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MEMO

Exhibit

47

**Received by
CCCD
10/28/2021**

TO: Crook County Court

FROM: John Eisler, Asst. County Counsel

DATE: October 27, 2021

RE: 217-21-000436-PLNG - Developing a Program to Comply with Goal 5
Our File No.: Comm. Dev. 71

At the October 20, 2021, public hearing for the above application to amend our comprehensive plan (also known as a "post-acknowledgment plan amendment" or "PAPA"), I was directed to provide a memo on how the County Court should evaluate whether to identify the proposed significant aggregate site with a "3B" or "3C" designation, based on our relevant criteria and case law from the state.

After reviewing a significant number of County documents and applicable land use decisions, I have organized this memo into two sections. The first section attempts to explain why the County is rare in that it still applies an outdated set of administrative rules instead of the newer rules written for applications like this. The second section attempts to answer the commissioners' question as to how they should analyze the facts in this case to reach a determination.

The conclusions below are my opinions following my review. There is a reasonable probability a reviewing body may reach different conclusions or that I would come to different conclusions were I given time to review the issues more thoroughly. With that said, what follows is the best guidance that I can provide at this time. As always, I am available for any questions you may have.

The parties may desire to submit additional evidence or testimony in response to the information provided in this memo or Planning's staff report. The more the County can supplement the record with relevant evidence and testimony, the better. Accordingly, I would recommend leaving the record open for an additional seven days and setting one more hearing following the one on November 3.

I will begin with an executive summary. The bulk of this memo is still required reading to fully understand the analysis, but the summary should be helpful as a reference during the hearing.

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Executive Summary

The County Court should apply the four steps detailed in OAR Chapter 660, Division 16 to reach the conclusion of whether the proposed resource site should be categorized as a 3B or 3C site. A summary of the four steps is as follows.

Step 1: Is the Resource Site Significant?

- The evidence in the record suggests that the site is significant and should be added to the County's inventory. I do not believe this step is in dispute.

Step 2: Identify Conflicts

- This step is limited to identifying negative impacts *on* the resource site, not negative impacts from the resource site to conflicting uses, unless the County finds those negative impacts on conflicting uses may eventually come back to negatively impact the resource site.
- The County may consider any present or potential future allowed land uses in the impact zone and any incidental uses reasonably connected to those allowed land uses.
- For instance, the evidence in the record of neighbors of the resource site frequently or potentially contacting DOGAMI/DEQ/the County with complaints regarding the resource site's operation and/or violating permit requirements, thus forcing a change in behavior of the resource site operator should be an appropriate example of an identification of conflicts.
- The County may not consider potential negative impacts not reasonably related to the allowable land uses near the resource site (i.e., recreational tourists would not be connected to nearby land uses).

Step 3: Analyze the Economic, Social, Environmental, and Energy Consequences

- The conflicts identified in Step 2 are considered against the resource site in an ESEE.
- The County must apply the evidence in the record for each of the four categories.
- This analysis is meant to inform (and justify) the decision in Step 4.

Step 4: Develop a Program to Achieve Goal 5

- Based wholly on the ESEE analysis (and not any extra factors like the public's need for additional aggregate sites), the County must decide whether to protect the conflicting uses at the expense of the resource site (3B) or balance the various competing uses through mitigation measures (3C).
- There is no right or wrong answer at this step, as long as the proper process is followed and a reasonable decision-maker could come to the same conclusion based on the evidence in the record.

I. Which Are the Proper Approval Criteria?

A. State Administrative Rules

There are two separate sets of administrative rules that apply to aggregate sites and compliance with Goal 5: OAR Chapter 660 at Divisions 16 (the “Old Rule”) and 23 (the “New Rule”). As described in the Planning Commission’s recommendation at Attachment A, “[The Old Rule] was largely superseded by [the New Rule]. Although many jurisdictions currently apply [the New Rule] to implement their Goal 5 program, Crook County continues to apply [the Old Rule].” As Ann Beier stated at the hearing, the County applies the Old Rule as the applicable criteria, but looks to the New Rule for guidance, as the latter provides clearer instruction.¹

The two sets of rules were drafted for different purposes. The Old Rule “generally involves local governments developing plans to comply with the requirements of Goal 5 [i.e., the County-wide inventory of significant mineral and aggregate resources] and does not contemplate PAPAs that concern applications for approval of uses that are themselves protected by Goal 5.” *Molalla River Reserve, Inc. v. Clackamas County*, 42 Or. LUBA 251, 272 (2002); *see also Delta Prop. Co. LLC v Land County*, 271 Ore. App. 612, 618 (2015) (“Among other things, [the Old Rule] fleshed out the requirements for the inventory mentioned in Goal 5.”).

The New Rule was added in 1996. The purpose and intent of the New Rule is to “explain [] how local governments apply Goal 5 when *** amending acknowledged comprehensive plans and land use regulations.” OAR 660-023-0000. Concerning aggregate resources, the New Rule “effectively preempts application of all local government comprehensive plan and land use regulations to [mineral and aggregate PAPAs], until the local government comprehensive plan and land use regulations have been amended to comply with [the New Rule].” *Morse Bros., Inc. v. Columbia County*, 37 Or. LUBA 85, 94 (1999), *aff’d* 165 Or. App. 512 (2000).

LUBA in *Morse Bros.* was referring to the New Rule at (9), which says that “the procedures and requirements of [the New Rule] shall be directly applied to local government consideration of a PAPA concerning mining authorization, unless the local plan contains specific criteria regarding the consideration of a PAPA proposing to add a site to the list of significant aggregate sites, provided” the regulations were acknowledged after 1989.

The courts have had the opportunity to closely scrutinize the County’s process for aggregate PAPAs in a series of opinions resolving a single application. On October 2, 2002, Crook County denied an application from Charles Hegele for a comprehensive plan amendment to add a 24-acre portion of his 276-acre parcel in the Lone Pine Valley. Mr. Hegele appealed the County’s decision to LUBA, and LUBA reversed and remanded back

¹ See also, Applicant’s Burden of Proof at 8 (“Although [the New Rule] does not apply directly to this Application, OAR 660-023-0180(3) is instructive in that it provides clear and objective standards (currently applicable in most cases, throughout the state) ***”).

to the County on most of the assignments of error. *Hegele v. Crook County*, 44 Or. LUBA 357 (2003) (hereinafter, “*Hegele*”). LUBA did not agree with Hegele’s proffered method of identifying conflicts, however, and Mr. Hegele appealed that issue to the Oregon Court of Appeals. *Hegele v. Crook County*, 190 Or. App. 376 (2003) (hereinafter, “*Hegele II*”). The Court of Appeals affirmed LUBA’s decision, though it disagreed with LUBA’s means to identify conflicts and provided its own guidance. On remand back to the County, a second decision by the County was appealed to LUBA, but ultimately voluntarily remanded back to the County. A third decision by the County was again appealed to LUBA, which was again remanded by LUBA back to the County. *Hegele v. Crook County*, 56 Or LUBA 1 (2008) (hereinafter, “*Hegele III*”).

Importantly, at the onset of the Hegele Saga, the County interpreted subsection (9) of the New Rule to exempt itself from those requirements and apply the Old Rule and our Ordinance 51 instead. Our Ordinance 51, discussed below, was adopted and acknowledged in 1991; thus, the County reasoned, the New Rule did not apply.² No party challenged the County’s decision on that point, so the courts applied the Old Rule without specifically deciding whether or not doing so was appropriate. *See Hegele* at 362.

For a number of reasons that I need not address at this time, I have some concerns whether application of the Old Rule remains proper. Part of the concern stems from the fact that the commissioners are not entitled to interpretive deference with the administrative rules (i.e., subsection (9) of the New Rule) like they are with our local regulations. *See, e.g., Morse Bros., Inc. v. Columbia County*, 37 Or LUBA 85, 94 (1999). I am also concerned because there is an inherent conflict between the analyses of the two rules, and that a party would be able to raise the issue on appeal to LUBA without first raising it with the County under ORS 197.835(4). However, LUBA has the discretion to reject such an appeal if it finds the issue could have been raised before the County. ORS 197.835(4)(a). Part of my motivation for writing this section is to put the parties on notice now, and to provide an opportunity for a party to raise it so the County can make a determination in the first instance.

B. Local Rules

I think it would be helpful to briefly summarize the history of aggregate resources and our comprehensive plan (“Our Plan”). On January 23, 1991, in response to Enforcement Order 89-EO-656, the County adopted Ordinance 43, with a detailed approach to the Goal 5 process for mineral and aggregate elements. Att. A. DLCDC staff recommended changes

² Subsection (9) of the New Rule reads:

(9) Local governments shall amend the comprehensive plan and land use regulations to include procedures and requirements consistent with this rule for the consideration of PAPAs concerning aggregate resources. Until such local regulations are adopted, *the procedures and requirements of this rule shall be directly applied to local government consideration of a PAPA concerning mining authorization, unless the local plan contains specific criteria regarding the consideration of a PAPA proposing to add a site to the list of significant aggregate sites, provided:*

(a) *Such regulations were acknowledged subsequent to 1989; and*

(b) *Such regulations shall be amended to conform to the requirements of this rule at the next scheduled periodic review after September 1, 1996, except as provided under OAR 660-023-0250(7).*

(emphasis added).

to that Ordinance, and the County complied by passing Ordinance 51 on September 16, 1991. Att. B. Ordinance 51 replaced the existing policy for mineral and aggregate resources and amended portions of Ordinance 43's Appendix A's Appendix 5. Soon thereafter, on February 26, 1992, the County adopted Ordinance 55, which deleted and renumbered many of the policies from Ordinance 51 and added a new number 11. Att. C. The policy is referenced in Our Plan (Att. D) and listed as applicable criteria as Ordinance 51, but that should be understood to mean Ordinance 43, as amended by Ordinances 51 and 55.

Putting it all together, I recommend the following order of reference for the applicable path of governing documents: (1) the Old Rule; (2) Ordinance 51/55; (3) Ordinance 43; and then only if there is not relevant guidance and the guidance therein does not conflict, (4) the New Rule.

II. How the County Should Determine Whether the Proposed Aggregate Site is a 3B or 3C Site

The opinions from the Hegele Saga are an excellent resource for how the County should interpret the Old Rule and Our Plan as it applies to this case and for where the County should look for help answering the difficult questions. The appeals in *Hegele* and *Hegele II* required resolution of twenty-one assignments of error; *Hegele III* resolved eighteen. Between the three cases, there is much to glean as far as how to process the present application. Below I will detail my advised process, informed from the Hegele Saga and the governing documents.

In *Hegele II*, the Court of Appeals laid out the big picture for these applications:

The Goal 5 planning process, as outlined in the pertinent rules, involves four basic steps. First, the local government is to adopt an inventory of Goal 5 resources within its jurisdiction. OAR 660-016-0000. As it applies to aggregate sites, that process includes collecting information on potential Goal 5 sites and determining whether the location, quantity, and quality make the site a significant aggregate site. Next, if the aggregate site is added to the jurisdiction's inventory, the local government must then "identify conflicts with inventoried Goal 5 resource sites." OAR 660-016-0005. Third, the local government must determine the economic, social, environmental, and energy consequences of the conflicting uses on the Goal 5 resource site--the so-called ESEE study. As part of that assessment of negative impacts, "both the impacts on the resource site and on the conflicting use must be considered * * *." OAR 660-016-0005(2). Fourth, and finally, the local government must develop a program to achieve the goal, which can include protecting the resource site, allowing the conflicting uses fully, or limiting conflicting uses. OAR 660-016-0010.

Hegele II at 381-82. In applying the Old Rule, this should be the County's blueprint. The Court asked me to resolve the fourth and final step. That answer necessarily requires a proper analysis of the prior three steps. See *Hegele III* at 29 (sustaining assignments of

error because Crook County's Step 2 (identification of conflicts) process was flawed, rendering the County's Step 4 "legally defective"). Below is a summary of the four steps.

A. Step 1 – Is the Site Significant?

There appears to be sufficient undisputed evidence in the record to make a determination that the proposed site is "significant." The County should not consider any evidence more appropriately considered in Steps 3 or 4 at this stage. *See Hegele* at 368 (sustaining assignments of error because the County denied placing the site on the County's inventory, partly based on a "limited version" of the Steps 3 and 4 analyses).

B. Step 2 – Are there Conflicts?

Proper application of Step 2 is more treacherous than it initially appears. How to identify conflicts was the only question before the Court of Appeals in *Hegele II*. There, the court wanted to review LUBA's interpretation that Step 2 meant a county was to consider both the conflicts *on* the resource site, as well as the conflicts the resource site presented *to* other, nearby uses or "two-way conflict analysis." The court began by quoting the rule at OAR 660-016-0005(1):

It is the responsibility of local government to identify conflicts with inventoried Goal 5 resource sites. This is done primarily by examining the uses allowed in broad zoning districts established by the jurisdiction (e.g., forest and agricultural zones). A conflicting use is one which, if allowed, could negatively impact a Goal 5 resource site. Where conflicting uses have been identified, Goal 5 resource sites may impact those uses.

From that text, the court ruled that a county "may consider only other allowable uses that have a negative impact *on* the Goal 5 resource." *Hegele II* at 383 (emphasis in original).

The second question before the court was: "What types of negative impacts *on* a Goal 5 resource properly may be considered under the rule?" *Id.* (emphasis in original). Here, the County denied placing the resource site on our inventory partly because mining would affect the scenic values of the impact area, which was defined as all of Lone Pine Valley, and because increased truck traffic would accelerate deterioration of the road. *Hegele* at 373. *Hegele* was arguing that a county may only consider impacts from the resource site that would rise to the level of nuisance or trespass claims. *Hegele II* at 383. Drawing the proper line in the sand, the ruling from the court of appeals can only be understood directly from the source:

[T]he rule is worded to encompass a broad range of negative impacts *** In fact, the rule is clear that an actual conflicting use need not even exist at the time that the local government sets out to identify conflicting uses. *** "Negatively impact" is not defined in the rule, nor is it qualified or limited. That lack of qualification or limitation makes sense: the range of Goal 5 resources and allowed uses that may exist in broad zoning districts is so vast as to be all but impossible to catalog or describe in advance. *** The inquiry requires case-

by-case assessment, and local governments are free to consider any and all negative impacts on a Goal 5 resource site that could arise if an allowable use were to exist in the zoning district along with the Goal 5 site.

Such impacts therefore could include, among others, legal, social, or economic ones. That understanding is reflected expressly in OAR 660-016-0005(2), which provides that, once the conflicting uses have been identified, and negative impacts are to be balanced, and the local government must consider the "economic, social, environmental and energy" impacts of the Goal 5 resource and the competing uses alike. Legal consequences potentially qualify as economic and social ones, and curtailing use of a resource site through a nuisance or trespass action therefore readily falls within the range of contemplated impacts. But so do a wide variety of other impacts, such as social pressures that could come to bear within the zoning district in an effort to restrict, confine, or limit activity on the Goal 5 resource site. In other words, when the negative impacts of the Goal 5 resource likely will create social, legal, or other pressures that can result in negative impacts on the Goal 5 resource.

To be sure, there may be little difference in practice between the approach that LUBA articulated and the approach that we conclude the rule requires. It may well be that most or all allowable uses that are negatively impacted by the Goal 5 resource site reasonably can be expected to give rise, in response, to some form of negative social, economic, or legal pressure on the resource site. *But the express terms of the rule require first an identification of the impact on the Goal 5 resource.* The fact that such pressure originates as a reaction to the impact of the Goal 5 resource site on surrounding uses does not become relevant until the next step in the Goal 5 inventory process, when the local government considers the economic, social, environmental, and energy consequences of the conflicting uses.

In sum, we interpret OAR 660-016-0005 consistently with its wording. To be identified as a conflicting use, the allowed or allowable use must have a negative impact on the Goal 5 resource site. But also consistently with the rule's wording, the negative impacts that a local government may consider in that regard are not limited to legal burdens that might arise from nuisance and trespass actions. Rather, the local government may consider *any* negative impacts of an allowable use, which can include, but it [sic] not limited to, impacts of a social, legal, economic, and environmental nature. If, on the basis of such an impact, the local government identifies one or more allowable uses as conflicting uses, it goes on to the third step of the planning process (the ESEE study). Only at that third step of the planning process does the inquiry expand to encompass two-way negative impacts, that is, the impacts of the conflicting uses on the Goal 5 resource, as well as the impacts of the Goal 5 resource on the conflicting uses.

Beyond that general guidance, it must be for the local governments to identify uses that "negatively impact" a Goal 5 resource site in the first instance. LUBA appropriately remanded this case to the local level for that inquiry.

Hegele II at 384-86 (internal citations omitted, emphasis in original). Thus, at Step 2, the County should only identify potential negative impacts *on* the resource site, but the County is "free to consider any and all negative impacts on a Goal 5 resource site that could arise if an allowable use were to exist in the zoning district along with the Goal 5 site." *Hegele II* at 384. In a footnote, the court provided a hypothetical example of the circular process to identify a conflict:

For example, if operation of an aggregate mine (a Goal 5 resource) were predicted to engender social protests or economic boycotts because of perceived negative impacts of the resource on local residents, such activity might be deemed a "negative impact" on the Goal 5 resource itself.

The County attempted to apply this ruling in *Hegele III*. There, the County relied on evidence in the record that noise and visual impacts from the resource site could not be entirely mitigated and the presence of nearby residents in opposition might bring "legal action and economic and social pressure and political pressure to bear on the mines." *Hegele III* at 6. LUBA considered the evidence of a five-year history of a significant opposition to the mine relied upon by the County to lead a reasonable decision maker to come to the same decision as the County and affirmed the County's identification of those as conflicts. *Hegele* at 7.

Another issue in *Hegele III* was the County identifying "recreational visitors, motorists, and bicycles" as conflicting uses. Hegele argued only "land uses" that are specifically as permitted or conditionally allowed may be considered. *Hegele III* at 13. The County argued that the court's interpretation of "conflict" in *Hegele II* was quite broad and that the conflicts mentioned are incidental to the allowed use of residential dwellings. *Hegele III* at 14. LUBA partly agreed with the County, in that the analysis is not limited to "land uses" and that incidental uses related to potential land uses may be considered (i.e., a resident riding a bicycle). However, LUBA found that there was no evidence in the record that the allowable land uses were sufficiently tied to recreational visitors organizing and mounting a protest against the aggregate site. *Hegele* at 10. Thus, to the extent the conflicts identified were from non-residents, LUBA sustained Hegele's assignment of error.

C. Step 3 – Determine the Economic, Social, Environmental, and Energy Consequences (ESEE)

The third step, based on the findings of Step 2, is to conduct the ESEE analysis. The rule here is found in OAR 660-016-0005(3):

If conflicting uses are identified, the economic, social, environmental and energy consequences of the conflicting uses must be determined. Both the impacts on the resource site and on the conflicting use must be considered in

analyzing the ESEE consequences. The applicability and requirements of other Statewide Planning Goals must also be considered, where appropriate, at this stage of the process. A determination of the ESEE consequences of identified conflicting uses is adequate if it enables a jurisdiction to provide reasons to explain why decisions are made for specific sites.

This Step 3 is to be the basis upon which the Step 4 determination is made. Hegele challenged the County's ESEE process in *Hegele III* under four assignments of error. Hegele arguments included (1) the County did not sufficiently analyze negative impacts on the resource site from conflicting uses and (2) the County failed to recognize the evidence in the record that the aggregate at the resource site was of fine quality. Generally, an ESEE analysis is sufficient if it:

enables a jurisdiction to provide reasons to explain why decisions are made for specific sites. OAR 660-016-0005(2). In performing an ESEE consequences analysis, the local government is not required to quantify every conceivable conflict between the resource use and every conflicting use.

Hegele III at 12 (internal quotations and citations omitted). LUBA found that to the extent the ESEE analysis considered recreational tourists to fully protects conflicts, the ESEE was flawed. Additionally, LUBA reviewed the record and found that the 10 pages of findings of ESEE impacts on conflicting uses was not balanced with the two paragraphs written regarding impacts on the resource site. "At a minimum, the analysis of the ESEE consequences of prohibiting the mining operation should address the four ESEE factors *** and should address the evidence petitioner submitted on those points." *Hegele III* at 14. In a footnote, LUBA said that the County was not required to adopt findings that address "every item of evidence" that a petitioner submits, but it needed to make "more of an effort" to address that evidence if it wants to survive a substantial evidence challenge. *Hegele III* at n. 11.

In sum, Step 3's ESEE needs to be even-handed and apply the significant, relevant evidence in the record from both sides to consider fully the economic, social, environmental, and energy consequences in a two-way conflict analysis. There are examples of ESEE impacts contained in Ordinance 43.

D. Step 4 – Developing a Program to Achieve Goal 5

This is the final step, and where the County must make the 3B or 3C determination. 3B and 3C are based on OAR 660-016-0010(2) & (3):

Based on the determination of the economic, social, environmental and energy consequences, a jurisdiction must "develop a program to achieve the Goal." Assuming there is adequate information on the location, quality, and quantity of the resource site as well as on the nature of the conflicting use and ESEE consequences, a jurisdiction is expected to "resolve" conflicts with specific sites in any of the following three ways listed below. Compliance with Goal 5 shall

also be based on the plan's overall ability to protect and conserve each Goal 5 resource. The issue of adequacy of the overall program adopted or of decisions made under sections (1), (2), and (3) of this rule may be raised by the Department or objectors, but final determination is made by the Commission, pursuant to usual procedures:

(2) **Allow Conflicting Uses Fully:** Based on the analysis of ESEE consequences and other Statewide Goals, a jurisdiction may determine that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. This approach may be used when the conflicting use for a particular site is of sufficient importance, relative to the resource site. Reasons which support this decision must be presented in the comprehensive plan, and plan and zone designations must be consistent with this decision.

(3) **Limit Conflicting Uses:** Based on the analysis of ESEE consequences, a jurisdiction may determine that both the resource site and the conflicting use are important relative to each other, and that the ESEE consequences should be balanced so as to allow the conflicting use but in a limited way so as to protect the resource site to some desired extent. To implement this decision, the jurisdiction must designate with certainty what uses and activities are allowed fully, what uses and activities are not allowed at all and which uses are allowed conditionally, and what specific standards or limitations are placed on the permitted and conditional uses and activities for each resource site. Whatever mechanisms are used, they must be specific enough so that affected property owners are able to determine what uses and activities are allowed, not allowed, or allowed conditionally and under what clear and objective conditions or standards. Reasons which support this decision must be presented in the comprehensive plan, and plan and zone designations must be consistent with this decision.

This is where the wisdom of the commissioners as decision-makers must apply. Whether the decision is to fully protect conflicting uses (3B) or balance the competing uses (3C), the decision will be legally defensible as long as the County followed the proper procedure in Steps 1 through 3, considering only the appropriate evidence and basing the decision on the evidence that is in the record. Thus, more attention paid to Step 2 (identifying conflicts) and Step 3 (ESEE) should lead to the proper outcome in Step 4.

APPENDIX “A”

Ordinance No. 43

CROOK COUNTY

GOAL 5 RESOURCES

(MINERAL AND AGGREGATE ELEMENTS)

December 14, 1990

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APPENDICES:

- Appendix 1 – Flowchart of the Goal 5 Rule Process
- Appendix 4 – Site Maps and Supporting Documents
- Appendix 5 – ESEE Analyses and Consequences Determinations on all
3A/3B/3C Sites in Crook County
- Appendix 6 – Federal Sites on Federal Property

Section One

INTRODUCTION TO THE GOAL 5 PROCESS (MINERAL AND AGGREGATE ELEMENTS)

A. INTRODUCTION TO OREGON'S STATEWIDE PLANNING GOAL 5 AND THE ADMINISTRATIVE RULE

1. Oregon's Statewide Policy. Goal 5 establishes a state policy "to conserve open space and protect natural and scenic resources." (See Oregon Administrative Rule 660, Division 15.) These natural resources includes mineral and aggregate resources. The intent is to protect these non-renewable resources through "the Goal 5 process" for use both now and in the future.

The Statewide Planning Goal 5 states that "programs shall be provided that will (1) insure open space, (2) protect scenic and historic areas and natural resources for future generations, and (3) promote healthy and visually attractive environments in harmony with the natural landscape character. (See Oregon Administrative Rule 660, Division 16.)

This Goal 5 further provides:

Where no conflicting uses for such resources have been identified, such resources shall be managed so as to preserve their original character. Where conflicting uses have been identified the economic, social, environmental and energy consequences of the conflicting uses shall be determined and programs developed to achieve the goal."

The Goal 5 Planning Guidelines section states:

3. natural resources . . . should be conserved and protected ..."
6. In conjunction with the inventory of mineral and aggregate resources, sites for removal and processing of such resources should be identified and protected.

The Goal 5 Implementation section states:

2. The conservation of both renewable and non-renewable natural resources and physical limitations of the land should be used as the

basis for determining the quantity, quality, and location, rate type of growth in the planning area.

3. The efficient consumption of energy should be considered when utilizing natural resources.
 9. Areas identified as having non-renewable mineral and aggregate resources should be planned for interim, transitional and “second use” utilization as well as for the primary use.
2. The Goal 5 Administrative Rule (OAR 660-16-000 to 660-16-025). The Goal 5 administrative rule was designed to carry out the requirements of Goal 5 for all types of resources including mineral and aggregate resources. To meet the Goal 5 rule for mineral and aggregate resource sites Crook County must accomplish the following process.

STEP 1 Inventory resource sites. Known resource sites must be inventoried and designated in one of three categories, “significant”, or the higher quality sites must be listed and the list adopted as part of the Comprehensive Plan. The lower quality sites are “not significant” and are to be left off the Plan Inventory. Those sites for which there is inadequate information to determine their significance are listed in a special category.

STEP 2 Identify uses which could conflict with the resource. Crook County then must identify all existing and potential uses which, if allowed, could interfere with or impose limits on mineral extraction activities.

STEP 3 Analyze the economic, social, environmental and energy consequences of allowing, limiting or prohibiting the mining and conflicting uses. This analysis is known as the “ESEE analysis and must be adopted as part of Crook County’s Comprehensive Plan. Crook County must use this analysis to decide how to resolve the conflicts for any given resource site or group of similar sites.

STEP 4 Decide on a program which resolves any conflicts and achieves the Goal. Crook County must resolve conflicts with mineral and aggregate resource sites by deciding what level of protection and what uses are appropriate for each site. This decision must be stated in Crook County’s Comprehensive Plan, and it must be based on the ESEE consequence analysis and Goal 5’s requirement to protect those resources.

STEP 5 Adopt measures to implement the program. Crook County must adopt policies and zoning regulations to implement the decision in STEP 4. Zoning regulations must specify permitted uses, conditional uses, and standards for review. The zoning regulations established by Crook County must be sufficient to resolve the conflicts identified in STEP 2 and it must be adequate to carry out the program adopted in STEP 4. Crook County’s standards must be clear and objective.

3. Definition Section of Statewide Planning Goals (1990).

Goal 5 requires that Crook County complete an analysis of the economic, social, energy and environmental consequences of allowing any conflicts that impact on a goal 5 resource.

The Definition Section of the Statewide Planning Goals provides the following definitions to be used in the Goal 5 context:

CONSERVE. To manage in a manner which avoids wasteful or destructive uses and provides for future availability.

IMPACT. The consequences of a course of action; effect of a goal, guideline, plan of decision.

PRESERVE. To save from change or loss and reserve for a special purpose.

PROTECT. Save or shield from loss, destruction, or injury or for future intended use.

SOCIAL CONSEQUENCES. The tangible and intangible effects upon people and their relationships with the community in which they live resulting from a particular action or decision.

A flowchart of the Goal 5 rule illustrating the process described above and followed herein is found in Appendix 1.

B. OTHER STATEWIDE PLANNING GOAL CONSIDERATIONS

1. Goal 1: Citizen Involvement

Many citizens of Crook County have given generously of their time and energy to help complete the county's Comprehensive Plan and its implementing regulations. They have also so contributed to the completion of this Goal 5 portion of the periodic review process.

One of the main thrusts of Goal 1 is fostering the continuation of that citizen contribution. This focus of Goal 1 is to help protect against narrow special interests that would frustrate good land use planning and over-run the interests of the many.

2. Goal 2: Land Use Planning

Goal 2 provides a planning mechanism designed to assure security and stability in land use planning. The factual base required for all decision making assures that

plans and projects will receive thorough scrutiny before being granted or denied. Final decisions are to be based on the greatest good for the greatest number of people.

PART I - PLANNING

...

All land-use plans shall include identification of issues and problems, inventories and other factual information for each applicable stateside planning goal, evaluation of alternative courses of action an ultimate policy choices, taking into consideration social, economic, energy and environmental needs.

Goal 2 is the foundation and guide for the process leading to ultimate implementation of the goal.

Under the “Major Revisions” and “Minor Changes” sections of the “Guidelines” portion of Goal 2 the following instructive and important language is provided:

E. MAJOR REVISIONS AND MINOR CHANGES IN THE PLAN AND IMPLEMENTATION MEASURES

The citizens in the area and any affected governmental unit should be given an opportunity to review an document prior to any changes in the plan and implementation ordinances. There should be at least 30 days notice of the public hearing on the proposed change.

1. Major Revisions

Major revisions include land use changes that have widespread and significant impact beyond the immediate area such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or many different ownerships.

The plan and implementation measures should be revised when public needs and desires change, ...

2. Minor Changes

Minor changes, i.e., those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established.

Section Two

STEP ONE INVENTORY

GOAL 5 RESOURCES (MINERAL AND AGGREGATE RESOURCES)

A. INTRODUCTION TO INVENTORY ELEMENT REQUIRED BY THE GOAL 5 RULE

1. Inventory Process. The first step in the Goal 5 Rule Process is to complete an inventory of all goal 5 mineral and aggregate resources in Crook County.

Crook County initiated its inventory process for the Statewide Planning Goal 5 mineral and aggregate resources with the collection of available data on its mineral and aggregate resources. This data was collected from as many sources as possible including experts in the field, local citizens and landowners.

This inventory is included in the Plan, and describes the location, quality and quantity of the identified significant resource types.

Crook County then classified its resources into various resource types. The mineral and aggregate resource types that have been identified in Crook County are as follows:

- 1) basalt (BAS);
 - 2) cinders (CIN);
 - 3) sand (SAN);
 - 4) gravel (GRV);
 - 5) bentonite (BEN); and
 - 6) minerals (gold, cinnabar, gypsum, uranium, magnesium, etc.) (MIN).
2. Analysis of Inventory Data. Following the inventory of its resources, Crook County then analyzed and refined the available data and made a determination whether there was sufficient information on the location, quality and quantity of each resource site to properly complete the Goal 5 process for each site.

3. Determination of Significance. Based on the evidence and Crook County’s analysis of this data, Crook County then made a determination as to which of the resource sites having adequate reliable information were of significance. Crook County then included those significant sites on its final comprehensive plan inventory.

The process for completing the inventory, analyzing and refining the data, and making the final determination on the significance of the each mineral and aggregate resource site was conducted pursuant to, among other Oregon statutes and regulations, Oregon Revised Statutes Chapter 215 and Oregon Administrative Rule 660, Division 16.

4. Inclusion in the Comprehensive Plan Inventory. All sites determined by Crook County to be significant are included in this Plan and designated in a category signifying that determination. All sites having inadequate data with which to determine significance are included in this Plan in a special category signifying that determination.

B. CROOK COUNTY’S GOAL 5 INVENTORY PROCESS

Crook County has collected available information on all known mineral and aggregate resources in Crook County. This data includes information on the location, quality and quantity of each resource site. The information is summarized and recorded in Appendix 2.

Appendix 2 contains an inventory worksheet and a site map for each Goal 5 resource. Each inventory work sheet and the site map contains (if available) the information that is described in the following subsections of this section. The information contained on the worksheet and site map has been used to make the determination whether the resource shown is “not important enough to be included in the Plan Inventory,” is “significant” and therefore to be included in the Plan Inventory, or finally whether there is enough information available with which to make one determination or the other.

1. Resource Location.
 - a. Definition of Impact Area. The impact area is that area surrounding and near a Goal 5 mineral and aggregate resource site wherein the presence or application of a conflicting use that is allowed outright or conditionally in the surrounding broad zoning district would adversely impact the resource site by limiting the mining or processing of the resource.
 - b. Description of Impact Area. Unless otherwise indicated in the text of this Plan or on the respective resource site and impact area map, the impact area is that property extending outward from the resource site boundary to a distance of five hundred (500) feet.

Note: The impact area will be identified on each map with a shading. This shading is for reference only.

The rationale for the 500 foot boundary for the impact area is based upon the distance from the property line of a property that is the site of a conditional use permit. This distance serves as the basis for notice to adjacent property owners of the proposed conditional use. This distance is determined to be that distance from a proposed use that best represents the point at which the interests of the proposed conditional use applicant and the adjacent owners are balanced; thus that distance is the point at which the adjacent land owners will be least adversely affected by the proposed conditional use.

If the perimeter of the site is greater than a perimeter 500 feet inward of the property line, then the perimeter of the impact area will be confined, where possible, within the property boundaries. In other words, to the extent possible, the perimeter of the impact area will not be greater than the legal description of the property within which the resource is located.

- c. Supporting Evidence of Location. This determination of location of each resource site is based on the best information available to Crook County at the time of the determination. The information that has been officially received and used by Crook County in this analysis is stored in the public records of the County. This information includes at least:
 - a) a legal description of the resource site;
 - b) the highway/mile post designation (if available);
 - c) a description of the impact area (if different); and
 - d) a map of the boundaries of the resource site and of the impact area to be affected (if different).

2. Resource Quality and Ranking System.

In order to determine the quality of each basalt, cinder, and gravel Goal 5 mineral and aggregate resource site, Crook County took into consideration, among other factors, (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 at least Crook County. All sand has potential value, and has not been given a ranking value. In this Comprehensive Plan, that relative value is represented by a numerical ranking system as follows:

1 = resource material meeting at least the following ODOT specifications:

- a) resistance to abrasion
- b) sodium sulphate soundness
- c) air degradation

2 = resource material not meeting the rank of 1, but is such quality that it is used for roads;

3 = resource material that is used for roads and for fill; and

4 = resource material that is used only for fill material.

Note: This numerical ranking of quality will be attached to and form a part of the significant Goal 5 mineral and aggregate site identification system that is described in a later part of this Goal 5 mineral and aggregate section. The ranking designation will attach to and be carried by each site identification designation throughout the Goal 5 process.

- a. Supporting Evidence of Quality. This determination of quality on each resource site is based on the best information available to Crook County at the time of the determination. The information that has been officially received and used by Crook County in this analysis is stored in the public records of the county.

3. Resource Quantity.

Crook County included in its determination of the quantity of each Goal 5 mineral and aggregate resource site the consideration of the relative abundance of the resource (of any given quality). The level of detail provided in the Comprehensive Plan depended on how much information was available or “obtainable” at the time of the determination and the quality of that information.

- a. Supporting Evidence of Quantity. Crook County has made a determination on location, quality and quantity based on the best information available to Crook County at the time of determination. This usually was the information provided by owner/operators. The information that has been officially received and used by Crook County in this analysis is stored in the public records of the county.

C. INVENTORY ANALYSIS AND TYPES OF SITES.

Based on the data collected, analyzed and refined by Crook County, as outlined above, Crook County has made a determination with respect to each resource site as to which one of three basic options that site most accurately is to be equated with. Those three basic options are as follows:

1. OAR 660-16-000(5)(a) 1A SITES. “Not Significant”. Based on the best information that is available on location, quality and quantity, Crook County has determined that this particular resource site is “not significant”, and therefore not important enough to warrant inclusion on the Comprehensive Plan inventory, or is not required to be included in the inventory based on the specific Goal standards. These sites are designated in this Plan as “1A” sites.
2. OAR 660-16-000(5)(b) 1B SITES. “Significance Not Yet Determined”. When some information is available, indicating the possible existence of a resource site, but that information was not adequate for Crook County to identify with particularity the location, quality and quantity of the resource site, then Crook County included these sites in this special category. These sites upon which not enough information is available to make a determination yet as to significance are designated in this Plan as “1B” sites.

Crook County will place these 1B sites in its Plan Inventory of possible or “possibly significant” resource sites, but Crook County will not proceed through the remainder of the Goal 5 rule process.

The inclusion of this special 1B category in Crook County’s Comprehensive Plan will serve to notify the owner of the need to assess and document the value of the resource before conflicting uses become established in the area.

Crook County’s policy, relative to these 1B resource sites, will address each resource site. This plan policy will allow each 1B site to proceed through the Goal 5 process when adequate information is available on the site. The following timeframe for this review is as follows.

- a. Timeframe for 1B Site Review. When Crook County is provided adequate and sufficient data relative to a Goal 5 mineral or aggregate resource site that has been classified in this Comprehensive Plan in the 1B site option, then Crook County will proceed with the Goal 5 process as outlined in OAR 660 Division 16 for a determination whether that site is to be reclassified and, if so, in what classification option that site should be placed.

Crook County will commence that analysis and determination within one of the three following timeframes:

- (1) within thirty days of receipt of the data, if the operator or owner requests that the process begin within that timeframe;
- (2) within thirty days of the request of the owner or operator, if Crook County is in receipt of adequate and sufficient information relative to the site;
- (3) during the next regularly scheduled local periodic review process.

- b. Inclusion as a significant site in Plan. If Crook County determines that the 1B site needs to be reclassified, then Crook County will amend the Plan inventory to reflect that new classification.
 - c. Interim Policy Regarding 1B Sites. In the interim, Crook County will prohibit mineral and aggregate extraction, and will limit conflicting uses within the impact area around those sites.
3. OAR 660-16-000(5)(c) 1C SITES. “Significant Sites”. When information is available on location, quantity and quality, and Crook County determines a site to be significant or important as a result of the data collection and analysis process, then the site will be included in its Comprehensive Plan Inventory. These sites are designated in this Plan as “1C” sites.

The Plan inventory will indicate the location, quantity and quality of each 1C resource site.

This Comprehensive Plan Inventory list of significant 1C resource sites will be subjected to the remainder of the Goal 5 process.

D. POLICY REGARDING EXPANSION OF EXISTING RESOURCE SITE OPERATIONS

Crook County’s Plan policy is to classify each significant resource site according to current available data on location, quality and quantity, and regulate each site according to its classification. Crook County will not allow expansion of any site without additional data. Therefore, “in order to expand an existing permit, operator must provide quantity and quality best information available to update plan data.” This may or may not require an ESEE analysis depending on the data submitted or any significant changes.

E. CROOK COUNTY COMPREHENSIVE PLAN INVENTORY LIST

- 1. Explanation of the Resource Site Identification System. Each site has been given a unique identification number. The identification number has been designed to provide the following information and in the following order:

The first two digits describe the level of the Goal 5 process (1=inventory level, 2=conflict determination level, 3=ESEE consequences and conflict resolution level). The next digit (a numeral) is employed in only those resources that have a need for ranking the resource for highway uses. In the examples below this numeral is designated by the letter “n”. (See pages 1-3 and 1-4 for a detailed description of the numerals)

1A - site is inventoried as an insignificant site

1B - site is inventoried as an indeterminate site

1Cn - site is inventoried as a significant site

2An - site is determined to be without conflicts

2Bn - site is determined to have conflicts (Each of these sites will be classified as a 3A, 3B or 3C site.)

3An - site is classified as more important relative to conflicts

3Bn - site is classified as less important relative to conflicts

3Cn - site is classified as a site to be balanced with the conflicts

The information following the “dash” above contains the three letter identifier and a second “dash” describing the resource type. They are BAS-, CIN-, SAN-, GRV-, BEN-, and MIN-, meaning basalt, cinders, sand, gravel, bentonite and minerals respectively. (These are described in detail on page 1-10.)

The final numeral(s) represent the unique identifier for that particular site.

For example, the following number has the described significance.

1C2-BAS-24 The site in on the inventory list (“1”); the site is a significant site (“C”); the resource has a quality ranking of “2” indicating that the resource does not meet certain ODOT specs to be ranked as the bhighest quality resource, but is of good enough quality to be used on roads; the site is of the basalt type (“BAS”); and finally, the number 24 indicates that the site is number 24 in the series of such 1C basalt sites.

- 2. 660-16-000(5)(a) 1A SITES: These Goal 5 mineral and aggregate resource site are provided here for the sake of completeness only; they are not included in the Plan Inventory because they are not important enough to be placed in it. The Comprehensive Plan Inventory includes only the “special category” 1B sites and the “significant” 1C sites:

- a. 1A Basalt (BAS) Resource Inventory

ID NO.	LOCATION NAME
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1An-BAS-1	Weberg #1
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- b. 1A Cinders (CIN) Resource Inventory

[none]

- c. 1A Sand (SAN) Resource Inventory
[none]
- d. 1A Gravel (GRV) Resource Inventory
[none]
- e. 1A Bentonite (BEN) Resource Inventory
[none]
- f. 1A Mineral (gold or cinnabar) (MIN) Resource Inventory
[none]

3. COMPREHENSIVE PLAN INVENTORY of OAR 660-16-000(5)(b)
“SPECIAL CATEGORY” 1B SITES: The following Goal 5 mineral and aggregate resource sites do not have enough available information to make a determination of significance at this time:

- a. 18 Basalt (BAS) Resource Inventory

ID NO.	LOCATION NAME
IBn-BAS-1	Krider #3
IBn-BAS-2	Pieratt

- b. 1B Cinders (CIN) Resource Inventory
[none]

- c. 1B Sand (SAN) Resource Inventory
[none]

- d. 1B Gravel (GRV) Resource Inventory

ID NO.	LOCATION NAME
1B4-GRV-1	Alves #2

- e. 1B Bentonite (BEN) Resource Inventory
[none]

f. 1B Mineral (gold or cinnabar) (MIN) Resource Inventory

ID NO.	LOCATION NAME
B-MIN-1	Freeport-McMoran

4. COMPREHENSIVE PLAN INVENTORY OF OAR 660-16-000(5)(c)
“SIGNIFICANT” 1C SITES: Inventory List of Goal 5 mineral and aggregate resource sites that Crook County has determined to be significant resource sites:

a. 1C Basalt (BAS) Resource Inventory

ID NO.	LOCATION NAME
1C1-BAS-1	Oregon State Highway Division #7-3-4
1C1-BAS-2	Oregon State Highway Division #7-15-4
1C1-BAS-3	Oregon State Highway Division #7-16-4
1C1-BAS-4	Oregon State Highway Division #7-14-4
1C1-BAS-5	Oregon State Highway Division #7-39-4
1C2-BAS-6	Oregon State Highway Division #Not Assigned
1C1-BAS-7	Oregon State Highway Division #7-52-4
1C1-BAS-8	Oregon State Highway Division #7-40-4
1C1-BAS-9	Oregon State Highway Division #7-21-4
1C2-BAS-10	Oregon State Highway Division #7-43-4
1C2-BAS-11	Oregon State Highway Division #7-37-4
1C2-BAS-12	Oregon State Highway Division #7-33-4
1C2-BAS-13	Oregon State Highway Division #7-31-4
1C1-BAS-14	Oregon State Highway Division #7-26-4
1C1-BAS-15	Oregon State Highway Division #7-18-4
1C1-BAS-16	Richter
1C1-BAS-17	Alves #1 (Northwest Basalt)
1C1-BAS-18	Butler (Northwest Basalt)
1C1-BAS-19	Coats #2 (Northwest Basalt)
1C1-BAS-20	Coats #1 (Powell Butte)
1C1-BAS-21	Krider #1
1C1-BAS-22	Krider #2
1C3-BAS-23	Stahancyk (Prineville Sawmill)
1C2-BAS-24	Modular Crushing
1C1-BAS-25	Modular Crushing (Taggart)
1C2-BAS-26	Juniper Canyon (County)
1C1-BAS-27	Weberg #2
1C3-BAS-28	Tweedt (County)
1C3-BAS-29	Hackleman (County)
1C2-BAS-30	Congleton (County)
1C2-BAS-31	Jagi Pit (County)
1C3-BAS-32	Rickman Pit (County)
1C2-BAS-33	Jones Pit (County)

1C3-BAS-34 Puitt (County)
1C3-BAS-35 Camp Creek

Note: The Oregon State Highway Division uses an internal three-part number code to designate its sites; the three parts are respectively:

For example Crook County's 1C1-BAS-1 site is an Oregon State Highway Division site that is identified internally by the Division as site #7-3-4. The "7" signifies _____; the "3" signifies _____, and the "4" signifies _____.

b. 1C Sand (SAN) Resource Inventory

ID NO.	LOCATION NAME
1Cn-SAN-1	O'Neil Sand and Gravel
1Cn-SAN-2	Prineville Sand and Gravel
1Cn-SAN-3	Pieratt
1Cn-SAN-4	Williams

c. 1C Gravel (GRV) Resource Inventory

ID NO.	LOCATION NAME
1C2-GRV-1	Oregon State Highway Division #7-13-4
1C1-GRV-2	Oregon State Highway Division #7-41-4
1C1-GRV-3	Oregon State Highway Division #7-38-4
1C2-GRV-4	Oregon State Highway Division #7-36-4
1C1-GRV-5	Oregon State Highway Division #7-25-4
1C1-GRV-6	Oregon State Highway Division #7-9-4
1C3-GRV-7	Williams (Ochoco Ready Mix)
1C3-GRV-8	O'Neil Sand and Gravel
1C3-GRV-9	Prineville Sand and Gravel
1C1-GRV-10	Pieratt

d. 1C Cinders (CIN) Resource Inventory

ID NO.	LOCATION NAME
1Cn-CIN-1	Oregon State Highway Division #7-4-4
1Cn-CIN-2	Pieratt

e. 1C Bentonite (BEN) Resource Inventory

ID NO.	LOCATION NAME
1C-BEN-1	Coats
1C-BEN-2	Alaska Pacific
1C-BEN-3	Central Oregon Bentonite (Weaver)
1C-BEN-4	Oregon Sun Ranch (Evergreen Bentonite)

f. 1C Mineral (gold and cinnabar) (MIN) Resource Inventory

[none]

g. 1C Federal sites on federal lands

[See Appendix 6]

5. Resource Site Maps and Supporting Documents.

[See Appendix 4]

F. CROOK COUNTY'S POLICY FOR AND STATEMENT REGARDING THE PROCESS OF UPDATING ITS INVENTORY.

1. The Inventory Update Process. Crook County will update its Comprehensive Plan Inventory at periodic review to consider either information published after the acknowledgment of the Plan (Periodic Review Factor 1a) or new inventory information presented for consideration (See OAR 660-19-057(2)).
2. The Statement of Crook County. Crook County has addressed the location, quality and quantity requirements of the Goal 5 rule in its completion of the resource inventory process.

Section Three

STEP TWO IDENTIFICATION OF CONFLICTING ZONING USES AND APPLICABLE REQUIREMENTS OF OTHER STATEWIDE PLANNING GOALS

GOAL 5 RESOURCES (MINERAL AND AGGREGATE ELEMENTS)

A. INTRODUCTION TO THE CONFLICTING USES AND APPLICABLE
REQUIREMENTS OF STATEWIDE PLANNING GOALS ELEMENT OF THE GOAL
5 RULE.

Step Two of the Goal 5 Rule Process is the identification of conflicting uses within the impact area and applicable requirements of other Statewide Planning Goals.

For each site determined to be a 1C “significant” Goal 5 mineral or aggregate resource site, Crook County has identified the existing and potential uses, and applicable requirements of other Statewide Planning Goals that may conflict with these sites.

The process of identifying uses or applicable requirements of other Statewide Planning Goals that may interfere with or impose limitations on a significant 1C Goal 5 mineral or aggregate resource site was done primarily by examining

- (a) the existing and potential uses that are allowed in and that are recognized in the broad zoning districts established by Crook County; and
- (b) the existing and potential applicable requirements of other Statewide Planning Goals that exist or could come into existence near the resource site.

B. CONFLICTING USES AND APPLICABLE REQUIREMENTS OF OTHER
STATEWIDE PLANNING GOALS IDENTIFICATION PROCESS:

1. Conflicting Uses. The first consideration regarding conflicts, requires Crook County to determine whether there are any existing or potential zoning uses that present or would, if allowed, present a conflict with the resource site. Crook County has made this determination and has listed these zoning use conflicts herein.

- a. Definition of Conflicting Use: Conflicting uses are those existing or potential uses, allowed outright or conditionally within a zoning district, which, if allowed within the impact area surrounding a resource site, could negatively impact that Goal 5 resource site by impeding the extraction of the resource, or which could impose limitations on efficient and economic mining activities. Information on existing conflicting uses will be site-specific and the identification of conflicting zoning uses will include both existing and potential future uses.
 - b. Consideration of Reverse Impacts. Where conflicting zoning uses have been identified, Goal 5 resource sites may impact those uses; therefore, Crook County will consider these negative impacts by the resource on the use in the following sections when analyzing the economic, social, environmental and energy (ESEE) consequences.
 - c. Definition of Impact Area. The impact area is that area surrounding and near a Goal 5 mineral and aggregate resource site wherein the presence or application of a conflicting use that is allowed outright or conditionally in the surrounding broad zoning district would adversely impact the resource site by limiting the mining or processing of the resource.
 - d. Description of Impact Area. Unless otherwise indicated in the text of this Plan or on the respective resource site and impact area map, the impact area is that property extending outward from the resource site boundary to a distance of five hundred (500) feet.
2. Applicable but Conflicting Requirements of Other Statewide Planning Goals.
- a. Definition of applicable but conflicting requirements of other Statewide Planning Goals. The second consideration regarding conflicts, requires Crook County to determine whether there are any existing or potential requirements of other applicable Statewide Planning Goals, including other goal 5 resources, that present or would, if allowed, present a conflict with the resource site.

The Goal 5 Rule requires that these Statewide Planning Goals be considered at this stage of the process. Statewide Planning Goals are state policies on land use, resource management, economic development and citizen involvement. This determination has been completed, and if identified, Crook County has listed these Goal conflicts herein.

A conflicting applicable requirement of another Statewide Planning Goal is one of the resources or elements whose management or development is provided for in the Statewide Planning Goals and, which if allowed, would negatively impact a Goal 5 mineral or aggregate resource.

- b. Considering Reverse Impacts. Where conflicting applicable requirements of other Statewide Planning Goals have been identified, Goal 5 resource sites may adversely impact those other goal resources. Crook County will consider both the impacts of that resource on the Goal 5 resource and the Goal 5 resource's impacts on the other Goal resource in the following sections when analyzing the economic, social, environmental and energy (ESEE) consequences.

Crook County has considered the applicability and requirements of these other Statewide Planning Goals within the environmental, social economic and energy analyses, where appropriate, at that stage of the process. OAR 660-16-005(2).

- 3. Significant Adverse Affects on Acceptable Neighboring Farm/Forest Practices or Farm/Forest Costs. The third consideration regarding conflicts, requires Crook County to determine whether allowing the mining operation would force, or potentially force, a significant change on neighboring farm or forest practices or costs (ORS 215.296).

This determination has been made and, if identified, Crook County has listed these impacts or potential impacts herein.

Specifically, Crook County has made determinations whether approving the conditional use of mining mineral or aggregate would --

- a. force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use, or
- b. significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

This determination was based on the best information available to the County at the time of the determination. Crook County recognizes that such a determination does not take into consideration changes that may occur over time.

Upon receipt of information that changes have occurred after a determination has been made, and that these changes are of such a nature and magnitude making that determination inaccurate, Crook County will take appropriate measures to make a new determination. Such re-determination will be performed according to this Plan and its implementing ordinances.

C. TWO CLASSIFICATIONS OF INVENTORIED SITES:

Crook County has determined that each inventoried 1C "significant" resource site is either --

- (a) a site for which NO conflicting zoning uses or applicable requirements of other Statewide Planning Goals have been identified [i.e., an OAR 660-16-005(1) 2A site], or is
- (b) a site for which conflicting zoning uses or applicable requirements of other Statewide Planning Goals HAVE BEEN identified [i.e., an OAR 660-16-005(2) 3A/3B/3C site].
 - 1. 2A SITE. If there are no conflicting zoning uses or applicable but conflicting requirements of other Statewide Planning Goals for an identified significant resource site, Crook County has adopted policies and procedures in this plan and its implementing ordinances which insure preservation of this resource site classification. Crook County will preserve these resource sites. OAR 660-16-005(1).
 - 2. 3A/3B/3C SITES. For those sites for which conflicting zoning uses or applicable but conflicting requirements of other Statewide Planning Goals have been identified, Crook County has determined the economic, social, environmental and energy (ESEE) consequences of the conflicting zoning uses or applicable but conflicting requirements of other Statewide Planning Goals.

These consequences are the subject of a following section. Both the impacts on the resource site and the impacts on the conflicting use and applicable but conflicting requirements of other Statewide Planning Goals have been considered in analyzing the ESEE consequences.

D. List of 2A sites (sites without conflicts) in Crook County

- 1. (no non-federal 1C sites within Crook County are classified as a 2A site)
 - (all federal sites on federal property are 2A sites)
 - (see Appendix 6)

E. List of 3A/3B/3C sites (sites having conflicts) in Crook County

- 1. (all of Crook County's 1C sites have identified conflicting uses or applicable but conflicting statewide planning goals, and are thus 3A/3B/3C sites; see previous listing of 1C sites.)

F. Potential Conflicting zoning uses (by zoning ordinance) in the following broad zoning designations and applicable but conflicting requirements of other Statewide Planning Goals, for 3A/3B/3C SITES:

1. EXCLUSIVE FARM USE ZONES (EFU-1, -2, -3)
 - a. Uses Permitted Outright
 - Farm dwellings
 - b. Conditional Uses
 - Public or private schools
 - Churches
 - Commercial activities in conjunction with farm use
 - Secondary farm dwellings
 - Private parks
 - Campgrounds
 - Fishing and hunting preserves
 - Public parks and playgrounds
 - Home occupations
 - Boarding horses for profit
 - Non-farm dwellings
 - Personal use airports
 - c. Applicable but conflicting requirements of other Statewide Planning Goals
2. EXCLUSIVE FOREST USE ZONES (EFU-4)
 - a. Uses Permitted Outright
 - Dwellings in conjunction with farm or forest uses
 - b. Conditional Uses
 - Public and private parks
 - Campgrounds
 - Community centers
 - Personal use airports
 - Home occupations
 - Boarding of horses for profit
 - Recreational dwellings
 - c. Applicable but conflicting requirements of other Statewide Planning Goals
3. PARK RESERVE ZONES (P-R)
 - a. Uses Permitted Outright
 - Public reserve areas
 - Public wildlife reserve

Public management area
Single family dwelling

b. Conditional Uses

Public and private picnic or campgrounds
Public and private group camping facilities
Water supply and treatment facilities
Planned unit developments
Commercial recreation uses
Public marinas
Public resorts

c. Applicable but conflicting requirements of other Statewide Planning Goals

4. RECREATION RESIDENTIAL MOBILE ZONES (RR(M)-2)

a. Uses Permitted Outright

Single family dwellings
Public parks
Public recreation area
Public community areas
Public use buildings for recreation
Subdivisions
Planned unit developments
Land partitionings

b. Conditional Uses

Private parks
Campgrounds
Hunting and fishing preserves
Dude or guest ranches
Mobile home parks
Water supply and treatment facilities
Airports
Home occupations

c. Applicable but conflicting requirements of other Statewide Planning Goals

5. HEAVY INDUSTRIAL ZONES (H-M)

a. Uses Permitted Outright

Residences for caretakers
Veterinary clinics or kennels

Agricultural products processing
Food processing

b. Conditional Uses

Resumptions of residential use

c. Applicable but conflicting requirements of other Statewide Planning Goals

Section Four

STEP THREE ECONOMIC, ENVIRONMENTAL, SOCIAL AND ENERGY CONSEQUENCES

GOAL 5 RESOURCES (MINERAL AND AGGREGATE ELEMENTS)

A. INTRODUCTION TO THE ESEE CONSEQUENCES ELEMENT OF THE GOALS RULE.

1. Inventory. Crook County has completed its inventory of all the mineral aggregate resource sites within Crook County. Based on the location, quality and quantity of those resource sites, Crook County has made a determination of which of these sites were “significant or important.” These “significant” sites have been designated as 1C sites in this Comprehensive Plan Inventory. OAR 660-16-000(1)(c).
2. Conflicting Zoning Uses and Applicable but Conflicting Requirements of Other Statewide Planning Goals Have Been Identified. Crook County has made a determination of which of these significant 1C sites have conflicting zoning uses within its respective designated impact area and also has identified those applicable but conflicting requirements of other Statewide Planning Goals, if there are any, for each resource site.
3. Economic, Environmental, Social and Energy (ESEE) consequences. Those sites that did not have conflicting zoning uses or applicable but conflicting requirements of other Statewide Planning Goals within its respective impact area were designated 2A sites. OAR 660-16-005(1).

Those sites that had conflicting zoning uses within its respective impact area, or had applicable but conflicting requirements of other Statewide Planning Goals, were designated as one of the 3A/3B/3C sites. OAR 660-16-005(2).

These 3A/3B/3C sites were then analyzed to determine the economic, environmental, social and energy (ESEE) consequences of allowing the conflicting uses or applicable but conflicting requirements of other Statewide Planning Goals with respect to the resource site. The ESEE analyses and consequences are set forth in Appendix 5 of this section.

The ESEE analyses are gathered together into three groups as follows:

- a) Generic ESEE analyses for existing sites that do not contain any conflicting zoning uses or applicable but conflicting statewide planning goal requirements; (Appendix 5.1)
- b) Generic ESEE analyses for existing sites which have conflicting zoning uses or applicable but conflicting statewide planning goal requirements; (Appendix 5.2)
- c) Site-specific ESEE analyses for new sites; these sites have conflicting zoning uses or applicable but conflicting statewide planning goal requirements. (Appendix 5.3)

These ESEE analyses provide the basis for the decisions of Crook County. Crook County has therein weighed the values of competing uses and the consequences of permitting or prohibiting resource uses and conflicting uses. These ESEE analyses presents these values and consequences to assure informed decision making.

The ESEE analyses consider not only the consequences associated with protecting the resource but also consider the extraction and processing of the mineral and aggregate resource.

Crook County has addressed the consequences of allowing, and of not allowing these related uses. Crook County has also addressed the consequences of allowing and not allowing the conflicting uses or applicable but conflicting requirements of other Statewide Planning Goals.

B. CATEGORIES OF 660-16-005 RESOURCES.

1. OAR 660-16-005(1) 2A Resources Sites (No conflicts present). When a site is determined to have no conflicting uses or applicable but conflicting requirements of other Statewide Planning Goals, the site is classified as a 2A mineral and aggregate resource sites. The program with respect to all such sites is as follows:

All 2A Sites: Because there are no conflicting uses or applicable but conflicting requirements of other Statewide Planning Goals with respect to the resource site, it is, therefore, the intent of Crook County to “Preserve the Resource Site.”

2. OAR 660-16-005(2) 3A/3B/3C Resources. All sites having conflicting uses or conflicting applicable requirements of other Statewide Planning Goals have been determined to fall within on of the three group “3” categories (3A/3B/3C) of mineral and aggregate resource sites.

The programs with respect to the 3A/3B/3C sites are described later in this section. ESEE analyses are either site-specific or generic depending on the significance and extent of the resource and the nature of the conflicting uses or conflicting applicable requirements of other Statewide Planning Goals. ESEE analyses are grouped as follows with respect to existing and new sites:

- a. All EXISTING 3A/3B/3C sites that allow for a generic ESEE analysis because there are no existing or potential conflicts;
- b. All EXISTING 3A/3B/3C sites that require a site-specific ESEE analysis because there are existing or potential conflicts; and
- c. All NEW 3A/3B/3C sites that require a site-specific ESEE analysis because there are existing or potential conflicts.

D. DESCRIPTION OF THE ESEE ANALYSIS PROCESS ITSELF.

1. The ESEE analysis conducted for the appropriate sites are limited in scope to the impact areas which are identified in the Inventory Section and are identified as those sites having some form of conflict. Performing the ESEE analysis will enable the County to make a decision as how to resolve the conflicts based on the nature and type of conflict. The site designation options for such a decision are designating each of the sites either as a 3A, 3B or 3C site, depending on the importance of the competing interests. The analysis will also result in reasons to explain the decisions made for each site.

Crook County recognizes that there are two types of mineral and aggregate sites: existing sites and new sites. For the existing sites, Crook County may rely on historical data as it relates to any identified conflict in the surrounding impact area. While that is no guarantee for future conflicts, it establishes a benchmark in which to weigh potential impacts.

OAR 660-16-005 requires the economic, social, environmental and energy consequences to be considered when reviewing impacts both to and from Goal 5 resource sites.

As background, the following discussion describes these four factors, but in a general way. It is typical of the analytical process used by Crook County to make the site-specific decisions.

- a. Economic Consequences. Those persons most likely to benefit from the development of aggregated resources include the landowners, operators, developers and those employed by them. Crook County might benefit indirectly through lower priced aggregate to be used for road building projects, etc.

Preserving the identified mineral and aggregate resources adds to the available supply of these resources which tends to keep prices lower than prices might otherwise be.

Several factors may produce negative economic consequences, such as increased truck traffic. These negative consequences may include accelerated rate of deterioration of the roads over which the resource is hauled, the costs for rehabilitation or resurfacing of the roads may be quite a burden on the taxpayers in the county, and the potential need for increased police regulation.

Crook County also recognizes that allowing the mining of aggregate and minerals may have adverse impacts on other resource uses outside the impact area defined by the conflicting zoning uses.

- b. Social Consequences. Social benefits of the mining activity may include an adequate supply of high quality aggregate to maintain and expand the roads of Crook County. Employment opportunities may result from mining efforts.

Several factors may produce negative social consequences. Social costs may include loss of scenic value, reduced recreational opportunities, degradation of habitat for fish and wildlife. In rural areas large scale aggregate extraction may upset traditional values associated with farming and ranching. The rural quality of life might suffer in the vicinity of the extraction and processing site from such operations as increased truck traffic, truck and on-site operation noises and dust.

- c. Environmental Consequences. Allowing surface mining activities may have some indirect environmental benefits. Such benefits might include the application of the product to protect environmentally endangered areas such as eroded hill sides and river banks.

Many if not most of the consequences of allowing mining activities might have a negative impact on the environment. The reclamation projects which follow the mining activity was designed to mitigate such deleterious effects on the environment. Surface mining may reduce available cover and forage which may cause increased competition among wildlife species for the remaining forage and cover. This might upset the food chain. Some wildlife may be forced to relocate to find adequate food and shelter which may lead to an upsetting of the balance of nature in the new settlement because of increased competition from the newcomer species.

For example, increased traffic associated with mining, especially in rural areas where mines are often found, may increase wildlife mortality rates.

Allowing mining might ultimately improve the wildlife habitat. When current habitat is mainly sagebrush and Juniper trees, reclamation efforts that included planting other food sources may enhance the food and cover.

- d. Energy Consequences. Allowing development (such as rural residential development) that might preclude or diminish mining at a site might create a greater energy consumption because the mineral and aggregate resources necessary for that development might have to come from sites located further away. This increase in energy consumption might also apply to the fact that more of the transportation system might need upgrading and rehabilitating. The further away the supply source, the more the number of miles of roads will be adversely impacted.

The text above describes some of the kinds of factors that could go into an ESEE analysis and the effects of allowing mining or a conflicting zoning use or an applicable but conflicting requirement of other Statewide Planning Goals. The discussion above is only an illustration and does not form the basis of or apply to any ESEE analysis that is included in this Plan. Each ESEE analysis will have its own analysis and consequences.

NOTE: This Goal 5 process, with regard to mineral and aggregate, is being conducted under and pursuant to an enforcement order. The enforcement order requires that Crook County complete its periodic requirement in two separate and distinct processes, the one being limited to only the mineral and aggregate element of the Goal 5 rule, and the other being the balance of the Goal 5 resources and the rest of the Statewide Planning Goals. This two-pronged approach is also designed to be completed at differing time levels.

This bifurcated requirement, with respect to the mineral and aggregate resources, could result in conclusions being made that have not adequately taken into consideration the other Goal 5 resources and the other Statewide Planning Goals. Therefore Crook County reserves the right to reconsider the conclusions and determinations made in this portion of its periodic review if it becomes clear that the balance of the periodic review process indicates that the conclusions in this portion are not correct or adequate. If this becomes the case, Crook County will take those conflicts into account and will reassess, to the degree that the conflicts apply, the determinations made herein.

Section Five

STEP FOUR PROGRAMS TO RESOLVE THE CONFLICTS CONCERNING GOAL 5 RESOURCES

(MINERAL AND AGGREGATE RESOURCES)

A. THE RESOLUTION PROGRAM ELEMENT OF THE GOAL 5 RULE.

1. Conflict Resolution Statement. Step Four of the Goal 5 Rule Process is developing a program to resolve conflicts and achieve the Goal.

Based on the determination of the ESEE consequences Crook County has “develop[ed] a program to achieve the Goal.” Crook County has “resolved” conflicts with specific Goal 5 mineral and aggregate sites in one of the four ways described in detail below for all sites having adequate information on: (a) the location, quality, and quantity of the resource site; (b) the nature of any conflicting zoning uses and conflicting applicable requirements of other Statewide Planning Goals; and (c) the ESEE consequences.

2. Program for 2A sites. Crook County has also developed a program for those significant 2A sites that do not have any existing or potential conflicts.

B. DECIDING ON A PROGRAM TO RESOLVE CONFLICTS.

Four Programs to Resolve Conflicts. In general, Crook County has four programs for resolving conflicts under the Goal 5 process. For each of the programs described below, the ESEE analyses of Crook County explain and justify the conclusion and decision made by Crook County.

1. FULL PROTECTION OF THE RESOURCE SITE [OAR 660-16-005(2)] “Preserve the Resource Site”: Based on the determination that there are no existing or potential conflicting uses or no existing or potential conflicting applicable requirements of other Statewide Planning Goals, Crook County will preserve these sites. In these cases the aggregate will be preserved and protected for mining. These sites are designated within the Comprehensive Plan as ‘2A’ sites.
 - a. Reasons which support this decision are presented herein, and Crook County’s plan and zoning designations shall be consistent with this decision.

- b. List of 2A sites in Crook County:

[All federal sites on federal property. Crook County has identified as 2A sites only those federal sites which are on federal land; they are provided in Appendix 6]

[Crook County has not identified any non-federal 2A sites; therefore, all of Crook County's 1C sites have been identified as 2B sites (i.e., 3A/3B/3C sites, see below)]

2. FULL PROTECTION OF THE RESOURCE SITE [OAR 660-16-010(1)]
“Protect the Resource Site”: Based on the analysis of the ESEE consequences and other Statewide Goals, Crook County determined that the resource site should be designated a 3A site and protected and all conflicting zoning uses and conflicting applicable requirements of other Statewide Planning Goals prohibited on the site and possibly within the site's respective impact area.

This determination was based on the following conclusions:

- (a) the resource site is of such importance, relative to the conflicting uses and conflicting applicable requirements of other Statewide Planning Goals, and
- (b) the ESEE consequences of allowing conflicting uses and conflicting applicable requirements of other Statewide Planning Goals are so great

Zoning regulations will allow the mining outright, and zoning regulation restrictions will prohibit all conflicting uses and conflicting applicable requirements of other Statewide Planning Goals on the resource site and within the respective impact area.

These sites are designated within the Comprehensive Plan as “3A” sites. There are two sub-groups within this 3A classification: (1) those having no potential or actual conflicts and (2) those having potential but no actual conflicts.

- a. Reasons which support this 3A decision are presented herein and in the respective ESEE analyses. Crook County's plan and zoning designations shall be consistent with this 3A decision.
- b. The following is a list of the first sub-group of 3A sites in Crook County. Crook County has completed a Generic ESEE analysis on this group of 3A sites. That Generic ESEE analysis is found in Appendix 5.1. The Goal 5 process is completed for these sites.

These 3A sites have potential but no actual conflicting uses or conflicting applicable requirements of other Statewide Planning Goals:

ID NO.	LOCATION NAME
3A1-BAS-1	Oreg. State Hwy Div. #7-3-4
3A1-BAS-2	Oreg. State Hwy Div. #7-15-4
3A1-BAS-3	Oreg. State Hwy Div. #7-16-4
3A1-BAS-4	Oreg. State Hwy Div. #7-14-4
3A1-BAS-5	Oreg. State Hwy Div. #7-39-4
3A2-BAS-6	Oreg. State Hwy Div. #Not Assigned
3A1-BAS-7	Oreg. State Hwy Div. #7-52-4
3A1-BAS-8	Oreg. State Hwy Div. #7-40-4
3A1-BAS-9	Oreg. State Hwy Div. #7-21-4
3A2-BAS-10	Oreg. State Hwy Div. #7-43-4
3A2-BAS-11	Oreg. State Hwy Div. #7-37-4
3A2-BAS-12	Oreg. State Hwy Div. #7-33-4
3A2-BAS-13	Oreg. State Hwy Div. #7-31-4
3A1-BAS-14	Oreg. State Hwy Div. #7-26-4
3A1-BAS-15	Oreg. State Hwy Div. #7-18-4
3A1-BAS-16	Richter
3A1-BAS-17	Alves #1 (Northwest Basalt)
3A1-BAS-18	Butler (Northwest Basalt)
3A1-BAS-20	Coats #1 (Powell Butte)
3A2-BAS-24	Modular Crushing
3A1-BAS-25	Modular Crushing (Taggart)
3A2-BAS-26	Juniper Canyon (County)
3A1-BAS-27	Weberg #2
3A3-BAS-28	Tweedt (County)
3A3-BAS-29	Hackleman (County)
3A2-BAS-30	Congleton (County)
3A2-BAS-31	Jagi Pit (County)
3A3-BAS-32	Rickman Pit (County)
3A3-BAS-34	Puitt (County)
3A3-BAS-35	Camp Creek
3A2-GRV-1	Oreg. State Hwy Div. #7-13-4
3A1-GRV-2	Oreg. State Hwy Div. #7-41-4
3A1-GRV-3	Oreg. State Hwy Div. #7-38-4
3A2-GRV-4	Oreg. State Hwy Div. #7-36-4
3A1-GRV-5	Oreg. State Hwy Div. #7-25-4
3A1-GRV-10	Pieratt
3A-SAN-3	Pieratt
3An-CIN-1	Oreg. State Hwy Div. #7-4-4
3An-CIN-2	Pieratt

- 3A-BEN-1 Coats
- 3A-BEN-3 Central Oregon Bentonite (Weaver)
- 3A-BEN-4 Oregon Sun Ranch (Evergreen Bentonite)

c. The following is a list of the second sub-group of 3A sites in Crook County, however this 3A list differs from the preceding in that this sub-group contains those 3A sites concerning which Crook County has identified as having actual or potential conflicting uses or conflicting but applicable requirements of other Statewide Planning Goals. Crook County has completed a Generic ESEE analysis with respect to these sites. That Generic ESEE analysis is found in Appendix 5.2. The Goal 5 process is completed for these sites.

These 3A sites have actual or potential conflicting uses or conflicting applicable requirements of other Statewide Planning Goals:

ID NO.	LOCATION NAME
3A3-BAS-23	Stahancyk (Prineville Sawmill)
3A2-BAS-33	Jones Pit (County)
3A-SAN-1	O’Neil Sand and Gravel
3A-SAN-2	Prineville Sand and Gravel
3A-SAN-4	Williams
3A1-GRV-6	Oreg. State Hwy Div. #7-9-4
3A3-GRV-7	Williams (Ochoco Ready Mix)
3A3-GRV-8	O’Neil Sand and Gravel
3A3-GRV-9	Prineville Sand and Gravel
3A-BEN-2	Alaska Pacific

3 . NO PROTECTION TO THE RESOURCE SITE [OAR 660-16-010(2)] Allow fully all zoning uses and applicable requirements of other Statewide Planning Goals that conflict with the 3B resource site: Based on the analysis of the ESEE consequences and other Statewide Goals, Crook County has determined that the conflicting uses and conflicting applicable requirements of other Statewide Planning Goals should be allowed fully, notwithstanding the possible impacts 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.

- a. Reasons which support this 3B decision are presented herein and in the respective ESEE analyses. Crook County’s plan and zoning designations shall be consistent with this 3B decision.
- b. List of 3B sites in Crook County:
[none]

4. **BALANCING CONFLICTS [OAR 660-16-010(3)]** “Limit uses and applicable requirements of other Statewide Planning Goals that conflict with the Resource Site”: 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.

Therefore, 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.

Limitations or conditions may be placed on the mining and/or on the conflicting uses, but only those necessary to resolve the conflicts as described in the ESEE analysis. These limitations must be “clear and objective.” Finally, as a result of that analysis, Crook County has designated these sites as 3C sites.

To implement this 3C decision, Crook County has designated with certainty:

- 1. the uses and activities that are allowed fully,
- 2. the uses and activities that are not allowed at all,
- 3. the uses that are allowed conditionally,
- 4. the specific standards or limitations that are to be placed on the permitted and conditional uses and activities for each resource site, and
- 5. clear and objective standards for the limitations.

Whatever mechanisms are used, they are specific enough so that affected property owners are able to determine what uses and activities are (a) allowed, (b) not allowed, or (C) allowed conditionally and under what clear and objective conditions or standard.

- a. Reasons which support this 3C decision are presented herein and in the respective ESEE analyses. Crook County’s plan and zoning designations shall be consistent with this 3C decision.

- b. The following is a list of 3C sites in Crook County concerning which Crook County has completed a site-specific ESEE analysis on each resource site and as a result of that analysis has designated them as 3C sites. Those Site-Specific ESEE analyses are found in Appendix 5.3. The Goal 5 process is completed for these sites.

These 3C sites have potential or actual conflicting uses, or conflicting applicable requirements of other Statewide Planning Goals:

ID NO.	LOCATION NAME
3A1-BA5-19	Coats #2 (Northwest Basalt)
3C1-BAS-21	Krider #1
3C1-BAS-22	Krider #2

Section Six

STEP FIVE ADOPTION OF MEASURES TO IMPLEMENT THE GOAL 5 REQUIREMENTS AND ACHIEVE THE GOAL 5 PROGRAM

(MINERAL AND AGGREGATE ELEMENTS)

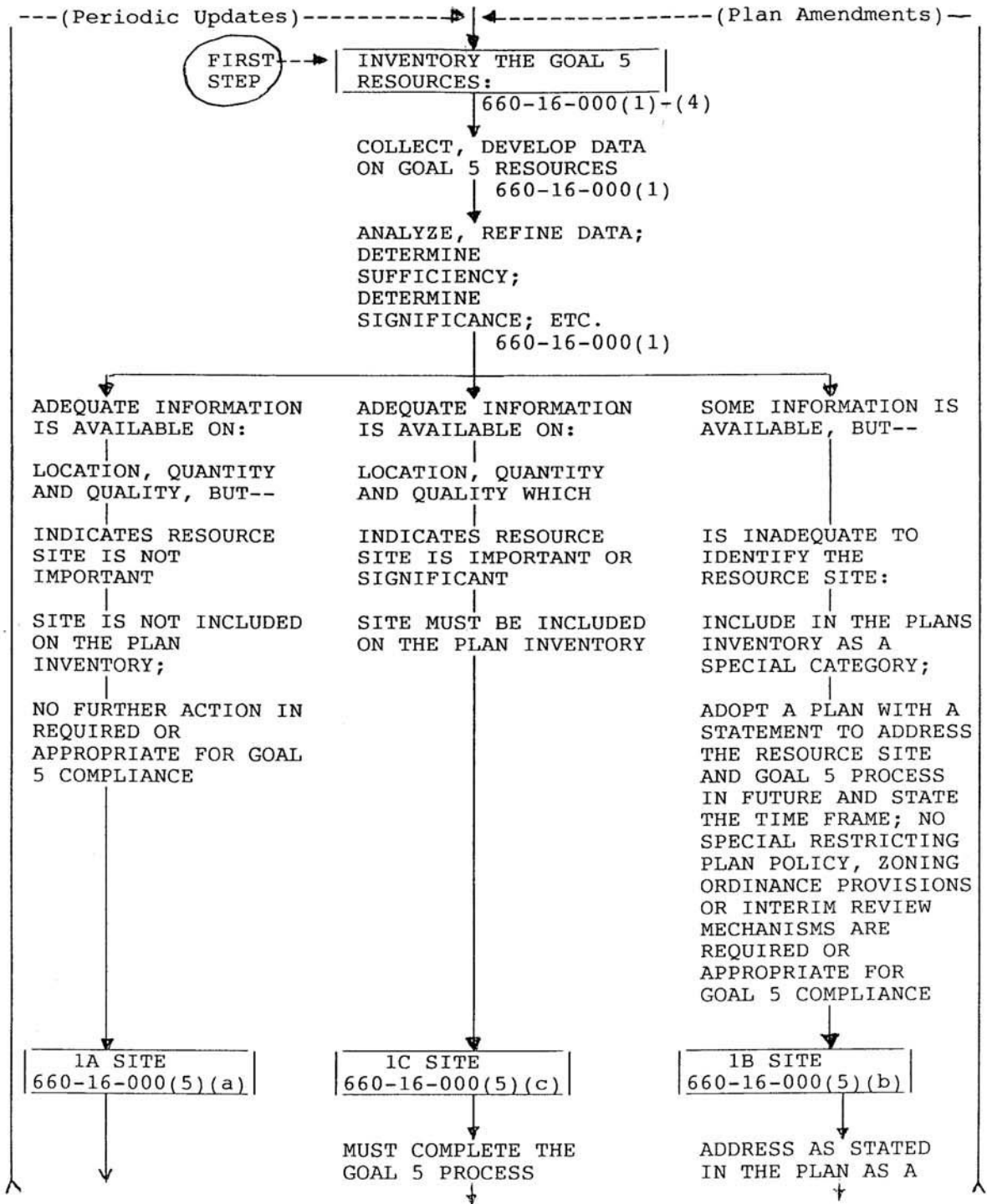
- A. Step 5 of the Goal 5 Rule Process is the adoption of amendments to the Comprehensive Plan Policies and implementing regulations. The purpose of these amendments is to “achieve the Goal.” The Goal is “[t]o conserve open space and protect natural and scenic resources.”

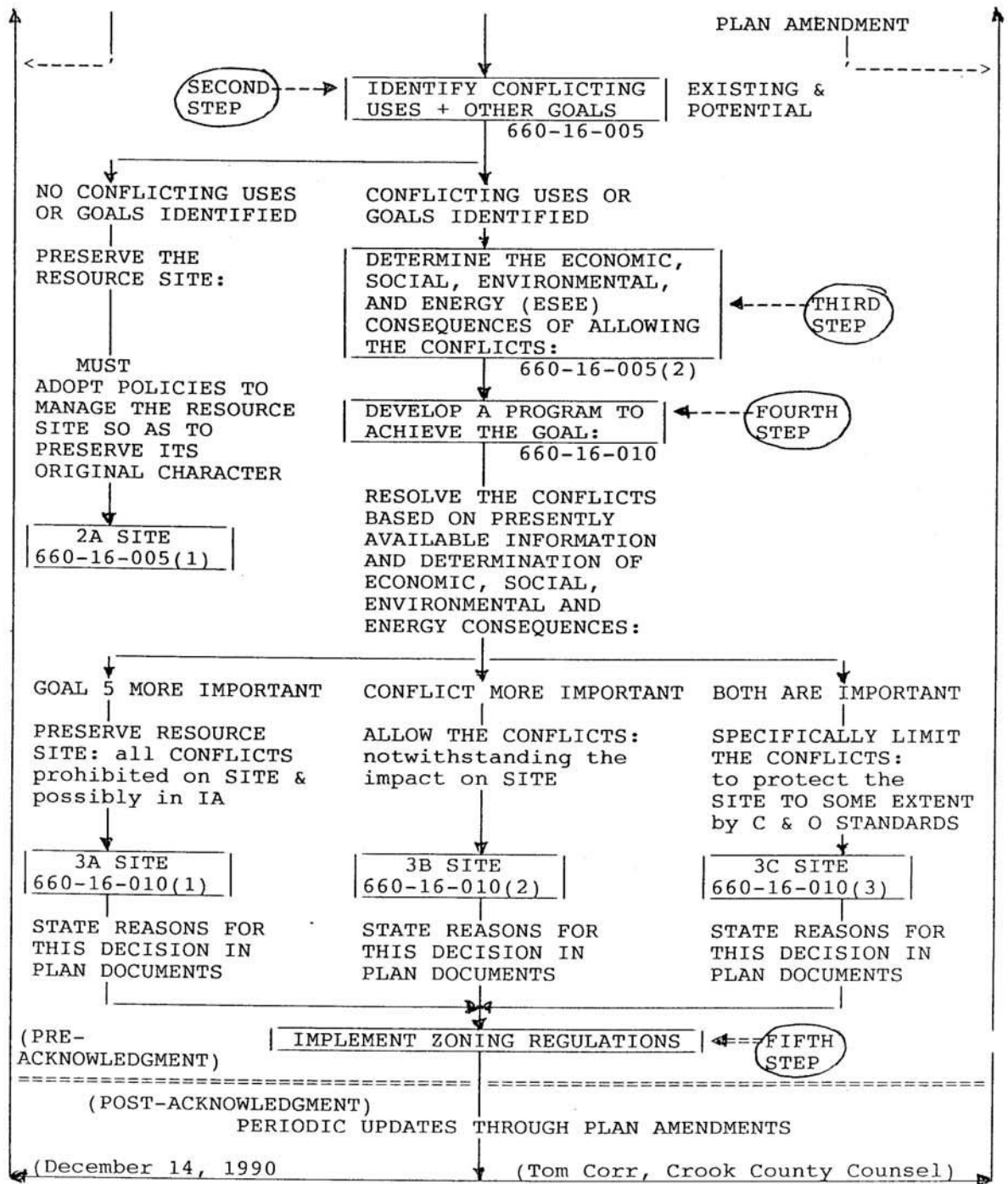
Crook County’s Comprehensive Plan policies and zoning regulations declare Crook County’s intent regarding significant aggregate and mineral resource sites and implements these decisions. For 3C sites Crook County’s zoning regulations provide for review of proposed mining activities and also review of proposed conflicting zoning uses in a specified impact area.

- B. The Plan and zoning regulations of Crook County will contain clear and objective criteria for decision making. Performance standards will be measurable and not subject to interpretation. Buffer standards will be included, detailing height, slope, planting material, and maintenance requirements. Setbacks will be measurable distances.
- C. Approval standards in the Plan and zoning regulations will include provisions for amendments for reviewing and possible inclusion of uninventoried sites prior to issuing a mining permit.

APPENDIX 1

FLOWCHART OF THE GOAL 5 RULE PROCESS





FINAL PAGE A-3 (FINAL PERIODIC REVIEW ORDER /GOAL 5/MINERAL-AGGREGATE) /usr/tom/F.cnty/F.landuse/g5.FPRO (12-14-90) FINAL

IN THE COUNTY COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF CROOK

IN THE MATTER OF AN AMENDMENT)
TO THE COMPREHENSIVE PLAN) EMERGENCY ORDINANCE
AND DECLARING AN EMERGENCY) NO. 51

WHEREAS, the Crook County Court adopted Ordinance No. 43 on January 23, 1991 to amend the Crook County Comprehensive Plan; and

WHEREAS, the DLCDC Staff has recommended amendments to the Goal 5 Mineral and Aggregate portion of the Final Periodic Review Order; and

WHEREAS, the Crook County Court has agreed to submit to the Land Conservation and Development Commission amendments addressing these concerns by September 16, 1991 pursuant to modified Enforcement Order 89-EO-656; and

WHEREAS, the suggested amendments to the Comprehensive Plan are key factors in this matter; and

WHEREAS, Crook County agrees to adopt those recommendations of DLCDC that were discussed between County Staff and DLCDC Staff on September 9, 1991; and now

THEREFORE, THE CROOK COUNTY COURT ORDAINS AS FOLLOWS:
that the Crook County Court Comprehensive Plan is hereby amended as follows:

(1) Policy #5 on page 117 of the Comprehensive Plan is hereby deleted.

(2) The Goal 5 Resources (Mineral and Aggregate Elements) of the Crook County Comprehensive Plan is amended

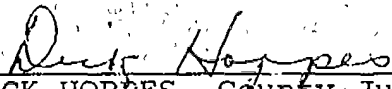
to read as follows:

See Exhibit "A".


This Ordinance being immediately necessary for the health, welfare and safety of the people of Crook County, this Ordinance shall become effective upon signing.

DATED this 16th day of September, 1991.

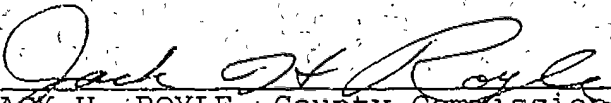
CROOK COUNTY COURT:



DICK HOPPES, County Judge



TED A. COMINI, County Commissioner



JACK H. ROYLE, County Commissioner

EXHIBIT "A"
AMENDMENTS TO COMPREHENSIVE PLAN
FOR ORDINANCE NO. 51

COMPREHENSIVE PLAN POLICIES

FOR

MINERAL AND AGGREGATE

Goal: To provide for the protection and use, both current and future, of the mineral and aggregate resources of the County consistent with statewide land use planning goals, and its administrative rules, while minimizing any adverse impacts to the surrounding area.

Policies:

(1) The County shall use the requirements of Goal 5 to conserve and protect, consistent with legal opinions of the State and as Court decisions may dictate. As defined in the statewide planning goals the meanings of:

(a) Conserve: is to manage in a way which avoids wasteful or destructive uses and provides for future availability.

(b) Protect: is to save or shield from loss, destruction or injury or for future intended use.

(2) Land use decisions of the County shall be based upon the location and availability of mineral and aggregate resources, and conflicting resources and uses, as designated in the comprehensive plan by the ESEE analysis.

(3) The County shall review, as part of each periodic review process, the status of mineral and aggregate resources in the County.

(4) The County shall insure that significant inventory sites are designated for mineral and aggregate.

(5) In order to be placed in the County's Goal 5 resource inventory list, the site must have received a designation as a "significant site" based on location, quality and quantity of the resource. All significant sites must have an ESEE analysis completed in order to resolve any conflicts. 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.

(6) The County shall participate in a regional needs analysis when adjoining Counties agree upon such an approach and sufficient funding is available to complete such a project. The analysis shall only be used as a tool to assist local governments in determining whether additional inventory sites need to be designated.

(7) A mineral and aggregate resource site that is not on a 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 available evidence regarding location, quality, and quantity of the mineral and aggregate resource and the site is added by amendment to the comprehensive plan; and

(c) There are no conflicting uses or the ESEE analysis results in a determination that the resource is important relative to conflicting resources, uses, and other applicable statewide planning goals and policies.

(8) Extraction of mineral and aggregate is a temporary consumptive use of land, therefore, it is imperative that not only care is taken in the mining process, but the site is reclaimed for future use.

(9) Increased truck traffic or road deterioration from mining that may occur inside the identified impact area may be considered in the ESEE consequences analysis.

(10) On an interim basis, notification and a conditional use hearing is required for any non-resource dwelling proposed within one-fourth ($\frac{1}{4}$) mile of a 1-B site to limit conflicting uses until an ESEE analysis has been completed.

(11) Any proposed conflicting use may only be allowed and conditioned as the ESEE consequences provide.

(12) Crook County's plan policy is to classify, each significant resource site according to current available data on location, quality and quantity, and regulate each site according to its classification. Crook County will not allow expansion of any site without additional data. Therefore, in order to expand mining operations on a mineral or aggregate site into an area not currently designated for mining, the operator must provide the best information available regarding quantity, quality, and location of the resource in the proposed expansion area to update plan data. An ESEE analysis shall be required if the expansion area is found to be a significant Goal 5 resource based on location, quality, and quantity information.

(13) As part of the ESEE analysis, Goal 5 mineral and aggregate sites shall be evaluated and designated for mining only where the county finds that the mining operation will not:

(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

(b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

The applicant may demonstrate that standards for approval will be satisfied through the imposition of conditions. Any condition so imposed shall be clear and objective.

(14) A mineral or aggregate resource site designated for mining in the comprehensive plan ESEE analysis may be mined when a permit is obtained in accordance with the standards of permit review.

(15) The county may consider mitigation measures which reduce or offset identified conflicts. Mitigation may only be allowed as a substitute for compliance with the ESEE analysis requirements when the proposed mitigation offers an equivalent or better method of complying with the purposes and intent of the plan and ordinances.

(16) Goal 5 mineral and aggregate resources have historically been challenged because of the conflicts which arise from surrounding uses. The Goal 5 administrative rules require that Goal 5 resources be balanced relative to other conflicting uses and this balancing may result in a determination that the conflicting uses may be eliminated or limited. Therefore, this comprehensive plan, in order to comply with that rule, establishes the importance of the resource where it is located.

This rule requirement elevates the mineral and aggregate resource above other conflicting uses. This requirement carries a responsibility for the owner and Crook County. Enforcement for this use will require a separate enforcement provision to adequately provide assurances and protection for the surrounding uses which do not carry the weight they formerly had prior to the Goal 5 rule. Typical ordinance provisions are not designed to provide such immediate and responsive control to mineral and aggregate operations allowed under the Goal 5 rule requirements, and therefore, are not adequate.

(17) Prior to the completion of final periodic review scheduled for submission by February 1, 1992; Policy 16

shall be reconsidered in order to determine whether the county can develop a single compliance section.

APPENDIX 5

ESEE ANALYSES AND CONSEQUENCES DETERMINATIONS

ON ALL 3A/3B/3C SITES IN CROOK COUNTY

CONSEQUENCES OF PROTECTING AND UTILIZING THE MINERAL
AND AGGREGATE RESOURCE

INTRODUCTION

As previously described in Section Four of this document, the County has grouped the mineral and aggregate sites into three (3) categories. This section deals with the two (2) generic ESEE analysis for the existing and/or approved sites within the County.

There are currently 48 sites that are either active, or have been approved for mining activity of aggregated, sand and gravel, clinders, and bentonite production. All but two have applied to DOGAMI for reclamation permits.

Developing an ESEE analysis pursuant to OAR-16-005 can be difficult. The rule states that a conflicting use, if allowed, could negatively impact a Grade 05 site.

The difficulty in developing this document is the lack of documented problems in the County between Mineral and Aggregate operations and any existing uses.

Because the potential exists in the future that a problem may result, the County through this analysis will protect the existing resource sites for current and future use.

The following analyses are common to all existing and approved resource sites:

APPENDIX 5.1

GENERIC ESEE ANALYSIS FOR
MINERAL AND AGGREGATE SITES WITH NO EXISTING CONFLICTING USESSITES

3A1-BAS-1	Ore. State Hwy Div.	#7-3-4
3A1-BAS-2	Ore. State Hwy Div.	#7-15-4
3A1-BAS-3	Ore. State Hwy Div.	#7-16-4
3A1-BAS-4	Ore. State Hwy Div.	#7-14-4
3A1-BAS-5	Ore. State Hwy Div.	#7-39-4
3A1-BAS-6	Ore. State Hwy Div.	#Not Assigned
3A1-BAS-7	Ore. State Hwy Div.	#7-52-4
3A1-BAS-8	Ore. State Hwy Div.	#7-40-4
3A1-BAS-9	Ore. State Hwy Div.	#7-21-4
3A1-BAS-10	Ore. State Hwy Div.	#7-43-4
3A1-BAS-11	Ore. State Hwy Div.	#7-37-4
3A2-BAS-12	Ore. State Hwy Div.	#7-33-4
3A2-BAS-13	Ore. State Hwy Div.	#7-31-4
3A2-BAS-14	Ore. State Hwy Div.	#7-26-4
3A2-BAS-15	Ore. State Hwy Div.	#7-18-4
3A2-BAS-16	Richter	
3A2-BAS-17	Alves #1 (northwest Basalt)	
3A2-BAS-18	Butler (Northwest Basalt)	
3A2-BAS-20	Coats #1 (Powell Butte)	
3A2-BAS-24	Modular Crushing	
3A2-BAS-25	Modular Crushing (Taggart)	
3A2-BAS-26	Juniper Canyon (County)	
3A2-BAS-27	Weberg #2	
3A2-BAS-28	Tweedt (County)	
3A2-BAS-29	Hackleman (County)	
3A2-BAS-30	Congleton (County)	
3A2-BAS-31	Jagi Pit (County)	
3A2-BAS-32	Rickman Pit (County)	
3A2-BAS-34	Puitt (County)	
3A2-BAS-35	Camp Creek (County)	
3A2-GRV-1	Ore. State Hwy Div.	#7-13-4
3A2-GRV-2	Ore. State Hwy Div.	#7-41-4
3A2-GRV-3	Ore. State Hwy Div.	#7-38-4
3A2-GRV-4	Ore. State Hwy Div.	#7-25-4
3A2-SAN-3	Pieratt	
3A2-CIN-1	Ore. State Hwy Div.	#7-4-4
3A2-CIN-2	Pieratt	
3A-BEN-3	Central Oregon Bentonite (Weaver)	
3A-BEN-4	Ore. Sun Ranch (Evergreen Bentonite)	

POTENTIAL CONFLICTING USES

The following list contains existing sites that contain no existing conflicting uses within the Impact Areas. This includes lack of other Goal 5 Resource Sites.

The operations of existing mineral and aggregate uses could be restricted if conflicting uses are located within the impact area.

The following list includes the potential conflicting uses.

FARM DWELLINGS

Conditional Uses

Public or private schools
Churches
Commercial activities in conjunction with farm use
Secondary farm dwellings
Private parks
Campgrounds
Fishing and hunting preserves
Home occupations
Boarding horses for profit
Non-farm dwellings
Personal Use airports
Public reserve areas
Public wildlife reserve
Public management area
Single family dwellings
Public and private picnic or campground
Public and private group camping facilities
Planned unit developments
Commercial recreation uses
Public marinas
Public resorts
Residences for caretakers
Veterinary clinics or kennels
Agricultural products processing
Food processing

ESEE ANALYSIS

The mineral and aggregate sites listed above all have existing mining activities. There are no existing conflicting uses within the impact areas of these sites. This ESEE analysis, therefore, considers the consequences of allowing the mining operations to continue and restricting conflicting uses in the impact area zones.

Possible impacts

Conflicting uses could experience the following impacts: traffic, fugitive dust, noise, human presence, water quality degradation, soil removal, removal of vegetation cover, change in topography and loss of visual attractiveness.

The operations of existing mineral and aggregate uses could be restricted if conflicting uses are located within the impact area.

Economic Impacts

Aggregate is relatively cheap to produce, but very expensive to transport. The cost of aggregate, asphaltic concrete and portland cement concrete is thus directly proportional to, and must heavily depend upon, the distance between the site of production and the location of the customer's job. By preserving a site for the future resource production, this site still has the ability to provide economic benefits to the community in the form of continued production of farm or forest products.

Most existing sites were located relative to transport costs and, therefore, not allowing them to continue or expand will cause increased costs to the residents of the County.

Social Impacts

Social benefits include an adequate supply of high quality aggregate to maintain and expand the County road network, as well as provide for the construction material in the County's development.

Environmental Impacts

There is always land disturbance associated with mineral and aggregate removal. The existing sites listed here have reclamation permits to insure the land is put back to some use and is environmentally safe.

Energy Impacts

The existing sites have provided the area with the best available energy saving due to locational factors. Closing of these sites by allowing conflicting uses would not only increase the cost of the material, but also increase energy consumption from site to the market place.

Other Statewide Goals

At this time, there are no known competing statewide planning goals which are in conflict. The zoning for most of these sites are in Exclusive Farm or Forest Use. Unless demonstrated with documentation, there appears to be no existing conflicts.

CONCLUSIONS AND RECOMMENDATIONS

The existing sites provide economic benefit to the County, and have not yet demonstrated any negative social or environmental impacts.

Rules and Standards shall be developed in the Zoning Ordinance that meet OAR 660-16-000(3) requirements. The recommendations for the sites are:

1. The sites themselves be listed as a 660-16-010(1) Site "3A".
2. Any request for a conflicting use allowed by the Zoning Ordinance as identified in this document within the Impact Area must go through the notification and public hearing process.
3. Any use allowed subject to #2 above shall sign a statement similar to that provided for in ORS 215.293 that the landowner will not complain about accepted mining practices on adjacent Goal 5 sites as long as that site remains in compliance with all applicable governing statutes.
4. A plan amendment is required in order to expand mining operations beyond the mapped area shown in the plan Goal 5 inventory.
5. The applicant for an expanded site shall submit the necessary information to the County regarding the quantity and quality of the resource.

APPENDIX 5.2
GENERIC ESEE ANALYSIS FOR
MINERAL AND AGGREGATE SITES WITH EXISTING CONFLICTING USES

SITES

3A3-BAS-23 Stahancyk (Prineville Sawmill)
3A2-BAS-33 Jones Pit (County)

3A-SAN-1 O'Neil Sand and Gravel
3A-SAN-2 Prineville Sand and Gravel
3A-SAN-4 Williams

3A1-GRV-6 Ore. State Hwy Div. #7-9-4
3A1-GRV-7 Williams (Ochoco Ready Mix)
3A1-GRV-8 O'Neil Sand and Gravel
3A1-GRV-9 Prineville Sand and Gravel

3A-BEN-2 Alaska Pacific

CONFLICTING USES

Existing conflicting uses within the 500-foot impact areas of these sites are resource and non-resource dwellings.

The County as previously discussed, does not have any documentation of problems with the conflicting uses affecting the resource site, or the resource site affecting the conflicting use.

The following list includes the potential conflicting uses.

FARM DWELLINGS

Conditional uses

Public or private schools
Churches
Commercial activities in conjunction with farm use
Secondary farm dwellings
Private parks
Campgrounds
Fishing and hunting preserves

Home occupations
Boarding horses for profit
Non-farm dwellings
Personal Use airports
Public reserve areas
Public wildlife reserve
Public management area
Single family dwellings
Public and private picnic or campground
Public and private group camping facilities
Planned unit developments
Commercial recreation uses
Public marinas
Public resorts
Residences for caretakers
Veterinary clinics or kennels
Agricultural products processing
Food processing

ESEE ANALYSIS

The mineral and aggregate sites listed above all have existing mining activities. This ESEE analysis considers the consequences of allowing the mining operations to continue, notwithstanding the impacts on existing conflicting uses, and of restricting new conflicting uses in the impact area.

Possible Impacts

Conflicting uses could experience the following impacts: traffic, fugitive dust, noise, human presence, water quality degradation, soil removal, removal of vegetation cover, change in topography and loss of visual attractiveness.

The operations of existing mineral and aggregate uses could be restricted if conflicting uses are located within the impact area.

Economic Impacts

Aggregate is relatively cheap to produce, but very expensive to transport. The cost of aggregate, asphaltic concrete and portland cement concrete is thus directly proportional to, and must heavily depend upon, the distance between the site of production and the location of the customer's job. By preserving a site for the future resource production, this site still has the ability to provide economic benefits to the community in the form of continued production of farm or forest products.

Most existing sites were located relative to transport costs and, therefore, not allowing them to continue or expand will cause increased costs to the residents of the County.

Social Impacts

Social benefits include an adequate supply of high quality aggregate to maintain and expand the County road network, as well as provide for the construction material in the County's development.

Environmental Impacts

There is always land disturbance associated with mineral and aggregate removal. The existing sites listed here have reclamation permits to insure the land is put back to some use and is environmentally safe.

Energy Impacts

The existing sites have provided the area with the best available energy saving due to locational factors. Closing of these sites by allowing conflicting uses would not only increase the cost of the material, but also increase energy consumption from site to the market place.

Other Statewide Goals

At this time, there are no known competing statewide planning goals which are in conflict. The zoning for most of these sites are in Exclusive Farm or Forest Use. Unless demonstrated with documentation, there appears to be no existing conflicts.

CONCLUSIONS AND RECOMMENDATIONS

The existing sites provide economic benefit to the County, and have not yet demonstrated any negative social or environmental impacts.

Rules and Standards shall be developed in the Zoning Ordinance that meet OAR 660-16-000(3) requirements. The recommendations for the sites are:

- (1) The sites themselves be listed as a 660-16-010(1) Site "3A".
- (2) Any request for a conflicting use allowed by the Zoning Ordinance as identified in this document within the Impact Area must go through the notification and Public Hearing process.

- (3) Any use allowed subject to #2 above shall sign a statement similar to that provided for in ORS 215.203 that the landowner will not complain about accepted mining practices on adjacent Goal 5 sites as long as that site remains in compliance with all applicable governing statutes.
- (4) A plan amendment is required in order to expand mining operations beyond the mapped area shown in the plan Goal 5 inventory.
- (5) The applicant for an expanded site shall submit the necessary information to the County regarding the quantity and quality of the resource.

KEY PUNCHED

SEP 18 1991

STATE OF OREGON }
COUNTY OF CROOK } SS. 101115

I CERTIFY THAT THE WITHIN INSTRUMENT WAS
RECEIVED FOR RECORD ON THE 18th DAY OF
Sept. 19 91, AT 9:25 A.M.

AND RECORDED IN MISCELLANEOUS

RECORDS OF SAID COUNTY. MF No. 101115

DELLA M. HARRISON, CROOK COUNTY CLERK

BY: *Della M. Harrison* DEPUTY

IN THE COUNTY COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CROOK

IN THE MATTER OF AN AMENDMENT)
TO CROOK COUNTY COMPREHENSIVE)
PLAN AND DECLARING AN EMERGENCY)

EMERGENCY ORDINANCE
NO. 55

THE CROOK COUNTY COURT ORDAINS AS FOLLOWS:

Section 1: Delete the following Goal 5 Mineral and Aggregate policies: 2, 5 (except last sentence), 9, 11, 13, 15, 16 and 17.

Section 2: Renumber 3, 4, 5, 6, 7, 8, 10, 12 and 14 as 2, 3, 4, 5, 6, 7, 8, 9, and 10 respectively.

Section 3: Add the following Goal 5 Mineral and Aggregate policy:

- (11) Decisions of the County in determining the significance of a mineral or aggregate resource site, identification and analysis of conflicting uses, and development of a program to achieve Goal 5 with respect to the resource site shall be consistent with state law. To the extent feasible, mitigation of the effects of mining on other uses of land shall occur as part of the development of a program to achieve Goal 5 with respect to the resource site. These decisions of the County shall be based on substantial evidence.

Section 4: Amend page 200 of the Crook County-Prineville Area Comprehensive Plan to add the following paragraph:

It is the policy of Crook County to adopt policies and procedures required by state statutes and to adopt ordinances implementing those policies and procedures. Therefore, it is the policy of Crook County to incorporate into its land use regulations the procedures set forth in ORS 197.763 with respect to conduct of local quasi-judicial land use hearing, notice requirements, and hearing procedures. It is also the policy of Crook County to review such procedures from time to time to

maintain conformity to state procedural requirement.

Section 5: This Ordinance being immediately necessary for the health, welfare and safety of the people of Crook County, this Ordinance shall become effective upon signing.

DATED this 26 day of February, 1992.

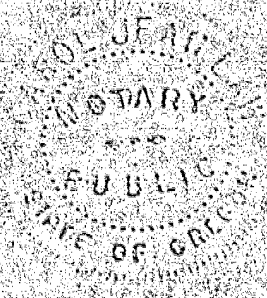
Dick Hoppes
DICK HOPPES, County Judge

Ted A. Comini
TED A. COMINI, County Commissioner

Jack H. Royle
JACK ROYLE, County Commissioner

SUBSCRIBED AND SWORN to before me this 26th day of February, 1992.

Carol Jean Law
Notary Public for Oregon
My Commission Expires: 2-3-94



KEY PUNCHED

FEB 27 1992

STATE OF OREGON }
COUNTY OF CROOK } SS 102817

I CERTIFY THAT THE WITHIN INSTRUMENT WAS RECEIVED FOR RECORD ON THE 26th DAY OF Feb. 1992 AT 12:10 P. M.

AND RECORDED IN DEED RECORDS OF SAID COUNTY, MF NO. 102817
DELLA M. HARRISON, CROOK COUNTY CLERK
BY: Carol Jean Law DEPUTY

Ochoco Creek also historically was an active site for gold and silver exploration. However, only the Mayflower Mine was a success. (Refer to Historic Areas Inventory). Traces of Uranium, Manganese and other elements are found in the county also. See Oil: Geothermal: Mineral: Quarry Map. Currently, the most active exploration in the county is for semi-precious gemstones. See “Geological Areas”, Natural/ Scenic Buffer Areas, Chapter VI, and Recreation: Historical: Natural: Scenic Map. Oil exploration has accompanied the search for these minerals. In 1958 an oil well was drilled by Sunray-Midcontinent and Standard Oil of California in the vicinity of Sherwood Creek south of Post. The rotary drill discovered gas deposits at 3980-4020 feet and the drilling operation stopped at 7919 feet. See Oil: Geothermal: Mineral: Quarry Map.

No geothermal exploration has been conducted within the county, but the U.S. Geological Survey records two hot springs on a 1975 revised Geothermal Land Classification Map. These include a 60-87°F spring on the Hackleman Ranch and a hotter spring, 116-122°F spring on the Weberg Ranch at Suplee. The U.S. Geological Survey also designates about 163,200 acres of land between these two hot springs as lands prospectively valuable for geothermal resources.

Bentonite is a very fine particle clay that is refined from clays found in the John Day Formation. The most active processing of Bentonite is done by Central Oregon Bentonite Company, sold for kitty litter, on the Weberg Ranch located on Camp Creek.

MINERAL AND AGGREGATE POLICIES (Ordinance No. 51; 9/16/91)

Goal: To provide for the protection and use, both current and future, of the mineral and aggregate resources of the County consistent with statewide land use planning goals, and its administrative rules, while minimizing any adverse impacts to the surrounding area.

Policies:

- (1) **The County shall use the requirements of Goal 5 to conserve and protect, consistent with legal opinions of the State and as Court decisions may dictate. As defined in the statewide planning goals the meanings of:**
 - (a) **Conserve:** is to manage in a way which avoids wasteful or destructive uses and provides for future availability.
 - (b) **Protect:** is to save or shield from loss, destruction or injury or for future intended use.
- ~~(2) Deleted by Ordinance No. 55; 2/26/92~~
- (2) **The County shall review, as part of each periodic review process, the status of mineral and aggregate resources in the County.**

- (3) The County shall insure that significant inventory sites are designated for mineral and aggregate.
- (4) ~~In order to be placed in the County's Goal 5 resource inventory list, the site must have received a designation as a "significant site" based on location, quality and quantity of the resource. All significant sites must have an ESEE analysis completed in order to resolve any conflicts. (Ordinance No. 55) 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.~~
- (5) The County shall participate in a regional needs analysis when adjoining Counties agree upon such an approach and sufficient funding is available to complete such a project. The analysis shall only be used as a tool to assist local governments in determining whether additional inventory sites need to be designated.
- (6) A mineral and aggregate resource site that is not on a 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 available evidence the regarding location, quality, and quantity of the mineral and aggregate resource and the site is added by amendment to the comprehensive plan; and
 - (c) There are no conflicting uses of the ESEE analysis results in a determination that the resource is important relative to conflicting resources, uses and thither applicable statewide planning goals and policies.
- (7) Extraction of mineral and aggregate is a temporary consumptive use of land, therefore, it is imperative that not only care is taken in the mining process, but the site is reclaimed for future use.
- ~~(9) Deleted by Ordinance No. 55; 2/26/92~~
- (8) On an interim basis, notification and a conditional use hearing is required for any non-resource dwelling proposed within one-fourth (1/4) of a 1-B site to limit conflicting uses until an ESEE analysis has been completed.
- ~~(11) Deleted by Ordinance No. 55; 2/26/92~~

(9) Crook County’s plan policy is to classify, each significant resource site according to current available data on location, quality and quantity, and regulate each site according to its classification. Crook County will not allow expansion of any site without additional data. Therefore, in order to expand mining operations on a mineral or aggregate site into an area not currently designated for mining, the operator must provide the best information available regarding quantity, quality, and location of the resource in the proposed expansion area to update plan data. An ESEE analysis shall be required if the expansion area is found to be a significant Goal 5 resource based on location, quality, and quantity information.

~~(13) Deleted by Ordinance No. 55; 2/26/92~~

(10) A mineral or aggregate resource site designated for mining in the comprehensive plan ESEE analysis may be mined when a permit is obtained in accordance with the standards of permit review.

~~(15) Deleted by Ordinance No. 55; 2/26/92~~

~~(16) Deleted by Ordinance No. 55; 2/26/92~~

~~(17) Deleted by Ordinance No. 55; 2/26/92~~

(11) Decisions of the County in determining the significance of a mineral or aggregate resource site, identification and analysis of conflicting uses, and development of a program to achieve Goal 5 with respect to the resource site shall be consistent with state law. To the extent feasible, mitigation of the effects of mining on other uses of land shall occur as part of the development of a program to achieve Goal 5 with respect to the resource site. These decisions of the County shall be based on substantial evidence. (Ordinance No. 55)

WILDLIFE

The Oregon Fish and Wildlife Commission provides statistics on population and habitat status to all public agencies in Crook County. This information is used as base data for wildlife resources. Detailed descriptions of populations and habitats are available from B.L.M., U.S.F.S. and Oregon State Fish and Wildlife. The status of wildlife populations in Crook County and the number of acres required for their respective habitats are outlined in Appendix VI. This data was collected in 1970 which is cited as an average population year for most species.

Major big game species are mule deer, pronghorn antelope, and Rocky Mountain elk. Optimum habitat requirements for these species include adequate water, forage and a variety of vegetation cover for thermal protection, hiding and fawning purposes. Detailed habitat requirements for elk, antelope and deer are included in Appendix VI. The general winter range