



Crook County
Community Development
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**AMENDED STAFF REPORT - CONDITIONAL USE
– AGGREGATE MINING OPERATION
September 15, 2021**

APPLICATION: 217-21-000573-PLNG

PROPERTY OWNER: Robert and Lani Vanier
P.O. Box 326
Dayville, Oregon 97825

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

SUBJECT PROPERTY: T14 S, R15 EWM, Section 14, Tax lot 103
6487 NW Lamonta Road, Prineville, Oregon

PROPOSAL: The Applicant has requested that the County amend the Crook County Comprehensive Plan to add a 77.98-acre area to the County's inventory of significant mineral and aggregate resource sites (217-21-000436-PLNG) and by adopting the site specific ESEE (Economic, Social, Environment, and Energy) analysis, to allow mining activities on the subject property.

The Applicant is requesting a conditional use permit for aggregate mining, subject to addition of the property to the County's inventory of significant aggregate resource sites. The conditional use, if approved, would only be valid if the comprehensive plan amendment request is approved by the Planning Commission and the Crook County Court. The Applicant proposes phasing in mining to allow continued use of the property for agricultural production. The site will be reclaimed for agricultural use.

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 at an August 24, 2021 public hearing. At the conclusion of the public hearing, the record was left open for seven days for additional testimony (until September 1, 2021) and an additional seven days for the Applicant's final argument (September 8, 2021).

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. The findings related to the comprehensive plan amendment request are in the staff report for file 217-21-000436-PLNG.

APPLICABLE CRITERIA:

Crook County Code	Title 18 Zoning
Chapter 18.16	EXCLUSIVE FARM USE ZONES, EFU-1 (POST-PAULINA AREA), EFU-2 (PRINEVILLE VALLEY-LONE PINE AREAS), AND EFU-3 (POWELL BUTTE AREA)
Chapter 18.144	AGGREGATE RESOURCE SITES
Chapter 18.160	CONDITIONAL USES
Chapter 18.180	TRANSPORTATION

Crook County-Prineville Area Comprehensive Plan, Chapter III, Land Use, Agriculture, Pages 40-47, Policies for Agricultural Areas of Crook County. Goal 5, Aggregate sites.

Oregon Revised Statutes 215.283(2)(c) and ORS 215.296
Oregon Administrative Rules (OAR) 660-016 and 660-033-130

BACKGROUND:

Knife River Corporation – Northwest (the “Applicant”) seeks a conditional use permit (CUP) authorizing aggregate mining on the subject parcel. The Applicant currently operates a sand and gravel mine and aggregate processing facility on an abutting tract of land to the west (T14 R15 Section 14 tax lots 702 & 703 - the “Woodward” property). ¹ As the aggregate reserve on the Woodward property is depleted, the Applicant proposes to continue mining to the east on the subject parcel (T14 R15 Section 14 tax lot 103 – the “Vanier” property). The subject parcel is zoned Exclusive Farm Use (EFU-2).

The Applicant has applied for a plan amendment to add the subject parcel to the Crook County Comprehensive Plan (the “Comp Plan”) Inventory of Significant Mineral and Aggregate Resources (the “Inventory”) (217-21-000436-PLNG). The Applicant does not intend to process aggregates on the Vanier property. Aggregates extracted from the Vanier property will be processed and exported to market from existing permitted processing facilities on the Woodward property. Aggregate materials will be transferred from the Vanier property to the existing processing facility via haul roads internal to the mine site. The Applicant has submitted an agreement with the Woodward family allowing the use of the haul road (See May 24, 2021 agreement included in the conditional use application). The Applicant states that no significant change to the nature of operations or impacts resulting from activities occurring at the Woodward processing facility is expected.

The Vanier property is currently used for grazing and hay production. There is an existing dwelling on the northeast corner of the property. The applicant stated in their application that post-mining reclamation will return the property to a condition suitable for the same agricultural use. The Applicant intends to mine the property in cells, approximately 60 feet in width. According to the Applicant, approximately 10 acres will be disturbed at any one time. When the first cell is mined out, the next cell is started. Topsoil is stripped and set aside and then overburden pulled from cell #2 is used to fill in cell #1, then topsoil is replaced on cell #1. An average of 13 feet of overburden will be stripped from the surface using excavators and loaders. Topsoil will be saved for surface reclamation. Remaining overburden (silt, clay, fine sand) excavated from the initial cell(s) will be used to construct an 8-foot-high berm along the Davis property on the north-east side of the property and along Stahancyk Lane. No berm is currently proposed along Lamonta Road. Recoverable aggregates (sand & gravel)- an expected average thickness of 12 feet - will be excavated and transported to the Woodward site for processing.

¹ The Woodward property was added to the County’s Goal 5 inventory of significant resource in 2015 (217-15-000114-PLNG) and granted conditional use approval for a mining operation (217-15-000115-PLNG).

The Applicant states that groundwater may be encountered during mining but is not expected to prevent normal dry mining methods (i.e., excavators loading materials onto haul trucks). In the event groundwater infiltration complicates replacement of overburden during reclamation, the Applicant intends to temporarily use pumps to transfer water from open cells to a recharge trench so that overburden may be replaced safely and efficiently without impacting nearby groundwater rights. Undisturbed areas will remain available for agricultural use until mining commences. As cells are completed, land will be returned to agricultural use as soon as possible. Reclamation will be completed in accordance with a Department of Geology and Mineral Industries' (DOGAMI) approved reclamation plan.

BASIC FINDINGS:

- A. LOCATION:** The subject property is located at the intersection of NW Stahancyk Lane and NW Lamonta Road on the north side of Stahancyk and west side of Lamonta, approximately 3 miles northwest of the City of Prineville.
- B. ZONING:** The property is zoned Exclusive Farm Use Zone, EFU-2 (Prineville Valley-Lone Pine Areas) and is designated Agricultural in the Crook County Comprehensive Plan.
- C. SITE DESCRIPTION:** The subject property is currently - and has been for many years- employed for farm use (irrigated hay and pasture). The property includes a single-family dwelling that has been on the property since the 1920s, two general purpose buildings and a machine shed.
- D. COMPREHENSIVE PLAN DESIGNATION:** The property is designated as Agricultural Land.
- E. ACCESS:** The subject has direct frontage on NW Stahancyk Lane and NW Lamonta Road, both County owned and maintained roads. However, the mining operation on the subject property will only be accessed from the existing access for the mining operation on the Woodward property, directly to the west of the subject property. There will be no direct access to NW Stahancyk Lane or NW Lamonta Road for mining operations on the subject property.
- F. SOILS:** According to United States Department of Agricultural (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey the subject is comprised of three soil mapping units (SMU).

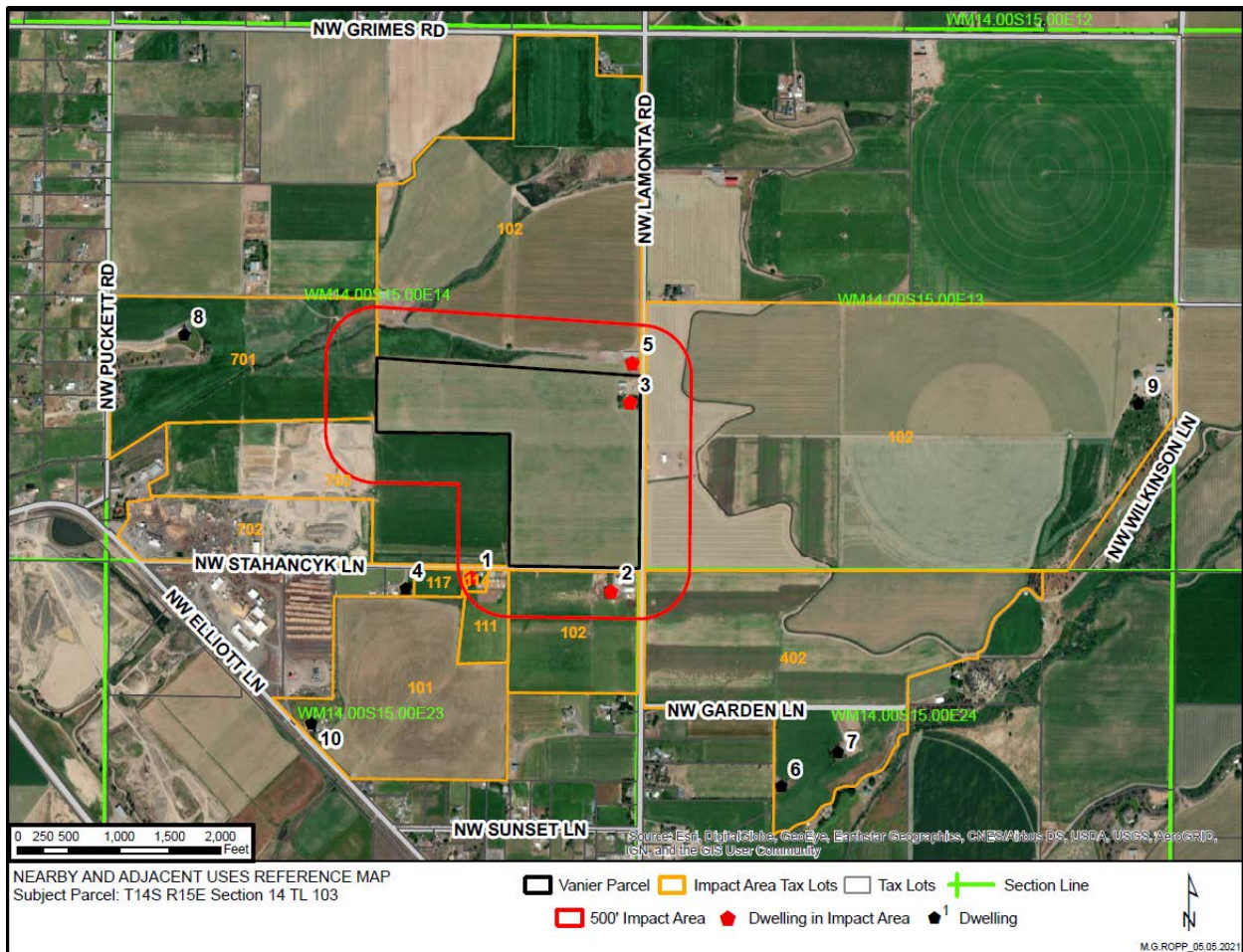
<u>Soil Type</u>	<u>Acres</u>	<u>If irrigated</u>	<u>Non-Irrigated</u>
#020 Boyce Silt Loam 0-2% slopes	0.2	3	-
#123 Ochoco Prineville Complex 0-3% slopes	75.9	3	-
#133 Ochoco Prineville Complex 3-8% slopes	2	3	-

- G. NATURAL HAZARDS:** There are no mapped natural hazards on the subject property. The property is not in a mapped special flood hazard area.
- H. WETLANDS:** The National Wetlands Inventory (NWI) does not include any wetlands on the subject property.
- I. SURROUNDING LAND USES:** The Applicant provided a table summarizing area land uses that are within the 500-foot impact area of the proposed mining operation. There are eleven (11) tax lots with acreage in the impact area. Surrounding parcels are zoned for exclusive farm use or heavy industrial use. The properties are identified on an accompanying map. There are larger agricultural operations to the southeast, east and north. The Woodward property with the existing mining operation is directly to the west. The processing facility is located to the west on property zoned heavy industrial. There are several smaller farms south of the subject property, across Stanhancyk

Lane. Many of the properties have existing dwellings, although there are only four (4) dwellings within the 500' impact area.

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.



REQUIREMENTS FOR APPROVAL:

The applicable criteria are in regular font and the responses are in **bold italics**. Crook County adopted the Department of Land Conservation and Development's model code language for farm and forest zones in

2019. This code language mirrors the language of Oregon Revised Statutes and Oregon Administrative Rules for uses in exclusive farm use zones. Criteria are in standard font and responses in ***bold/italics***.

1. CCC Chapter 18.16 – Exclusive Farm Use Zones

Chapter 18.16 provides standards and criteria for permissible uses in the EFU zones. The Applicant addresses relevant sections below:

18.16.010 Use Table.

Table 1 identifies the uses permitted in the EFU zone. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require review, unless otherwise specified on Table 1. Section 4 of the table applies to mineral, aggregate, oil and gas uses in exclusive farm use zones. Section 4.4 defines operations for mining of aggregate materials as subject to conditional use permit review – C – and public hearings before the Crook County Planning Commission. These conditional use permits are subject to provisions in 18.16.015(11), 18.144 (aggregate resources sites) and 18.160 (conditional uses).

TABLE 1

4	Mineral, Aggregate, Oil and Gas Uses			
4.1	Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.	STS	Administrative	
4.2	Operations for the exploration for minerals as defined by ORS 517.750 .	STS	Administrative	
4.3	Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted.	C	Planning Commission Hearing	
4.4	Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources.	C	Planning Commission Hearing	18.16.015(11) 18.144
4.5	Processing as defined by ORS 517.750 of aggregate into asphalt or Portland cement.	C	Planning Commission Hearing	18.16.015(10)
4.6	Processing of other mineral resources and other subsurface resources.	C	Planning Commission Hearing	

18.16.015(11) Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources are subject to the following:

- (a) A land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre.

(b) A land use permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in the Crook County comprehensive plan.

(c) Mining, crushing, stockpiling and process of aggregate and other mineral subsurface resources are subject to the provisions of Chapter 18.144 CCC.

The Applicant is requesting this land use permit because more than 1,000 cubic yards of material and more than 1-acre will be excavated. The Applicant has submitted a plan amendment application (File 217-21-000436-PLNG) requesting the subject property be added to the significant mineral and aggregate inventory in the Crook County Comprehensive Plan. The Applicant addresses the feasibility of compliance with the provisions of Chapter 18.144 (see below).

18.16.020 Conditional use review criteria. (Crook County Code language mirrors that of Oregon Revised Statute (ORS) 215.296 (1) and Oregon Administrative Rules (OAR) 660-033-0130 Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses)

An applicant for a use permitted as a conditional use "C" in Table 1 must demonstrate compliance with the following criteria and specific requirements for conditional uses in Chapter 18.160 CCC:

(1) The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;

(2) The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

The Applicant states that the mining operation on the Vanier property will be an extension of the current mining operation on the Woodward property. The Applicant stated in their rebuttal (Exhibit 34) "While there were general statements that dust on hay crops makes the hay less suitable for livestock feed, there was no explanation of how the dust would impact farm crops to a degree that it will force a significant change in accepted farm practices on surrounding lands devoted to farm use or significantly increase the cost of farm practices on surround[ing] lands devoted to farm use." The Applicant also stated that much of the dust was associated with processing on the Woodward site rather than the extraction activities. However, the Applicant did acknowledge that disturbed ground that had not yet been reclaimed contributed to dust issues, particularly during windy conditions. The Applicant has submitted a dust management plan and proposes berms along Stahancyk and the northeast corner of the property (adjacent to the Davis property). The Applicant agrees to construct the haul road from the subject property to the processing area on the adjacent Woodward property with an all-weather, crushed rock surface. Disturbed areas will be mulched, hydroseeded or revegetated to stabilize soils and minimize dust (see proposed conditions 12-16 regarding dust mitigation, and 18-21 regarding berms).

Truck traffic associated with the current mining operations was not raised by area farmers as an issue that changed their farming practices or increased their costs significantly. All aggregate materials from the subject property will be exported from the current access to/from the existing Woodward property processing site. There should be no new traffic impacts to area farms resulting from the proposal.

Area farmers raised concerns about the potential impact of mining activities on groundwater quality and quantity. The Applicant's Aggregate Mine Hydrogeologic Characterization report included in the burden of proof statement, identifies shallow groundwater as an issue and proposes pumping into recharge trenches to remove water from active mining cells. Farmers (and area residents) raised concerns regarding potential loss of well water and contamination of well water. The Applicant has proposed baseline monitoring of water levels and water quality parameters for wells and springs identified in Exhibit 24 page 2 (subject to landowner approval). (See proposed conditions of approval 26-29).

The farmer currently leasing the Woodward site and Vanier property raised concerns regarding soil conditions and the ability to reclaim the subject property for hay production. The Applicant is working with the lessee to minimize potential impacts to current farming including disruption of irrigation activities. The lessee has requested that no berm be placed in the 100' property line setback along Lamonta Road to minimize impact to crop production in that area. Reclamation of the site to its current use will be addressed through the Department of Geology and Mineral Industries' mine operation and reclamation permit. The Applicant shall work with the property owner and the current lessee to ensure that reclamation is carried out in a manner that restores the property to its current use for grazing and hay production. (See proposed condition 25).

Several adjacent property owners expressed concerns about the spread of noxious weeds. The Applicant will work the County's weedmaster and develop a landscape management plan to minimize the spread of weeds (see proposed conditions 21 and 31).

Mining operations on the Woodward property have been occurring for six (6) years and the Applicant states that they are not aware that any of its current operations have caused adverse impacts to adjacent farm use. The Applicant concludes that, based on six years of operation at the Woodward site, there has been no evidence provided that mining operations forced a significant change in or significantly increased the cost of accepted farm practices. The Applicant does propose mitigation measures to address potential groundwater issues (issues that were not identified in permitting of the Woodward site).

(3) The proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this title and the following general criteria:

(a) The use is consistent with those goals and policies of the comprehensive plan which apply to the proposed use;

The use is proposed to be included in the County's inventory of significant Goal 5 mineral and aggregate resources (217-21-000436-PLNG). If the County Court adopts the plan amendment finding that the proposed site is a significant Goal 5 resource, the use of the property as an aggregate site will be consistent with the Crook County Comprehensive plan. The proposed use is allowed as a conditional use in the County's EFU-zones.

(b) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.

The parcel is suitable for the proposed use considering its size, shape, location, topography and existence of improvements and natural features. The parcel is large enough and has natural features that allow it to be designated as a significant aggregate site based on the quantity and quality of aggregate materials. It is located adjacent to an existing aggregate mine and processing site that is accessed by an existing truck route. The site is generally flat and requires no infrastructure improvements. The site will be reclaimed to its current agricultural use.

(c) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district.

The Applicant states that proposed use will not permanently alter the character of the surrounding area because the operation will be limited in duration and no structures will be built. The operation will be an extension of an existing aggregate site. The mining operations will impact the surrounding area for the 5-10-year duration of mining operations and the subject property will be reclaimed for agricultural use.

The Planning Commission received testimony from neighboring property owners stating that mining operations would alter the character of the surrounding area by taking existing agricultural land out of production and changing the rural character and scenic nature of the area. Properties in the area are zoned for exclusive farm use and heavy industrial use. While these uses will continue, there will be impacts to surrounding uses. The Applicant has proposed conditions of approval to limit impacts to area properties.

(d) The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use; and

No new infrastructure or public facilities are needed to support this proposed use.

(e) The use is or can be made compatible with existing uses and other allowable uses in the area.

Proposed conditions of approval may help minimize impacts to existing uses.

**Crook County Code 18.144 Aggregate Resource Sites
18.144.040 Approval and Review Criteria.**

(1) Notwithstanding any provisions in this title to the contrary, an application for a permit for a use listed in CCC 18.144.030 shall be allowed if it meets the following criteria:

(a) The site must be designated as a mineral or aggregate resource site or an energy source site on an inventory of significant Goal 5 resources in the comprehensive plan.

The Applicant has submitted a plan amendment application (217-21-000436-PLNG) requesting the subject property be added to the mineral and aggregate inventory in the Crook County Comprehensive Plan. This request is contingent upon final approval of 217-21-000436-PLNG by the Crook County Court.

(b) The proposed use must be consistent with the applicable ESEE analysis and conditions contained in the comprehensive plan. 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.

Conditions of approval of this application require consistency with applicable ESEE conditions of approval of 217-21-000436-PLNG. The ESEE analysis determined that the resource site and conflicting uses are both important and need to be balanced. (See proposed condition 36).

(c) The proposed use must be shown to not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(d) The proposed use must be shown to not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

See the above finding for 18.16.020.

(e) There must be adequate public facilities and services (street capacity, water supply, police protection, fire protection, energy and communications services) available to meet the additional demands created by the proposed use or that can be made available through the orderly and efficient extension or expansion of these facilities and services.

According to the Applicant, mining of the subject property will not require any new or any change to public facilities and services. There will be no new structures, points of access, or activities requiring increased street capacity, water supply, energy or communications services, fire or police protection. The site is within the Crook County Fire and Rescue District and the Applicant shall provide a final site plan and site contact information to the Fire Marshall. (See proposed condition 32). The subject property will provide additional aggregate reserve that will allow current operations to continue without change to current public facility and service needs/demands.

(2) An applicant for a use allowed by CCC 18.144.030 may demonstrate that these standards for approval could be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

The Applicant acknowledges that conditions of approval may be necessary to ensure consistency with applicable approval criteria.

(3) To the extent compliance with the approval criteria of this section has been determined as part of the identification and resolution of conflicting uses and development of a program to achieve goal compliance in the comprehensive plan, the determination shall be binding until changed by amendment to the plan.

The Applicant acknowledges that conditions of the site specific ESEE and program to achieve goal compliance will be adopted as part of the plan amendment and will be binding and applicable to all land use permits unless changed by an amendment to the plan. (See proposed condition 36).

(4) No application shall be approved to allow batching and blending of mineral and aggregate into asphalt cement within two miles of a planted vineyard. (Ord. 18 § 11.040, 2003)

The Applicant does not propose batching of asphalt cement on the subject property: The Applicant is unaware of existing planted vineyards within two miles of the subject property. No batching into asphalt is allowed on the subject property. (See proposed condition 2).

18.144.050 Approval Procedures.

(1) Each application for approval shall be processed in accordance with Chapter 18.172 CCC and this chapter.

(2) The hearing authority shall review the application and shall grant or deny approval based on conformance of the application with the requirements of this chapter and with the appropriate site-specific or generic ESEE analysis in the comprehensive plan.

(3) The hearing authority may only require modifications to the application as are necessary to fulfill the requirements of this chapter and the appropriate site-specific or generic ESEE analysis. Any modifications must be clear and objective.

(4) 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.

(5) Prior to establishing a use authorized by this chapter, the property owner or agent must receive approval from the county.

The proposed conditional use will be reviewed under the provisions of Crook County Code 18.172. Two public hearings have been held before the Crook County Planning Commission. The Applicant

acknowledges that conditions of the site specific ESEE and program to achieve goal compliance will be adopted as part of the plan amendment and will be binding and applicable to all land use permits. The Applicant acknowledges that approval from the County is required prior to mining the subject property.

(6) In addition to all information required for a site reclamation plan by DOGAMI, the applicant shall submit the following information:

(a) An application for a site plan approval shall contain suitable maps, drawings and narrative to assure the requirements of this chapter can and will be met. A complete application must contain the following information:

(i) A complete application form from the county.

The Applicant submitted a complete application form, as required by the County. It is understood that the site plan may need to be modified as a result of conditions required by the Planning Commission (e.g., identification of the location and height of berms). A final site plan will be required. (Condition 1).

(ii) A list of known materials to be extracted or processed together with a general description of the excavation operations and the estimated duration of operation at the site.

The Applicant provided a description of the materials to be extracted is provided in the "Aggregate Resource Investigation" report submitted with their application. A description of the excavation plan/operation is provided in the Mine Hydrogeologic Characterization report submitted with the application. A site plan and cross sections depicting the resource to be excavated and estimated resource volume calculations have been submitted with the application. The duration of the mining operation will depend on market conditions. However, the Applicant estimates the aggregate resource will be depleted and reclamation will be completed within five to ten years.

(iii) A map of the site which shows existing trees and natural vegetation; existing water courses, including streams, rivers, ponds and lakes; adjacent ownerships, including the location of structures which relate to the setback or other requirements of this zone; and existing and proposed roads.

The Applicant provided a site plan depicting existing structures/improvements and proposed setbacks as part of the application (Exhibit 22). There are no water courses, trees or other significant natural features on the subject property. This subject property is primarily comprised of cultivated hay/pasture. There are existing trees on the berm on the south side of the current Woodward mining operation.

(iv) A surface water management plan for the site and all phases of the operation.

According to the Applicant, there are no surface water features on the subject parcel. All stormwater will be contained on site. A stormwater management plan may be required by DOGAMI as part of the Operating Permit. If required by DOGAMI, a copy of the stormwater plan/permit will be provided as a condition of approval. (See proposed condition 37). The Applicant has provided a detailed hydrogeologic report and plan to address groundwater concerns.

(v) A map which shows the location of the surface mining area, the location of all processing and storage areas, the location of caretaker dwelling (if proposed), landscaping, screening and buffer areas.

The subject property will be mined for its aggregate resource but there will be no onsite processing of aggregate materials. Aggregate materials may be temporarily stockpiled onsite, but all processing will occur on the Woodward property to the west. (See proposed condition 2).

(vi) A landscape management and maintenance plan adequate to demonstrate compliance with provisions of this zone.

Mined lands will be reclaimed consistent with the approved DOGAMI reclamation plan. As a condition of approval, the Applicant shall submit a landscape management and maintenance plan to ensure that berms around the mining operation are vegetated. (See proposed condition 21).

(vii) A map showing existing contours.

The Applicant has provided a map showing existing contours (see Aggregate Resource Investigation – Vanier Site Prineville, Oregon 2019-2020 included in the conditional use application).

(viii) A map or other drawing showing the contours of the site upon completion of the operation together with a description of the proposed end use of the reclaimed site.

The Applicant has provided a map showing proposed contours of the site upon completion of the operation and has stated that the site will be reclaimed for agricultural (hay) production.

(ix) An environmental report from an engineer or other qualified professional which is adequate to demonstrate that the operation can conform to county, DEQ, and DOGAMI requirements as outlined in the “development standards” section of this zone (CCC [18.144.060](#)).

The aggregate resource and the mining operation are described in the Aggregate Resource Investigation and the Mine Hydrogeologic Investigation report submitted with this application. Evidence of approval of DEQ and DOGAMI requirements will be submitted as a condition of approval of this application. (See proposed condition 37).

- (x) A security plan addressing the following issues:
- (A) Lighting.
 - (B) Fencing;
 - (C) Gates at access points;
 - (D) Water impoundments;
 - (E) Sloping; and
 - (F) Security of vehicles and equipment.

The subject property will be surrounded by an 8-foot vegetated berm along Stahancyk Road and the northeast corner of the property along the Davis property. The Applicant is not intending to place a berm along Lamonta Road because of concerns raised by the property’s lessee that a berm would limit on-going agricultural activities. The Applicant states that there is an existing fence along Lamonta that will prevent access to the mining site. The Applicant will continue to work with the property owner and lessee regarding a potential berm along Lamonta. The Planning Commission may determine that such a berm is necessary.

Mining of the property will occur during daylight hours; lighting will not be required. There will be no direct access from the subject property to adjacent public roads; aggregate materials will be exported from an existing access on the Woodward property. Thus, there will be no gated access points on the subject property. There will be no water impoundments on the subject property. Sloping will be depicted in the approved DOGAMI reclamation plan. Security of vehicles and equipment is not a concern as equipment will be staged at the Woodward property in a secured area.

(xi) A noxious weed control plan, acceptable to the Crook County weed master, to control the spread of noxious weeds within and arising from the aggregate resource site. This plan must be implemented in accordance with ORS 569.380 through 569.400 and 569.445 through 569.450 and Chapter 8.24 CCC.

A noxious weed control plan is in effect for the Woodward site. The Applicant has coordinated with the Weed Master to extend the current plan to the subject property. The Applicant shall provide an annual report to the Weed Master. (See proposed condition 31).

18.144.060 Development Standards.

Upon approval of a conditional mining use application, all the following standards apply:

(1) Mining activities shall be located and conducted at least:

(a) One hundred feet from an existing noise or dust sensitive use unless the owner of the residence or use signs and files an agreement which authorizes the mining to be conducted closer than 100 feet. In no case shall such mining be conducted closer than 50 feet of the boundary of an adjacent ownership.

Based on the plan submitted by the Applicant, mining activities will be conducted at least 100 feet from all existing noise and dust sensitive uses. (See proposed condition 5).

(b) One hundred feet from a road not owned by the applicant and from the property line of the applicant unless that distance is not sufficient to protect the adjoining property from land movement, or the threat of land movement. In such cases, the setback shall be the minimum distance required by DOGAMI that will protect the adjoining property from movement or the threat of movement. This setback shall be reviewed and approved by DOGAMI prior to being approved by the hearing authority. In no case shall the setback be less than 100 feet.

The Applicant states that mining activities will be conducted at least 100 feet from adjacent public roads. (See proposed condition 5).

(2) Processing of resource material and the storage of equipment shall be at least 500 feet from an existing noise or dust sensitive use, unless the owner of the residence or use signs and files an agreement which authorizes the processing of resource material or storage of equipment closer than 500 feet. In no case shall such activities be located closer than 100 feet from any adjacent dwellings.

The Applicant is not proposing processing of resource material or storage of equipment on the subject property. Processing and equipment storage will occur on the adjacent Woodward property, which is more than 500 feet from existing noise or dust sensitive uses. (See proposed conditions 3 and 4).

(3) Access. All private roads from mining sites to public highways, roads or streets shall be paved or graveled. All on-site roads and access roads from the site to a public road shall be designed, constructed, and maintained to accommodate the vehicles and equipment which use them. Whether paved or graveled, the roads shall be maintained by the applicant in accordance with county road standards. Before the applicant may exercise the privileges of the permit, the applicant shall provide a letter of agreement to the county to maintain the road to the applicable county road standards. If the applicant fails to provide the letter of agreement prior to exercising the privileges of the permit, or fails to so maintain the road, the applicant shall submit an agreement and security in accordance with CCC 17.40.080 and 17.40.090.

The Applicant is not proposing access to abutting public roads from the subject property. Aggregate materials will be hauled from the subject property to the Woodward site for processing on an internal

haul road. Aggregate materials from the subject property will replace aggregate materials currently being provided for processing at the Woodward plant from the Woodward property. There will be no change to traffic volumes exiting or entering the Woodward site as a result of approval for mining at the subject property. (See proposed conditions 7-10).

(4) Effective vehicle barriers or gates shall be required at all access points to the site.

The Applicant states that the subject property will be surrounded by a vegetated earthen berm along Stahancyk. The subject property along Lamonta Road will continue to be farmed and will have a 100' setback from the road. The Applicant will work with the property owner to ensure that there is no access to the mining operation from Lamonta Road. There will be no vehicle access points to the site from public roads. No barriers or gates are required. (See proposed condition 7).

(5) Screening. Unless inconsistent with the conditions imposed to protect conflicting uses under the comprehensive plan, or of minimal value of effectiveness because of topography or other site features, the following requirements apply to the mining or resource site:

(a) Berms, fencing or vegetation shall be maintained or established to block the view of the mining or resource site from conflicting uses;

(b) To the extent feasible, all-natural vegetation and trees located within 100 feet of the mining site and that block the view of the mining area shall be preserved and fences maintained for the purpose of screening the operation.

The Applicant states that an 8-foot vegetated earthen berm will be established to provide screening for mining operations on the subject parcel along Stahancyk Road and along the northeast corner of the subject property, bordering the Davis property. There is no significant existing vegetation that could be retained to provide sufficient screening for the proposed mining operation. The Applicant will submit a final site plan showing the location and height of the berms. (See proposed condition 1).

(6) No alteration or removal of riparian vegetation located within 100 feet of the banks of a year-round stream shall occur.

Not applicable. There are no year-round streams on the subject property.

(7) Mining, storage, and processing operations shall conform to all standards of the Department of Environmental Quality and to the requirements of the Department of Geology and Mineral Industries (DOGAMI). The county may require information, data and analyses which demonstrates the ability to meet state environmental standards.

Evidence of DOGAMI permit approval and compliance with DOGAMI and DEQ requirements- is a condition of approval. (See proposed condition 37).

(8) Hours of Operation. All mining extraction, processing and equipment operation shall be subject to the following limitations unless waivers authorize operation at other times:

(a) June 1st through October 31st: 6:00 a.m. to 9:00 p.m., Monday through Friday. 8:00 a.m. to 5:00 p.m., Saturday.

(b) November 1st through May 31st: 7:00 a.m. to 6:00 p.m., Monday through Friday. 8:00 a.m. to 5:00 p.m., Saturday.

(c) No operations shall be conducted on Sundays or the following legal holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day.

The Applicant acknowledges these standards and accepts compliance with these standards as a condition of approval. The Planning Commission will evaluate these operating hours as part of their review and in consideration of public testimony. Neighboring property owners requested that operating hours be limited to Monday-Friday to provide some relief from noise and dust associated with the operation. The Applicant stated in rebuttal that mining activities will be completed more quickly if they are allowed to operate on Saturdays. (See proposed condition 11).

(9) Blasting.

Not Applicable. The Applicant is not proposing blasting as part of this permit application and no blasting is allowed. Any blasting on the subject property in the future will require a modification to this conditional use. (See proposed condition 2).

(10) Surface and Ground Water Management. Surface water shall be managed to provide protection against ground or surface water contamination and sediment discharge into streams, rivers and lakes. There shall also be adequate water available to the site for reclamation of the property, maintenance of screening and buffer, dust control, landscape maintenance, and processing of materials.

Water management for the proposed operation is addressed in the Mine Hydrogeologic report submitted with this application. DOGAMI and DEQ will regulate and monitor conditions related to surface and groundwater management for mining operations on the subject property. The Applicant is proposing to conduct baseline water quality and quantity monitoring in select wells that may be affected by the proposed operations. If groundwater is encountered, it may be pumped out of active mining cells and infiltrated in on-site recharge trenches. The Applicant proposes conducting quarterly monitoring of groundwater on the subject property (see proposed condition 27).

The Applicant submitted the Woodward/Vanier Aggregate Mine Hydrogeologic Characterization report (dated March 2021) as part of their conditional use application. Table 3 of the report identifies properties with water rights that have potential to be influenced by mining activities on the Vanier property. The Applicant, at its expense, and assuming property owner permission is proposing baseline water quality and quantity testing of three wells (wells on the Vanier, Mikulski and Johnson (dairy) properties) and two springs on the Davis property (See page 2 of Exhibit 24).

Based on the Applicant's Hydrogeologic Characterization report (the Report), in addition to the wells and springs that the Applicant has identified for baseline testing, it is recommended that baseline testing also be conducted for properties within the 1000-foot buffer area documented in Table 3 of the Report. These properties have relatively shallow wells (drilled above 40 feet) that are in the same aquifer and similar depth to the area proposed for mining according to the Applicant's report. There are six (6) wells within 1000 feet of the subject property that have been identified as having "possible adverse impacts."

The Report (table 3) also identifies an additional thirty-nine (39) wells within ½ mile of the subject property that share the same aquifer and could have "possible adverse impacts." The Planning Commission could also require the Applicant to offer baseline testing for these wells. (See proposed condition 26).

The Applicant has committed to a groundwater guarantee (Exhibit 34, proposed condition 18) in the event that corrective action is needed for well deepening, well replacement or replacement water supply. This commitment is included a proposed condition 28.

(11) For surface mining, which is not regulated by DOGAMI, the following requirements apply:

Not applicable. Surface mining of the subject property is regulated by DOGAMI.

(12) All mining operations shall be subject to the dimensional standards, yard restrictions, sign limitations and all other substantive standards set out in the zoning district applicable to the property.

The Applicant acknowledges these standards.

(13) Noxious Weed Control. The operator, including all public agencies, shall document compliance with the noxious weed control plan submitted pursuant to CCC 18.144.050(6)(a)(xi) on a yearly basis by submittal of a written report to the Crook County weed master. The report shall be submitted not later than December 15th of each year.

As discussed above, neighboring property owners are concerned about weed control on the subject property and the potential for the spread of noxious weeds. The Applicant shall submit an annual report to the County weed master. (See proposed condition 31).

CCC 18.160.020 Conditional Uses - General criteria.

In judging whether or not a conditional use proposal shall be approved or denied, the planning director or planning commission shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

(1) The proposal will be consistent with the comprehensive plan and the objectives of the zoning ordinance and other applicable policies and regulations of the county.

The Applicant has requested that the site be added to the County Comprehensive Plan's inventory of significant aggregate resources. Approval of this conditional use application will require the County Court's approval of the plan amendment. The proposed use is allowed under state law and Crook County Code as a conditional use in the County's EFU zones.

(2) Taking into account location, size, design and operation characteristics, the proposal will have minimal adverse impact on the (a) livability, (b) value and (c) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.

The proposed mining activity will be adjacent to an existing mining operation and former industrial site to the west. Properties to the southeast, east and north will continue as agricultural operations. Properties to the south are generally small agricultural operations with dwellings. Agricultural uses are the only uses permitted outright in the area. The agricultural uses will have fewer impacts on abutting properties than the proposed mining operation and these result from accepted farming practices (e.g., noise from farm equipment during planting and harvest). Because the surrounding area is zoned for exclusive farm use, "appropriate development" of abutting properties is limited to those uses allowed in the EFU zone. Smaller parcels to the south are already developed with dwelling. Larger properties are likely to continue in farm use under current zoning provisions.

The Planning Commission received testimony from area property owners regarding impacts to livability and property values. It is recognized that there will be impacts to abutting properties. The Planning Commission should consider whether limits on the proposed mining operations will result in minimal adverse impacts taking into account location, size design and mine operating characteristics. The proposed mine operation is located next to an existing extraction and processing facility. The Applicant

states that the design, including berm placement and the use of an internal haul road, is intended to mitigate noise and dust impacts. Limits on operating hours, allowing processing only on the existing Woodward industrial property and requiring the Applicant to address groundwater concerns will help minimize impacts. Environmental and reclamation issues will also be addressed through the Department of Geology and Mineral Industries and Department of Environmental Quality permitting processes. Conditions on mine operations will help minimize adverse impacts to the livability, value and appropriate development of abutting properties

(3) The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrant.

The Applicant is proposing vegetative berms to help buffer adjacent properties from the operation. No new structures are proposed.

(4) The proposal will preserve assets of particular interest to the county.

The State of Oregon and Crook County both recognize the importance of aggregate resources to economic development. Having a local source of aggregate materials helps to reduce construction costs in the County by reducing transportation costs. The County also recognizes the need to protect existing commercial agricultural lands and rural development and this review is intended to help balance those competing interests.

(5) The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal and is not motivated solely by such purposes as the alteration of property values for speculative purposes.

The Applicant has the capability to develop and use the subject property as proposed and has been successful in other mining operations in Crook County.

18.160.030 General conditions.

In addition to the standards and conditions set forth in a specific zone, this chapter, and other applicable regulations, in permitting a new conditional use or the alteration of an existing conditional use, the planning director or planning commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the county as a whole. These conditions may include the following:

(1) Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.

The County will limit hours of operation. (See proposed condition 11).

(2) Establishing a special yard or other open space or lot area or dimension.

The Applicant will use the existing Woodward site for equipment storage. (See proposed condition 4).

(3) Limiting the height, size or location of a building or other structure.

Not applicable. No structures are proposed.

(4) Designating the size, number, location and nature of vehicle access points.

No new access points will be required. Access will be from the existing driveway on the Woodward site.

(5) Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.

Not Applicable.

(6) Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or loading area.

Vehicle parking, including employee parking and equipment parking, will occur on the Woodward site. (See proposed condition 4).

(7) Limiting or otherwise designating the number, size, location, height and lighting of signs.

Not applicable. No signs are being proposed with this application

(8) Limiting the location and intensity of outdoor lighting and requiring its shielding.

Not applicable. No lighting is proposed. (See proposed condition 17).

(9) Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.

The Applicant is proposing to place vegetated berms around the mine site along Stahancyk and on the northeast corner of the property and will provide a final site plan showing the location and height of the berms. (See proposed condition 1 and conditions 18-21).

(10) Designating the size, height, location and materials for a fence.

Not applicable. No fencing is being proposed as a part of this application. There is an existing fence along Lamonta.

(11) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.

The subject property is currently farmed. There are no existing trees, water resources, mapped wildlife habitat or significant natural resources on the subject property.

(12) Other conditions necessary to permit the development of the county in conformity with the intent and purpose of this title and the policies of the comprehensive plan.

The Planning Commission should consider conditions proposed by the Applicant regarding baseline testing of groundwater quality and quantity and a guarantee to address the need for corrective action in the event of groundwater reduction or water quality issues. (See the Applicant's Exhibit 34, condition 18).

18.160.040 Permit and Improvements Assurance.

The commission may require an applicant to furnish the county with an agreement and security in accordance with CCC [17.40.080](#) and [17.40.090](#) that the planning director or planning commission deems necessary to guarantee development in accordance with the standards established and the conditions attached in granting a conditional use permit.

The Applicant acknowledges the County can require the Applicant to enter into an agreement with the County. The Applicant suggests that the DOGAMI permit conditions and surety bond are sufficient to ensure the site is mined and reclaimed consistent with operating and reclamation requirements.

The Applicant has agreed to take corrective action for groundwater if mining operations necessitate well deepening, well replacement or replacement water. The Applicant shall enter into an agreement with the County and provide a security to guarantee such corrective action(s). The security shall be in a form set forth in Crook County Code 17.040.090. (See proposed condition 28).

18.160.050 Standards Governing Conditional Uses.

A conditional use shall comply with the standards of the zones in which it is located and with the standards and conditions set forth in this section.

(9) Mining, Quarrying or Other Extraction Activity.

(a) Plans and specifications submitted to the planning director or planning commission for approval must contain sufficient information to allow the planning director or planning commission to consider and set standards pertaining to the following:

- (i) The most appropriate use of the land.
- (ii) Setback from the property line.
- (iii) The protection of pedestrians and vehicles through the use of fencing and screening.
- (iv) The protection of fish and wildlife habitat and ecological systems through control of potential air and water pollutants.
- (v) The prevention of the collection and the stagnation of water of all stages of the operation.
- (vi) The rehabilitation of the land upon termination of the operation.

The Applicant states that these requirements will be addressed and conditioned through the DOGAMI operating permit. The Crook County Code requires a minimum property line setback of 50 feet. The setback shall be 100' from all property lines with the exception of a 50' setback along the Porfily property to the northwest of the subject parcel. No setback is required from the existing mining operation on the Woodward property to the west.

(b) Surface mining equipment and necessary access roads shall be constructed, maintained and operated in such a manner as to eliminate, as far as is practicable, noise, vibration or dust which may be injurious or annoying to persons or other uses in the vicinity.

The Applicant states that these standards will be sufficiently addressed and conditioned through the DOGAMI operating permit. The Applicant's "haul road" to transport materials from the subject property to the processing site on the Woodward property will be built to County standards to minimize dust and other impacts. This road will be developed with an "all-weather" surface of crushed rock. (See proposed condition 10).

(c) The comments and recommendations of all appropriate natural resource agencies of the state and federal government shall be sought.

The County has solicited comments from affected agencies through the conditional use permit affected agencies notice process. We have received no agency comments.

(d) A rock crusher, washer or sorter shall not be located closer than 500 feet from a residential or commercial use.

The Applicant does not intend to crush or wash aggregate on the subject property. Processing will continue to occur on the Woodward property to the west and will not be located closer than 500 feet from a residential or commercial use. (See proposed condition 2).

18.180.010 Transportation impact analysis.

(1) Purpose. The purpose of this section is to coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the county to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts, when a transportation impact analysis or transportation assessment letter must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities, the required contents of a transportation impact analysis and transportation assessment letter, and who is qualified to prepare the analysis.

(2) When a Transportation Impact Analysis Is Required. The county or other road authority with jurisdiction may require a transportation impact analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:

- (a) The development generates 25 or more peak-hour trips or 250 or more daily trips.
- (b) An access spacing exception is required for the site access driveway(s) and the development generates 10 or more peak-hour trips or 100 or more daily trips.
- (c) The development is expected to impact intersections that are currently operating at the upper limits of the acceptable range of level of service during the peak operating hour.
- (d) The development is expected to significantly impact adjacent roadways and intersections that have previously been identified as high crash locations or areas that contain a high concentration of pedestrians or bicyclists such as school zones.
- (e) A change in zoning or a plan amendment designation.
- (f) A TIA is required by ODOT.

The proposed use will not trigger a Transportation Impact Analysis because the operation will generate less than 250 or more daily trips. The Applicant provided a transportation assessment letter dated November 18, 2020 as required by 18.180.010(3) as part of the conditional use application. The operation on the Woodward site is limited to 160 trips per day (80 out-going trips and 80 incoming trips) (Planning file 217-18-000347-PLNG). If the Applicant intends to increase the number of trips per day, an application to modify the conditional use permit shall be submitted to the Crook County Planning Department for a public hearing before the Planning Commission.

COMMENTS:

The Planning Department has received numerous comments from neighboring property owners opposed to the application. Written testimony is posted as exhibits on the County's website. These comments and testimony offered at the two public hearings are included as part of the record.

The major concerns expressed by adjacent property owners are noise, dust, impacts on agricultural production and potential impacts to area wells from mining operations. Neighbors suggested that the Applicant had not fulfilled conditions of approval regarding dust control and weed control while mining occurred on the Woodward property. Area residents expressed concerns regarding the impact of mining on property values and the overall livability of their rural area. The County also received comments regarding the location and height of berms and the expected timeline for the operation of the aggregate mine, and operating hours.

The Planning Commission also received comments regarding the impact of mining on soil productivity and the potential for site reclamation to fail when returning the subject property to its current level of use. The county recognizes that reclamation is a shared responsibility of the mine operator and property owner lessee. However, the county may condition additional requirements to ensure that reclamation of the property returns the property to its original level of productivity, supporting grazing and hay production.

CONCLUSIONS:

Based on the information provided by the Applicant and other information in the record, and on a review of applicable state and County requirements, the Planning Commission may find that the proposed **mining operation** meets the requirements for a conditional use Approval is contingent upon the Crook County Court adopting an ordinance to place the site on the comprehensive plan inventory of significant aggregate resource sites and to adopt the site specific ESEE (Economic, Social, Environment and Energy) analysis.

The Planning Commission may consider the following motions:

- 1. Deny the conditional use application for an aggregate mining operation.***
- 2. Approve the conditional use application for an aggregate mining operation subject to conditions to address the substantive criteria in Crook County Code 18.16, 18.144, 18.160, and 18.180 and applicable State law..***

To minimize impacts to adjacent properties, the following conditions of approval are recommended. In reviewing these proposed conditions, the Planning Commission will take into account written testimony and testimony offered at the public hearing.

1. The Applicant shall submit an updated site plan to the Crook County Community Development Department that accurately reflects the operation, setbacks, berms and berm heights. The site plan shall be submitted prior to commencement of any site disturbance for mining activities. Any modification to the site plan will require review and approval by the Crook County Community Development Department.

General conditions on the proposed mine site

2. Activities on the property will be limited to sand and gravel extraction only. No Processing, crushing or blasting will be allowed on the subject property. No asphalt production is allowed on the subject property.

3. All processing activities will take place on the Woodward property (tax lot 1415140000702) and will be located more than 500 feet from existing residences.

4. All equipment shall be stored on the Woodward property. Employees' vehicles shall be parked on the Woodward property.

MiningSetbacks

5. The aggregate operator shall adhere to the property line setbacks in Crook County Code 18.144.060(1): Mining shall not extend closer than one hundred (100) feet from the property lines on the northeast, east and south side of the subject property. A 50-foot setback shall be allowed from the northwest property line separating the subject property from the Porfily property (T14, R15, Section 14, tax lot 701). No setback requirement shall apply to the western property line (the area abutting the Woodward property and processing area). Vegetated berms may be placed in the setback area.

Water Supply

6. The Applicant shall submit documentation to Crook County Community Development that they have Ochoco Irrigation District water rights necessary to conduct operations and reclamation on the subject property.

Traffic Impacts

7. Access. Access to the subject property will be from the existing access at the Woodward site. No new access is permitted on Stahancyk Lane or Lamonta Road. The aggregate operator at the Woodward Site shall not allow its trucks or its contractors' trucks to utilize Stahancyk Lane to travel east from the site's ingress/egress location unless it is for a local delivery to be accessed via Stahancyk Lane and then north on Lamonta Road. Trucks are expected to turn south from the processing site and then to head west on Elliot Lane. Based on the Applicant's traffic assessment, the operation shall generate no more than 160 trips per day from the site (80 trucks incoming and 80 trucks outgoing). This is consistent with the trips per day approved for the Woodward site (217-18-000347-PLNG) and the proposed operation will result in no net increase in trip generation. Any modification to daily trips from the site shall require a conditional use permit modification and hearing before the Planning Commission.

8. The aggregate operator shall train all drivers, including contract drivers, to use caution when exiting onto Highway 26 from Elliott Lane.

9. School bus pickup and drop-off: No trucks shall leave or enter the site between 7 minutes before and 7 minutes after the scheduled Crook County School District bus pickup and drop-off times for NW Elliott Lane. The Applicant is responsible for verifying the times with the Crook County School district prior to the start of each school year.

10. The internal haul road shall be constructed to meet the gravel road standards in Crook County Code 17.36. Although such roads are typically 20' wide, the Crook County Roadmaster recommends a travel width of 24' wide to allow for passage of two trucks at the same time.

Operating Hours

Operating hours are established in Crook County Code 18.144. The Planning Commission may recommend different operating hours in response to testimony. Staff recommend limiting operating hours to Monday – Friday based on neighboring property owners' testimony. The Applicant requests Saturday operating hours with the intent to finish mining and reclamation of the site as quickly as possible.¹

11. Ordinary operating hours shall be Monday through Friday, June 1 through October 31, from 6:00 a.m. to 9:00 p.m., or sunrise to sunset, whichever time period is less. Operating hours shall be Monday through Friday, November 1 through May 31, from 7:00 a.m. to 6:00 p.m., or sunrise to sunset, whichever is less.

No operations shall be conducted on Saturdays, Sundays or on the following legal holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, or Christmas Day.

Exceptions to the operating hours set forth above may be granted, provided the aggregate operator provides written notice to the residential neighbors on Stahancyk Lane, to the nearest residential neighbors to the north and to the Crook County Planning Department that a project requires additional materials and adequate time to produce them. The notice shall be at least 72 hours prior to the planned extended hours and the time period for the extension shall not be longer than 30 consecutive days. The exceptions shall not apply to the Saturday, Sunday, and holiday restrictions.

Dust Mitigation

12. The Applicant shall control all fugitive dust emissions associated with all extraction operations on the site and on the Woodward processing site. The Applicant shall implement provisions in the Dust Management Plan (Exhibit 23). The Applicant shall stabilize all disturbed areas to minimize dust using hydro-seeding or other soil stabilization methods consistent with the Dust Management Plan. While re-seeding might not be feasible during some seasons, other soil stabilization methods must be implemented. Chemical binders may be used to minimize dust. The Applicant's obligation to control fugitive dust applies both during and after the operating hours.

13. The Applicant shall stabilize all stockpile areas with mulch, vegetation, or chemical binders. During non-operation days, the stockpiles shall be watered with sprinklers to limit fugitive dust.

14. A contact person representing the aggregate operator shall be named and all appropriate contact information shall be provided to a neighbor that requests such information so the aggregate operator can be contacted if dust is being released. The contact information for DOGAMI's compliance program shall also be provided to the neighbor simultaneously.

15. The Applicant shall construct the internal haul road between the subject property and the Woodward processing site with an all-weather surface and aggregate base sufficient to support heavy vehicles and equipment. The surface shall be treated regularly to minimize fugitive dust.

16. The Applicant shall obtain the required permits from the appropriate state agency including necessary air quality permits from the Oregon Department of Environmental Quality.

Lights

17. No lights will be placed on the site. If the Applicant determines that lights are necessary for safety purposes, a conditional use modification application shall be submitted to the Crook County Community Development Department and a hearing scheduled before the Planning Commission.

Berms

18. Based on input received during the public hearing, the Applicant shall submit a final site plan illustrating the location and height of berms (see Condition 1). Berms are currently being proposed along Stahancyk Lane and the northeast corner of the property (along the Davis property). No berm is currently proposed adjacent to the Porfily property. The farmer leasing the subject property has requested that no berm be placed along Lamonta due to potential impacts to farming operations. The Planning Commission should consider whether a berm is necessary to reduce impacts to properties to the east and drivers on Lamonta Road.

19. Berm design. The Applicant has proposed a height of 8 feet with a slope no steeper than 3:1. The 3:1 slope is intended to allow for mowing of the berms.

20. Berms shall be placed at the time mining begins in adjacent cells to minimize the amount of disturbed ground. Berms will be hydroseeded, irrigated to maintain vegetation, and managed to prevent the spread of noxious weeds. Berms may be placed within the 100' property line setback area. Berms shall be removed upon completion of the mining operation.

21. The Applicant shall submit a landscape management to address maintenance (mowing) and weed control of berms.

Reclamation

22. No more than 10 acres of ground shall be disturbed by mining at any time. The 'disturbed area' refers to the active mining and reclamation cells and does not include the stockpile area or the berm areas.

23. The site will be reclaimed concurrently with mining as cells are completed. Prior to reclamation, the mine operator shall stabilize disturbed areas using hydro-seeding or other soil stabilization product to help minimize dust from disturbed areas.

24. Upon completion of mining cells, the Applicant agrees to remove standing water. Overburden will be replaced and ripped and disked to reduce compaction. Topsoil will be replaced. Reseeding will occur in the next planting season, but soil will be stabilized until planting can occur.

25. All reclamation activities shall be subject to a reclamation plan approved by the Department of Geology and Mineral Industries. The Applicant shall work with the property owner and the current lessee to ensure that reclamation is carried out in a manner that restores the property to its current use for grazing and hay production.

Groundwater Protection

The Applicant acknowledges that groundwater may be encountered in the mining of the subject property. If water is encountered, it will be pumped out of the mining area and infiltrated on-site into recharge trenches as described in the Hydrogeologic Characterization report and in Exhibit 33.

The Applicant submitted the Woodward/Vanier Aggregate Mine Hydrogeologic Characterization report (dated March 2021) as part of their conditional use application. Table 3 of the report identifies properties with water rights that have potential to be influenced by mining activities on the Vanier property. The Applicant, at its expense, and assuming property owner permission, has proposed baseline water quality and quantity testing of three wells (shallow well on the Vanier property and wells on the Mikulski and Johnson properties) and two springs on the Davis property. (Page 2 of Exhibit 24).

In addition to the wells and springs that the Applicant has identified for baseline testing, it is recommended that baseline testing also be conducted for properties within the 1000' buffer area documented in Table 3 of the Hydrogeologic Characterization report. These properties have relatively shallow wells (drilled above 40 feet) that are in the same aquifer and similar depth to the area proposed for mining. There are six wells that have been identified as having "possible adverse impacts."

The Hydrologic report (table 3) also identifies an additional 39 wells within ½ mile of the subject property that share the same aquifer and could have "possible adverse impacts." The Planning Commission could also require the Applicant to offer baseline testing for these wells.

26. Baseline data shall be collected prior to mining and information provided to the individual property owner and Crook County Community Development Department. The County shall be notified if property owners "opt out" of baseline testing. Baseline testing will consist of water level monitoring for the wells and discharge measurements of spring flow, as appropriate. Baseline water quality testing will consist of GRO (Gasoline Range Organics), DRO (Diesel Range Organics), turbidity, total dissolved solids, iron, manganese, pH, conductivity and temperature.

27. The Applicant will monitor on-site wells on a quarterly basis.

28. The Applicant has proposed a condition of approval (#18, Exhibit 34) as a groundwater protection guarantee. The Applicant commits to the following:

- A. In the event that corrective action for groundwater necessitates well deepening, well replacement or replacement water, the Operator shall take corrective action as required by DOGAMI or as

otherwise agreed between the Operator and the affected well owner without undue delay. **(Note: it is not clear what wells are covered by the groundwater protection guarantee from the Applicant's proposed condition. Does the guarantee only apply to the wells/springs the Applicant has proposed for baseline testing or does it apply to a larger number of wells such as those identified as having "potential adverse impacts" in the Hydrogeologic Characterization report). This condition will need to be clarified to specify the wells that will be covered by the proposed guarantee).**

- B. With respect to part "A" above, the Operator shall guarantee the quality and quantity of water available at neighboring wells specified above commensurate with the use—domestic, livestock and/or irrigation. Potable water is required for the replacement of domestic wells. Livestock quality water is required for replacement of any livestock wells. Irrigation quality water is required for the replacement of all irrigation wells. Any interruption in the water service or diminished quality occurring beyond the well head, in delivery or pumping systems is not the Operator's responsibility but remains the sole responsibility of the well owner or users. Maintaining any part of the electrical connections, servicing or replacing pumps within the wells shall also remain the sole responsibility of the well owners or users.
- C. The Operator does not make any representations as to the current or past quality or quantity of the water available to the wells or its suitability or legality for domestic or other use. The well owners or users retain responsibility for compliance with existing or future water standards or requirements except to the extent that the Operator's actions have caused those standards or requirements to be violated. **(Note: it is not clear who has the burden of proving that the Operator's actions caused standards or requirements to be violated).**
- D. The Operator shall collect on-site monitoring well water quantity data continuously and on-site monitoring well water quality data quarterly and shall share all collected data quarterly with designated well/spring owners who have granted access and sampling permission. Prior to mining through a trench or a monitoring well, all previously collected groundwater data will be reviewed by licensed professional geologist or engineer. This data analysis shall consider the relocation and placement of the next infiltration trench and monitor wells as well as any potential adverse impacts to surrounding properties. The Operator shall make adjustments to his Mine Plan to minimize or eliminate any mine related adverse impacts. All data shall be maintained on file by the Operator for 5 years and shall be made available to the County, DOGAMI or affected residents upon written request.

The Applicant has agreed to take corrective action for groundwater if mining operations necessitate well deepening, well replacement or replacement water. The Applicant shall enter into an agreement with the County and provide a security to guarantee such corrective action(s) can be taken if necessary. The security shall be in a form set forth in Crook County Code 17.040.090. The amount of security and form of the agreement shall be subject to review and approval by the Crook County Counsel's office.

29. All equipment and trucks operating near exposed water will be inspected daily for possible oil leaks and shall be repaired, if necessary, prior to use. A spill kit for containing hydrocarbon releases will be kept with the equipment operating near exposed water. All machinery and equipment shall be parked/stored on the processing site (the Woodward property).

Mosquitoes

30. The Applicant shall work with Crook County's Vector Control District to develop a mosquito control plan and provide a copy to the Crook County Community Development Department prior to commencing mining operations.

Weed Control

31. The Applicant shall submit an annual weed control report to the County Weedmaster s as required by Crook County Code.

Emergency Management

32. The final site plan shall be provided to the Crook County Fire and Rescue District’s Fire Marshall. Contact information for the on-stie operations manager shall be provided to the Fire Marshall

Archaeological and Cultural Resources

33. The Applicant shall engage with Oregon’s State Historic Preservation Office as part of the development process to ensure that requirements related to cultural and historic resources are met. This may require the Applicant to provide on-site surveys of the property.

34. The Applicant shall adopt an “inadvertent discovery plan” to address best management practices for archaeological and cultural discoveries during operations.

Noise

The County has no noise ordinance, but noise is an impact that has been identified as an issue by surrounding property owners. The berms proposed by the applicant and limits on operating hours are intended to help minimize noise impacts.

35. The Applicant agrees to replace existing back-up “beepers” on mining equipment and vehicles with directional “white noise” back-up alarms.

Other Conditions

36. The proposed use must be consistent with the applicable ESEE analysis and conditions contained in the comprehensive plan. 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.

37. A copy of the Department of Geology and Mineral Industries operation and reclamation plan shall be provided to the Crook County Community Development Department. If a stormwater management permit is required by the Department of Environmental Quality, a copy of the permit shall be provided to the Department.

A request to modify any condition of approval shall require a conditional use modification application and a hearing before the Crook County Planning Commission unless otherwise indicated.

Respectfully submitted:



Brent Bybee, Planning Manager
Signing For
Ann Beier, Planner
Crook County Planning Department