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CROOK COUNTY
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PLANNING DEPT

PC Michael Warren ([00:00:00](#)):

PC Michael Warren ([00:02:43](#)):

Agenda item number two. We'll now move on to the second agenda item, which is a continuation of a public hearing for deliberations only on applicant, knife river's, conditional use request to operate an aggregate mine. The file number is 2 1 7 2 2 0 0 5 7 3 P L N G. The property is identified as township 14 south range, 15 east Willamette Meridian, section 14 tax lot 1 0 3. The address is 6487 Northwest Lamonta road, Prineville, Oregon 97754. The property is zoned exclusive farm use, Prineville valley, lone pine areas E F U 2. This request was previously heard by the planning commission on July 28th, 2021 and August 27th, 2021. The matter was continued at the September 22nd, 2021 to October 27th, 2021 for deliberations only, then continued again on December 8th, 2021, then to January 19th, 2022. And then lastly to March 16th, 2022, This application was heard initially, along with the request to amend the crook county comprehensive plan file number 2 1 7 2 1 0 0 4 3 6 PLNG to add the subject property to the county's inventory of significant aggregate sites. At the September 22nd, 2021 hearing the planning commission made the recommendation to the county court on the comprehensive plan amendment, but continued deliberations on the conditional use permit so that the county court could make its final decision on the comprehensive plan amendment first.

New Speaker ([00:04:27](#)):

On January 5th, 2022, the county court approved the planning commission's recommendation and signed the decision at its regularly scheduled meeting on February 2nd, 2022. At the February 23rd, 2022 planning commission hearing this commission voted to receive the additional arguments and evidence, including written exhibits and oral testimony received by the crook county court and made it part of the record for the corresponding comprehensive plan amendment. The additional exhibits are marked as exhibits 35 through 66. Also added to the record were relevant county court minutes notices as well as ordinances 328 adopting the comprehensive plan apprehensive plan amendment. In response to receiving that additional testimony, and argument received by the planning commission. There was a request to reopen the record, show it to crook county code 18.17 2.0 8 1 18. The planning commission voted to reopen the record to allow additional testimony from persons who participated in previous hearings and that pertains only to the county court's evidence of the record for the comprehensive plan amendment. New evidence and argument was due by March 2nd, 2022, the applicant rebuttal and final argument was due on March 9th, 2022. During this limited open record period, additional exhibits 67 through 80 were submitted. Staff will summarize these exhibits during their presentation.

PC Michael Warren ([00:06:00](#)):

As noted, tonight the commission will deliberate whether the, to approve or deny applicant's conditional use request to operate an aggregate mine. Planning commission will not receive any public testimony. Accordingly, the planning commission will ask staff to present its staff report and summarize the recent received exhibits before it enters into deliberations. Statutory timeline for the county court to take final action was extended by the applicant until March 16th, 2022. The applicant has indicated to staff that if planning commission makes a decision tonight, it is willing to further extend the deadline to April 1st, 2022, to allow staff time to finalize the written decision. So you have in here to ask Matt to confirm this on the record. Okay. So, uh, we'll ask Matt wrote it to confirm this for the record

Matt Ropp ([00:06:52](#)):

This is Matt Ropp with knife river and we will extend the statutory time period through April 1st to allow staff to draft a decision, if a decision is made by the planning commission tonight.

PC Michael Warren ([00:07:03](#)):

Okay. So noted. Are there any questions from the folks in the room? We don't really do that, right?

Director Will VanVactor ([00:07:13](#)):

Um, Your call, whether or not you do that.

New Speaker ([00:07:20](#)):

Well, I'll ask, is there any questions? Not about the application, but about our process. Let me ask it that way just to make sure.

Adam Mikulski ([00:07:29](#)):

I guess I have a question. What's the extension for

Director Will VanVactor ([00:07:33](#)):

To give time to prepare the written decision. So, ideally the planning commission would vote this evening, and make a decision and then we would take the next couple weeks to finalize the decision and put it in the writing.

New Speaker ([00:07:52](#)):

Before staff makes its presentation, we will address exparte contacts, conflict of interest and bias. Do any of the commission members have personal knowledge acquired outside of the hearing process that they will use in rendering a decision in this matter? Gary?

PC Gary Bedortha ([00:08:11](#)):

No.

New Speaker ([00:08:13](#)):

Susan?

New Speaker ([00:08:13](#)):

PC Susan Hermreck ([00:08:13](#)):

No.

New Speaker ([00:08:14](#)):

Laquita?

New Speaker ([00:08:14](#)):

PC Laquita Stec ([00:08:15](#)):

No

New Speaker ([00:08:15](#)):

George?

PC George Ponte ([00:08:15](#)):

No.

New Speaker ([00:08:17](#)):

And Mike, No. For the record, the planning commission conducted a site visit on July 28th, 2021. Besides the site visit, has any member of the commission had any ex parte contact with the applicant or any member of the public regarding this matter? Gary?

PC Gary Bedortha ([00:08:33](#)):

No.

New Speaker ([00:08:33](#)):

Susan?

PC Susan Hermreck ([00:08:33](#)):

No.

New Speaker ([00:08:35](#)):

Laquita?

PC Laquita Stec ([00:08:35](#)):

No.

New Speaker ([00:08:36](#)):

George?

PC George Ponte ([00:08:36](#)):

No.

New Speaker ([00:08:37](#)):

And Mike is no. Does any com commission member have any bias, prejudice, personal interest or conflicts of interest to disclose? Gary?

PC Gary Bedortha ([00:08:50](#)):

No.

New Speaker ([00:08:51](#)):

Susan?

PC Susan Hermreck ([00:08:52](#)):

No.

New Speaker ([00:08:52](#)):

Laquita?

PC Laquita Stec ([00:08:52](#)):

No.

New Speaker ([00:08:53](#)):

George?

PC George Ponte ([00:08:54](#)):

No.

New Speaker ([00:08:55](#)):

And Mike, is a no. Lastly, this normally isn't an issue because we don't have this many hearings on a single matter, but our code requires that if any planning commissioner missed any public hearings on the matter before them, that the member declare that they have reviewed the record in its entirety and announced that they have done so prior to participating. Are there any planning, commissioners who missed a meeting that need to make such declaration?

PC Susan Hermreck ([00:09:21](#)):

Yes. I had a family matter on February 23rd so on February 25th, I used the audio tapes of the meeting and listened to them.

PC Michael Warren ([00:09:35](#)):

Okay. And I also, Mike Warren, missed the deliberations on the comprehensive plan amendment on September 22nd, 2021. And one of the continuances on file number 2 1 7 2 1 0 0 0 5 7 3 on January 19th. However, have also reviewed the record of its entirety. Are there any members of the public or on the phone who wish to challenge any member of the commission on any of the items on the agenda relating to ex parte contacts, personal knowledge, personal interest bias or prejudice?

Speaker 5 ([00:10:10](#)):

I have one question, Billie Johnson, Windy Acres Dairy Farm. Initially, when we started this whole hearing, I thought Gary had exempt himself from it because he had mining issues, um, from the property that he has up in Post - Paulina. And I don't know for sure if that was the case, but I wanted to know if that was or wasn't.

PC Gary Bedortha ([00:10:35](#)):

Uh, no, I stated at the beginning that we have a rock pit.

Billie Johnson ([00:10:40](#)):

Okay.

PC Gary Bedortha ([00:10:41](#)):

As a conditional use permit with the county, but it's a different type of rock and it's way at the other end of the county.

Billie Johnson ([00:10:48](#)):

Okay. I just wondered where that had gone because I never did ever hear. And when I was looking back through, I wasn't sure that

PC Gary Bedortha ([00:10:56](#)):

There was no challenge, no challenge at the time when I stated it.

Billie Johnson ([00:11:00](#)):

Okay. Thank you, Gary.

PC Michael Warren ([00:11:05](#)):

Okay. And we still don't have anybody on the phone.

Staff Hannah Elliott ([00:11:07](#)):

We did gain a caller on the phone and I've sent them a request to unmute themselves, but they have not unmuted themselves.

PC Michael Warren ([00:11:14](#)):

Okay. So hearing none we'll move on. Staff please mute the phone lines. Approval criteria. A complete list of the applicable approval criteria is available in the staff report provided by staff last week and available on the planning commissions website. Crook county title 18 zoning, chapter 18.08 definitions, chapter 18.16 exclusive farm use zones, EFU two lone pine areas in EFU, chapter 18.1 44 aggregate resource sites, chapter 18.16, conditional uses chapter 18.172 administrative provisions chapter 18.18. Transportation

PC Michael Warren ([00:12:12](#)):

Crook Prineville area comprehensive plan chapter three, land use agricultural, pages 40 through 47 policies for agricultural areas of crook county goal five aggregate sites is amended by ordinance 328, February 2nd, 2022, Oregon revise statutes 215.283 2 B and ORS 215.298, administrative rules OAR 660 -16 and 660-33-130 Order of proceedings. As discussed already, since tonight's hearing is only for deliberations we will start with a presentation by staff before entering into deliberations. We'll now begin with staff's presentation. Do any of the planning commissioners have questions for staff? I guess we could let you do your presentation. I might of went one sentence ahead.

Director Will VanVactor ([00:13:14](#)):

So, um, for the record, Will VanVactor community development director for crook county. You have a large stack of slides in front of you. I'm not gonna spend very much time on these. So, um, don't worry. I

know it might have looked intimidating, but I'm gonna go through these pretty quick. The intent of what is in this PowerPoint presentation is that it be a resource for you guys as you deliberate. I have the code provisions in there. I have links to the exhibits. So as you guys deliberate, if there's anything you want us to pull up, um, we can do it, uh, quickly during your deliberation. So don't worry this isn't gonna be very long staff presentation. I'll make it as quick and painless as possible. Um, as, as, uh, chair Warren noted during his opening comments, this is application file number 2 1 7 2 1 0 0 0 5 7 3 P L N G.

Director Will VanVactor ([00:14:10](#)):

The request is for a conditional use permit for an aggregate mining site on, the subject property, which, chair Warren read the, the address and the tax lot number into the record. Previously, the applicant is proposing to phase in mining to allow, uh, continued use of the property for agricultural production and, to reclaim the site for agricultural use. After the mining operation ceases, the applicant is knife river corporation Northwest, and the owners are Robert and Lonnie Vanier here. The zoning is E U two on the next slide. Uh, there's a map of the location and again, the address and the map and tax lot number are divided there. Uh, at this point, I think you all are familiar with the, with the location, just a quick, uh, couple comments on the procedural history, uh, between the comprehensive plan amendment and the conditional use permit. There's been significant public process. As you can see up there, there have been a number of hearings, uh, both with the planning commission and in front of the county court. Uh, prior to the February 23rd hearing, we renoticed both the February 23rd hearing and of this hearing tonight on March 16th, to neighbors, and parties as well as publishing it in the paper. So we provided plenty of opportunity for folks to be informed and participate.

Director Will VanVactor ([00:15:40](#)):

So just in summary, there's, there's been a lot of public process, um, and there's a significant record in this case. I think the county has done a really good job of making sure everybody's had an opportunity to be heard in this case. The applicable approval criteria. This is just a slide listing the applicable approval criteria that Chair Warren has already read into the record. The following slides include the specifics of each of those criteria. I'm not gonna spend a lot of time on any of those slides, unless you guys have questions. Again, the intent is just to have them here in case you guys want us to pull them up during your deliberations, but I'll run through 'em just kind of quickly. So crook county code 18 16 0 1 0 is our use table. It identifies in the EFU zone that operations conducted for mining crushing, stockpiling of aggregate and mineral resources is a conditional use, subject to planning commission hearing. Next slide is for CCC 18 1 16 0 1 5, subsection 11, which applies specifically the mining operations in the EFU zone.

Director Will VanVactor ([00:16:51](#)):

Next slide is eight CCC, 18 16 0 2 0. This is the conditional use review criteria that applies to conditional uses in the EFU zone. That font up there is really small. If you'd like us to pull up a, a larger version of it during the deliberations, or at any point, we can do that. The next slide is 18 1 4 4 0 4 0 approval and review criteria. This applies to, uh, applications for aggregate sites in the county. So this is moving from the EFU zone criteria to the aggregate, criteria and this chapt is the approval and review criteria. So it's more it's geared towards the aggregate resource sites. Next slide is just a continuation of that same previous code section. Next slide again, it's chapter 18.144. These are the approval procedures. So kind of walks you through the process and some of the requirements for approving an aggregate site. Of note on this one, subsection four states that the hearing authority shall deny approval only if the requirements of this chapter or the ESEE analysis are not, or cannot be satisfied by the proposed application.

Director Will VanVactor ([00:18:22](#)):

That's just something to keep in mind as you deliberate. The next slide is, I'm going through these really fast, but feel free to interrupt me if you have any questions. Next slide is, again, is just a continuation of that previous section 18 1 4 4 0 4 0 approval procedures. Next slide, same thing is the continuation of those approval criteria. Next slide is 18 1 44, 0 6 0, really small font up there. These are the development standards that apply to aggregate sites and establishes the minimum requirements for operations. The next slide is just a continuation of that same section 0 6 0. Again, next slide, same thing, same thing. So just that's a longer section. So a number of slides there. So now we're up to the conditional use approval criteria in chapter 18, 1 60 2 0. These are the general criteria that apply to conditional uses generally in the county. Next slide are general conditions that can be applied to a conditional use application. That's per county code 18 1 60 0 3 0. This allows a hearing authority, t planning commission, to impose, conditions to avoid detrimental impact and to protect the interest surrounding area or county as a whole. Next slide is just a continuation of that same general conditions section.

Director Will VanVactor ([00:20:13](#)):

Next slide are the standards that govern conditional uses. There's a subsection within that section that applies specifically to mining quarrying and other extraction activity. And then lastly is, uh, transportation impact analysis, Uh, 18 180 010. And the last slide is that same code section. So we got all the code sections up there. If you guys want pull 'em up while you're discussing, uh, you can do that. Did you guys, I know I ran through that really quick, uh, intentionally, but if you have any questions About any of that language at this point, Let me know.

New Speaker ([00:20:58](#)):

Does anybody have any questions? Okay, not yet.

Director Will VanVactor ([00:21:03](#)):

All right. The next slide. This is a list of the exhibits that the county court received. that the planning commission at the February 23rd hearing, voted to incorporate into the conditional use permit application. So the complete list goes on in the next slide. It's 35 through 66. We have links to all of those exhibits. So if you guys want us to pull 'em up, we can do it.

Director Will VanVactor ([00:21:36](#)):

Those exhibits are summarized in, in the staff report that you received last week. The next slide is a list of the exhibits that the planning commission received during the open record period in response to receiving those previous exhibits. So exhibits 67 through 80, that includes exhibit submitted during the initial open record period, which closed on March 2nd, as well as the applicant's rebuttal and final argument. I believe the exhibits, exhibit 72 through 80 are the applicant's final argument and rebuttal. And again, those exhibits are summarized in the staff report that was presented last week. Did you Folks have any questions about any of the exhibits that we've received?

New Speaker ([00:22:40](#)):

No. Um, the staff report, the latest staff report is what you gave us last week?

Director Will VanVactor ([00:22:45](#)):

Yes, it should be dated March 9th.

New Speaker ([00:22:48](#)):

Yeah. Okay. Anybody have any questions yet?

Director Will VanVactor ([00:22:53](#)):

Next slide, just kind of touches on ordinance 328, which was the county court's decision to add the subject property to the county's inventory of aggregate sites, consistent with the recommendation from the planning commission that the county court add the subject property to the county's inventory as a 3B site.

Director Will VanVactor ([00:23:25](#)):

The program to achieve is focused on minimizing impacts. So let me take a step back, sorry. The ordinance ordinance 328 includes findings of fact, and conclusions of law walks through the four steps that you have to do when you do the ESEE analysis and add a subject property to the county's inventory. The final step importantly for us tonight, the county is tasked with adopting a program to achieve. Um, so in this case, as noted in that ordinance 328, the program to achieve is focused on minimizing impacts to the conflicting uses, as those uses exacerbate the impacts to the resource site. Compliance with this program that achieves is essential to allow the resource materials to be extracted in relative harmony with the conflicting uses. The program must ensure that best practices are observed in an effort to avoid harm to groundwater. That's just a couple lines pulled out of ordinance 328, or rather the findings of facts. As you guys reviewed ordinance 328 did you have any questions about it.

PC George Ponte ([00:24:41](#)):

So, one of the things I've been struggling with after reading 328 is what is our planning commission's decision space in terms of conditional uses. And this the fourth bullet there, compliance with the program goes on, kind of tells me that our, our decision space is pretty, pretty narrow.

Director Will VanVactor ([00:25:07](#)):

I think that's a fair summary. I think it is. It is relatively narrow.

Ann Beier ([00:25:29](#)):

Can we go back to 18 one?

Staff Hannah Elliott ([00:25:34](#)):

Do you know what slide number that is Will?

Director Will VanVactor ([00:25:37](#)):

I'm looking at 11, actually it's slide 10

Ann Beier ([00:25:43](#)):

For the record this is Ann Beier and just know that this particular issue has been the subject of a lot of conversation with our county assistant attorney, John Eisler who prepared the program to implement and has been really helpful in helping us address how the conditional use ties to that. But I think this language is what gives us a lot of guidance, I guess I'd say.

Director Will VanVector ([00:26:18](#)):

Yeah. So sub subsection three, um, states to the extent compliance with the approval criteria of the section Has been determined as a part of the Identification and resolution of conflicting uses and development of a program to achieve goal compliance and comprehensive plan. The determination shall be binding until changed by amendment to the plan. There's some other language though.

Ann Beier ([00:26:44](#)):

Yeah. It says it has to be consistent with, is that in the, 18 1 44 0 4 0 1 sub B?

Director Will VanVector ([00:27:18](#)):

That sounds correct.

Director Will VanVector ([00:27:21](#)):

Yeah. So slide slide nine. The proposed use must be consistent with the applicable ESEE analysis and conditions contained in the comprehensive plan and in the event conditions imposed on the mining use by the comprehensive plan to mitigate mining impacts on specific conflicting uses are less restrictive than conditions necessary to address these same impacts under the standards of this section, the conditions imposed by the comprehensive plan control. So that kind of narrows your decision space. Does that answer your question?

PC George Ponte ([00:27:58](#)):

It does.

PC Gary Bedortha ([00:28:02](#)):

Um, to elaborate that on, have we not always been under those guidelines any time we do a, a conditional use permit, this criteria hasn't changed it, maybe specific to the project that we've, we live by the same,

Ann Beier ([00:28:19](#)):

So 18,000 1 44 only applies to aggregate sites.

PC Gary Bedortha ([00:28:24](#)):

So that's the change.

Ann Beier ([00:28:26](#)):

Yep. Yep. So other conditional uses don't have this check back to the comp plan amendment

PC Gary Bedortha ([00:28:34](#)):

But we do the ESEEand everything else, I mean, okay.

Director Will VanVector ([00:28:38](#)):

It would apply to other aggregate requests, not necessarily other conditonal use permits.

Ann Beier ([00:28:43](#)):

Yeah, and other comp plan amendments that require an ESEE analysis. I think that's specifically Goal 5, and yeah, it's makes your brain hurt.

PC Michael Warren ([00:29:00](#)):

So I think we were on slide 27. So moving on to 28. These next few slides are just language from that program to achieve that was adopted as part of the comprehensive plan, that most of these well, all of these conditions should probably be included as conditions in the condition use use permit. So there's conditions on site plan and water rights. Next slide has conditions for setbacks, traffic, berms, dust mitigation. Up to 31. Sorry, Hannah.

Staff Hannah Elliott ([00:29:35](#)):

It's okay. I'm following.

Director Will VanVactor ([00:29:35](#)):

We're moving fast.

Staff Hannah Elliott ([00:29:37](#)):

I got it.

Director Will VanVactor ([00:29:38](#)):

Noise, reclamation, and then of course, groundwater. On slide 34, there are a few conditions that we've recommended in the staff report that you guys may also want to consider. Some conditions relating to security, surface water, weed control, emergency management, archeological and cultural resources. And then the haul road. The Roadmaster has suggested that the internal haul roads be 24 feet wide to allow the passage two trucks. It's just something you guys might want to discuss. And that is a very quick run through of the 38 slides. So I acknowledge I went fast, but I wanted, wanted to get you guys where you could deliberate. I'm happy to answer any questions the planning commission has at this point. Any other questions?

PC Gary Bedortha ([00:30:54](#)):

First one, when the county court approved the resource, they specified no Saturday, and I noticed both in the staff report in your applicable criteria, it states Saturday. Is that just a typo or is that something we missed?

Ann Beier ([00:31:13](#)):

I believe a typo.

New Speaker ([00:31:14](#)):

Okay.

PC Laquita Stec ([00:31:15](#)):

It's not there.

Ann Beier ([00:31:16](#)):

It says no weekends and no holidays.

PC Laquita Stec ([00:31:23](#)):

Where? It's not in the conditions.

Ann Beier ([00:31:26](#)):

Could be in the staff report.

New Speaker ([00:31:26](#)):

PC Laquita Stec ([00:31:29](#)):

It was in the county court stuff.

PC Gary Bedortha ([00:31:38](#)):

Yeah, I know this ain't gonna, but then again I've read several staff reports. And my other question was, and I'm pretty sure I know the answer is what we've done. The assumption is that this is an expansion. So, the criteria from the Woodward conditions stay with the new property. I mean,

Ann Beier ([00:32:02](#)):

Mm-hmm,

PC Gary Bedortha ([00:32:02](#)):

That's what I thought. So I just wanted to be clear that this is a new application, so

Director Will VanVactor ([00:32:07](#)):

Is a, this is a new

PC Gary Bedortha ([00:32:08](#)):

They're on,

Director Will VanVactor ([00:32:10](#)):

This is not a modification of

PC Gary Bedortha ([00:32:13](#)):

Nope, and that's what I thought, but I just wanted to make sure that conditioning.

PC Michael Warren ([00:32:21](#)):

So I don't think the operating hours made it into the slides, but.

Staff Hannah Elliott ([00:32:25](#)):

It's on.

Adam Mikulski ([00:32:25](#)):

29

PC Gary Bedortha ([00:32:29](#)):

They did make it in

PC Laquita Stec ([00:32:32](#)):

Saturday was just.

Karen Mikuslki ([00:32:33](#)):

There was nothing.

PC Susan Hermreck ([00:32:36](#)):

you're right, there was nothing, it just said

Director Will VanVactor ([00:32:39](#)):

I failed to get it in,

PC Susan Hermreck ([00:32:41](#)):

But it was

PC Gary Bedortha ([00:32:42](#)):

And it was a conditioned

PC Susan Hermreck ([00:32:44](#)):

And I noticed that too.

PC Gary Bedortha ([00:32:45](#)):

Yeah.

PC Susan Hermreck ([00:32:46](#)):

That it was Saturday and it was hours

PC Laquita Stec ([00:32:47](#)):

but condition number four in the staff report operating hours, it doesn't say anything about Saturday,

PC Gary Bedortha ([00:32:53](#)):

Saturday, and that's, I noticed that too, but I just wanted to make sure we,

PC Susan Hermreck ([00:32:57](#)):

I do think, yeah

PC George Ponte ([00:32:57](#)):

Doesn't number four state no operation shall be conducted on weekends or specific holidays.

PC Susan Hermreck (00:33:03):

Yes

PC Laquita Stec (00:33:03):

Yes.

Director Will VanVactor (00:33:03):

It's in

PC Gary Bedortha (00:33:05):

So on page 16 of the staff report, hours of operation, and it does, it just says Saturday

PC Susan Hermreck (00:33:16):

So I think that's back of

PC Laquita Stec (00:33:16):

page 27

PC Gary Bedortha (00:33:17):

16.

PC Laquita Stec (00:33:19):

Where the findings are at

PC Gary Bedortha (00:33:21):

I just, with staff reports, I just wanted to make sure I was clear on that, so

Ann Beier (00:33:31):

Good catch, thank you.

Director Will VanVactor (00:33:32):

Yeah. Thank you.

New Speaker (00:33:33):

And that was my question, just uh.

New Speaker (00:33:37):

Okay, Laquita did you have any questions for staff?

PC Laquita Stec (00:33:40):

Yeah, going back to Ordinance 328, page three of 138, when they're talking about the, baseline water, quality testing and TRO and everything. Um, there's a footnote for number 11 and that says, uh, hydrologic report table three also identifies an additional 39 Wells within a half in the mile of the subject property that share the same aquifer and could have possible adverse impacts in the absence of mitigation measures. Now, is that something we need to pay attention to? Or why would, why is it there?

Ann Beier ([00:34:29](#)):

So, I added the footnote. This is Ann Beier, for the record, just so that when the plan, when the county court made their decision, they knew that these other Wells had been identified, but they chose not to extend the groundwater protection agreement, requirement, to those additional Wells. The plan amendment requires you to look at a 500 foot impact area. So these were all outside that impact area and beyond what the, the plan amendment was was addressing. Is that your understanding, Will?

Director Will VanVactor ([00:35:10](#)):

Yeah, that sounds

PC Laquita Stec ([00:35:12](#)):

Okay. So we don't need to hear about that. Is it still my turn?

New Speaker ([00:35:20](#)):

Yeah. You go ahead.

PC Laquita Stec ([00:35:21](#)):

Okay. The staff report, page 13, and I have another question. If I can tell, Oh, that's what it was, page 13, under 3 C impact. And this is, uh,

New Speaker ([00:35:53](#)):

What page are you on? Uh, 13,

PC Gary Bedortha ([00:35:57](#)):

Staff report?

PC Laquita Stec ([00:35:59](#)):

Under three small C of the staff report dated March 9th. It says mining operations will impact the surrounding area for five to ten year duration during mining operations, and then be reclaimed. Um, and there are other places where it says on page 16, 6(a)ii it says five to 10 years that in the other information, and I didn't write down the page number when we're talking about the groundwater guarantee, they're talking about five years. So, what happens? Am I getting too far ahead?

Director Will VanVactor ([00:36:50](#)):

No, no, I, I'm not sure I've found where you are.

New Speaker ([00:36:53](#)):

Yeah, I'm not sure is it the first page.

Staff Hannah Elliott ([00:36:55](#)):

13.

New Speaker ([00:36:55](#)):

Oh, you were on 13.

PC Gary Bedortha ([00:36:56](#)):

You're not on the staff report.

PC Laquita Stec ([00:36:58](#)):

I am on the Staff report dated March 9th, amended staff report, conditional use aggregate mining operation, March 9th.

Ann Beier ([00:37:11](#)):

So chair Warren, if I might, I think the applicant has stated that the mining activity will take five to 10 years. The groundwater protection guarantee agreement is still being negotiated by the county and the applicant. So if that's a concern that the timing doesn't match, there is the opportunity to ensure that that longer time period be part of the county's, um, request on this groundwater protection guarantee, because that's not done yet. That is not finalized.

PC Laquita Stec ([00:37:59](#)):

That's something that we need to think about, maybe.

PC Susan Hermreck ([00:38:02](#)):

And I think at least from the record we have in front of us, the, the mining operation is expected to go five to 10 years, depending on demand is my understanding. So

PC Laquita Stec ([00:38:16](#)):

And under condition 10 groundwater on page 29, says all data, which shall be maintained on file by the operator for five years. So shouldn't that be for the length of the project Until reclamation has been completed or something a little more narrow

Ann Beier ([00:38:39](#)):

Can certainly pass that on to county council, who's working on that agreement.

PC Michael Warren ([00:38:43](#)):

Laquita, I'm still not.

Staff Hannah Elliott ([00:38:49](#)):

I am lost too.

PC Susan Hermreck ([00:38:50](#)):

You know what, I don't have 26 on the web. I have, they don't give you page numbers this way. I just thought I'd go to.

New Speaker ([00:38:59](#)):

Because the staff report doesn't even have a page 29.

PC Laquita Stec ([00:39:02](#)):

This is my amended staff report.

PC Susan Hermreck ([00:39:04](#)):

No, this is the amended staff report dated, but there's no

PC Laquita Stec ([00:39:09](#)):

So, we got it from you guys.

PC Susan Hermreck ([00:39:10](#)):

What is you heading on it.

PC Laquita Stec ([00:39:13](#)):

What?

PC Susan Hermreck ([00:39:13](#)):

What's the heading on that, Just so, because I don't have a page number

PC Laquita Stec ([00:39:15](#)):

Well, it doesn't have a thing number.

PC Susan Hermreck ([00:39:19](#)):

It's right after though, I see where it is. Okay. It's right after here.

Staff Hannah Elliott ([00:39:24](#)):

Oh yeah. I think you're printing your printer went whacko.

Director Will VanVactor ([00:39:27](#)):

Maybe your font got enlarge a little bit.

PC Gary Bedortha ([00:39:30](#)):

So, is Laquita's correct or wrong or how do we.

Staff Hannah Elliott ([00:39:34](#)):

Hers is correct, but the page numbers are wrong because they kind, her printer printed bigger font.

PC Laquita Stec ([00:39:40](#)):

Well thank you, I appreciate that.

PC Susan Hermreck (00:39:42):

Her font, it's, I don't know why it was so wrong.

Staff Hannah Elliott (00:39:46):

It was a word doc.

New Speaker (00:39:52):

<Inaudible uncontrolled chatter>

Ann Beier (00:39:53):

On page 25 of the staff report that everybody else has. It's kind of at the top of the page. Um, second it's the full, the first full paragraph. The last sentence mentions five years and so we'll circle back with county council, if that's your recommendation to ensure that those timeframes match up. But thanks for catching that.

PC Laquita Stec (00:40:23):

So you guys are on, that would be what, 26 for you?

Ann Beier (00:40:27):

I think it was 25 for us.

PC Laquita Stec (00:40:29):

Okay.

Ann Beier (00:40:29):

And it's, uh, ground water is Condition 10

PC Laquita Stec (00:40:37):

And that's why I was having trouble following your slide presentation, cuz your number page weren't mentioned up in months. <laugh> um, wait theirs's more. So That page, Page 20, you take three, You have a condition for me, Probably your it's where it talks about under Lasting, such your, those, I dunno how we're gonna match up development. That what it is, development heart. Well, it says that Dr. Page, <Inaudible uncontrolled chatter>

PC Laquita Stec (00:41:39):

It's my 10 from the development department. What are you calling standards?

Ann Beier (00:41:48):

So I think it's probably on our page 17, possibly number 10. That what you figure at

Ann Beier (00:42:02):

On page 17, the surface and ground water management.

Speaker 9 ([00:42:06](#)):

Yes. There we go. Your page 17. Got <inaudible uncontrolled chatter>

PC Laquita Stec ([00:42:14](#)):

That's a heading on the page. Uh, it talks about blasting And then, and surface and groundwater. And that's the part where I had a question.

PC and Staff ([00:42:45](#)):

<random, uncontrolled, inaudible chatter>

PC Laquita Stec ([00:43:26](#)):

Oh good. All my notes are on this one. Uh, water management for the post operation is addressed in the mine Hydraulic hydro hydrogeologic report submitted with the application DOGAMI and DEQ will regulate and monitor conditions related to surface and groundwater for mining operations on the subject property. So the question I had is when and how? Is there a way to be more specific about what, what they're monitoring and when they're monitoring it?

Staff Hannah Elliott ([00:44:04](#)):

Will, did you leave your copy in your chair? Is that what you said?

Director Will VanVactor ([00:44:07](#)):

It's on one of the chairs by the conference table.

Ann Beier ([00:44:16](#)):

So I think what happens next, if you approve the application, the applicant then submits applications to department of geology and department of environmental quality. If those two agencies issue permits, those permit conditions would dictate the monitoring schedule and what constituents were being monitored. The groundwater protection agreement that is being established as jointly between the county and the applicant has some specific language about how often things are monitored and what constituents are monitored. Um, those may not be the same things that department of environmental quality looks at, but they were things that were important, um, for the county on this site. So that's the monitoring of the wells within the impact area and the springs. Um, we don't have any real way to monitor surface water and there's no surface water on this particular site. Department of environmental quality may require some kind of storm water permit and this is where I may be getting outta my league. But, um, the, that agency would dictate what those monitoring, uh, requirements are and what they're looking for. Okay. So I probably am not answering your question, but um,

PC Gary Bedortha ([00:45:56](#)):

Can I inject into that question if, if we were to approve this, could we make the the well, um, mitigation part of their application to DOGAMI? Can it be, I mean, I know DOGAMI has certain criteria they look at and it doesn't, they don't care what we do particularly, but, um, is there a way to tie them together?

Ann Beier ([00:46:24](#)):

Um, I think department of geology has said on some parameters that they're very interested in the county's input. So when, when department of geology applies for their permit from, um, when, when knife river applies for their DOGAMI permit, um, we have to sign off on a land use compatibility statement that says if they do everything in this, conditional use permit, they're good with the county. So DOGAMI has to take your conditional use permit into account in making their decision. Um, there's a mechanism for the county to monitor that permitting process. So we would get notice that DOGAMI is reviewing a permit application for knife river. And we could look at what DOGAMI was, um, projecting or permitting and say, wait a minute, you forgot about this groundwater agreement. So there's, there's a kind of, um, way for local government to participate in that permitting, um, to say you have to, you know, we said it was okay, but only if they met these 15 conditions. So does that make sense? It's not a clear, we can tell DOGAMI you have to do this folks. Um, but we can't say this is what we approved. You need to roll these into your, your app.

PC Michael Warren ([00:48:06](#)):

But do we need to tell 'em that? Or they look at what our decision was?

Ann Beier ([00:48:09](#)):

Um, you can, you can put some language in that says by the way, you know, we think that the only way this meets our conditional use criteria, you have to tie it back to the criteria is if they do these five things, um, they could still do this and wiggle their, you know, us.

PC Gary Bedortha ([00:48:32](#)):

But I think the bite would be by doing that, is that till knife river, when they ask for the complete sign off the DOGAMI's gonna say, well, here's the condition? Have we met that for sure.

Ann Beier ([00:48:45](#)):

The other thing we haven't paid much attention to and we kind of skipped over it is in 18.1.44 there is a bunch of words on enforcement. Okay. And that enforcement is the county's enforcement tool. So any conditions you put in a conditional use, permit are subject to the very specific enforcement provisions of 18.1.44. And our county council reminded me that in addition to our code compliance officer, we now have a hearings officer. So our enforcement actions no longer get in line at circuit court. They, they can be sort of, um, streamlined to a hearings officer Will, you can probably talk more about that process, but we, we have more teeth than we probably have used in the past.

PC Gary Bedortha ([00:49:48](#)):

So the county's is not bonding, it is circuit court. If at the end of the day, if they're all signed off and done and it becomes a problem and they're gone, I mean, you have a means to go after the company, is that correct?

Director Will VanVactor ([00:50:07](#)):

We have, we do have the hearings officer process. So if there's a violation, it goes to code compliance, and then, you know, there's an opportunity to correct the violation. It wouldn't go to certain court under the current system. It would go to hearings officer, but you know, there'd have to be a clear, there'd have to be a violation of an approval.

PC Laquita Stec ([00:50:33](#)):

What you were saying. The agreement is gonna be between the county and the applicant. And so that's the county's hammer

Ann Beier ([00:50:48](#)):

Specific to groundwater

PC Laquita Stec ([00:50:50](#)):

Yeah, groundwater. Just groundwater.

Ann Beier ([00:50:53](#)):

Yeah.

PC Laquita Stec ([00:50:54](#)):

To the agreement, the groundwater guarantee agreement.

Ann Beier ([00:50:56](#)):

Mm-hmm.

PC Laquita Stec ([00:50:57](#)):

so, well, that makes me have another question. So if the groundwater protection agreement or the groundwater guarantee is only between the county and the applicant, so what is protecting the surrounding property owners who are supposed to be benefiting from it?

Ann Beier ([00:51:20](#)):

So we've only seen a draft of the groundwater protection agreement and, and that's, I just, I can't,

Director Will VanVactor ([00:51:32](#)):

I think a breach of the groundwater agreement would jeopardize the conditional use permit.

Ann Beier ([00:51:40](#)):

It ties it

PC Laquita Stec ([00:51:42](#)):

Well, if you wait. Yeah. So, well, you can't have an agree with, with someone if they haven't agreed to it. So I'm, I was in the, I forget what exhibit it was that original. It was exhibit 24 and exhibit 74, I believe. No, the proposed condition of approval groundwater guarantee. And then there was an outline about the groundwater guarantee and it talks about the things they're going to do, but it doesn't talk about do the, uh, surrounding property owners agree to it, to haveing their wells and springs and whatever monitored. So is that in there somewhere?

Ann Beier ([00:52:33](#)):

It is in there that the parties have to agree to monitoring, cuz you don't want people just coming on your property, testing your well whenever. Um, so they would agree to that monitoring. Then if something went wrong, if we saw different, um, chemical components or a large drop in groundwater that would trigger a process, um, that I believe would involve the state agencies and a, sort of, um, unbiased engineer, if there is such a thing. So somebody who's not working for the applicant. Not working for the county, not working for the individuals to really get into the data and see what's going on. Um, and I think what we've heard is that for the five, wells, three wells and two springs, if something's affected and, and there's that causal relationship, that's kind of the burden of the county to prove that relationship that the applicant will make good for those on those wells. Um, but again, I haven't seen the final agreement. Any agreement will have to be signed by our county court. So there is, it's not just staff saying, yeah, that looks great. Um, the county court will have to sign off on it. This is something we've never done before. So, um, there are a lot of details to be worked out.

PC Laquita Stec ([00:54:16](#)):

So, so who's the cop, who blows the whistle?

Ann Beier ([00:54:20](#)):

So hopefully by having monitoring data that we all see.

PC Laquita Stec ([00:54:26](#)):

Yeah, but when do you all see it is what I'm saying.

Ann Beier ([00:54:28](#)):

I think one of them is monthly and one of them is quarterly or I, I, can't not gonna, but so, so it's not quite real time data, but it's pretty close. And if you see your trend going like this, then the county becomes the cop.

PC Laquita Stec ([00:54:46](#)):

Okay. So in addition to DEQ or whoever getting all these things, the individual property owners will also get a copy of it on a regular basis

Ann Beier ([00:54:56](#)):

If they say sure, monitor us

PC Laquita Stec ([00:54:59](#)):

Then they'll receive that information

Ann Beier ([00:54:59](#)):

Yeah. That's part of the agreement. I don't think I'm jumping ahead on that. I think that was pretty much, but it is still in progress because we haven't done this before.

New Speaker ([00:55:13](#)):

So, but it's still one of our conditions.

Ann Beier ([00:55:21](#)):

Yeah.

New Speaker ([00:55:21](#)):

That this agreement is met, so.

Ann Beier ([00:55:23](#)):

Yes.

PC Susan Hermreck ([00:55:24](#)):

So how do you approve a conditional use permit when you really don't have that?

Ann Beier ([00:55:29](#)):

Until you can

New Speaker ([00:55:29](#)):

I mean, how do you do that? Because if you're right, it's an agreement and that's the main thing is the groundwater, that's your whole hangup here? How do we make it? There's a lot of, he said, she said material in here.

Ann Beier ([00:55:42](#)):

Yeah.

PC Susan Hermreck ([00:55:42](#)):

From all kinds of different geologists, how do we make a decision when that agreement hasn't even been worked out?

PC George Ponte ([00:55:50](#)):

Well, I have a related question to that. So how is this different from solar farm where the ODFW and the applicant were told to go figure out a mitigation plan that came back kind of came back because it wasn't open to a public process. So this agreement is being negotiated by several parties, but public, since it's not complete and subject to public review, are we opening ourselves to the same situation or difficulty? Or is it different because it's the county, and

PC Susan Hermreck ([00:56:31](#)):

It's not a land use decision, so it doesn't, it's part of your decision, but it's, it's,

PC Michael Warren ([00:56:39](#)):

It's kind of no different than

PC Susan Hermreck ([00:56:41](#)):

It's the most important part though

New Speaker ([00:56:42](#)):

the fire type agreement that, I mean, that's far fetched, but we're just saying that they have to have this agreement in place. Correct. I mean, that's why our condition

Ann Beier ([00:56:55](#)):

Yeah. And, and, and before they break ground.

New Speaker ([00:56:55](#)):

New Speaker ([00:56:58](#)):

Right.

PC Susan Hermreck ([00:56:58](#)):

Yeah

PC Gary Bedortha ([00:56:59](#)):

So actually the condition will be that, uh, all parties agree to the mitigation plan. Would that be correct? Or just the county and the applicant

Director Will VanVactor ([00:57:16](#)):

It would just be the county court and the applicant, and I think

PC Gary Bedortha ([00:57:24](#)):

with no appeal?

Director Will VanVactor ([00:57:24](#)):

a condition would need.

Director Will VanVactor ([00:57:25](#)):

go ahead, sorry

PC Gary Bedortha ([00:57:25](#)):

With no appeal?

Director Will VanVactor ([00:57:29](#)):

With no, well, there would be, the decision would need to go to county court for review and approval.

Ann Beier ([00:57:41](#)):

So that would be a hearing of facts

Director Will VanVactor ([00:57:45](#)):

There would be

New Speaker ([00:57:45](#)):

Billie Johnson ([00:57:46](#)):

Cuz I'd go out of business

Director Will VanVactor ([00:57:48](#)):

Um, they would need to do that before the mining operations started, they'd have to go to county court and get county court's approval for the ground water guarantee. I'm kind of thinking out loud, but I'm wondering if there's a way we could write the condition. Um, So that the planning commission get, gets to review the groundwater guarantee. It wouldn't if you, if you approved it. Um, but I, I just, I don't know, it's not a land use decision.

PC Gary Bedortha ([00:58:28](#)):

It's the county court's decision. I don't think we need to come back and hear it againnd then it goes to them, it's a mute point with that. I mean,

PC Michael Warren ([00:58:36](#)):

Well, and I, truly think 10, I mean, I know it sounds vague because we don't know what that agreement is, but it, the condition number 10 does say prior to mining, I mean, it says it has to be in place. And I think that's what we're after. Before they start mining.

Ann Beier ([00:58:56](#)):

And, and 10 is kind of an outline of the broad concept for this agreement, as I said, we haven't, this is kind of beyond land use. Um, but was an important issue that you heard and the county court heard. And so the lawyers are now trying to figure out what that agreement looks like. So if there are things you think need to be specified, like the length of time, um, we can make sure those get incorporated into the agreement. At least from the county's side, the applicant may say, heck, heck no, but, but, um, giving the county court and the county council the best direction at this time is appropriate.

PC Michael Warren ([00:59:46](#)):

Well, and that's kind of what I was thinking is cuz in that very last paragraph, when it talks about, it talks about county council to finalize, you know, if, if there is something that we feel needs to be in that for them to have some kind of boxes to check or whatever, I mean, I guess it could be added in there, correct. If, if it's timeframes that people are.

PC Gary Bedortha ([01:00:19](#)):

I guess it really does address it somewhat in the last paragraph of condition 10.

PC Susan Hermreck ([01:00:38](#)):

It does though say that the applicant will work with crook county. I mean, you're not talking about the neighbors. That will be impacted. So,

Ann Beier ([01:00:45](#)):

but, but remember all the exhibits and how many months of testimony we know what the neighbor's concerns are. Um, and those have been included in the record. Uh, so this is an attempt to address those issues within the impact area because that's where the county court had jurisdiction. Um, and it does describe that. I think it, it goes along toward addressing one of your earlier concerns, Susie, about, you know, why is the burden on the neighbors to provide evidence that something bad is happening? It's an attempt to make sure that the neighbors don't bear the expense of that proof. It's really trying to say, you know, this is what the county is doing to try to protect your interests best way that we know how without putting that evidentiary burden on the neighbors.

New Speaker ([01:00:45](#)):

PC Susan Hermreck ([01:01:54](#)):

But you still have the hydrologist that was here, whatever day it was, way back when, from Colorado, when you discuss the flow and all of this, and you're going in with those cells and you're going right into there and you had very poignant testimony by a lady that's sitting in here in the back.

Ann Beier ([01:02:12](#)):

Yeah.

PC Susan Hermreck ([01:02:12](#)):

And all she said she wanted to do is to be able to turn on that faucet to water her cows when she's hauling in water with the price of diesel and stuff. She's out of business before the county and everybody gets together and figures this out. And that's a very, and you know, you're, you're, you're in that surface where, you know, I, I, I'm just, like I say, this retention thing, this deal about pumping into retentions and all of that, that's all, I don't know. There's a lot of scariness in there and, and I just don't know if the county's up to taking care of it as promptly as turning that faucet on for those cows. That's just.

New Speaker ([01:02:12](#)):

Ann Beier ([01:02:58](#)):

yeah, no, I, I hear you. And you know,

New Speaker ([01:02:58](#)):

PC Susan Hermreck ([01:03:02](#)):

I don't know how to say it any better. That's probably not said very technical, but it's, it's, it's the, it's the thing of the matter. And if her well's gone, what happens to the other adjacent properties? I guess we cut Laquita off. Laquita did you have more <laugh> we kinda just like, I took over I just

PC Laquita Stec ([01:03:23](#)):

Um, anyway, what we were talking about retention of data for five years, and my suggestion was that, um, so five to 10 years, or whenever the project is reclaimed or the reclamation of the entire project has been completed because according to the applicant, they were gonna do one cell at a time, close it so it can be reclaimed and then move on to the next cell. So won't reclaim that could drag on.

PC Gary Bedortha ([01:03:58](#)):

So it's probably the duration of the mining operation.

PC Laquita Stec ([01:04:00](#)):

Yeah. That's what I would prefer is the duration of the mining operation until reclamation has been completed.

PC Susan Hermreck ([01:04:08](#)):

How do you reclaim a cell, if that top soil is put into a berm and that berm is your buffer against the neighbors, how are you, how are you doing that? And that's exactly what happened at Woodward's is they brought in nonpermeable material and kept the berms. They didn't bring in the top soil. I've seen mining where you go in and do 35 to 40 feet. You mine out the aggregate, you come back with top soil and it becomes, in California, it becomes vineyards. And it's very vigorous, very good agriculture done very well, but you have that surface water. And in the case, the way that I understand it is they, and it was said by whoever was on the bus there at the time we went, they're not taking that because that's their berm that they've been required to put up. So you're not really gonna have that 10 acres and be growing lettuce on it next to 10 acres that's being mined. You're looking at five to 10 years of open ground.

PC Laquita Stec ([01:05:12](#)):

I can't explain it. That was their, their proposal

PC Susan Hermreck ([01:05:15](#)):

Yes. I mean, I understand, but it's, it's kind of on the reclamation. You do have that kind of where it is in those berms that are required. That's my understanding.

PC Laquita Stec ([01:05:29](#)):

Anyway, what I was trying to, wanted to say is not only the data should be kept that long, but the actual agreement should be enforce until everything's said and done,

PC Gary Bedortha ([01:05:43](#)):

You know, and maybe six months after that way, the trickle down effect. I doubt any yeah. They're gonna know by then, but I mean, maybe there's a way to do a closing of the mining operation that they'll be monitored or there's potential for litigation six months or whatever a person thinks for a timeframe.

PC Laquita Stec ([01:06:03](#)):

Well, I think they need to keep better track of, I mean, good track of what's happened because as of March 8th, we're now from extreme drought to exceptional drought, all of Crook County. So that's not a good thing.

PC Susan Hermreck ([01:06:19](#)):

Well, and one of the things that OWRD gave them that limited, uh, thing for, I can't remember how many millions of gallons and we're in the drought in they're considering not giving us farmers, any water and Oregon irrigation district and that kind of, kind of, uh,

PC Laquita Stec ([01:06:36](#)):

Scary

PC Susan Hermreck ([01:06:37](#)):

Well, a little bit more than scary. I know that I'm taking measures without, and I'm sure everybody else is here too, and I'm not in their water thing, But that was kind of a scary when I read that in the amount of water, that's, That's pretty bad. If the land next to you has to be fallow because there's no irrigation water.

PC Michael Warren ([01:06:59](#)):

Do, do we have any other questions for staff?

PC George Ponte ([01:07:02](#)):

Actually

PC Susan Hermreck ([01:07:03](#)):

George has had a question a long time

PC George Ponte ([01:07:05](#)):

I feel like I know the answer to, does the groundwater agreement need to be subject to public review?

Ann Beier ([01:07:14](#)):

So again, I think this is probably a John question, but it will be a public hearing presumably to allow the county to enter into agreement. Sometimes they put those on the consent agenda. Um,

Director Will VanVactor ([01:07:34](#)):

Yeah, I think it should be subject to a public hearing so people, folks can at least

Ann Beier ([01:07:43](#)):

See what it looks like

Director Will VanVactor ([01:07:43](#)):

See what it looks like and comment, that process is just gonna be geared towards ensuring that that groundwater guarantee is consistent with the program to achieve and need any modifications you guys may make for the length of time or whatever. But, so it's just gonna be based on the parameter set out by program they've achieved, but

PC Laquita Stec ([01:08:06](#)):

I have just one more question and it's on staff report, it's the item 12 surface water about keeping a spill kit, possible oil leaks and etcetera, um, kept near exposed water or should it be needed. And I would suggest that a log be kept of incidents along with spill kit. I don't know if that's something somebody else is supposed to keep track of or, but it might be good to know. Can we add that?

Director Will VanVactor ([01:08:55](#)):

That was for the surface water, what that was for the surface water?

PC Laquita Stec ([01:08:55](#)):

PC Gary Bedortha ([01:09:00](#)):

Yes.

PC Susan Hermreck ([01:09:01](#)):

Who's the log gonna be? Who's log gonna be, who's gonna read this log?

PC Laquita Stec ([01:09:04](#)):

Well, I think

PC Susan Hermreck ([01:09:06](#)):

Or enforce it?

Ann Beier ([01:09:07](#)):

It can be either maintained on site. Um, it can be a copy of any incident provided to the county. Um, we would, because we don't do a spill response we would either contact emergency management or DEQ. DEQ may already require these kinds of things as part of their permit process that goes along with the DOGAMI permit but you could certainly ask that the, any incident be reported to crook county community development and the, um, crook county fire and rescue does have a hazmat team.

PC Gary Bedortha ([01:09:53](#)):

It'd be good to have it on file in case becomes an issue of the ground water contamination.

Ann Beier ([01:09:57](#)):

Yes

PC Susan Hermreck ([01:10:02](#)):

I would be okay with that. It has to, but you'd have to have who who's who's who is this law for? Otherwise, it's just a book sitting there and not, not what do you wanna say policed, I guess. I don't know if that's the truth.

Ann Beier ([01:10:15](#)):

Good. Thank you.

PC Gary Bedortha ([01:10:18](#)):

Before we get too far away from the groundwater mitigation part, the assurances, can I ask just if can, can staff maybe see if they can't? I mean, one of my concerns is, is what Susie had said earlier is that if the landowner goes out and has to haul water until they get resolution, is there a way to reimbursements? I mean, needs to be something there to protect the landowner maybe a little bit, and I'm sure I'm sure the lawyers are already thinking of these things, but I'd feel better if we knew that one, there was protection for the landowner, that if they bear costs, reasonable costs can be recovered. If it's proven that the knife river was the cause of the, of the failure of the, well

Ann Beier ([01:11:13](#)):

Think there was emergency probation, but I can't remember

PC Laquita Stec ([01:11:17](#)):

One of the exhibits, I think exhibit 71, uh, Apparently was a concern about the water and the person stated last name Johnson, I think. And I wrote it wrong.

PC Susan Hermreck ([01:11:36](#)):

It's right there. It's right here.

PC Laquita Stec ([01:11:38](#)):

Okay. She was offered a sistern. Where is it.

PC Susan Hermreck ([01:11:46](#)):

Systems in our area freeze.

PC Laquita Stec ([01:11:48](#)):

While they're planning to drill three wells. Oh, anyway. So Is that

PC Gary Bedortha ([01:11:56](#)):

Just says cisterns in our area froze and of all kinds of problems? I don't know that it was offered, but

PC Laquita Stec ([01:12:01](#)):

Well. Yeah, but I mean, it's part of the remedy, it gives somebody cistern on their property?

PC Susan Hermreck ([01:12:09](#)):

You gotta have water to run in it.

PC Laquita Stec ([01:12:14](#)):

Yes, you do. So, is that something that could be, so if everything goes totally care shaped and the mitigation plan says they'll provide water for anybody who's without water at their expense from now until forever. Um, Does that mean that they put a cistern in somebody's yard?

Ann Beier ([01:13:01](#)):

So I think there are couple issues. One is a domestic water supply versus an agricultural water supply. And I think that's something they're still working on in the groundwater protection guarantee, because I think, um, Ms. Johnson has really clearly articulated her situation, which is different from a domestic, well going dry it's. I mean, I can go buy bottled water for me for a couple weeks, but when you have dairy cattle, it's not an option. So making sure the groundwater protection guarantee addresses that situation as well, um, as the domestic Wells.

PC Laquita Stec ([01:13:46](#)):

To identify specifically domestic wells and agricultural wells?

PC Susan Hermreck ([01:13:51](#)):

Yeah. Yeah. And again, remember, we're just talking about a few property owners within that impact area

PC Gary Bedortha ([01:13:58](#)):

Three wells and two springs

Ann Beier ([01:13:59](#)):

Yep. Yep. So it's not, it's not everybody who could be affected by all the bad things that are happening in the world, um, which are going to happen mine or no mine. I think the drought's gonna be our, our reality for a while. Um, it's just making sure we can protect those properties that are most at risk and, and make sure that we have a clean pathway to do that. And, and I think the devil's really in the details of this agreement and it's still being massaged by smarter people than me. And, but your suggestions are really helpful at this point and, and what you feel you as a decision body need conditions are pretty important. So I'm glad that you're weighing in now.

PC Gary Bedortha ([01:14:56](#)):

And I think the other things is it may be a timeframe after.

Ann Beier ([01:15:02](#)):

Yeah.

PC Gary Bedortha ([01:15:03](#)):

And I like George made a good point. I mean, we, we could hash on this all night but really, if it's gonna come back between the county court and the applicant, and it's gonna go to a public hearing process, there, there's a way for that to be corrected. I think all we can do is if we decide to go forward and approve this best we can. Yeah. And then, you know, it's a condition that has to be met. I don't, I don't know. We can give much more

Director Will VanVactor ([01:15:27](#)):

George to, to try to answer your question. I think the groundwater guarantee is akin to, uh, when we require bonding in the county court and the county council need to work with the applicant to come up with an improvement agreement that addresses that bonding. So that isn't,

PC Gary Bedortha ([01:15:45](#)):

I like the bonding idea

Director Will VanVactor ([01:15:49](#)):

It'll, it'll go, it goes in front, the county court or final, the bonding will go in front, the county court from county council.

PC Susan Hermreck ([01:15:58](#)):

Can we state that it has to be a public process.

PC George Ponte ([01:16:02](#)):

We can't tell the court

PC Susan Hermreck ([01:16:02](#)):

Or suggest?

PC George Ponte ([01:16:03](#)):

We can't tell the we to do

Ann Beier ([01:16:06](#)):

You can make a recommendation.

PC George Ponte ([01:16:16](#)):

So I mean, if, if the process includes a level public involved, You know, I don't have any problem with that main reason I brought up the question was, you know, a recent appeal of the fact that two parties have to go negotiate out of the public process. So I'm just trying to avoid that same type of situation.

Karen Mikuslki ([01:16:43](#)):

Can I ask a question? What happens if that does go to

PC Michael Warren ([01:16:46](#)):

You really can't. I'm sorry. Um, but, but, but what I'm hearing is it may not be, I mean, it may not be a public hearing that's, I mean, it might just be something the county court

PC Susan Hermreck ([01:17:02](#)):

It goes on the consent agenda

Director Will VanVactor ([01:17:04](#)):

Yeah. I mean, I think if, if that's something that's important to you guys, it should include it as a condition that it'd be a public hearing. Somebody could object, but the, the issue would really be limited just to making sure there's yeah. Making sure it's consistent with the program to achieve.

New Speaker ([01:17:30](#)):

Well, because, because in that case, like, just like George said, I think that would flush out Our concerns, at least that at least the public would have input.

PC Gary Bedortha ([01:17:42](#)):

And if it's done on a timely fashion, the, anybody would've a chance to appeal that decision,

PC Laquita Stec ([01:17:50](#)):

Would they?

PC Gary Bedortha ([01:17:51](#)):

Well, as long as, I mean, to me, I think this still, if, if we were to approve it with these conditions, I think any part of it is appealable. Correct?

Ann Beier ([01:18:04](#)):

This decision is, yes

PC Gary Bedortha ([01:18:05](#)):

We should specify that this agreement gets done within the timeframe of being able to appeal the whole decision, because that's what the landowners, I mean, that's their guarantee, I guess you could say. I mean, I'm not an advocate of appeal, but protection is what we're after I guess

Ann Beier ([01:18:28](#)):

I don't don't know because the protection agreement's on a different timeline, if it can align with the appeal period for this decision, but we can, we work that out, but think about the direction on the groundwater protection guarantee that you want to give to county court. So we can incorporate that into that condition

PC George Ponte ([01:18:55](#)):

And those directions or suggestions ought to be included at as part of the condition?

New Speaker ([01:19:00](#)):

I think they should be included in 10, somewhere.

PC George Ponte ([01:19:04](#)):

Well, and I'm, I'm fine with, you know, suggesting to the county court that be a public review process for the agreement period.

New Speaker ([01:19:17](#)):

So how, how do you want, you wanna just state those as far as what we're talking about or,

Director Will VanVactor ([01:19:27](#)):

Uh, well, I think when you guys start to deliberate, I mean, I'm taking some notes, but when you guys start deliberate, those types of things that you want to see incorporated, into the decision, do that clear to us.

PC Gary Bedortha ([01:19:40](#)):

We have to close the public hearing after we get done with the Staff, don't we

PC Michael Warren ([01:19:48](#)):

Laquita, did you have something else?

PC Laquita Stec ([01:19:50](#)):

No.

New Speaker ([01:19:54](#)):

Did you have another question, George?

PC George Ponte ([01:19:56](#)):

Uh, no, not, uh, says, but when we start going through indigenous stuff, when we start deliberations, I don't have any questions.

New Speaker ([01:20:05](#)):

Okay. Does anybody else have any questions for staff. And did you have any questions for staff?

PC Laquita Stec ([01:20:33](#)):

I <laugh>. Um, when, Well, just one more thing on the groundwater guarantee thing, um, the first was, uh, exhibit 24, the proposed ones, and then the questions came up and then exhibit 26 when my figure answered those questions. So When the powers that be actually do these things comes to write up the groundwater agreement, are they taking this or will there be something the, these exhibits, or will there be something new from knife river to go with the things that we are proposing?

Ann Beier ([01:21:21](#)):

So the applicant and our attorney are using the exhibits in the record so far. And particularly in that program to implement or program to achieve the goal. Um, the ESEE analysis spells out some of the things that the applicant is proposing in a ground water guarantee and I think the county's approach right now has been to react to those and say, no, no, that's not good enough. Or, five to 10 years, not just five years. Um, but I think the initial groundwater guarantee language is in the exhibits that we've seen to date. And now it's getting flushed out into a legal document. Um, doesn't mean we can't add things at this point. And again, if it goes to a public hearing, certainly additional things will, will need to be added. But I, I don't know what the timeframe is on finalizing the document. Um, but I know as of yesterday there were still comments going back and forth. So there's time to include those, but it is based on what's in the record so far. That's my understanding at least

Director Will VanVactor ([01:22:50](#)):

I think that's correct.

New Speaker ([01:22:53](#)):

That's what they're using to come up with the agreement?

Ann Beier ([01:22:55](#)):

Yeah.

PC Michael Warren ([01:23:01](#)):

Okay, anything else Laquita?

PC Laquita Stec ([01:23:02](#)):

No.

PC Susan Hermreck ([01:23:08](#)):

Now you want me to make the motion?

New Speaker ([01:23:10](#)):

Well, somebody.

PC Susan Hermreck ([01:23:10](#)):

Okay. So I'm making a motion to close the public hearing of this meeting. Okay.

PC George Ponte ([01:23:18](#)):

Okay.

PC Susan Hermreck ([01:23:18](#)):

He's second it so it must be good enough.

New Speaker ([01:23:19](#)):

Okay. So we have a motion and aa second, any discussion? I'm not sure we needed to do that. Did we?

PC Susan Hermreck ([01:23:27](#)):

Maybe I should have said closed the hearing too.

PC Susan Hermreck ([01:23:33](#)):

Okay. Well we didn't take a vote.

PC Michael Warren ([01:23:35](#)):

No. George?

PC George Ponte ([01:23:36](#)):

Aye.

PC Michael Warren ([01:23:37](#)):

All

PC Michael Warren ([01:23:39](#)):

Susan?

PC Susan Hermreck ([01:23:39](#)):

Aye.

New Speaker ([01:23:39](#)):

Gary?

PC Gary Bedortha ([01:23:39](#)):

Aye.

New Speaker ([01:23:39](#)):

Laquita?

PC Laquita Stec ([01:23:39](#)):

Aye.

New Speaker ([01:23:39](#)):

And I'm and Aye. Okay. So now that we've done that we have two options. To approve or deny. And so I would entertain a motion if you guys want to take a minute to look at those two.

PC George Ponte ([01:24:39](#)):

Mr. Chair, I move that we approve application 2 1 7 2 1 0 0 5 3 7 3 P L N G. Um, conditional use application for an aggregate mining operation, subject to conditions to address the substantive criteria and the comprehensive plan as admitted by ordinance 328 county code 18.16 18.144 18.160 and 18.180 and applicable state law.

PC Gary Bedortha ([01:25:22](#)):

I would second that, with a question. Are we still up for going through and making sure we have all the conditions?

PC Michael Warren ([01:25:32](#)):

Yeah, I think now that we have a motion in second, then we'll, I'll ask for any further discussion and then this is where we could go through and make sure that we're. It's how everybody proceeds. I just wanted to make sure. So we could just go through the conditions.

PC George Ponte ([01:25:56](#)):

Did we vote?

PC Susan Hermreck ([01:25:58](#)):

No, we can't.

PC George Ponte ([01:26:01](#)):

Well, that's true, we need discussion.

New Speaker ([01:26:01](#)):

New Speaker ([01:26:01](#)):

We need to discuss.

PC George Ponte ([01:26:08](#)):

So I do have a couple things

New Speaker ([01:26:12](#)):

And there's a couple of different ways we can do this. We can go through each condition.

PC George Ponte ([01:26:16](#)):

That's what I would suggest.

PC Gary Bedortha ([01:26:18](#)):

We've probably all read up. I mean, I think we have specific questions about the conditions. For time factor. I mean, I, I'm fine with reading each one.

New Speaker ([01:26:30](#)):

and it's, it's up to how everybody thinks all of our concerns have been around mostly 10.

PC George Ponte ([01:26:36](#)):

I kind of like to go through 'em I don't think there's a whole lot of discussion that needs to happen, but I think there's a little bit.

New Speaker ([01:26:44](#)):

Okay.

PC Laquita Stec ([01:26:47](#)):

So number one site plan

Ann Beier ([01:26:50](#)):

So, do we want to tell them how we got the one through then, the comp plans?

Director Will VanVector ([01:26:56](#)):

Sure.

PC Michael Warren ([01:27:02](#)):

Okay. Will's gonna, I think Will's gonna,

PC Susan Hermreck ([01:27:05](#)):

I thought he can't now cause we closed.

New Speaker ([01:27:05](#)):

Ann Beier ([01:27:08](#)):

But I think you can still ask.

PC Michael Warren ([01:27:10](#)):

We can ask. So how did you come up with one through ten?

Director Will VanVactor ([01:27:14](#)):

One through ten come directly from the program to achieve. That falls under that language. We were discussing earlier in terms of how, the decision needs to be consistent or the conditions need be consistent, with the program to achieve. So, those are the, kind of the sidebars on the wordsmithing that you, you may want to undertake and may put someone that's on, on what you can do.

PC George Ponte ([01:27:45](#)):

So are we okay with number one , site plan?

New Speaker ([01:27:54](#)):

Yeah, we'll just go through 'em and if anybody has questions just holler. So, if nobody has any comments on site plan? Water rights? Setbacks?

New Speaker ([01:27:54](#)):

New Speaker ([01:28:08](#)):

So, I do have, something that was not in the conditions of this staff report, but were on a condition is in another staff report in terms of limiting activities that were in a previous version, there was a line in there, uh, that said, Activities will be limited to only sand and gravel extraction. Do we want to include that?

Ann Beier ([01:28:38](#)):

I think I put that as kind of a finding, on the page before conclusion. Um, so we would probably want to finding under conclusions the last big sentence there's no processing crushing or blasting will be allowed on the subject property. And that was because the ESEE analysis in the comprehensive plan only applied to mining. So we can either make that as a condition or make that a finding that this conditional use permit is only good for mining activities, no processing, crushing blasting.

PC Gary Bedortha ([01:29:42](#)):

Which you state in the staff report?

Ann Beier ([01:29:45](#)):

Yeah, it's there, it's just not an explicit condition.

PC Michael Warren ([01:29:48](#)):

I'm fine with, I just, just a question, just a question for you guys, right. I think if it's in there, we're fine regarding

Ann Beier ([01:29:59](#)):

Okay. Will, do you have a recommendation on that?

Director Will VanVactor ([01:30:03](#)):

I would probably include it as a condition.

New Speaker ([01:30:06](#)):

Good. Okay.

Ann Beier ([01:30:08](#)):

And it would go in front of setbacks. It would kind of be, this is a conditional use permit for mining. These things you can't do.

PC Susan Hermreck ([01:30:19](#)):

You kind of have it right here.

PC Gary Bedortha ([01:30:21](#)):

It also falls back to the aggregate site.

PC Susan Hermreck ([01:30:24](#)):

Yeah. It says to achieve the goal address, sand and gravel extraction only, and this conditional use applies only to that activity. That's your it's in bold, under conclusions, right above conditions.

Director Will VanVactor ([01:30:36](#)):

What page was that?

PC Susan Hermreck ([01:30:40](#)):

It right above like if go that right where it says planning commission can deny or approve right above the conclusions. It has it in bold right there. I have it on the screen. It says no asphalt production is allowed on the property, no processing, brushing or blasting. In fact you could take that whole paragraph.

PC Michael Warren ([01:31:07](#)):

So that's what we'll do?

New Speaker ([01:31:08](#)):

Okay. Anything else on setbacks? Operating hours? I think we went through that

PC Susan Hermreck ([01:31:17](#)):

I kind of think, well on operating in hours, I kind of think that going till 9:00 PM is pretty late. I mean, 6:00 AM to 9:00 PM. That's that's pretty late to me, but maybe I maybe cuz I go to bed at eight. Maybe That's why.

PC Gary Bedortha ([01:31:36](#)):

So were these conditions set by the county court?

Director Will VanVactor ([01:31:39](#)):

I do believe teh court set the hours.

PC Susan Hermreck ([01:31:44](#)):

Because at nine o'clock you might just wanna not have to be the neighbor listening to that rock plant going

PC Gary Bedortha ([01:31:52](#)):

The plant may be going regardless because it's on it's on industrial.

PC George Ponte ([01:31:56](#)):

So we had a conversation before about, um, Saturday work and Saturday work is not, will not be permitted, right?

PC Susan Hermreck ([01:32:09](#)):

It says no operations operation on weekends.

PC George Ponte ([01:32:11](#)):

Just wanted to make sure I was clear on that. Um, again, a previous condition that I saw someplace talked about an exceptions process, um, that the applicant could contact the county had exception to the operating hours. That's not in there anymore. I'm not suggesting we put it in there. I'm just raising that question.

PC Gary Bedortha ([01:32:35](#)):

George, to answer your question, I agree with you. And that was one of the new conditions I wanted to add is that any changes requested on this conditional use permit comes back to the planning commission. Normally I don't feel that way, but this is fairly contentious. And I think the level of communication with the neighbors, the applicant and county is pretty important on this. And I hate doing that cuz little things end up having to come back to us

PC George Ponte ([01:33:04](#)):

And they become big things.

PC Gary Bedortha ([01:33:05](#)):

Pardon?

PC George Ponte ([01:33:06](#)):

And then they become big things.

PC Gary Bedortha ([01:33:08](#)):

Yeah. That's yeah. Well that's and I hope that addressed your question, but that was one of my thoughts.

PC Michael Warren ([01:33:13](#)):

Well, if it's not okay, we don't have it as a condition, but what you're saying, if there was

PC Gary Bedortha ([01:33:18](#)):

I want it as a separate condition, if we do it, I don't want it as a line item. I want it strictly as in a condition that that

PC Laquita Stec ([01:33:26](#)):

So, that would be number 16?

PC Gary Bedortha ([01:33:28](#)):

Yeah. I think that's what we're up to.

PC George Ponte ([01:33:30](#)):

So, so, so if they wanted to modify the permit specifically for operating hours, they would have to come back through.

Director Will VanVactor ([01:33:43](#)):

So I think they'd have to, they'd have to amend the comprehensive plan amendment because the language language is there to protect the neighborhood as well.

PC Gary Bedortha ([01:33:53](#)):

But George here here's the deal is that I feel it's not just on the dates of operating. I think it's for anything it's unforeseeable,

PC Laquita Stec ([01:34:01](#)):

Any change in operation, period?

PC Gary Bedortha ([01:34:03](#)):

Yeah. I mean, I just any, any modifications they come to the planning department with that it gets heard by us. And I don't like to do that normally, but

PC George Ponte ([01:34:15](#)):

Add that as a condition

PC Gary Bedortha ([01:34:18](#)):

And we can get to that I didn't know if that addressed your concern or not.

PC Michael Warren ([01:34:25](#)):

Anything else on operating hours? Traffic?

PC George Ponte ([01:34:25](#)):

Yeah, something else. So again, on a previous conditions, there was a limit of 160 truck trips a day coming and going

PC Gary Bedortha ([01:34:43](#)):

and school bus time and

PC George Ponte ([01:34:44](#)):

Well, yeah, actually I forgot all about that.

Director Will VanVactor ([01:34:47](#)):

So that's all tied to the Woodward conditional use permits.

Ann Beier ([01:34:53](#)):

So that's a, there's a footnote there. Number six. So all those original conditions on the Woodward site continue apply, because they're not putting any trucks on the roads

PC Michael Warren ([01:35:08](#)):

But see, I thought that's what Gary asked. I thought that's what Gary asked. If it tied into Woodward

PC Gary Bedortha ([01:35:14](#)):

Clarity here is important.

PC Susan Hermreck ([01:35:17](#)):

It's not an expansion. It's new application, but the original conditions on the Woodward sites still apply.

PC Gary Bedortha ([01:35:27](#)):

How, where is that tied in?

PC Michael Warren ([01:35:29](#)):

Oh, because the trucks come out of Woodward. They don't come out of this site.

PC Susan Hermreck ([01:35:34](#)):

This has an internal haul road

PC Michael Warren ([01:35:35](#)):

Yeah. That makes sense.

Ann Beier ([01:35:38](#)):

I don't know if we made that clear enough, but I was like, we have to talk about this and I'm like, oh no, the trucks don't come out of here, so. But all those conditions still apply. The trip limits still apply. The school permits still apply everything that originally applied for traffic to the Woodward site continues to apply for this operation. Yeah. It's wacky. It's just

PC Michael Warren ([01:36:10](#)):

Okay. And, and that's what it says under traffic is it's it's going off of. Okay. Berms? Any questions on that? Dust mitigation?

PC George Ponte ([01:36:30](#)):

I do have something. So the first sentence is the applicant shall control all fugitive dust emissions. And that is, that's pretty, I mean shall control all. So going down to the third paragraph and dust mitigation, I would kind of prefer. The second paragraph, last sentence, the surface shall be treated regularly to minimize fugitive dust where fugitive dust, which to me that's okay. Well there could be a little bit of fugitive dust. So do we wanna say eliminate fugitive dust or keep minimize. Because minimized, doesn't say absolutely none.

PC Gary Bedortha ([01:37:25](#)):

Is it dealt with under the DOGAMI permit in DEQ?

PC Laquita Stec ([01:37:30](#)):

I don't think so. That's why we always end up putting conditions on dust and noise.

Ann Beier ([01:37:35](#)):

Think DEQ's air quality permits do established limits for fugitive dust, but is George says, all fugitive dust is really high burden. Um, I think we have tried to set up a better enforcement process so that we can respond to neighbors more rapidly. But that doesn't mean there won't be any dust because I look at my yard and I have dust.

PC Laquita Stec ([01:38:09](#)):

Can't we just leave out the word, all. Shall control fugitive dust emissions associated with the extraction and it be treated regularly, which is the next paragraph, to minimize

PC Gary Bedortha ([01:38:29](#)):

Well and can we go back to George's first statement though,

PC Laquita Stec ([01:38:32](#)):

Which is? I forgot already

PC Gary Bedortha ([01:38:34](#)):

That all extraction or that, uh, any, that all dust will be controlled. Cause in the second sentence says accepting actively mined areas, so I mean, there is going to be dust

PC George Ponte ([01:38:45](#)):

Where are you looking Gary?

New Speaker ([01:38:59](#)):

It's the next sentence, or two sentences down. The first paragraph.

PC George Ponte ([01:39:05](#)):

Okay. Yes, I'm fine with the way is.

New Speaker ([01:39:10](#)):

Okay, noise. Anybody have any questions on that? Reclamation?

PC Gary Bedortha ([01:39:33](#)):

Third sentence, activities shall not all. Just a typo. Always good time to correct.

PC Michael Warren ([01:39:44](#)):

Where you at?

PC Gary Bedortha ([01:39:45](#)):

Third paragraph reclamation, all reclamation activities, all be, shall be.

PC Susan Hermreck ([01:39:56](#)):

Thank you. Spell check doesn't get everything.

PC Gary Bedortha ([01:39:58](#)):

It's okay, all is a word.

Ann Beier ([01:40:02](#)):

It's the wrong word.

PC Michael Warren ([01:40:08](#)):

Okay. Groundwater. So we had talked about it being a public hearing. So I mean, it sounds like, I think we are all in agreement we'd like to have that added in there now the county can choose not to, or if we have it in there.

New Speaker ([01:40:08](#)):

Director Will VanVactor ([01:40:35](#)):

My best guess is the county court will respect that. I would, instead of a public hearing, I would encourage you to use like public process.

New Speaker ([01:40:44](#)):

Okay.

New Speaker ([01:40:45](#)):

Because I don't know exactly what the terminology, the county court uses for its different levels of.

New Speaker ([01:40:51](#)):

And should it be just incorporated within number 10 or should its own , cuz we're talking about the ground water agreement. Or should we have it a separate condition? Or does it matter?

PC George Ponte ([01:41:07](#)):

Maybe I could suggest that the applicant will work with the crook county community development department and crook county counsel to finalize the groundwater protection guarantee using a public process.

New Speaker ([01:41:26](#)):

What do you think? Does that cover what we're trying to do or is that too, too? Uh,

PC Gary Bedortha ([01:41:33](#)):

Well, public process would be after they come up with the agreement. Wouldn't it? Or do you wanna do it while?

Director Will VanVactor ([01:41:38](#)):

Similar to what George was saying, maybe something along the lines of applicant shall work with community development and county counsel to finalize groundwater guarantee and such groundwater gaurentee shall be approved by the county court through public process.

PC Gary Bedortha ([01:42:06](#)):

Will, does it become too cumbersome since we're only talking about three neighbors that they're part of the process. I mean, they're the ones that are affected. I mean, it gets pretty cumbersome. If not everybody can agree

PC Laquita Stec ([01:42:21](#)):

Three wells and two springs?

PC Gary Bedortha ([01:42:23](#)):

I think three wells

PC Gary Bedortha ([01:42:27](#)):

That's, I'll wait on that. I just think it's just, it gets to be pretty involved.

Director Will VanVactor ([01:42:35](#)):

I think this process is gonna create a benefit to those neighbors. Whether they think it's enough or not. Whether they'd like to opt in or not to have their wells monitored. But this is just an attempt by the county to try and help minimize the impact from the proposed proposed use. So I think it's, it's correct.

You know, I think the, the parties to the groundwater guarantee are properly the county and the applicant.

New Speaker ([01:43:08](#)):

So I don't know if anybody had wrote that down. Are we good?

Ann Beier ([01:43:12](#)):

We're close. The first sentence is okay, but guarantee shall be reviewed and approved by county court in a public process. Something Like that.

PC George Ponte ([01:43:28](#)):

That works.

Ann Beier ([01:43:28](#)):

And then our county counsel will change that for us. and then I, excuse me, Chair Warren, I'd also make the correction about the five to 10 years or until reclamation is complete.

PC Michael Warren ([01:43:44](#)):

Yeah. I had the agreement to last six months after. Yeah. But, but I, I don't know how you guys wanna wordsmith that, but um, but we talked about the agreement lasting until all the reclamation was done and possibly six months after.

PC Gary Bedortha ([01:44:03](#)):

And maybe something to give the, In the process, if somebody bears a cost to, and either we can't put this in there, I'm just asking if you guys would ask counsel to help cover expenses,

Ann Beier ([01:44:17](#)):

Reimbursement

PC Michael Warren ([01:44:21](#)):

So, so maybe that agreement to last, or to continue six months after reclamation, could that just be the last sentence then

PC Gary Bedortha ([01:44:31](#)):

Or a negotiated time between

PC Laquita Stec ([01:44:34](#)):

Uh, let's not do anymore negotiating. Gotta draw the line somewhere.

PC Gary Bedortha ([01:44:41](#)):

You're right.

PC Laquita Stec ([01:44:43](#)):

Okay, and that applies to the groundwater agreement. Does it also apply to all the data that shall be maintained on file by the operator?

Ann Beier ([01:44:54](#)):

The five to 10 years? Yes. And we would add that till six months after reclamation. The reclamation bond is released for those.

PC Michael Warren ([01:45:16](#)):

Okay. Did anybody have anything else on groundwater? Okay. The, the additional conditions where it talks about the criteria and security, you guys have any?

PC Susan Hermreck ([01:45:32](#)):

Well under surface water, that's where, uh, Laquita wanted to put in her log

PC Michael Warren ([01:45:35](#)):

Yeah, but I just didn't know if anybody had anything on security and everybody okay with that. Okay. So on surface water, could we, we just use the same language

PC Laquita Stec ([01:45:56](#)):

George, did you have something to say?

PC George Ponte ([01:45:58](#)):

No, not about surface water.

New Speaker ([01:45:59](#)):

Oh, go ahead.

PC George Ponte ([01:46:02](#)):

Well, you skipped over lighting. So it says first no light shall be placed on the site. And then later on it says if lights are installed on the site, they shall be directed down or in a manner not to affect adjacent homes. So if we do install lights, do we want the, the lighting subject to county review and approval?

PC Gary Bedortha ([01:46:32](#)):

Absolutely.

PC Michael Warren ([01:46:33](#)):

Yeah. And what was the thought on that? No light shall be placed on site. And then like George says and says if lights are installed?

Ann Beier ([01:46:41](#)):

I think that's what we had at the original approval. So I carried this forward. The applicant is proposing no lights. So I think you could just say no lights are allowed.

PC Gary Bedortha ([01:46:51](#)):

I think we oughta strike it.

PC Michael Warren ([01:46:53](#)):

Okay. Yeah. Just keep that first sentence and then strike everything else. Okay. So back to surface water, are we good there ?

PC Gary Bedortha ([01:47:10](#)):

Other than Laquita probably needs her

Ann Beier ([01:47:13](#)):

Her incident log.

PC Laquita Stec ([01:47:14](#)):

Did, did you get that one?

Ann Beier ([01:47:16](#)):

Yeah. And it will be provided to crook county and maintained on site and crook county will share it with crook county fire and rescue and make that available to any of the neighbors. I think we have that somewhere else.

PC Gary Bedortha ([01:47:33](#)):

And Laquita, do you want a timeframe on it? So response time, if they have spills, they report it within 24 hours?

PC Laquita Stec ([01:47:40](#)):

Yeah. Why don't we do that. Any spill to be reported within 24 hours.

Ann Beier ([01:47:45](#)):

I don't what's typically required.

Director Will VanVactor ([01:47:48](#)):

I think we should know quickly. So, 24 hours.

PC Laquita Stec ([01:47:52](#)):

Okay.

Ann Beier ([01:47:54](#)):

That makes sense.

PC George Ponte ([01:47:54](#)):

How about the next business day?

Staff Hannah Elliott ([01:47:56](#)):

Yeah, I was gonna say how.

Director Will VanVactor (01:47:57):

Next business day is good. Yeah. Cause if it's a Saturday or something.

New Speaker (01:47:57):

PC Gary Bedortha (01:48:00):

As long as there's a timeframe

PC George Ponte (01:48:01):

I think next business day.

New Speaker (01:48:08):

That doesn't say they don't have other legal obligations to report it to

PC Gary Bedortha (01:48:12):

Probably then DEQ's probably gonna get noticed when things I'm sure

Director Will VanVactor (01:48:17):

Nobody's gonna be at the county to receive that on the weekend.

New Speaker (01:48:19):

You wanna put your cell phone number down?

Director Will VanVactor (01:48:25):

No, <laugh> thanks for offering.

New Speaker (01:48:29):

Anything else on surface water?

PC George Ponte (01:48:33):

I have something related, previous versions had talked about mosquito control. There's nothing in here. The the condition that with the applicant shall work with crook county vector control district to develop a mosquito control plan and provide a copy to a planning and development prior to commencing mining operations. There's gonna be open water

Ann Beier (01:49:02):

So the reason I didn't include that was I couldn't find a criteria to link it to, but I'm happy to include it. And we can put it under one of the general conditional use criteria. We are, we are sort of bound by the program to achieve that nowhere in our code does it specifically mention vector control? When I was

here, I had not received any complaints, but we didn't get any testimony either. That doesn't mean mosquitoes aren't a problem. So we can certainly add the vector.

PC Michael Warren ([01:49:39](#)):

We have it on the Woodward?

PC Susan Hermreck ([01:49:41](#)):

Yeah, we'll just, we'll just pull it forward because I think there may be water standing and nobody wants, and, and we'll just put it under the livability criteria cuz mosquitoes not make things livable.

PC Gary Bedortha ([01:49:56](#)):

Okay.

PC Michael Warren ([01:49:58](#)):

Any other thoughts?

Ann Beier ([01:50:02](#)):

Is everybody okay with that?

PC Gary Bedortha ([01:50:03](#)):

Yeah.

PC Michael Warren ([01:50:08](#)):

Okay. Anything else on surface water? Weed control? Emergency management? That's pretty much all standard. Archeological and cultural resources?

Ann Beier ([01:50:52](#)):

And this again is a criteria we don't really have, but anytime we're doing big digs, we probably need to ask the applicant to put this in.

PC Gary Bedortha ([01:51:03](#)):

I think it was the aggregate listing, wasn't it?

PC Gary Bedortha ([01:51:12](#)):

I think the county court put it in as one of the, I might be wrong.

Ann Beier ([01:51:19](#)):

I'm not sure. It was mentioned, but it didn't come through in the program to achieve and it probably should have. I know we do it on the solar projects, so

PC Gary Bedortha ([01:51:29](#)):

That would make sense. It wouldn't come through the goals to achieve, that's, yeah.

Ann Beier ([01:51:34](#)):

Yeah. So just, just a note for the future when you're big digging projects, it's probably a good thing to include.

PC Laquita Stec ([01:51:44](#)):

And number 16, any change in operation or modification?

Ann Beier ([01:51:50](#)):

Yes.

PC Laquita Stec ([01:51:50](#)):

Is that there?

PC Michael Warren ([01:51:52](#)):

I just said any changes, any additions. So that would be, did you get that one, Ann?

PC Laquita Stec ([01:51:58](#)):

Any changes in the what?

PC Michael Warren ([01:52:01](#)):

Any changes, any changes or any, or addition, addition to the, um, conditions, just like you mentioned, was there any others that's yours is the only one I remember was talking about adding

PC Gary Bedortha ([01:52:13](#)):

Yeah.

PC Laquita Stec ([01:52:13](#)):

Any change in conditions?

PC Gary Bedortha ([01:52:16](#)):

Any change to conditions

PC Michael Warren ([01:52:17](#)):

I'm just asking.

PC Laquita Stec ([01:52:19](#)):

Okay. Now I'm trying to figure out which is which here.

PC Gary Bedortha ([01:52:24](#)):

Well, it's a conditional use permit. So if the applicant comes in it requests any changes to the conditional use permit or I think that's it. Is that right? I mean that's that's

PC Laquita Stec ([01:52:36](#)):

You'd have to come and ask for modifications.

PC Michael Warren ([01:52:38](#)):

Any modifications, changes or modifications

PC Gary Bedortha ([01:52:41](#)):

Comes back before the planning commission.

Speaker 9 ([01:52:43](#)):

Okay. So it's not any change in operations. It's any change to the conditional use permit,

PC Gary Bedortha ([01:52:49](#)):

A request for changes

PC Laquita Stec ([01:52:50](#)):

Or modification has to come before the planning commission.

Director Will VanVactor ([01:53:10](#)):

Are you done with that?

PC Michael Warren ([01:53:11](#)):

I think so, yeah.

Director Will VanVactor ([01:53:12](#)):

Are you good Laquita?

Director Will VanVactor ([01:53:14](#)):

I just have one other, one other thought you guys might want to consider a condition. In the staff report on page 22, right before the paragraph right above the general requirements. In the middle of that paragraph, it says the applicant shall also provide a copy of the department of geology and mineral industry's operation and reclamation plan to Crook County Community Development Department. You may want to make that a condition and also require them to provide us a copy of their operating permit from DOGAMI as well. It is written in there, but.

PC George Ponte ([01:53:53](#)):

We can move that language down as an additional condition

PC Gary Bedortha ([01:53:57](#)):

All of that paragraph could be condition number, what did you say, Laquita?

PC Laquita Stec ([01:54:05](#)):

17

Ann Beier ([01:54:07](#)):

On the site plan, number one, updated site plan to cook county community development, any modification to cook county community development or strike that and any modification of the site plan to the planning commission, the site plan shows where berms are so you might wanna look at that if they change that.

PC Gary Bedortha ([01:54:34](#)):

So the site plan doesn't fall under condition of use permit.

Ann Beier ([01:54:38](#)):

Um, it's here as a condition that the applicant submit an updated one before they mine because they're still working some of the stuff out. So, um,

PC Michael Warren ([01:54:50](#)):

So it's kind of different than

Ann Beier ([01:54:51](#)):

Yes. Yes. So should typically those get decided at the department level, but do you want to see those?

PC Gary Bedortha ([01:55:02](#)):

Personally? I'm fine with the original stuff being approved by planning cuz you folks already know everything we wanted. My concerns were a year down the road. They come in and want to change the berm. They want to come in and do something different. That was my concerns.

Ann Beier ([01:55:18](#)):

Okay. Got it.

PC Gary Bedortha ([01:55:19](#)):

That's but I'm

PC Michael Warren ([01:55:20](#)):

I would agree with that. I'm I'm fine with staff making that kind of modifications.

PC Gary Bedortha ([01:55:26](#)):

To get things started

Director Will VanVactor ([01:55:29](#)):

Subsequent changes to the site plan. Yeah. Go to planning commission?

Ann Beier ([01:55:39](#)):

I'm trying to envision what it might look like and I'm not coming up with a good example, but um, so right now there's no berm proposed on Lamonta. So a year from now the applicant may come back and

say, you know, we've reconsidered, the property owners really would like a berm there. Um, that would be a modification to the site plan. Would you want to see that?

PC Gary Bedortha ([01:56:09](#)):

Yes, I would.

Ann Beier ([01:56:11](#)):

Okay.

PC Michael Warren ([01:56:12](#)):

I don't know. I mean, if they're doing that on their own, I guess if they were taking some, I, I wonder if we should leave it up. Well, I don't know. Yeah. I, I kind of think we probably should. I guess.

PC George Ponte ([01:56:26](#)):

I think we should. I mean, something like that would be pretty easy decision. I don't think it would be that onerous on anybody.

PC Gary Bedortha ([01:56:37](#)):

Everybody's aware that way. <laugh>.

PC Michael Warren ([01:56:42](#)):

So what are you proposing? How we change that, Ann? You're saying that, that last sentence

Ann Beier ([01:56:50](#)):

Get rid of the last sentence and then this, like any other modification would be subject to your review. I know it's an extra step, but you could just delegate that kind of thing. You know, you could get an application and say, oh no, no, we don't need to decide that. But, um.

PC Michael Warren ([01:57:11](#)):

So you're just saying, take that sentence out and just leave

Ann Beier ([01:57:14](#)):

Yes, everything's subject to your review. And maybe that was a bad example, but it one I think of,

PC Michael Warren ([01:57:22](#)):

So everybody good with that?

PC George Ponte ([01:57:28](#)):

Yes.

PC Michael Warren ([01:57:28](#)):

Okay. So we don't have a 17? We had, we had the one Laquita just wrote and that was it. Right?

PC Laquita Stec ([01:57:41](#)):

Which one, I had 16. I didn't write 17.

PC Michael Warren ([01:57:45](#)):

No, that's what I mean, we don't have a 17.

Director Will VanVactor ([01:57:47](#)):

a17 was my suggestion about DOGAMI, DOGAMI stuff. But I don't know if you guys decided on whether or not to do that.

PC Michael Warren ([01:57:55](#)):

Do we want to put that as 17? I guess that was what, I think we do.

PC George Ponte ([01:57:59](#)):

Yes.

PC Gary Bedortha ([01:58:01](#)):

We move the paragraph

PC Laquita Stec ([01:58:04](#)):

Paragraph on what page?

PC Michael Warren ([01:58:06](#)):

Look, it's a, right above where it says general.

PC Laquita Stec ([01:58:11](#)):

Okay. Above site plan

PC Michael Warren ([01:58:38](#)):

Okay. Does anybody have any notes that we didn't cover? You can <inaudible>.

PC Gary Bedortha ([01:58:46](#)):

I got mine.

PC Michael Warren ([01:58:58](#)):

Okay. So I don't wanna sound redundant, but under number 10, we put in there part about having this a public process. So we have that in there. Okay. And then we have in there, uh, about the agreement to last through the reformation period. We got that, okay. And then we talked about, um, if there was any kind of spill, it needs to be the next business day to notify the county. So we got that in there. And then we added 16, which happened to be about any modifications. We added 17 where we moved that paragraph that will mentioned about DOGAMI. What are we missing? Mosquitoes. And, where? Where, under?

PC Laquita Stec ([02:00:00](#)):

Surface water. Under surface water.

Ann Beier ([02:00:01](#)):

Okay. So we didn't get a new one. We just.

PC Laquita Stec ([02:00:06](#)):

and notify crook county and notify fire and rescue within 24 hours

PC George Ponte ([02:00:14](#)):

Next business day.

PC Laquita Stec ([02:00:15](#)):

Huh?

PC George Ponte ([02:00:16](#)):

Next, next business day.

PC Laquita Stec ([02:00:18](#)):

Oh

PC Michael Warren ([02:00:25](#)):

Okay. Any other discussion?

PC Susan Hermreck ([02:00:30](#)):

I guess I'm just gonna say I can't support this motion. I understand knife river's economic reason for wanting to mine adjacent to it. But I think that even with all of these, it is going to cause a tremendous impact to that area. And so I cannot support this motion. My 2 cents.

PC Michael Warren ([02:00:53](#)):

Okay. Any other discussion? We'll Call for the vote. Gary?

PC Gary Bedortha ([02:01:01](#)):

Aye.

PC Michael Warren ([02:01:01](#)):

Susan?

PC Susan Hermreck ([02:01:04](#)):

No.

PC Michael Warren ([02:01:04](#)):

Laquita?

PC Laquita Stec ([02:01:06](#)):

No

PC Michael Warren ([02:01:08](#)):

George?

PC George Ponte ([02:01:09](#)):

Aye.

PC Michael Warren ([02:01:13](#)):

Mike is a no. So that's three to two.

PC Susan Hermreck ([02:01:34](#)):

Do we need now another motion?

PC Michael Warren ([02:01:37](#)):

Yep.

PC Susan Hermreck ([02:01:39](#)):

UI make a motion. Uh, well I don't have the proper filing numbers or anything here.

PC Susan Hermreck ([02:01:48](#)):

Here. Right here. I make a motion to deny knife river's CUP two one seven dash 21 dash 0 0 5 7 3 dash planning. And, do I need to state reasons or I can just state that.

Director Will VanVactor ([02:02:04](#)):

No, you'll need to

PC Susan Hermreck ([02:02:05](#)):

Okay. And now you've made me put everything away cuz I figured we wouldn't

PC Susan Hermreck ([02:02:10](#)):

Okay. Um, and basically it comes down to the general criteria of 18.160 020. Oh. Taking to an account location, size design and operation characteristics. A proposal will have minimal adverse impact on livability value and appropriate development of abutting properties and the surrounding area compared to the impact of the development that is permitted outright. I feel it will have maximum impact on the abutting properties. And I also put that in accordance with your ESEE report, which I don't know where I put that.

PC Laquita Stec ([02:02:51](#)):

I'll second.

PC Susan Hermreck ([02:02:54](#)):

Thank you, Laquita.

PC Michael Warren ([02:02:57](#)):

Okay. So we have a motion and a second. Any further discussion. Okay. I'll call for the vote. Gary?

PC Gary Bedortha ([02:03:08](#)):

No.

PC Michael Warren ([02:03:09](#)):

Susan?

PC Susan Hermreck ([02:03:10](#)):

Aye.

PC Michael Warren ([02:03:12](#)):

Laquita?

PC Laquita Stec ([02:03:12](#)):

Aye

PC Michael Warren ([02:03:14](#)):

George?

PC George Ponte ([02:03:16](#)):

No.

PC Michael Warren ([02:03:16](#)):

And Mike is an aye. So motion passes. Um, what do you need from us, Will? I would ask for another motion to clarify whether or not you would like Chair Warren to sign out of the meeting or if you'd like us to bring the decision back to the planning commission. Since we now have time to do that, based on the code update we did. So just direction to staff as to whether or not you want Mike to sign out of the meeting, or whether you guys want an opportunity to review that.

PC Michael Warren ([02:03:56](#)):

When is?

PC Gary Bedortha ([02:03:57](#)):

I'm good with him signing.

PC Michael Warren ([02:03:58](#)):

When's the next meeting?

Director Will VanVactor ([02:04:01](#)):

Well, we'd have to call a special meeting because we have until April 1st. Um, so we'd have to do it on March 31st.

Staff Hannah Elliott ([02:04:11](#)):

That's a Thursday,

Director Will VanVactor ([02:04:12](#)):

March 30th.

PC Michael Warren ([02:04:18](#)):

Do you need a motion for that though?

Director Will VanVactor ([02:04:19](#)):

Yeah, I'd like, just to be clear that that's what the plan commission wants.

PC Susan Hermreck ([02:04:25](#)):

Laquita make the motion I'll second

PC Laquita Stec ([02:04:25](#)):

Mr. Chairman I move that the commission authorized Chairman Warren to sign the final decision outside of regular scheduled meeting.

PC Susan Hermreck ([02:04:39](#)):

And I second that wonderful motion.

PC Michael Warren ([02:04:42](#)):

Any further discussion,

PC Gary Bedortha ([02:04:44](#)):

I'd ask it. Uh, they send it to us, all of u

PC Gary Bedortha ([02:04:49](#)):

At the ime that Mike's gonna sign it.

Director Will VanVactor ([02:04:51](#)):

Prior

PC Susan Hermreck ([02:04:55](#)):

I second that amendment on that

PC Michael Warren ([02:04:59](#)):

Okay. Any further discussions? Okay. A call for the vote, Gary?

PC Gary Bedortha ([02:05:03](#)):

Aye.

PC Michael Warren ([02:05:04](#)):

Susan?

PC Susan Hermreck ([02:05:05](#)):

Aye.

PC Michael Warren ([02:05:05](#)):

Laquita?

PC Laquita Stec ([02:05:06](#)):

Aye.

PC Michael Warren ([02:05:06](#)):

George?

PC George Ponte ([02:05:06](#)):

Aye.

PC Michael Warren ([02:05:07](#)):

And Mike's an aye .