site in relation to the transportation network and markets, continued operation of the site as a source of aggregate materials will conserve energy."*

Goal 13 encourages communities to look within existing urban neighborhoods for areas of potential redevelopment before looking to expand, to "recycle and re-use vacant land." The goal also directs the County to have systems and incentives in place for recycling programs.

The applicant statement adequately addresses this goal.

Goal 14 – Urbanization

Goal 14 provides for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. Goal 14 does not apply to the proposed amendments.

Goal 15 – Willamette River Greenway

The property is not located within the mapped Willamette River Greenway. This goal does not apply to the proposed amendments.

Goal 16 - Estuarine Resources, Goal 17 - Coastal Shorelands, Goal 18 - Beaches and Dunes, and Goal 19 - Ocean Resources do not apply to lands within Linn County.

O. GENERAL LCC REVIEW CRITERIA:

LCC 921.552 Development permit for mining of sites receiving Goal 5 protection

(A) The Director shall issue a development permit authorizing the initiation of mining if a

determination was made that the site is a significant site under LCC 939.120 and is a site

listed on or after September 1, 1996 on:

- (1) Appendix 5 in LCC Chapter 905 (a site without conflicts); or
- (2) Appendix 6 in LCC 905 (all conflicts have been minimized); or
- (3) Appendix 7 in LCC 905 (based on an ESEE analysis the site is to receive Goal 5 protection and to be approved for mining with or without limitations).

(B) A permit authorizing the initiation of mining of a significant site listed on Appendix 6 or 7 in LCC Chapter 905 shall be subject to:

(1) any required measures, conditions and regulations approved in LCC 939.200; and

(2) a condition that mining may not be initiated or conducted unless in compliance with a site development plan approved by the decision maker; and

(3) a condition that the owner and operator comply with the program adopted to protect the resource.

(C) Any conditions imposed on the permit issued pursuant to this section shall be clear and objective whether imposed by this Code, the Comprehensive Plan, the process that leads to minimization of all significant conflicts, or by an ESEE analysis.

Applicant Proposed Finding: *As demonstrated in the record, the subject properties qualify for inclusion as a protected Goal 5 resource in either Appendix 6 or 7. Thus, Applicant qualifies for a development permit authorizing initiation of mining subject to all applicable regulations, conditions of approval, and plans submitted.*

LCC 931.701 Statement of Purpose for the Aggregate Resource Overlay (ARO)

Applicant Proposed Finding: *Addition of the subject properties as a significant aggregate resource approved for mining to the Linn County Inventory qualifies it for application of the ARO zone. The ARO zone serves to implement Goal 5 by protecting the resource land for mining use.*

931.710 ARO; mining area property development standards

Development of all properties in the ARO or ARO-I must comply with the development standards set forth in LCC Chapter 934 (Development Standards Code) and specifically to LCC 934.350 to 934.359, and also to any specific standards applicable to the underlying zoning district.

Applicant Proposed Finding: *Compliance with LCC 934 is described below.*

931.715 ARO; mining area final use and site reclamation

Each extraction site shall be reclaimed to a final use as set forth in LCC 933.190.

Applicant Proposed Finding: *The subject properties will be reclaimed as mining progresses into the Expansion Area. The reclaimed land will be put only to allowable uses, and any reclamation plan will be reviewed by the County and DOGAMI.*

LCC 934.350 Environmental quality standards

Applicant Proposed Finding: *The mining operation will comply with all applicable state standards, and Applicant shall maintain all required permits.*

LCC 934.351 Access standard

Applicant Proposed Finding: *The subject properties have an access easement. See Exhibit A, Pages 198-211.*

LCC 934.352 Setback Standard

Applicant Proposed Finding: *The Mine Plan (Exhibit A-1, pages 1-7) shows that the operation will comply with the 50-foot setback standard of the underlying F/F zoning district. The Roadmaster approval has been provided by Applicant and labeled as (Exhibit A, Page 70)*

LCC 934.353 Waiver of setbacks

Applicant Proposed Finding: *No setback waiver is required.*

LCC 934.354 Variance standards

Applicant Proposed Finding: *A variance is requested.*

The applicant letter in **Exhibit A-1, pages 20-21** states:

"Linn County Code (LCC) 934.352 generally requires a 75-foot setback from any property line subject to requests for adjustment. Applicant's Mine Plan proposes a 50-foot setback matching Applicant's permit obtained through DOGAMI. Applicant therefore requests a variance to the 75-foot setback standard in LCC 934.352 as allowed under Linn County's Variance Procedure Code (LCC 938). Applicant correspondingly requests condition of approval Requirement No. 3 to be modified to 50 feet. Applicant has discussed this request with planning staff. The 50-foot setback standard was identified in the notice of application and variances to these standards are expressly referenced under LCC Chapter 934. Therefore, no new application or notice is necessary under the code.

The application already contains the required evidence under LCC 938.300(B)(1) (conditions or circumstances on the property make development impractical without the variance). The shape of Applicant's property and distribution of the extractable aggregate resources make the 75-foot setback impractical. The eastern edge of the property contains a substantial amount of aggregate resources because of the increase in elevation along that property line. Applicant would lose access to a substantial amount of high quality aggregate resources if the 75-foot setback is applied. Increasing the setback area to 75 feet would leave valuable resources untapped without providing a significant benefit to the community.

Applicant can also establish under LCC 938.300(B)(2) that granting the variance would not have a significant adverse effect on property, improvements, or public health and safety in the vicinity. Increasing the setback to 75 feet compared to 50 feet would not offer any substantial increase in benefit to surrounding properties, because Applicant's proposed extraction area is located several hundred feet from any residential or human occupied structures and the extraction area borders mostly vacant land. A 50-foot setback allows for plenty of space for the required 10-foot vegetative screen. Applicant is also willing to

install a topsoil berm stabilized with vegetation in the setback area along the eastern side of the property to create additional protection for surrounding properties. Allowing a variance to the 75-foot setback standard would create more benefit to the community by making more aggregate resources available while creating virtually no additional adverse impacts to surrounding properties."

The Planning Commission concurred with this analysis and recommended a 50-foot setback from all property lines as part of the permit operating conditions. Staff recommends that if the Board approves the applications, the 50-foot setback and applicant analysis be included as part of the Plan text amendment in Appendix 6A.

LCC 934.356 Off-site parking

Applicant Proposed Finding: *There is no need for offsite parking.*

LCC 934.357 Hours of operation

Applicant Proposed Finding: *Applicant shall comply with any limitations on the hours of operation.*

LCC 934.359 Vegetative Screening

Applicant Proposed Finding: *Applicant shall comply with any requirements for vegetative screening.*

IX. NOTICE AND HEARING PROCEDURE

A. NOTICE

Notice of this application was printed in the Albany Democrat-Herald newspaper at 20 days prior to the first evidentiary hearing. Affected public agencies and owners of properties within 1000 feet of the subject property were also provided written notice of this application. Additional notice was provided to owners of property within 1500 feet of the proposed resource site boundaries. Notice was provided to DLCD at least 35 days prior to the first evidentiary hearing. Notification materials can be found in **Exhibit D**.

One written comment was submitted from surrounding property owners regarding this proposal as of the date this staff report was prepared (**Exhibit A-1, pages 8-19**). The following agencies have been provided notice and responded before this report was written (**Exhibit C and Exhibit A-1, page 22**).

**Table 2
Public Agency Notice and Comments**

AGENCY	NOTICE	RESPONSE	AGENCY	NOTICE	RESPONSE
Environmental Health	x		DEQ	x	
Linn County Assessor	x		DOGAMI	x	
Linn Co. GIS	x		DLCD	x	
Linn County Road Dept.	x	x	DSL	x	
RFPD: Lyons	x		ODOT	x	
Linn County Sheriff	x	x	WRD	x	
Jefferson RFPD	x				

B. PROCEDURE

The *Plan* text amendment, zoning map overlay amendment, and mining permit will be reviewed concurrently. The Planning Commission held a public hearing on this matter at **7:00 p.m., April 9, 2024** and made a recommendation to the Board of Commissioners (Board) to approve the applications, and to include the staff recommendations identified in Section X, below, with permit condition modifications.

The Board is scheduled to hold a public hearing on this matter at **10:00 a.m., April 30, 2024** and will make a decision after the close of the public hearing. Any testimony presented before the Planning Commission must be resubmitted in writing or in person before the Board of Commissioners to be included in the record of the Board decision.

The proposed resource site must be included in the aggregate inventory before a development permit to mine the property may be approved. If the property is included in the *Plan* inventory as a protected significant aggregate site, the Aggregate Resource Overlay (ARO) shall also be applied prior to the issuance of a mining permit.

The Board may approve the application by: (1) amending the *Comprehensive Plan* aggregate inventory to include a 60.97-acre site as a significant aggregate resource site; (2) amend the *Comprehensive Plan* text to expand an existing quarry to include a 60.97-acre aggregate resource site; (3) apply an Aggregate Resource Overlay (ARO) to the proposed 60.97-acre aggregate resource site and the surrounding ARO Impact Area (ARO-I), if required; and (4) issue a Development permit for aggregate mining and processing on the new mining area consistent with adopted provisions in the *Plan* and the ARO, if applicable.

The Board may consider the application for 42 days from the close of the public hearing. Tabling of the request for a period not to exceed 35 days may also occur if the applicant consents. Specified findings, stating the reason for decision, are required in taking action on the proposed amendments. The Board will consider all the testimony in the matter and may take action to:

1. Approve the applications;
2. Deny the applications; or
3. Modify the applications.

All testimony and evidence must be directed toward the applicable decision criteria including applicable criteria in the plan or other land use regulations. Failure to raise an issue before the close of the record, or failure to provide statements or evidence sufficient to afford the decision maker(s) and the parties an adequate opportunity to respond to each raised issue precludes an appeal based on that issue.

If additional documents or evidence are provided by any party, the Board of Commissioners may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. The 150-day time limitations of ORS 215.427 do not apply to the proposed *Comprehensive Plan* amendment.

Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The Board shall grant the request by either (a) continuing the public hearing or (b) leaving the record open for additional written evidence or testimony. If the Board grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the initial hearing.

X. BOARD DECISION

The proposed aggregate resource site must be included in the *Linn County Comprehensive Plan (Plan)* aggregate resource inventory before a development permit to mine the site may be approved. If the site is included in the *Plan* inventory as a significant aggregate site approved for mining, the Aggregate Resource Overlay (ARO) must also be applied prior to the issuance of a mining permit.

The Board will consider all argument and evidence in the hearing record and may take action to (1) Approve the applications; (2) Deny the applications; or (3) Modify the applications.

1. **If the Board finds the site is not a significant aggregate resource site**, the Board will move to amend LCC Chapter 905, Appendix 4 – “Inventory of Non-Significant Sites (Formerly “1A” Sites)”. The Board will then review the mining permit application as a conditional use permit pursuant to LCC 933.310 and LCC 921.540 to 921.569, consistent with the property development standards in LCC Chapter 934.
2. **If the Board finds the site is a significant site without identified conflicts**, the Board will move to include the site in the LCC Chapter 905, Appendix 5 “Inventory of Significant Sites without Conflicting Uses”, and to amend Appendix 5A “Analyses Justifying a Classification as a Significant Site Without Conflicting Uses” accordingly.
 - i. The Board will then move to apply the Aggregate Resource Overlay (ARO) to the resource site, and the ARO-IA to Linn County properties within the designated impact area boundary; and
 - ii. Permit mining and processing within the resource site under the provisions of the ARO and the property development standards in LCC Chapter 934, consistent with the provisions of LCC 921.540 to 921.569.
3. **If the Board finds the site is a significant site with identified conflicts, and that reasonable and practicable measures may be applied that would minimize those conflicts**, the Board will move to include the site in LCC Chapter 905, Appendix 6 – “Inventory of Significant Sites with All Conflicts Minimized”, and amend Appendix 6A – “Analyses Justifying a Classification as a Significant Site with All Conflicts Minimized” accordingly.
 - i. The Board will then move to apply the Aggregate Resource Overlay (ARO) to the resource site, and the ARO-IA to Linn County properties within the designated impact area boundary; and
 - ii. Permit mining and processing within the resource site under the provisions of the ARO; any specific operating requirements identified in the Plan amendment; and the property development standards in LCC Chapter 934, consistent with the provisions of LCC 921.540 to 921.569.

REQUIREMENTS:

1. The mining, crushing, processing and sale of rock produced on-site shall be authorized within the 60.97-acre resource site on the subject tract, identified as T10S, R03W, Section 9, Tax Lots 700 and 1400, subject to limitations set forth in the development permit. Primary processing activities including drilling, excavating, blasting, crushing, stockpiling and hauling are permitted uses.
2. The applicant shall survey and mark the property and permit 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 permit boundary and setbacks must be clearly seen by equipment operators. Other features, such as processing areas, stockpiles, access roads and excavation boundaries must be staked.
3. The applicant shall maintain an excavation setback from property lines of no less than 50-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 applicant shall obtain and maintain a current permit from the Department of Environmental Quality.
7. The operation shall at all times remain in compliance with the Aggregate Site standards in LCC 934.350-934.359.
8. The applicant 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.
9. The post-mining use of the site shall be uses allowed outright or permitted in the Farm/Forest zoning district, consistent with the provisions of the DOGAMI approved Reclamation Plan, the Linn County *Comprehensive Plan* and implementing ordinances, and state law.
10. All buildings and structures used in conjunction with this quarry shall comply with the applicable provisions of the Linn County Development Code.
11. 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.
12. Applicant shall comply with all requirements found in Linn County Code Chapter 921.541-921.556 & 934.350-934.359.

OPERATING CONDITIONS:

1. The applicant shall only operate if the vegetative (tree) screen is maintained in the 50-foot setback area on all sides of the property adjacent to any areas that are being actively mined.
2. Mining, stockpiling, crushing, processing, loading and hauling activities shall be conducted between the hours of 6:30 a.m. and 5:00 p.m. Monday through Friday, and 7:00 a.m. to 12:00 p.m. Saturdays. Mining and processing shall not be conducted on New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day. The Planning Director may grant extended operating hours upon demonstration that unusual contract demands required such extension.
3. Blasting shall be limited to Monday through Friday, between the hours of 10:00am to 4:00pm. Written notice of blasting shall be provided to the residents of properties within 1500-feet of the ARO mining area boundary and others who request notification. Notice letters shall be sent registered mail and postmarked at least ten (10) 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.
 - a. Drilling shall be limited to Monday through Friday, between the hours of 8:00am to 5:00pm.
 - b. So that the operator can ensure blasting impacts are minimized, both the planned and measured ground vibration and air overpressure shall not exceed the limits specified in the National Fire Protection Association NFPA 495, Explosive Materials Code.
 - c. Blasting may occur no more than six (6) times per year.
4. The Planning 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.
5. The applicant shall water or use 60/40 lignin or another dust palliative conforming to DEQ standards to mitigate dust on the stockpiles, on-site haul roads and vehicle circulation areas as needed.
6. The following restrictive covenant shall be made part of the chain of title to the 60.97-acre tract:

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 Farm/Forest 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 Farm/Forest zoning district.

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.

7. The applicant shall comply with all requirements of the Linn County Road Department, for more information please contact the Road Department at 541-967-3919.

XII. EXHIBITS

EXHIBIT A:	Application and Supporting Documentation
EXHIBIT A-1:	Complete Mine Plan
	Linda Johnson Comments
	Applicant Letter re: Conditions of Approval and Variance to Setback
	Linn County Road Department Comments
EXHIBIT B:	Decision Criteria and Site Development Standards
EXHIBIT C:	Agency Comments
EXHIBIT D:	Hearing Notice and Correspondence