

CROOK COUNTY PLANNING COMMISSION MEETING

July 28, 2021

Meeting minutes are not a complete representation of discussions at the meeting. An audio recording is available from Crook County Community Development at plan@co.crook.or.us or (541) 447-3211.

Crook County Planning Commission Chair Michael Warren II called the meeting to order at 4:00 p.m. The meeting was conducted by WebEx, a call-in service and at the Crook County meeting room. Commissioners attending the meeting in person were Chair Michael Warren, George Ponte, Linda Manning, Laquita Stec, Bob Lundquist, Susan Hermreck, and Gary Bedortha. The following County staff was present at the meeting: Community Development Director, Ann Beier; Community Development Director, Will Van Vactor; Planning Manager, Brent Bybee; and Planner, Katie McDonald. Planning Permit Tech, Jennifer Orozco participated via WebEx.

Parties in Attendance:

See sign in sheet

Participating via phone WebEx:

Mrs. Mark Fleming –4777 NW Lamonta, Prineville

After opening the meeting, Chair Warren stated that staff had requested the public hearing be continued to August 25th at 4pm. Chair Warren then asked for a show of hands to support this continuance from the Planning Commissioners. The Commissioners were in favor of the continuance.

MINUTES

- **June 9, 2021 minutes**

Planning Commissioners have the minutes from the June 9, 2021 hearing before them.

Chair Warren asked for any comments, additions, or corrections on the minutes?

Commissioner Stec moved to accept the minutes as presented.

Commissioner Ponte seconded the motion.

Chair Warren called for the vote?

Commissioner Manning- aye

Commissioner Ponte- aye

Commissioner Hermreck- abstain

Commissioner Bedortha- aye

Commissioner Stec- aye

Commissioner Lundquist- aye

Pro Tem Commissioner Lawrence Weberg- aye

Chairperson Warren- aye

Planning Commissioners have the minutes from the June 23, 2021 hearing before them.

Chair Warren asked for any comments, additions, or corrections on the minutes?

Commissioner Bedortha moved to accept the minutes as presented.

Commissioner Stec seconded the motion.

Chair Warren called for the vote?

Commissioner Manning- aye
Commissioner Ponte- abstain
Commissioner Hermreck- abstain
Commissioner Bedortha- aye
Commissioner Stec- aye
Commissioner Lundquist- aye
Pro Tem Commissioner Lawrence Weberg- abstain
Chairperson Warren- aye

OTHER BUSINESS

- **None**

PUBLIC HEARING

Chair Warren called the Public Hearing to order at 4:10 pm.

Chair Warren read the opening statements, asked for questions on process, and introduced the item for consideration:

The Planning Commission will take testimony on two planning files:

File 217-21-000436-PLNG, a proposed amendment to the Crook County Comprehensive Plan to add a property to the County's inventory of significant aggregate resource sites and File 271-21-000573-PLNG requesting conditional use approval for mining operations on the property.

The Planning Commission will be evaluating the request against the following applicable criteria:

**Oregon Administrative Rules (OAR) Chapter 660, Division 16
Oregon Administrative Rules (OAR) 660, Divisions 33**

**Crook County Comprehensive Plan. Ordinance Numbers 43 and 51, Comprehensive Plan Mineral and Aggregate Policies
Crook County Comprehensive Plan, Chapter III, Land Use, Agriculture, Policies for Agricultural Areas of Crook County.**

Oregon Revised Statutes 215.283(2)(c) and ORS 215.296

**Crook County Code
Chapter 18.08 Definitions
Chapter 18.16 Exclusive Farm Use zones
Chapter 18.144 Aggregate Resource Sites
Chapter 18.160 Conditional Uses**

Chair Warren asked if any of the Planning Commission members had a conflict of interest or had any ex-parte contact and bias with the Applicant or any member of the public.

Commissioner Bedortha stated that he has a permitted rock (basalt) pit. He added that it will not influence his decision.

Chair Warren then mentioned that there was a site visit early in the day and he read a list of all the Planning Commission members in attendance.

Chair Warren asked for Planning Commission members to identify if they had a conflict of interest or had any ex-parte contact and bias with the Applicant or any member of the public.

Commissioner Manning - no

Commissioner Ponte- no

Commissioner Hermreck- no

Commissioner Stec- no

Commissioner Lundquist- no

Pro Tem Commissioner Lawrence Weberg- no

Chairperson Warren- no

The Chair then asked if any member of the public, including those participating by phone, wished to challenge any member of the Commission. No members of the public stated a challenge.

Chair Warren then asked to hear from staff.

Ann Beier, Community Development Director provided an overview of the two applications before the Commission. She stated the first application is a Comprehensive Plan amendment to add the aggregate site as a significant resource to the inventory. It is a yes, it meets the standard or no, it does not. The Planning Commission would need to make a recommendation to County Court. The second application asks the Planning Commission to weigh the benefits of developing the site against Economic, Social, Environmental and Energy consequences (ESEE analysis). She added that there are 15 statewide planning goals, some of which do not apply, some do and they include Citizen Participation, Goal 3 Farmland Protection, and Goal 5 Aggregate Protection. Some of the goals may conflict and that is what the Commission will be asking for testimony on, is there a potential conflict.

Beier continued to describe the process with the Planning Commission making a recommendation to County Court for the Comprehensive Plan Amendment and the Conditional Use application that looks at the site activity. The site is approximately 75 acres and the Commission will weigh their decision on if there would be impacts to adjacent property owners, impacts to area farming operations, and other impacts to the community. There will also be consideration that mining is an important activity and a resource.

Beier added that due to the complex nature of the request and criteria, the Planning Commission would most likely not get to a decision tonight and tonight's meeting may bring up more questions than answers. The staff report includes recommended conditions but they were not likely to reach that point tonight. Beier added that Commissioner Stec identified an error in the staff report (pg. 16) which was held over from a previous decision, and the staff report would be modified to be correct. Another error was identified that described the Woodward site as industrial. That property is split zoned with approximately 36 acres zoned heavy industrial. The intent of the operator is to maintain the processing center on the industrial zoned property. The material from the proposed Vanier site would be internally routed to avoid any traffic on roads.

Commissioner Hermreck asked what the other zone for the split zone is.
Beier responded that it is EFU-2.

Commissioner Bedortha asked for clarification if the processing is an outright allowed use on Industrial zoned property.
Beier responded yes.

Beier asked for any further questions or clarifications. She stated that there had been a lot of comments received on the application, most in opposition, and a lot of questions. Some of the concerns included dust control, water, water quality and water quantity, noise, and aesthetics to mention a few.

Commissioner Bedortha asked if there is a record of compliance issues over the past 6 years.
Beier responded that the County Compliance Officer, Louis Seals had received several comments over the years and worked with property owners and the operator.
Commissioner Bedortha asked for a summary of those issues and if they were resolved.
Beier stated that most were regarding reclamation which is something that the County does not regulate. Other comments were about vegetation, weeds on the berms, hours of operation, impact on ground water, number of truck loads per day, and reclamation. She then described the oversight process for mining operations and different regulatory bodies which weigh in.

Commissioner Hermreck asked if they could get a copy of the state reclamation requirements.
Beier stated that she could get that information but that is something the Planning Commission does not have authority over.
Commissioner Hermreck clarified that it would provide an overview of how the operation is minding the store so to speak.
Beier stated that the County has records of the most recent DOGAMI reports and could provide those. They are also available to the public. She suggested asking the question regarding reclamation to the applicants.

Commissioner Bedortha asked if the county still does not regulate noise.
Beier responded that nothing speaks to noise in the county regulations; it is her understanding that the state may have noise ordinance but may be lacking funding for enforcement. The County considered it a few years back but decided not to pursue. If it is something that they would like to pursue then staff would reconsider it.

Warren asked for any questions from the commissioners
Commissioner Manning - no
Commissioner Ponte- no
Commissioner Hermreck- no
Commissioner Stec- no
Commissioner Lundquist- no

Pro Tem Commissioner Lawrence Weberg- asked if he could still ask questions, even though he was not voting.
Chair Warren replied that he could not ask questions at this time.

Chairperson Warren- no

Katie McDonald, Planner, then stated that another call in number has joined the meeting, but the caller did not unmute themselves. Mrs. Fleming dropped off the call.

Chair Warren then asked about any state or federal agencies.

None were present and Beier added that no comments were received.

Chair Warren then asked to hear from the applicant.

Matt Ropp, with Knife River, Applicant, Manager of Land Planning for the Northwest Region began by acknowledging the public in the room and went on to introduce their team in attendance. Ropp spoke to the intent of the applicant to continue its mining operation through the current Woodward site onto the neighboring property to the east, which they do not own but are in agreement with the land owner. They have also reached out to neighboring property owners and are working through concerns and will be continuing to work through those as more may arise in the public hearing. He stated that they would like to leave the record open as new information is being submitted. Ropp also stated that they would be preparing a supplemental findings document to add to the record.

Ropp provided a general land description of the proposed site. He added that the applicant is in favor of a condition to not add a road approach and haul all material from the proposed site on internal haul roads. Ropp stated that this application is not an expansion in volume to the level of work they are doing, just a continuation and allow to use the plant on site.

Chair Warren asked for questions from the Commissioners.

Commissioner Bedortha asked about the timeframe mentioned for ending activity on the current site.

Ropp deferred to the General Manager.

Commissioner Manning - no

Commissioner Ponte- no

Commissioner Hermreck- no

Commissioner Stec- no

Commissioner Lundquist- no

Chris Doan, General Manager for Knife River, acknowledged the opportunity to show the Planning Commissioners the current operations at the Woodward site and the proposed during the site visit. Doan spoke to the need for concrete in the area, specifically the Facebook project in Crook County. They operate three plants in Central Oregon and the material from the Woodward site has been going to all three plants. Doan said that they would be finished mining the Woodward property sometime this fall. The expectation is that the material will be processed and round rock will be exhausted by this winter. Their timeline for washing rock off of the Vanier property would be sometime this spring.

Commissioner Ponte asked for clarification regarding the three plants being supplied material from the Woodward property, and if they are in Prineville, Redmond & Bend.

Doan said that was correct.

Commissioner Stec asked if those plants were all cement plants.

Doan said they were ready mix concrete plants. He added that there is an asphalt plant in Redmond as well, but that is supplied from a Basalt site in the Lone Pine area.

Commissioner Stec asked about the existing approval which allowed for the placement of a cement plant on the Woodward site.

Doan replied that they did not place a plant there. They set it up closer to the project, just south of the Les Schwab facility.

Commissioner Manning asked if all the material mined on the Woodward site stays in the Central Oregon area. Doan responded that most is hauled within an hour and half radius of each of the plants.

Commissioner Bedortha asked if the Prineville plant provides for other customers than Facebook.

Doan said they do supply for some other projects but about 90% of the product is used for the Facebook project.

Commissioner Lundquist asked if they are mining any other sites in the area.

Doan responded that yes they are but they are not being used for concrete.

Commissioner Lundquist asked about the timeframe for completing the mining of the site. He stated that the Woodward site was permitted approximately in 2015 and in about 6 years that will be exhausted. The proposed site is about the same size, do they anticipate the same time frame.

Doan responded that it is at the current rate they are supplying product to the Tri County area.

Commissioner Lundquist followed up stating that if Facebook quit building, it could run out to 8, 10 or 12 years. Doan agreed with his statement.

Commissioner Manning asked that once they are finished mining the Woodward site, how many acres will be going back to be reclaimed.

Doan stated that the 76 acres would be reclaimed.

Commissioner Manning asked about the timeframe for reclamation.

Doan responded that they would continue processing in the processing area and there would be a berm around that area. The rest of the area would be reclaimed and replanted as early as this fall.

Commissioner Manning asked if it was safe to say they have around 76 acres to be reclaimed.

Doan responded that those were approximate and there are some areas that would not be reclaimed, such as the ponds.

Commissioner Lundquist asked if it was the land owner's responsibility to make the land productive.

Doan replied that it was the land owner. They said it was their responsibility to replace the soil that was scraped off, and to grade that to a suitable elevation, and then hand it over the land owner for his use.

Commissioner Bedortha then added that DOGAMI would not sign off until the property is ready to hand back off to the land owner.

Doan stated that yes DOGAMI has a reclamation plan that would need to be followed.

Beier stated that they would post a bond to require that things get took back.

Commissioner Ponte asked if any portion of the Woodward site had been reclaimed.

Doan stated that yes there had been.

Chair Warren stated that on the Site Visit it appeared to be about 10 acres.

Doan then went on to describe that portion of the property; he estimated approximately 15-20 acres.

Chair Warren asked if the applicant to describe what the use of the product was, and to identify that not all mines are able to provide that.

Doan went on to explain the need for the resource (alluvial aggregate) at this particular site.

Beier asked for the map that was received at the site visit to be entered into the record. Secondly, Commissioner Stec asked for a list of active mining permits in Crook County. Staff then generated a spreadsheet and map of permitted mines. Closed on the spreadsheet means that there is not an active permit with DOGAMI and they could come back and mine but they would need to renew the permit with DOGAMI.

Commissioner Bedortha added that the site is still listed on the inventory list.

Beier responded that yes it would remain on the list as a significant resource.

Chair Warren then added that the types of mines and products are used for different products.

Commissioner Ponte asked what Admin meant on the spreadsheet.

Beier stated that it should be on the last page and her recollection was that it meant they were in process of a review.

Commissioner Bedortha then clarified they were looking at Exhibit 13.

McDonald stated that the last page was missed on the upload for Exhibit 13 and staff would add it.

Beier stated that Exhibit 13 was available online and the missing page was the key for the spreadsheet.

Commissioner Manning asked if the Woodward site was listed as active.

Chair Warren responded that it was.

Chair Warren asked the Commission members if there were any further questions for Chris Doan.

Matt Ropp intended to bring other representatives up to speak, but asked what the Planning Commissioners would like to hear specifically.

Chair Warren responded that those questions may be better asked once they Commission hears from opponents.

Ropp agreed that perhaps in the rebuttal. He then introduced the Hydrogeologist and asked staff to bring up Exhibit 14.

Mark Stacy, Senior Hydrogeologist with Wenck, now a part of Stantec; he is a registered Geologist in the state of Oregon registration number is G1953. He was hired as a consultant by Knife River for the Woodward and Vanier site. He then went on to go through a presentation (Exhibit 14).

Commissioner Stec asked for clarification on what the makeup of Terrace Deposits is and what the depth is.

Stacy responded that they are sand, gravel, silt and clay and can be up to 300ft deep.

Beier asked if the Clay is continuous as a barrier layer.

Stacy responded that he would address that on an upcoming slide (page 4 of Exhibit 14). He added that wells that drew on the upper aquifer were at a level of 16 to 20ft, the wells that were deeper were pulling from a lower aquifer of 30 to 40 feet (see page 4 of Exhibit 14). Conclusion is that there is an upper aquifer and lower aquifer, part of the same upper terrace deposit but not connected.

Beier then clarified that the two aquifers were not connected, she asked if the clay was the impermeable layer. Stacy then described an experiment to show permeability with ice cream and cheerios. He continued with the presentation.

Chair Warren asked what the static water level was in the upper aquifer.

Stacy said that the upper aquifer is about 20 feet and the lower about 40 feet.

Chair Warren asked what the ultimate depth was.

Stacy said it was around 280 feet to 290 feet.

Commissioner Bedortha asked about the three wells drilled on site for testing.

Stacy said they were about 30 feet because they were only looking at the upper aquifer. He then continued with presentation and continued to (pg. 5 of Ex 14). He added that wells which were to the lower aquifer would not necessarily be affected by the mining activity. Stacy continued with the presentation.

Chair Warren asked if the numbers (pg6 of Ex14) were well logs or tax lots.

Stacy replied that they were well permit numbers on file with Oregon Water Resources. He continued to the next slide and the presentation. He stated that water flows generally perpendicular to the contour lines.

Therefore the groundwater generally flows from the northeast to the southwest.

Commissioner Stec asked to review the slide and confirm elevations of 2920 top basic elevation (water) and the map shows the (2910 elevation). Basically, the water coming into the north east and would be flowing back into the Vanier properties. She continued to ask about the drainage above the project. The water above the ground and the water below the ground would both be flowing in a southwest direction.

Stacy responded that based on topography, the surface water would run to the northwest and the ground water would run to the south west. He added that on the site visit he noticed a topographic line which started approximately at the test wells (southwest corner of Vanier) and ran northeast toward a white roofed building shown on a neighboring property to the east is a topographic dividing line for water flow. Which would indicate surface water runs in different direction.

Commissioner Bedortha asked if the surface water would then run to McKay Creek drainage. Discussion commenced and determined shown on the map is the Ryegrass canal.

Stacy continued with the presentation slides. He stated that permeability was not unusual for the conditions.

Chair Warren asked if the testing was done to determine how much water would come in during the mining activity.

Stacy responded yes that was part of the testing.

Commissioner Stec asked a clarifying question that Stacy had referenced test pits being done in November versus the test wells more recently, and one of those test pits was filling up at 100 gallons per minute. Stacy responded that yes those were different and that one of the three pits had 100 gallons per minute. Commissioner Stec followed up with confirming the test wells were at a depth of 20 -30 feet, 2 to 3 gallons per minute with a recovery time of 15 to 20 minutes. Stacy responded that was correct and continued with the presentation.

Commissioner Bedortha asked if the water is being pulled out during the mining operation and put back into the ground, where there is a layer of clay then will the water be going in above or below the clay. Stacy responded that the water would be going back into the land below the clay layer (pg. 9, Ex 14). Commissioner Bedortha then asked if they are pulling the water from a different depth, wouldn't they be charging a different system. Stacy responded that if the water was pulled out of the upper 30 feet then it would go back into the upper layer. Commissioner Bedortha then followed up with how would the water not flow back into the project. Stacy said that it really wouldn't matter if it did, they would just pump it back out again. He then continued with the presentation.

Commissioner Stec asked for clarification on the process of recharge trenches and observation wells. Stacy responded that the point was to pull out the water from where they were digging, put it back into an area where they were not and have it go into the same area it would have for other wells downstream to use.

Commissioner Bedortha asked what if it exceeds capacity of the ditch. Stacy said then they would need to address the size of the recharge ditch to accommodate the water.

Commissioner Stec said that in the materials she thought the mining operation was planning on going 30 to 35 feet deep and the water is at 20 feet, would that mean the trenches need to be deep as well. Stacy moved to page 9 of Exhibit 14 to explain the answer.

Commissioner Stec asked about the filtration system for the water to flow back. Stacy responded that the material would be a permeable sand and gravel to filter the water back through.

Commissioner Bedortha asked if it is a common practice with DOGAMI and Oregon Water Resources. Stacy responded that it is a common practice and that it would be a part of the application to DOGAMI.

Commissioner Bedortha said that DOGAMI is the governing body and he is trying to get straight the different agencies that would be reviewing it. Stacy said that DOGAMI would have the authority and they have had this method approved in other projects.

Commissioner Stec asked about the backfill process and if the land would be soggy. Stacy then deferred to Chris Doan.

Doan stated that when they backfill, they use overfill and then cap it with the topsoil. He stated that there would be no permeability in the areas that they backfill so the water that was in that aquifer will actually go around the perimeter area that they backfilled.

Commissioner Stec followed up with confirmation of the berms being used to backfill the site.

Doan confirmed that was the case.

Commissioner Bedortha then asked if the berms were also the top soil.

Doan stated that there were berms of overburden and berms of top soil which were kept separate.

Commissioner Lundquist asked about the permeability of the overburden.

Stacy commented that the water would continue to move into the area. They anticipate the water level to come back to the 4 to 5 foot water mark.

Beier asked if the Observation wells will be used to monitor how the water comes back.

Stacy said they would be used for what the water looks like while they do this process. He would defer to Knife River for the Observation wells and how they mine through it. He said that there should be some way to identify that things are going the way they should.

Commissioner Bedortha asked about the recommended findings and conditions in regard to impact to neighbors and asked Beier if this was an appropriate time to address that.

Beier responded that while there someone to help answer questions, to go ahead a raise the question. She addressed the audience and acknowledged their patience through the process and since there were quite a few concerns raised in regard to water quality and quantity she wanted to make sure the Commissioner could understand.

Commissioner Bedortha then asked about Condition 18 regarding the potential impact on neighboring properties. He asked if that was one of the slides where it showed the neighboring wells and well depth.

Stacy responded that the intent was to show who was in the shallow aquifer and who was in the deeper aquifer and who might be impacted.

Commissioner Bedortha then asked if the assumption is an impact to the shallow wells.

Stacy responded that yes the concern would be with the shallow wells.

Commissioner Bedortha said that even with the deeper wells, they may have been done years earlier and may not have cased more than 20 feet from the surface. He stated that a condition should not be limited to wells of a certain depth, as there may be a potential impact on wells that were deeper. Is that something that could be mitigated?

Stacy responded that he would defer to Matt Ropp and Knife River staff.

Commissioner Hermreck asked about the movement of the water around the area where the land had been filled.

Stacy responded that they are anticipating the water will continue to move around the area.

Commissioner Hermreck asked if it would change the water flow chart that was shown.

Stacy responded that yes there is a potential that water pathways could change because they are encouraging the water to go around. They do not anticipate the wells to the south of Vanier's to change because the water will still go in that direction.

Commissioner Hermreck followed up with questioning that reasoning, as they are actively directing the water around, which would be a change in water flow.

Stacy responded that he would not deny that there could be a change in water flow.

Commissioner Hermreck confirmed that there could be a change in water flow.

Chair Warren asked for any further questions.

Amber Hudspeth, Hudspeth Land and Water, an Environmental Consultant for Knife River stated that she has been retained to conduct sampling of wells outlined in the Wenck report and to sample the monitoring wells. She testified that the wells may not be that close together as a professional opinion. She said the testing will include water quality testing on the adjacent and onsite wells. She provided some of specific characteristic and compounds tested.

Beier added that she believed the intent was to get a base line of data on wells to be available.

Hudspeth stated that this would be baseline data for any future analysis.

Commissioner Stec asked if she was testing adjacent property owner's wells.

Hudspeth responded that was correct.

Commissioner Stec asked for more information on location of those wells.

Hudspeth said they would be the adjacent property wells identified by Wenck.

Commissioner Bedortha asked how far out they are testing, how many are being tested, and if they have permission.

Hudspeth responded that yes they would have permission to test the wells and coordinated with the individual property owners.

Commissioner Lundquist asked if the testing was open to any property owner regardless of their well depth.

Matt Ropp responded that they have been working with Wenck and property owners on which wells would be potentially included in the testing.

Chair Warren asked about the timeframe on testing, and if it was scheduled, or as needed.

Ropp said that their objective at this point is to evaluate the ground water and identify potential areas that may be impacted by the activity. Identify the wells, contact the land owners, and request permission to enter their property and collect base line data for future analysis. They would share the data with the land owner and county to establish baseline data. He estimates that they would conduct quarterly tests on the wells within their area to determine if anything is changing on their property. They do not intend to monitor neighboring wells on a continuing basis.

Chair Warren asked about monitoring schedule of onsite wells.

Ropp responded that would be worked out with Amber and if there was a result that identified a change, that may be a time where they reach out to land owners and ask if they can retest.

Commissioner Bedortha then asked what would a solution be to the land owner if there was a determined impact and who would determine the impact.

Ropp stated that it would be a qualified professional and it would be an agreement between Knife River and the land owner. He went on to say that they are providing base line data and access to ongoing data from the onsite wells for individual use.

Commissioner Bedortha stated that it would not be up to the Commission to dictate what a solution would be, just that there would be a solution if there becomes a problem. He asked Ropp in terms of conditioning, would they be amenable to set a distance for testing for specificity.

Ropp responded that the Commissions role is to make findings on the criteria and evidence provided. He stated that they had hired a consultant to make recommendations and a finding that there would not be a substantial impact. Further they are installing monitoring wells onsite and share the data as well as collecting the base line for adjoining wells. They do not believe there will be an impact but if there is they will be starting with the data.

Commissioner Hermreck stated that there is a level of concern for ambiguity in a finding that does not provide surety for land owners on a solution outcome.

Ropp responded that if substantial evidence was shown, Knife River is a big publicly traded company and would be good to work with because they want to continue to do business in the community. He added that it is a good question and he is not prepared to give an answer at this time, but will respond in writing.

Commissioner Bedortha restated his question, would they be willing to add in a condition for reaching a remedy for the neighborhood.

Ropp stated that today they are willing to commit to accept a condition that states they will monitor the wells and share the data. In response to what happens if someone has a valid claim with substantial evidence to back that up, and leadership says we should take care of this, I don't know how to write a condition in a permit that can capture the nuances.

Commissioner Bedortha questioned the legal standing to add a condition of that nature.

Ropp stated that they may not, but it does speak to the livability and social impact.

Commissioner Manning asked if there were any impacts to wells from the activity on the Woodward site.

Ropp responded not that they are aware of.

Chair Warren asked for more questions from Commissioners. He then asked Amber if she was done.

Hudspeth responded that she was not finished. She continued testimony regarding the testing of water quality and data indications of any change. She addressed Commissioner Bedortha's earlier concern for wells without casing. She stated those were outside the Water Resources policy for well construction. The liability would be on the well driller.

Commissioner Bedortha added that it would be on the land owner, because it is their well.

Hudspeth said it may be possible, but it would not be acceptable and a licensed well driller would not do that.

Commissioner Bedortha added that it may have been done 50 years earlier.

Commissioner Stec asked if Hudspeth was monitoring the quality of the wells but would they also be monitoring the static level of wells.

Hudspeth responded that yes, it would be one of the physical parameters being tested.

Commissioner Bedortha shared that his concern is mostly with water quantity and gallons per minute.

Hudspeth said much of her work is in the valley where the depth of water is much shallower which is not seen in this area as much.

Commissioner Stec asked if there has been any evidence of well levels in the Valley floor being lower due to climate change.

Hudspeth said that the municipal wells are located up on the hill, but that is a different conversation because the number of wells utilized for that is much less.

Commissioner Stec said this property is in the old floodplain.

Hudspeth responded yes, back when there were problems with the old gas station contaminations.

Commissioner Ponte asked what happens when Knife River has moved on and a land owner has a problem. He stated he didn't know how soon hydro geologic problems would show up.

Stacy responded that the DOGAMI will have to sign off and the state will have to be fully satisfied that such issues would not happen before they would release Knife River. He added that the question is a what if, but not in the interest of state regulators to let such things happen.

Commissioners and staff discussed the time for the hearing. Chair Warren stated that he would like to get through the applicant, but end at 7pm.

Ropp provided information on other members of their team at the hearing but at this point they will conclude and allow for other folks provide testimony. He stated that he could proactively cover issues, but almost certain they will come up and then they would be able to address them in rebuttal.

Chair Warren then asked for any further questions for the applicant.

Beier asked if the Commissioners were clear on what their role is versus the Department of Geology and Department of Environmental Quality.

Commissioner Lundquist said that the depth on the Woodward site is 20 feet but the depth on the proposed property is 35 feet, then followed up with a question would it still be on the same timeline for the operation.

Ropp responded that was correct but it is not apples to apples. They need to go deeper on the Vanier site because the overburden is thicker and gravels are not. He added that the depth is relative to ground level.

Ropp added that much of the discussion was on groundwater and the presentation was intended to be informative, but the Commission does not have the final authority to accept that or not. Assuming they are allowed to move forward. They will have to submit all of the material to DOGAMI, which does have a hydro geologist and who will evaluate the proposal and evidence, then condition the mining permit on the plan put forth. During the process there would be agency comment and the County will need to sign a Land Use Compatibility statement.

Commissioner Stec thanked Ropp for the information and added that the criteria for a Comp Plan requirement includes the ESEE analysis which is, Economic, Social, Environmental and Energy, so hearing the information is helpful.

Chair Warren then polled the Commissioners for their preference on proceedings and a 7pm time.

Chair Warren called for Neutral testimony.

Billie Johnson said that she is a dairy farmer and adjacent property owner. Her well is a 30ft well and is concerned about responsiveness to any potential impact. Water is her most pressing concern and she does not have time for someone to determine if there is an issue. She needs to have available water to operate her dairy and cheese making. Johnson also said she would like assurances ahead of time to make sure that she is not without water. Her property is at the Southeast corner of the Vanier property and may be impacted. She stated that water quality would affect the cows which would have a domino effect. If the pasture grass is covered in dust then that would affect the cows' four stomachs. She is prepared to have the operation but what can they do to mitigate.

Mona Pomraning is a management consultant who does IT remote work from home. She is concerned about the aesthetics from the north of the property. She also stated that her property has deep wells and understands they are not interested in deep wells. She added that she is also speaking for Alex Pomraning as well and read much of exhibits 9 and 12. She added that there are things happening on the current site that are not being monitored. They have part of their farm in alfalfa and another part sitting due to drought. They are not an adjacent land owner but concern regarding microbes infiltrating water and soil, as well as dust, which may have impacts to organic farming.

No questions from Commissioners.

Chair Warren asked about the call in person who wanted to testify.
McDonald responded that they had dropped off the call.

Chair Warren asked for Mikulski and they asked to provide testimony at the next hearing.

Commissioners Ponte and Bedortha clarified with staff that members of the public could speak with Knife River outside of the hearing process, it was the Commissioners that could not. Chair Warren said he could also submit his questions as an exhibit.

Brian Zednick, an adjacent farmer to the current mining operation, stated that due to harvest he was not fully prepared. He would like expansion from the application regarding the manufactured product they were talking about. With the expansion of the populace there may be a need to have alternative sources, the comment from Knife River was that they would prefer not to use alternative sources for concrete mix and he would like to know what those were. He is also concerned about the land value and quality of life, living next to a gravel pit with noise pollution, dust, and water pollution. He has a deep well, but within 1000ft of the operation. He is concerned that by passing this application on farm ground, it will set precedent for other farm operators to give up their agricultural ground to mining operation. Drought condition has limited agriculture in other areas and is active in the Prineville Valley for hay, alfalfa and high value seed crops. He also added that topography between the Woodward site and the Vanier site was different. He asked if at the end of the process the ground would be 8 feet shallower in reference to impacting farming activity, by changing the soil profile and water table what would that do to farmability of the ground.

Chair Warren asked for him to identify where his property is in reference to the site.

Zednick responded that he is due north of the property.

Chair Warren confirmed that the property is on Puckett as it comes down.

Zednick rents property from the Davis' just north of the Vanier and is concerned about the dust blowing on his crops especially on high wind days.

Monica Davis stated that she submitted written comment and wanted to allow others to speak.

McDonald stated that Davis provided Exhibit 5.

Tim Stafford, neighboring property owner questioned what criteria was used to communicate regarding well water and has not had any communication from Knife River. Stafford has hay and horses on a small scale. They had their well tested and had to put in a filtration system because of mud, nitrates and iron. He was concerned about the aesthetics of the berms and dust. He asked for more specifics on the recharge trenches and commented that there was a lot of generalization from the applicant. He asked where the state people on this are; the property is designated farm ground and how can it be turned into a gravel pit.

Chair Warren thanked the folks in attendance for their attentiveness and patience.

McDonald stated that Exhibit 10 is from Stafford.

Commissioner Stec moved that the public hearing be continued until August 25th at 4pm and they will pick it up right where they left off.

Commissioner Hermreck seconded the motion.

Chair Warren called for the vote.

Commissioner Manning- aye

Commissioner Ponte- aye

Commissioner Hermreck- aye

Commissioner Bedortha- aye
Commissioner Stec- aye
Commissioner Lundquist- aye
Chairperson Warren- aye

Motion Passes – 7-0-0

Beier asked that any additional material be submitted to the Planning Department prior to August 18, so we can get it to the Planning Commission. She thanked the audience for their participation.

Commissioner Bedortha added that any additional testimony could be turned in clear up to and during the hearing.

Commissioner Bedortha moved to adjourn.
Commissioner Hermreck seconded the motion.

No Discussion

Commissioner Manning- aye
Commissioner Ponte- aye
Commissioner Hermreck- aye
Commissioner Bedortha- aye
Commissioner Stec- aye
Commissioner Lundquist- aye
Chairperson Warren- aye

Motion Passes – 7-0-0

Chair Warren closed the meeting @ 7:00 p.m.