



# Crook County

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**RECOMMENDATION TO THE CROOK COUNTY COURT  
217-21-000436-PLNG  
COMPREHENSIVE PLAN AMENDMENT - ADDITION OF PROPERTY TO GOAL 5 INVENTORY OF SIGNIFICANT  
AGGREGATE RESOURCE SITES**

**October 7, 2021**

**APPLICATION: 217-21-000436-PLNG**

**OWNERS: Robert J. and Lani Vanier  
P.O. Box 326  
Dayville, Oregon 97825**

**AGENT/APPLICANT: Matt Ropp, Manager of Land Planning  
Knife River Corporation – Northwest  
32260 Old Highway 34  
Tangent, Oregon 97389**

**REQUEST:** The Applicant requests approval to add the subject 77.98-acre property to the Crook County Comprehensive Plan’s Inventory of Significant Mineral and Aggregate Resources and that the Court to adopt the site specific ESEE (Economic, Social, Environmental, Energy) Analysis for the aggregate site. The Applicant has also requested that the Crook County Planning Commission grant conditional use approval for aggregate mining on the property (217-21-000573-PLNG) if the property is added to the inventory of significant aggregate sites.

The subject property is located on the north side of Stahancyk Lane and the west side of Lamonta Road, approximately 3 miles northwest of Prineville. The address is 6487 NW Lamonta Road, Prineville, Oregon. The property is identified on the County Assessor’s maps as Township 14S, Range 15E WM, Section 14, tax lot 103.

**PROCEDURAL BACKGROUND:** The Applicant, Knife River Corporation Northwest, submitted an application to add the subject property to the Crook County inventory of significant aggregate resource sites (Application 217-21-000436-PLNG) and to authorize the extraction of sand and gravel from the site (Conditional Use Application 217-21-000573-PLNG). The applications were considered in a series of public hearings before the Crook County Planning Commission. The first evidentiary hearing was conducted on July 28, 2021 and continued for additional testimony to an August 24, 2021 public hearing. At the conclusion of the August public hearing, the record was left open for seven days for rebuttal evidence and argument (until September 1, 2021) and an additional seven days for the Applicant’s final argument (September 8, 2021).

The Planning Commission considered the request to add the property to the Goal 5 inventory of significant aggregate sites at the September 22, 2021 meeting. The meeting was for Planning Commission deliberation only. No additional testimony was taken because the record was closed.

The record consists of testimony received at the public hearings and written testimony including the Applicant's original burden of proof statement and Exhibits 1 – 34, available on the Planning Commission's website.

**PLANNING COMMISSION DECISION:** Based on evidence in the record, the Planning Commission members present voted 3-1 to recommended approval of a comprehensive plan amendment to include the property on the inventory of Goal 5 significant aggregate resource sites as a "3B" site.

The Commission found that the site met the requirements for location, quality, and quantity of a significant aggregate resource. On the basis of the "Aggregate Resource Investigation for the Vanier Site," submitted as part of the application for a comprehensive plan amendment and summarized in Attachment A, the Commission found that the location, quality, and quantity of the resource on the subject property qualify it as a significant site under the provisions of Oregon Administrative Rules 660-016 and the County's Comprehensive Plan. The Planning Commission also concluded that the 500-foot "impact area" surrounding the proposed mine site is consistent with Crook County Comprehensive Plan policies. (Attachment B – ESEE analysis).

The Commission considered the staff report, the Applicant's burden of proof and additional exhibits, and written and oral testimony in reviewing the site-specific ESEE (Economic, Social, Environmental and Energy) analysis (Attachment B). Based on review of the ESEE consequences, the Commissioners found that there are conflicting uses in the impact area. A majority of Commissioners present found that conflicting uses surrounding the site should be fully allowed, notwithstanding the possible impacts on the resource site. The Planning Commission members found that the conflicting uses are of sufficient importance, relative to the resource site, to not require protection of the resource site and recommended adding the site as a "3B" site. One Planning Commission member disagreed and recommended that the site be added as a "3C" site, a site where both the resource site and conflicting zoning uses are important relative to each other and the ESEE consequences should be balanced.

**RECOMMENDATION:** The Planning Commission recommends that a Comprehensive Plan Amendment be approved to add the subject site to the Goal 5 inventory as a significant site; and that the site specific ESEE Analysis be adopted as a Comprehensive Plan Text Amendment to place the subject site on the Comprehensive Plan's inventory of significant aggregate resource sites as a "3B site." This designation recognizes the importance of the conflicting uses relative to the resource site and does not require protection of the resource site.

Submitted by Will Van Vactor on behalf of the Crook County Planning Commission.

Date:

Signature:

ATTACHMENT A – Goal 5 Inventory  
ATTACHMENT B – Site Specific ESEE Analysis

**ATTACHMENT A  
GOAL 5 INVENTORY**

**Goal 5 Inventory – Applicable Criteria**

Oregon Administrative Rules (OAR) Chapter 660, Division 16<sup>1</sup>  
Crook County Comprehensive Plan. Ordinance No. 55, Comprehensive Plan Mineral and Aggregate Policies  
Ordinance No. 43, Crook County Goal 5 Resources (Mineral and Aggregate Elements)

Crook County’s Comprehensive Plan includes the County’s Statewide Planning Goal 5 inventory (natural resources), including an inventory of significant mineral and aggregate sites. This inventory has been amended over time to include additional significant Goal 5 resources. Oregon Administrative Rule (OAR) 660-016 outlines requirements and procedures for complying with Statewide Goal 5.

OAR 660-016-0000(2) states “A “valid” inventory of a Goal 5 resource...must include a determination of the location, quality and quantity of each of the resource sites.” The County included additional conditions for review of aggregate sites in Comprehensive Plan Policy (6). Policy 6 states:

“A mineral and aggregate resource site that is not on the Crook County Goal 5 inventory or that is listed as a 1B site shall be placed on the inventory of significant sites and shall be conserved and protected for surface mining after all the following conditions are met:

- (a) A report is provided by a certified geologist, engineer or other qualified person or firm verifying the location, type quantity and quality of the resource.
- (b) The site is determined to be a significant 1C site after reviewing all the evidence regarding location, quality, and quantity of the mineral and aggregate resource and site is added by amendment to the comprehensive plan; and
- (c) There are no conflicting uses of the ESEE analysis results (sic) in a determination that the resource is important relative to conflicting resources, uses and thither applicable statewide planning goals.”

**Location**

The inventory requires identification of the resource location (legal description, map of the site boundaries) including designation of an impact area. The Applicant has provided this information. The proposed site, located at the corner of Stahancyk Lane and Lamonta Road, is adjacent to an existing mining operation on the Woodward property, including an aggregate processing operation on the Woodward’s industrial property.

Planning Commissioners discussed the presence of other aggregate sites in the area as limiting the need for additional aggregate sites. Comprehensive Plan policy #4 states “ An abundance of a Goal 5 mineral or aggregate resource shall not be used as the basis to deny placement on the County plan inventory list.”

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<sup>1</sup> Oregon’s Statewide Planning Goal 5 protects natural resources and conserves scenic and historic areas and open spaces. It pertains to twelve types of natural resources, including aggregate and mineral deposits. Goal 5 instructs local jurisdictions (i.e., Crook County) to adopt programs to inventory and protect natural resources, including locations with significant aggregate resource (e.g., sand, gravel, basalt) suitable for construction materials. Initially, Goal 5 was implemented through OAR Chapter 660, Division 16 (“Division 16”). In 1996, Division 16 was largely superseded by OAR Chapter 660, Division 23 (the “New Goal 5 Rule.”). Although many jurisdictions currently apply Division 23 to implement their Goal 5 program, Crook County continues to apply Division 16.

## Quality and Quantity

Oregon Administrative Rules Chapter 660 Division 16 does not include specific standards for the minimum quality and quantity of an aggregate resource that constitutes a significant resource. The rule describes quality in terms of the site's relative value compared to other examples of the same resources found in the jurisdiction. Crook County requires that the quality of the site be determined based on (1) all available information concerning test results and (2) the resource site's relative value, as compared to other examples of the same resource existing in Crook County.

The County has applied the standards in OAR 660-023-0180 (mineral and aggregate resources) to help evaluate the quality and quantity of aggregate resources when determining resource significance. Although this rule does not apply directly to this application, OAR 660-023-0180(3) is instructive in that it provides clear and objective standards for the minimum quality and quantity required for an aggregate resource to be considered significant.

OAR 660-023-0180(3) - An aggregate resource site shall be considered significant if adequate information regarding the quantity, quality, and location of the resource demonstrates that the site meets any one of the criteria in subsections (a) through (c) of this section, except as provided in subsection (d) of this section:

- (a) A representative set of samples of aggregate material in the deposit on the site meets applicable Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley, or more than 500,000 tons outside the Willamette Valley;

The Applicant provided information demonstrating that materials on the subject property meet the requirements of (3)(a) following In Oregon Department of Transportation (ODOT) specifications for:

- Resistance to abrasion;
- Sodium sulphate soundness;
- Air degradation.

Materials were tested for quality relative to the ODOT specifications for Portland Cement Concrete (PCC) as part of the "Aggregate Resource Investigation, Vanier Site" conducted by Tim Marshall, an Oregon Registered Professional Geologist (the "Geologist's Report"). The Geologist's Report is included in the record and describes sample collection and testing protocol. The report concludes that the aggregate resource on the subject property meets ODOT specifications for resistance to abrasion, sodium sulfate soundness and air degradation. The report was based on seven (7) test holes identified on the Vanier property.

Sodium Sulfate Soundness – Coarse and fine aggregates used for PCC Concrete are tested for "soundness" using sodium sulfate salt. The samples from the proposed site for coarse aggregates (5% by weight) and fine aggregates (7%) are less than the specified thresholds of 12% (coarse aggregates) and 10% (fine aggregates).

Abrasion (durability) – Coarse aggregates to be used for PCC aggregates shall have a maximum result of 30%. The sample tested for abrasion had a result of 17.5% and meets the ODOT specification for resistance to abrasion.

Oregon Air Aggregate Degradation – Coarse aggregates used for PCC aggregates are tested for Oregon Air Aggregate Degradation. The test sets a maximum allowable amount passing the No. 20 sieve of 30% and a maximum sediment height of 3.0 inches. The representative sample had results of 19.9% passing the No. 20 sieve and a maximum sediment height of 1.1 inches. The material passed the “degradation” test.

The Planning Commission reviewed the information on aggregate quality on the site and determined that the material meets or exceeds ODOT specifications for quality and is consistent with language in OAR 660-016 and the Crook County comprehensive plan.

A determination of quantity requires consideration of the relative abundance of the resource. While there is no specific quantity requirement in OAR 660-016 or the comprehensive plan, OAR 660-023 provides specific standards for assessing quantity of aggregate resources.

The subject property is 77.98 acres in size. The Geologist’s Report estimates the property contains a total of 1,509,381 cubic yards of aggregate resources. For comparison to the minimum quantity threshold at OAR 660-023-0180(3), cubic yards must be converted to tons: 1 cubic yard = 1.6 tons. The total amount on the site is estimated at  $1,509,381 \times 1.6 = 2,415,009$  tons. OAR 660-023-180 requires the estimated amount of material is more than 2,000,000 tons in the Willamette Valley, or more than 500,000 tons outside the Willamette Valley.

The Applicant has not provided an estimate of the amount of recoverable material after reductions due to required 100-foot property line setbacks. The Applicant stated that they intend to maintain a 100-foot setback from the north, south and east property lines and a 50-foot setback from the northwest property line (the Profily property). No setback (zero) is proposed along the west property line, the Woodward mining site. However, even accounting for the setbacks, the Applicant states there will still be more than 1.5 million tons of recoverable aggregate resource on the property. Based on the information provided by the Applicant, this is more than three (3) times the minimum quantity (500,000 tons east of the Willamette Valley) required to be considered significant under OAR 660-023-0180(3).

Based on evaluation of the location, quality and quantity information provided by the Applicant and testimony, the Planning Commission recommends that the site should be placed on the County’s Goal 5 mineral and aggregate inventory as a “1C” significant site. Under the Crook County Comprehensive Plan policies and Oregon administrative rules, the site must be evaluated to determine if there are conflicting uses and if those uses can be balanced with use of the resource site (See the analysis in Attachment B).

**ATTACHMENT B**  
**IDENTIFICATION OF CONFLICTING USES AND ESEE ANALYSIS**

**Applicable Criteria**

**Crook County Comprehensive Plan**

**OAR 660-015**

- 660-016-0000 - Inventory Goal 5 Resources
- 660-015-0005 - Identify Conflicting Uses
- 660-016-0010 - Develop Program to Achieve Goal
- 660-016-0015 - Post-Acknowledgement Period
- 660-016-0020 - Landowner Involvement
- 660-016-0030 - Mineral and Aggregate Resources

The language in Division 16 instructs the County on procedural requirements for complying with Goal 5 and places the responsibility for analysis and achievement of a program to protect resources on the County. If the site is deemed to be significant based on an analysis of the resource location, quality, and quantity (Attachment A) , OAR 660-016-0005 directs the County to identify conflicting uses, consider impacts to conflicting uses from the mining operation and impacts to the mining operation from conflicting uses, and consider the applicability and requirements of other Statewide Planning Goals.

The process involves the following steps:

(1) **Preserve the Resource Site** – Not Applicable. Applies only if there are no conflicting uses.

Crook County’s Comprehensive Plan incorporates the Goal 5 requirement that requires identification of conflicting uses within the impact area and an assessment of other applicable statewide planning goals. Specifically, the application must consider existing and potential uses in areas near the resource site that are recognized in the County’s zoning districts. All properties near the subject property are zoned for exclusive farm use except for 35.36 acres on the western edge of the Woodward site that is zoned for heavy industrial use.

Based on the evidence in the record, there are existing conflicting uses within the 500-foot impact area. The information provided by the Applicant demonstrates that there are three (3) dwellings<sup>2</sup> on parcels within the 500-foot impact area as well as existing agricultural uses. There is limited potential for new permitted or conditional uses in this area due to the area’s EFU zoning. Permitted uses and conditional uses in the County’s EFU zones are listed in Crook County Code 18.16.

(2) **Determine the Economic, Social, Environmental and Energy Consequences (ESEE Analysis);**

- Identify the Impact Area
- Identify conflicting uses
- Determine the ESEE consequences
- Assess the applicability of other Statewide Planning goals.

**Impact Area:** The Applicant has provided a diagram outlining an impact area for all parcels within 500-feet of the Property. (See below – from Figures 3 and 4 and Table 1 of the Applicant’s burden of proof statement). Crook County Ordinance 43 (Appendix A of the Comprehensive Plan) defines “impact area” as that area surrounding

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<sup>2</sup> There is also a dwelling on the subject property.



T-R-S Tax Lot	Direction from Subject	Distance from Mining to Tax Lot	Site Address	Existing Dwelling	ID # on Map	Distance from Mining to Dwelling	Acres	Zoning	Primary Use	Land Owner
14-15-13 TL 102	East	160'	5777 NW Wilkinson Rd	Yes	9	5,010'	286.5	EFU-2	Farm Use - Hay	Mark & Casey McKinnon
14-15-14 TL 102	North	50'	6525 NW Lamonta Rd	Yes	5	245'	156.0	EFU-2	Farm Use - Hay	Dean & Teresa Davis
14-15-14 TL 701	West	0'	5950 NW Puckett Rd	Yes	8	1,845'	76.1	EFU-2	Farm Use - Hay	Scott & Crista Porfily
14-15-14 TL 702	West	1,350'	4755 NW Stahancyk Ln	No	-	-	35.4	HM	Industrial - Aggregate	Woodward Land & Timber LLC
14-15-14 TL 703	West	0'	Stahancyk Ln	No	-	-	76.1	EFU-2	Farm Use & Aggregate	Woodward Land & Timber LLC
14-15-23 TL 101	Southwest	425'	4243 NW Elliot Ln	Yes	10	2,560'	66.8	EFU-2	Farm Use - Hay	Samual Stafford
14-15-23 TL 102	South	140'	3320 NW Stahancyk Ln	Yes	2	320'	33.2	EFU-2	Farm Use - Pasture	Billie Johnson
14-15-23 TL 111	Southwest	140'	Stahancyk Ln	No	-	-	8.8	EFU-2	Farm Use - Pasture	Adam & Karen Mikulski
14-15-23 TL 114	Southwest	245'	3992 NW Stahancyk Ln	Yes	1	390'	0.9	EFU-2	Residential	Adam & Karen Mikulski
14-15-23 TL 117	Southwest	455'	Stahancyk Ln	*No	*4	-	3.0	EFU-2	Residential & Farm Use	Rick Kriege
14-15-24 TL 402	Southeast	205'	2720 NW Garden Ln	Yes (X2)	6 7	2,685' 2,780'	123.3	EFU-2	Farm Use - Hay & Pasture	Simmons Farm, LLC; Elsie & Henry Simmons

\* Kriege owns 14-15-23 TL 116, west of TL 117. TL 116 is outside of the 500' impact area and includes a dwelling that is 1,000 feet from the mining area.

**Conflicting Uses:** Crook County’s Comprehensive Plan includes a step-by-step process to evaluate mineral and aggregate resources, including a process to evaluate conflicting uses. (Section 3 of the Mineral and Aggregate chapter). This section requires not only consideration of the impact of conflicting uses on significant aggregate resources but also a consideration of “reverse impacts.”. The ESEE analysis considers both uses that may conflict with mining operations and conflicts to other uses resulting from mining on the subject property.

All parcels in the impact area are zoned Exclusive Farm Use-2 (Prineville Valley-Lone Pine Areas) with the exception of the portion of the Woodward property zoned for heavy industrial use. The Applicant states that the proposed mining activities will not be a conflicting use for the adjacent H-M zoned property . Mining and associated activities (e.g., crushing and screening) are uses permitted outright in the County’s H-M zone (Crook County Code 18.72.010).

Aggregate mining is a conditional use in an exclusive farm use zone (Crook County Code 18.16.015(11) and ORS 215.283(2)(b)). Agricultural uses are not considered conflicting uses with mining activities; however, some non-agricultural uses allowed in farm zones may conflict with mining activities (e.g., farm and non-farm dwellings and commercial activities in conjunction with farm use). Potential conditional uses in the EFU zone could include schools, churches, parks, campgrounds and home occupations. These uses could conflict with mining operations.

Mining operations are likely to conflict with existing uses. There are eleven (11) tax lots at least partially within the impact area. There are four residences within the impact area including one dwelling on the subject property. The Applicant has proposed a series of measures to minimize conflicts with nearby residential and farm uses. Specific conditions of approval are discussed in the staff report for 217-21-000573-PLNG, but these generally include:

1. Installing a vegetated berm that will serve as a visual and noise buffer along Stahancyk Lane and along the northeast property line (adjacent to the Davis property).
2. Limiting all processing activities to the existing processing site on the Woodward property.
3. Retaining only one access onto Stahancyk and not creating a new access on Lamonta.
4. Implementing a dust control management plan
5. Conducting baseline monitoring and periodic monitoring of groundwater quality and quantity.



**ESEE Analysis:** The ESEE analysis is intended to weigh the economic, social, environmental and energy consequences (both positive and negative) of protecting the aggregate site as a significant Goal 5 resource. The ESEE analysis provides the basis for the County to weigh the values of competing uses and the consequences of permitting or prohibiting resource uses and conflicting uses. The ESEE analysis considers not only the consequences associated with protecting the resource but also considers the consequences of mining and processing the aggregate resource. The ESEE analysis applies to the 500-foot impact area surrounding the proposed mine site. As discussed, there are 11 properties within the impact area including the adjacent Woodward mining and processing site, three dwellings and agricultural properties to the north and east.

The Planning Commission considered the Applicant's burden of proof statement and testimony and written and oral testimony provided by neighboring property owners. The following describes the Commission's findings on the economic, social, environmental and energy consequences of the aggregate site.

**Economic Consequences:** The Applicant stated that the proposed aggregate site will have positive economic impacts by providing a local source of high-quality aggregate material for area construction projects. This will benefit the economy of Crook County and Central Oregon. The Planning Commission agreed that having materials available would benefit Crook County development but also raised concerns that much of the material would be exported out of the County with little benefit to the local economy. The Planning Commission did agree that the current property owner will benefit from the mining of aggregate resources without significant negative consequences because the subject property is required to be reclaimed for agricultural use (hay production).

The Planning Commission agreed with testimony from neighboring property owners that there would be negative economic consequences including reduced property values due to ongoing mining operations. There may be negative economic impacts to surrounding farmers because of dust impacting crop productivity and potential impacts to groundwater availability and quality. The Planning Commission was concerned about the reduction in crop production and economic loss on the mine site due to potential reduction in soil productivity after mining and reclamation.

**Social Consequences:** According to the Applicant, positive social impacts of the proposed mining operation will include continued opportunities for employment, tax revenue and local aggregate supply produced by the operation.

The Planning Commission considered testimony from neighboring property owners regarding negative social impacts associated with the mine site including a reduction in the rural quality of life. Impacts associated with the site could include continued heavy truck traffic, noise and dust. Neighbors were concerned about the impacts to scenic vistas. The Planning Commission heard testimony from neighbors that the Applicant was not always responsive to complaints regarding dust and operating hours. Concerns were also raised about the mining operation's potential impacts to groundwater quality and quantity.<sup>3</sup>

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<sup>3</sup> The Applicant proposes to limit impacts by mining and reclaiming the site in 10-acre cells. Vegetated earthen berms will minimize negative impacts by providing visual screening and reducing noise from mining operations. Permit conditions will require that the operator manage fugitive dust: dust control is required as part of the operator's Department of Geology and Mineral Industries (DOGAMI) operating permit and the Department of Environmental Quality air quality standards regarding dust. Area residents may be concerned about potential impacts due to truck traffic. Trucks will continue to enter and exit using the existing access at the Woodward property, generally traveling from Stahancyk to Elliot Lane to Highway 26. Limits on mining activity will be addressed when the Planning Commission deliberates on the Applicant's conditional use request.

The Planning Commission also noted that while the mining operation would provide employment and tax revenue for a period of time, no new, permanent jobs would be created.

**Environmental Consequences:** The Planning Commission heard testimony regarding possible negative impacts including increased dust and disruption of wildlife by noise and mining activities. The Applicant will be required to submit a dust control plan and this plan will be subject to Oregon Department of Environmental Quality review. The Applicant proposed several activities to control dust and minimize impacts during operations. Oregon Department of Fish and Wildlife (ODFW) has not identified any wildlife or sensitive bird habitat near the site.

The Applicant's "Mine Hydrogeologic Characterization" report prepared by Wenck (Stantec Consulting Services Inc.) finds that groundwater is likely to be encountered during mining activities. The Applicant has proposed monitoring groundwater quality and quantity and activities to mitigate groundwater issues. Mining activities will be subject to Department of Environmental Quality (DEQ) permit requirements with oversight by the Department of Geology and Mineral Industries (DOGAMI).

The Planning Commission heard testimony from neighboring property owners regarding the impacts of dust from the current mine site. Property owners also raised concerns about impacts to groundwater quality and quantity. They were concerned that they would have a loss of well water due to mining activities and that they might need to incur costs to repair their wells or dig replacement wells. They were concerned about impacts to groundwater quality and their drinking water supply and the supply of water for livestock.

**Energy Consequences:** The Applicant stated that positive energy impacts will result from continued operation of the established processing facilities at the Woodward property, located in an area that minimizes transportation costs related to moving aggregate materials. Negative energy impacts may occur only if aggregate is mined from the area for transport out of the county, which is unlikely because of the distances involved. Reducing emissions associated from transferring aggregate from outside Crook County area is a positive impact.

**Summary:** The Planning Commission weighed the ESEE consequences of mining activities and generally found that the positive consequences of the operation did not outweigh the negative consequences to the community and properties within the 500-foot impact area.

**Conflicts with Statewide Planning Goals:** OAR 660-16-0005(3) requires local governments, in analyzing the ESEE consequences of conflicting uses, to also consider the applicability and requirements of other Statewide Planning Goals.

**Goal 1 – Citizen Involvement:** Crook County requires notice to adjacent property owners and a public hearing before the Planning Commission and the County Court prior to adoption of any comprehensive plan amendment. In addition, public notice is provided through the local newspaper. Information relating to the hearing (e.g., the staff report and exhibits) are available on the County's website and hard copies are available to the public when requested. Notice of the proposed plan amendment was also provided to the Department of Land Conservation and Development. The Planning Commission conducted a site visit to the subject property prior to the first hearing. Adjacent property owners within 750-feet of the subject property were notified of the visit and invited to attend. Two public hearings were held by the Planning Commission to consider this application and the related conditional use application. Members of the public were provided an additional seven days to respond to new evidence and the Applicant was provided seven days to submit a final argument.

The proposed plan amendment will also provide two hearings before the Crook County Court.

**Goal 2 – Land Use Planning:** This decision will be subject to the policies and processes of Crook County’s Comprehensive Land Use Plan and the County’s zoning code (Chapter 18) and will meet the Goal 2 requirements regarding land use planning.

**Goal 3 – Agricultural Lands:** The Applicant stated that it intends to minimize conflicts with neighboring agricultural activities by the operational design for mining the site. The agricultural use on the site will be temporarily interrupted as actual mining is conducted in phases. The site will be reclaimed to allow agricultural use after mining is complete. DOGAMI’S reclamation permit requires the site to be reclaimed to the current agricultural use. The Planning Commission received testimony regarding the lack of organic matter and nutrients in the topsoil and overburden preventing the site from returning to productive agricultural use. The Planning Commission understands that the Applicant and property owner will need to establish terms that minimize impacts to current agricultural operations on the subject property (e.g., minimizing impacts on the current irrigation system).

The Applicant stated that the aggregate operation will not force a significant change in accepted practices, nor will it result in a significant cost increase to accepted farm practices. Adjacent property owners are concerned about the impacts of dust on their crops causing reduced yields and reduction in quality. While there may not be a change in farm practices, there may be reductions in yields and income. The Applicant states that the proposed berms and dust control measures are intended to mitigate the impacts of dust on adjacent properties. Concerns were raised by an adjacent dairy operator regarding impacts due to a potential loss of water supply or groundwater contamination. There will be a disruption of current irrigation practices on the subject property until site reclamation is complete.

Neighboring property owners raised concerns regarding the potential dewatering or contamination of area wells due to mining operations. This was of particular concern to property owners with livestock who need to have access to a clean, reliable source of water for their livestock.

According to the Applicant, the mining operation on the Vanier property will be a continuation of the current mining operation on the Woodward property. The Applicant will construct a vegetated berm to serve as a visual and noise barrier to minimize impacts on adjacent farming operations. The mining operation of the Vanier property will be extraction only: all processing will continue to occur on the Woodward property. There will be no new access onto Stahancyk Lane or Lamonta Road. All aggregate materials will be transported on a haul road internal to the mining operation to the existing Woodward property processing site. Mining operations on the Woodward property have been occurring for several years and the Applicant is not aware of any of its current operational activities that have caused adverse impacts to surrounding lands devoted to farm use to the extent that the impacts have forced a significant change in, or significant increase in the costs of, accepted farm practices.

**Goal 4 – Forest Lands:** There are no forest lands in the vicinity of the subject property. Forest lands will not be impacted. There is no conflict with Goal 4.

**Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:** The Applicant proposes to add this site to the Goal 5 inventory of significant aggregate resource sites. Based on information from the Oregon Department of Fish and Wildlife (ODFW) and other resource management agencies, development of this site for aggregate productions does not conflict with any Goal 5 wildlife resources. The Applicant will be required to submit an “inadvertent discovery plan” regarding notification to the State Historic Preservation Office in the

event of discovery of any natural or cultural resources. This will be addressed in the review of the conditional use permit.

**Goal 6 – Air, Water and Land Resources Quality:** Goal 6 relates to protection of air and water quality. The operation of the aggregate mining site will be conducted in compliance with all other applicable state and local permits and regulations. The Oregon Department of Geology and Mineral Industries (DOGAMI) has oversight responsibility for mining operations and final reclamation. Dust control is a required component of the operating plan. The Oregon Department of Environmental Quality (DEQ) permits will be required for stormwater management and the dust control plan will be reviewed to address air quality concerns. The Applicant has agreed to provide limited baseline monitoring of groundwater quality and quantity.

**Goal 7 – Areas Subject to Natural Disasters and Hazards:** The proposed mine site is not recognized as being an area subject to natural disasters or hazards. There is no conflict with Goal 7.

**Goal 8 – Recreational Need:** The proposed mining operation will not impact recreational needs or areas used for recreation. There is no conflict with Goal 8.

**Goal 9 – Economy of the State:** Development of the aggregate site is consistent with Goal 9 because aggregate is a necessary commodity for road and building projects. A local source of aggregate provides an economic benefit to Crook County and the Central Oregon area.

**Goal 10 – Housing:** Development of the aggregate resource site will have no direct impact on the supply of housing in Crook County. Properties zoned for Exclusive Farm Use are typically unlikely to be approved for residential development. Having a local supply of aggregate materials should help meet demand for residential construction.

**Goal 11 – Public Facilities and Services:** No new public services will be required to support development of the aggregate resource site. Sewer service is not required, and water and power are currently available to serve the site. An existing truck route will be used for traffic associated with the site and no new connections to County roads are required.

**Goal 12 – Transportation:** Development of the proposed aggregate resource site does not conflict with the Crook County Transportation Plan or Goal 12. The site is located on an existing designated truck route less than ½ mile(s) from Highway 26. No new access points are needed or requested. No new access to County roads is required.

**Goal 13 – Energy Conservation:** Development of an aggregate resource site in Crook County reduces the consumption of energy needed to move aggregate from locations farther away to projects in Crook County. The proposed site is consistent with Goal 13.

**Goal 14 – Urbanization:** This proposal does not include expansion of any urban growth boundary. This area has not been considered for UGB expansion. If the area is considered for urbanization in the future, the reclaimed site could be available for development.  
(Goal 15 applies to Willamette River communities and Goals 16-19 apply to coastal communities).

**Program to Achieve Goal 5:** OAR 660-016-0010 states that based on the ESEE analysis, a jurisdiction must “develop a plan to achieve the Goal.” A jurisdiction is expected to resolve conflicts in any one of the following ways:

- 1) Protect the Resource Site: If, on the basis of the ESEE analysis, the jurisdiction determines that the resource site is extremely valuable relative to conflicting uses, and the ESEE consequences of allowing conflicting uses are great, the resource site must be protected, and all conflicting uses prohibited on the site and possibly within the impact area; These are identified as “3A” sites in the Comprehensive Plan.
- 2) Allow Conflicting Uses Fully: If the ESEE analysis determines that a conflicting use is sufficiently important relative to the resource site, the conflicting use must be allowed fully regardless of the impact on the resource site; In these cases, the mineral or aggregate mining may be disallowed completely and/or the conflicts may be allowed fully. This approach is used when the conflicting use or conflicting applicable requirements of other Statewide Planning Goals for a particular site is of sufficient importance, relative to the resource site. These sites are designated within the Comprehensive Plan as “3B” sites.
- 3) Balancing Conflicts: If the resource site and conflicting uses are both important relative to each other, the conflicting uses can be allowed in a limited way in order to protect the resource site to a limited extent. The jurisdiction must designate with certainty which uses and activities are to be allowed fully, which are not to be allowed at all, and which are to be allowed conditionally. The jurisdiction must also designate specific standards and limitations to be placed on the permitted and conditional uses and activities. These standards must be specific enough that affected property owners can clearly understand them. The Planning Commission could find that based on the analysis of the ESEE consequences and other Statewide Goals, Crook County has determined that both the resource site and conflicting zoning uses and conflicting applicable requirements of other Statewide Planning Goals are important relative to each other. These sites are identified as “3C” in the Comprehensive plan.

The Comprehensive Plan states that the ESEE consequences should be balanced so as to allow the conflicting use or conflicting applicable requirements of other Statewide Planning Goals, but in a limited way so as to protect the resource site to some desired extent.

#### ANALYSIS – COMPREHENSIVE PLAN AMENDMENT

1. Should the subject property be included on the inventory of significant mineral and aggregate sites in accordance with OAR 660-016-0005?

The location, quality, and quantity of the aggregate resource are described in the application along with location maps and material test results. On the basis of information in the record, adequate information is available on location, quality, and quantity of the resource and based on the information, the site should be considered significant and added to the inventory as a “1C” resource. (Attachment A).

2. What is the size of the impact area associated with the mine?

The Applicant proposed an impact area including parcels within 500-feet of the subject property’s boundaries. This is consistent with the Comprehensive Plan’s “default” impact area. The area includes eleven other properties as depicted by the Applicant’s map of the impact area. On the basis of information in the record, the 500-foot impact area delineated by the Applicant is consistent with the Comprehensive Plan and covers the areas likely to be significantly impacted by mining operations.

3. Are there existing conflicting uses in the impact area of the proposed mine site?

There are conflicting residential uses on adjacent properties zoned for exclusive farm use and potential impacts to agricultural uses in the impact area.

4. What program should be chosen to achieve Goal 5, in accordance with OAR 660-016-0010?

Option 1 – Protect the resource site

If on the basis of the ESEE analysis, the jurisdiction determines that the resource site is extremely valuable relative to the conflicting uses, and the ESEE consequences of allowing conflicting uses are great, the resource site must be protected and all conflicting uses prohibited on the site and possibly within the impact area.

The Planning Commission did not find that the resource site should be protected from conflicting uses.

Option 2 – Allow conflicting uses fully

Three of the four Planning Commission member present found, based on testimony and the ESEE analysis, that the conflicting uses are sufficiently important relative to the resource site and the conflicting use must be allowed fully regardless of the impact on the resource site. The resource site should not be protected.

Option 3 – Limit conflicting uses

IF the resource site and conflicting uses are both important relative to each other, the conflicting uses can be allowed in a limited way to protect the resource site to a limited extent. The jurisdiction must designate with certainty the uses and activities to be allowed fully, to be allowed conditionally, and those that are not to be allowed at all. The jurisdiction must also designate specific standards and limitations to be place on permitted and conditional uses in the impact area. One of the four Planning Commission members present found that the resource site and conflicting uses are both important relative to each other.

**Conclusion:** Based on information in the record, the Planning Commission found that the subject property meets the “location, quality and quantity” requirements as a significant aggregate site (1C in the County’s Comprehensive Plan). However, there are existing uses that may conflict with the mining operation and that the mining operation may conflict with.

Based on information in the record including the ESEE analysis and review of Statewide Planning Goals, the majority of Planning Commissioners present supported a finding of option 2 and designation of the site as “3B,” as significant site with conflicting uses that should be allowed with no limitations and no protection for the mine site.