



Burden of Proof Statement

BEFORE THE CROOK COUNTY PLANNING DEPARTMENT

FILE NO.: 217-24-000070-PLNG
APPLICANT/: GREENBAR EXCAVATION, LLC
OWNER Tanner Brown
P.O. Box 7
Prineville, Oregon 97754

ATTORNEY: Lisa Andrach
Fitch & Neary P.C.
210 SE 5th St., Suite 2
Redmond, Oregon 97756

GEOTECHNICAL ENGINEER: Watkins Testing & Inspection
19061 Choctaw Road
Bend, Oregon 97702

REQUEST: An Application to modify the Crook County Basalt Resource Inventory to add approximately 226,000 cubic yards of basalt aggregate volume located on tax map 161612, Lot 500 to the 1-C Bartels Site on the Mineral and Aggregate Inventory of the County Comprehensive Plan, Appendix 5.3, and to make the ESEE findings to allow mining of the additional resource. The Bartels Site was added by Ordinance 172 of the Crook County Court (2006-162);

The applicant provides the following additional information for the record in this matter:

1. The Basalt Rock resource is of Significant Location, Quality, and Quantity

One of the issues for consideration by the County herein is whether the basalt rock resource is of significant location, quality, and quantity to add to the County’s Aggregate Inventory. No one factor controls the outcome, but rather all are considered, as a whole, to determine the significance of the resource.

Location: As the County Court previously determined, the Basalt Rock resource is located in an area of the county that is experiencing growth. The location of the rock within that region is convenient, and such convenience keeps the price more economical due to reduced transportation costs. As evidence of its convenience, even the neighbors who are objecting to the



additional inventory have purchased at least 10 dump trucks worth of rock from the pit. (**Exhibit A – rock purchase from neighboring opposition**)

The other closest basalt rock mines are no longer available to supply the resource for public use, and even if they were, they are quite a distance from the existing site. The operator of the private pit along Juniper Canyon Road, Juniper Rock, is ending the current operation at the end of this month which is understood to be a result of the pit lacking inventory, and the Woodward pit is approximately 7 miles down Post Highway 380 near Paulina, and the owner has been busy with other things so has not been able to produce rock for about a year. (**Exhibit B**) The other basalt rock pits in the area are ODOT pits and not available for public use. Therefore, the Greenbar Excavation pit is a significant resource in this area of the county.

The other advantage to the location of the proposed site is that it is adjacent to an existing pit, and thus easily accessible for mining. It does not pose the same uncertainties as a new pit and concerns about what, if any, impacts there may be to the area. The crushing and processing operations of the pit will remain on the existing pit floor, below grade, with only the blasting of the material to occur an estimated once a year. The blasting only lasts a few seconds, and the applicable rules and regulations for the blasting require that the neighbors receive advance notice. The traffic volumes and operation plan are all going to continue the same, so the extent of the impacts, if any, is already understood.

The concern regarding negative impact to property values is not substantiated, and because the existing pit existed prior to the development of the surrounding residential uses, the market value for the parcels is already reflective of the value based upon the vicinity to the existing pit. The existing pit has not deterred the development of new residences on the surrounding property. When the application for the existing pit was submitted, there were only 2 residences in the 1500-foot impact area. Most of the surrounding owners later purchased their property and with knowledge of the current pit operation. Notwithstanding this information, they developed their property for residential use. Therefore, the development trend does not support the argument that the mining operation will negatively affect development for residential uses or that any additional inventoried aggregate will negatively affect property values.

Finally, the basalt rock source is deep, below the current mine floor, and not within a ground water area. The nearest wells are at least 100 feet to 200 feet deep. (**Exhibit C- State well log report**) The mining operation is a dry operation, using water only for dust abatement. The mining does not take place in the water – which was the primary concern and alleged source of water contamination from the Knife River pit. The mining operation does not contaminate the groundwater, and because the operation wont change, there is no support that adding additional aggregate to the inventory will contaminate the groundwater.

Quality: The rock is basalt, which is of higher quality than the other pits referenced in the staff report which are producing product for fill. The basalt rock resource of this quality is rare, and is considered significant.

Quantity: The Basalt Rock estimate prepared by Greg Kelso provides the volume in cubic yards. The total estimated volume for the site is 435,671 cubic yards, or 697,073.60 tons based upon a 1 cubic yard = 1.6 ton computation (from the staff report), or 827,774.9 tons using the 1 cubic yard = 1.9 tons calculation that Carlson Geotechnical used when computing the quantity of rock for the existing pit based upon its laboratory testing of the resource material. **(Exhibit D, Carlson Geotechnical testing report, page 2)**

There is at least 436,606.50 tons on Lot 15, plus the additional area from the 50' setback for the existing pit that will be removed when the lots are combined.

The original pit had at least 1,107,700 tons. Taken as a whole, the aggregate inventory for the resource site is over 3 times the 500,000 guideline set forth in OAR 660-023-0180(3)(a). (1,107,700 tons + 436,606.50 tons = 1,544,306.50 tons) That calculation is conservative as it does not include the additional aggregate available with the removal of the 50' setback for the existing pit.

Although OAR 660-023 is not controlling in this matter, the aggregate from the proposed site exceeds the 500,000 guideline. Even when just considering the additional volume that will be added to the site, the combined significance of the location and the quality, including the lack of available of basalt rock of this quality, make the volume of 436,606.50 tons significant.

Based upon the foregoing, the site is significant and should be included on the county's Aggregate Inventory.

2. Cimarron Hills Subdivision CC&Rs

The CC&Rs for Cimarron Hills Subdivision do not apply to Lot 15. The developer specifically excluded Lot 15 from the CC&Rs while he still owned the subdivision.

3. Goal 10, access to Lot 15.

The applicant understands that there is an easement recorded for residential use of Lot 15, but the easement does not allow for mining access. The lot could be built after reclamation of the mining site, so the mining of the site does not remove the lot from future housing development – it just delays the such development until after reclamation.

Based upon the above analysis, the proposal meets or can meet all of the standards for approval.

DATED this 23rd day of July, 2024.

FITCH & NEARY PC



LISA ANDRACH, OSB #040012

Of Attorneys for Applicant

210 SW 5th St, Suite 2

Redmond, OR 97756

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F: 541.316.1943

Email: lisa@fitchandneary.com

Rob Carter

6404 SE Riverdance

04/29/22 – 36 yards

09/01/23 – 24 yards

07/02/24 – 60 yards

Adam and Shauna Schmidlin

11075 SE Snowflake Ct

04/13/22 – 24 yards

Stan Johns

6322 SE Cedar Hills Ct

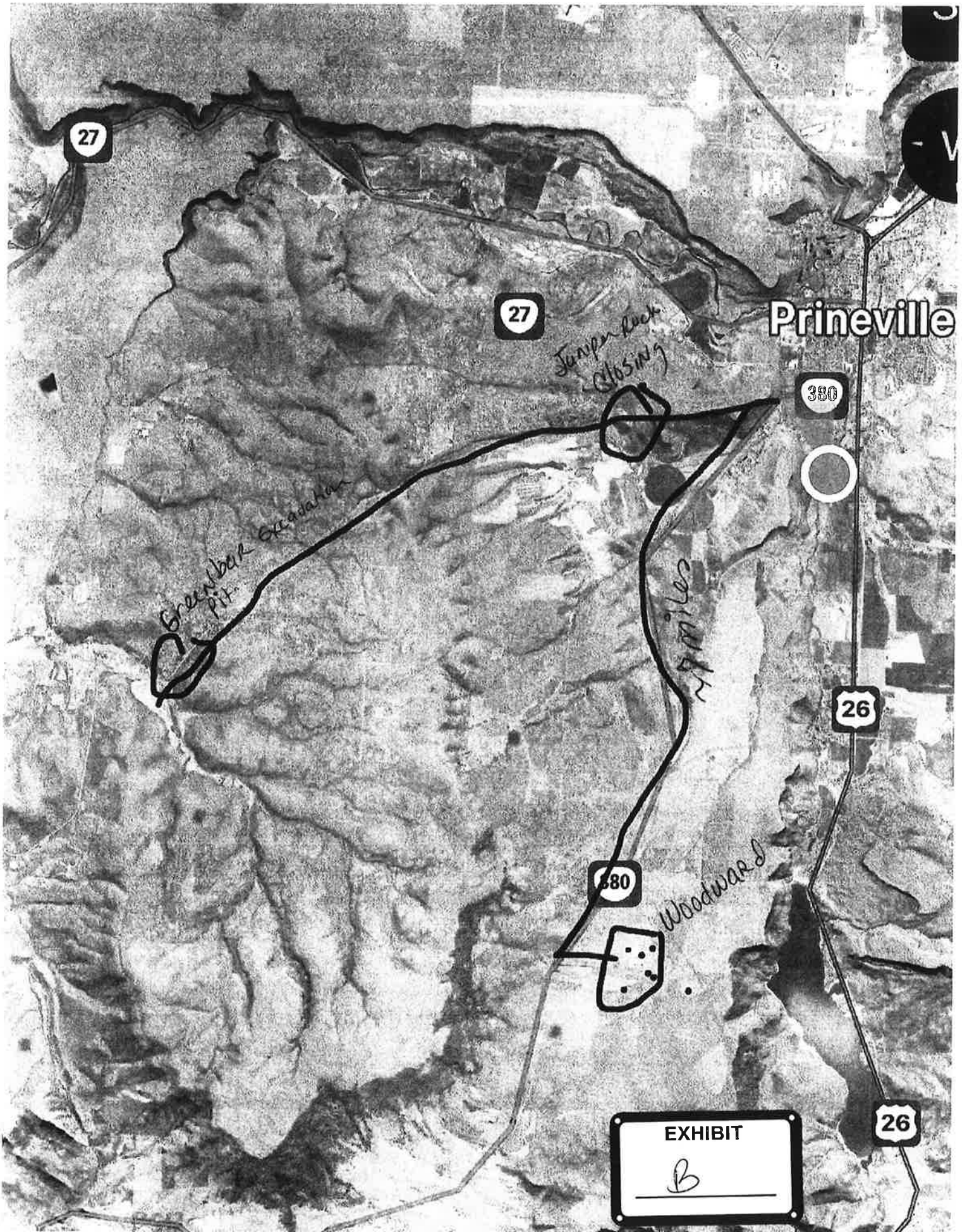
11/01/23 – 12 yards

Scott and Mary Myers

6475 SE Riverdance Rd

09/18/23 – 16 yards





27

27

Prineville

380

26

26

Greenber Excavation Pit

Juniper Rock Gilding

27 miles

Woodward

380

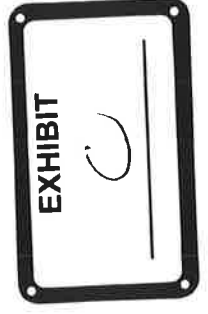
EXHIBIT
B

Well Report Query Results *GPS points, where available are at the far right of the table. Click link to view on map*

Township: 16 S, Range: 16 E, Sections: 12, Owner Last Name: bartels

Well Log	Details	T-R-S/ D-Q	Taxlot	Street of Well	Owner	Company	Special Standards	Well Type	First Water	Completed Depth	Static Water Level	Yield	Completed Date	Received Date	Bonded Constructor	Standard	Well Id #	New	Abandon	Deepen	Alteration	Conversion	Domestic	Community	Livestock	Industrial	Infection	Thermal	Dewatering	Piezometer	Latitude/ Longitude					
CROO_52466	Details	16.00S-16.00E-12 NW-NW	400	JUNIPER CANYON RD	BARTELS, DICK 12909 SW HWY 126 POWELL BUTTE OR 97753			W	150.00	175.00	40.00	80.0	03/09/2005	04/07/2005	MAPHET, DARRELL MAPHET WELL DRILLING AND PUMP	167072	73282	✓					✓													
CROO_52457	Details	16.00S-16.00E-12 NW-NW	400	JUNIPER CANYON RD	BARTELS, DICK 12909 SW HWY 126 POWELL BUTTE OR 97753			W	140.00	175.00	40.00	75.0	03/11/2005	04/07/2005	MAPHET, DARRELL MAPHET WELL DRILLING AND PUMP	167073	73283	✓					✓													
CROO_52468	Details	16.00S-16.00E-12 NW-NW	400	JUNIPER CANYON RD	BARTELS, DICK 12909 SW HWY 126 POWELL BUTTE OR 97753			W	140.00	175.00	30.00	80.0	03/16/2005	04/07/2005	MAPHET, DARRELL MAPHET WELL DRILLING AND PUMP	167075	73284	✓					✓													
CROO_52478	Details	16.00S-16.00E-12 NW-NW	400	JUNIPER CANYON RD	BARTELS, DICK 12909 SW HWY 126 POWELL BUTTE OR 97753			W	90.00	175.00	1.50	86.0	03/17/2005	05/02/2005	MAPHET, DARRELL MAPHET WELL DRILLING AND PUMP	167076	73285	✓					✓													
CROO_52479	Details	16.00S-16.00E-12 NW-NW	400	JUNIPER CANYON RD	BARTELS, DICK 12909 SW HWY 126 POWELL BUTTE OR 97753			W	145.00	175.00	30.00	120.0	03/18/2005	05/02/2005	MAPHET, DARRELL MAPHET WELL DRILLING AND PUMP	167077	73286	✓					✓													
CROO_52480	Details	16.00S-16.00E-12 NW-NW	400	JUNIPER CANYON RD	BARTELS, DICK 12909 SW HWY 126 POWELL BUTTE OR 97753			W	100.00	175.00	1.00	60.0	03/21/2005	05/02/2005	MAPHET, DARRELL MAPHET WELL DRILLING AND PUMP	167078	73287	✓					✓													
CROO_52481	Details	16.00S-16.00E-12 NW-NW	400	JUNIPER CANYON RD	BARTELS, DICK 12909 SW HWY 126 POWELL BUTTE OR 97753			W	100.00	150.00	1.50	100.0	04/07/2005	05/02/2005	MAPHET, DARRELL MAPHET WELL DRILLING AND PUMP	167079	73280	✓					✓													
CROO_52482	Details	16.00S-16.00E-12 NW-NW	400	JUNIPER CANYON RD	BARTELS, DICK 12909 SW HWY 126 POWELL BUTTE OR 97753			W	153.00	175.00	40.00	50.0	03/30/2005	05/02/2005	MAPHET, DARRELL MAPHET WELL DRILLING AND PUMP	173082	73288	✓					✓													
CROO_53144	Details	16.00S-16.00E-12 NE-NW	500	JUNIPER CANYON RD, PRINEVILLE	BARTELS PH2 #1, DICK 12909 SW HWY 126 POWELL BUTTE OR 97753			W	229.00	300.00	229.00	60.0	06/21/2006	07/24/2006	MAPHET, DARRELL MAPHET WELL DRILLING AND PUMP	186184	81684	✓					✓													
CROO_53145	Details	16.00S-16.00E-12 NE-NW	500	JUNIPER CANYON RD, PRINEVILLE	BARTELS PH2 #2, DICK 12909 SW HWY 126 POWELL BUTTE OR 97753			W	145.00	200.00	145.00	30.0	07/05/2008	07/24/2008	MAPHET, DARRELL MAPHET WELL DRILLING AND PUMP	186198	83228	✓					✓													

[Download Data](#)



Carlson Geotechnical

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October 12, 2004

Richard Bartel Construction
12909 SW Hwy 126
Powell Butte Oregon 97753

**Re: Aggregate Resource Quality/Quantity Evaluation
Bartel Quarry, Crook County, Oregon
Project Number B040 2162**

SCOPE OF SERVICE

This report presents information about the subject property as an aid to categorization of the site as a significant aggregate resource. Our scope of work included the sampling of exposures and stockpiles, laboratory testing of representative samples, a visual evaluation of the site and the surrounding area to confirm that the rock outcrop is continuous throughout the intended quarry site, and an analysis of field and laboratory data. The analyses include an estimate of the quantity and an evaluation of the quality of the rock material encountered at the subject site. The site is located just over 7 miles south of Prineville, Oregon on Juniper Canyon Road. Figure 1 shows the location and surrounding topography.

FIELD INVESTIGATION

The subject site is in gently to moderately sloping terrain that is covered in native grasses, brush and trees. The existing quarry is located in the southeastern corner of the site and is characterized by an approximately 30-foot cut into the toe of a moderately sloping hillside. It is at an elevation of approximately 3940 feet above mean sea level. There are several stockpiles of previously quarried material several yards to the east of the existing cut.

On July 30, 2004, personnel from Carlson Testing sampled the aggregate and conducted a visual analysis of the site in order to confirm that the aggregate rock in question is present and consistent throughout the proposed quarry site.

LABORATORY TESTING

Per OAR 660-23-180, representative samples of the basalt outcrop were tested for abrasion, air degradation and soundness. Samples were selected from stockpiles and rock faces in accordance with the ASTM D 1545 procedure. Laboratory tests were run on manually crushed material from the cobble fraction only. Copies of the laboratory test reports are appended. Results are



compared with Oregon Department of Transportation (ODOT) specifications for base rock in the following table. All tests meet ODOT requirements for base rock.

Test Name	ODOT Test Method	Base Rock Specification	Test Result
Los Angeles Rattler	TM 211	35.0%	16.5%
Oregon Air Degradation	TM 208	30.0% 3 inches	2.9% 0.3 inches
Sodium Sulfate Soundness	TM 206	12.0%	3.8%

ANALYSIS AND CONCLUSIONS

The exposed basalt face is approximately 30 feet height and consists of fairly uniform material. The exception to this is the east wall of the quarry, which is more vesicular than the rest of the outcrop. However the owner has informed me that the east wall is not being quarried any further.

Throughout the southern two thirds of the proposed site there are visible outcrops of the basalt in question. As you approach the northern boundary of the site the overburden on top of the aggregate rock becomes greater to the point that actual outcrops are no longer visible, however there is a significant amount of the basalt floating on top of the overburden. This suggests that the formation is present at shallow depth throughout the entire site. Also while the existing quarry has only cut into the hillside to a depth of 30 feet it is evident from the surrounding outcrops that the basalt extends for another 20 feet or more in depth.

The proposed site is approximately 10.3. If the maximum depth of removal is kept at around 35 feet then, assuming that the basalt is continuous throughout the site, the site would yield an estimated 583,000 cubic yards of aggregate material. A conversion factor of 1.9 tons per cubic yard indicates that on the order of 1,107,700 tons of aggregate is available.

The laboratory testing indicates the aggregate meets the ODOT specifications for base rock. Further processing of the aggregate will likely be required to develop the gradation and fracture characteristics for any particular use. This basalt can be considered a high quality of aggregate because it is hard and dense compared to much of the rock of Central Oregon.

LIMITATIONS

The conclusions, opinions and quantity estimates presented in this report are based upon a site visit. It is impossible to predict all of the physical conditions that exist on-site, especially without some subsurface exploration. If a higher level of accuracy or certainty is desired it will be necessary to perform test pits and/or borings.

The findings of this report are valid as of the present date; however changes in the condition of a property can occur with the passage of time, whether they be due to natural process, or the works of man on this or adjacent properties. In addition, changes in applicable or appropriate standards may occur from legislation and the broadening of knowledge.

Accordingly, the findings of this report may be invalidated, wholly or partially by changes outside our control. These opinions have been derived in accordance with the current standard of practice and no warranty is expressed or implied.

If you have any questions concerning this report or the exploration, do not hesitate to contact our office at (541) 330-9155.

Sincerely,

Carlson Geotechnical


Tom Joyce, Staff Geologist

William A. Smith, P.E.
Geotechnical Engineer

Renews 6/30/2006

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August 31, 2004
B0402162.CTI

Richard Bartel Construction
12909 SW Hwy. 126
Powell Butte, Oregon 97753

Re: Rock Quarry
Aggregate Durability Testing – Pit Run Cobbles

Gentlemen:

As requested, we have completed durability testing on a sample of pit run cobbles material that was submitted to our laboratory by your representative on July 30, 2004. Prior to testing, the sample was reduced to test sizes by use of the laboratory crusher. Following is the test data:

SOUNDNESS – AASHTO T104: *Coarse Aggregate*

Sieve Fractions	Weight Before Test	Weight After Test	Percent Loss @ 5 Cycles
1 1/2" x 3/4"	1509.0 g.	1487.5 g.	1.4%
3/4" x 3/8"	1002.0 g.	983.8 g.	1.8%
3/8" x #4	300.1 g.	297.2 g.	1.0%
Totals:	2811.1 g.	2768.5 g.	4.2%

Average percentage of loss @ 5 cycles = 1.4%
OSHD 745 HMAC Specification: 12% Maximum

SOUNDNESS – AASHTO T104: *Fine Aggregate*

Sieve Fractions	Weight Before Test	Weight After Test	Percent Loss @ 5 Cycles
#4 x #8	100.0 g.	97.0 g.	3.0%
#8 x #16	100.0 g.	96.9 g.	3.1%
#16 x #30	100.0 g.	95.6 g.	4.6%
#30 x #50	100.0 g.	88.1 g.	11.9%
Totals:	400.0 g.	377.6 g.	22.6%

Average percentage of loss @ 5 cycles = 5.7%
OSHD 745 HMAC Specification: 12% Maximum

ABRASION – AASHTO T96:

Percent loss to abrasion @ 500 revs. = 16.5% *

* The percentage of loss was determined by using grading "A".

OSHD 745 HMAC Specification: 35% Maximum

Page 2 of 2
August 30, 2004
B0402162.CT1

OREGON AIR DEGRADATION - OSHD TM 208:

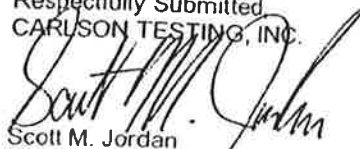
Percent passing the 850 mm (#20) sieve = 2.9%
OSHD 745 HMAC Specification: 30.0% Maximum

Sediment height: 0.3"
OSHD 745 HMAC Specification: 3" Maximum

Our reports pertain to the material tested/inspected only. Information contained herein is not to be reproduced, except in full, without prior authorization from this office.

If there are any further questions regarding this matter, please do not hesitate to contact this office.

Respectfully Submitted,
CARLSON TESTING, INC.



Scott M. Jordan
Branch Manager

CC: No report distribution per clients request.

Jennifer Orozco

From: Hannah Elliott
Sent: Tuesday, July 23, 2024 3:59 PM
To: Jennifer Orozco
Subject: FW: 217-24-00070-PLNG Greenbar Excavation, LLC
Attachments: Supplemental BOP.pdf

From: Lisa Andrach <lisa@fitchandneary.com>
Sent: Tuesday, July 23, 2024 3:48 PM
To: Hannah Elliott <Hannah.Elliott@crookcountyor.gov>
Cc: Tanner Brown <tanner.brown@greenbarexcavation.com>
Subject: 217-24-00070-PLNG Greenbar Excavation, LLC

Hannah,

Please find attached a short Supplemental BOP.

Thanks

Lisa Andrach, Attorney



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