

Hannah Elliott

From: Hannah F. Stevenson <HStevenson@sglaw.com>
Sent: Monday, March 10, 2025 10:50 AM
To: Plan; Hannah Elliott
Cc: Mark D. Shipman
Subject: SAR/Hegele Record Submittal- Supplemental Reasons Narrative in Support of Revised Mining Operations Proposed Condition of Approval (217-24-000197-PLNG)
Attachments: Memorandum- Supplemental Reasons Narrative in Support of Revised Mining Operations Proposed Condition of Approval (217-24-000197-PLNG), 4920-7509-3286, 3.pdf; New PC-BOCC Noise Findings vs. Current, 4928-6539-3702, 5.pdf

Good morning, John and Hannah,

Attached is a Memo from Mark providing the supplemental reasons to support the proposed revision to the number of days that operations will occur along with a redline to a portion of the Staff Report/PC Recommendations to the BOC.

Two questions:

Will these attachments be circulated to the BOC ahead of the hearing or should Mark plan on introducing at the hearing and bringing paper copies with him?
Has Planning received any comments/testimony submittals in opposition that haven't been uploaded yet? If so, can you please forward to us?

If you have any questions or need anything else ahead from us in support of Applicant's request, please don't hesitate to reach out.

Thank you,

Hannah Stevenson

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Exhibit 9

MEMO

Received by CCCD
3/10/2025



To: John Eisler, Community Development Director (plan@crookcountyor.gov)
Hannah Elliott, Associate Planner (Hannah.Elliott@crookcountyor.gov)

From: Mark D. Shipman, Attorney for Applicant

Date: March 10, 2025

Re: Applicant's Supplemental Reasons Narrative in Support of Revised Mining Operations Proposed Condition of Approval (217-24-000197-PLNG)

As indicated in previous discussions and correspondence, we need to revise a portion of the findings and proposed conditions of approval related to the operation of the mining facility as follows:

Mining Operations - The Applicant shall limit the conduct of any excavation, crushing, and processing to no more than ninety (90) days (cumulative) in a calendar year. All other mining operations, including, but not limited to, transporting materials off-site, shall not exceed more than three hundred (300) days (cumulative) in a calendar year. The calendar year will begin upon the Applicant's receipt of a DOGAMI operating and reclamation permit for the expanded mining area. In addition, the Applicant shall provide an annual report to the Community Development Department regarding the number of days of operation. The first report will be due one (1) year from the effective date of the new DOGAMI operating and reclamation permit.

The Applicant's reason for requesting this adjustment in the number of days for operating are as follows:

They have been running the current mining operation in this manner since the initial approval. The Applicant interpreted the condition of approval to allow the mining operation in two relevant parts – one was related to excavation, crushing, and processing, which they realized would be limited in nature and scope (no more than 90 days on each 2 ac. cell), but, for all other uses, the number of days would not exceed 300 days, but would be subject to the limitations on the hours of operation, including limitations on Sunday operations, and limitations on main holidays as noted in the staff report.

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Noise: The County has no noise ordinance, but noise is regulated by the Oregon Department of Environmental Quality. To the extent applicable, Applicant shall comply with all noise regulations. Blasting shall be subject to reasonable restrictions consistent with the approval for the original mining site. As proposed by the Applicant, blasting shall be restricted to the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday. No blasting shall occur on Saturdays, Sundays, or legal holidays. The Applicant/operator shall provide written notice to adjacent property owners (within 2,000 feet) and to Crook County Community Development at least 72 hours prior to the time of blasting. Blasting shall not occur more than 3 days per year. Signs will be posted at the mine site entrance on NW Lone Pine Road at least 72 hours in advance to notify adjacent property owners of the potential blasting.

As proposed by the Applicant, mining operations (excavation, crushing, and processing) shall take place no more than 90 days (cumulative) in a calendar year. All other mining operations, including, but not limited to, transporting materials off-site, shall not exceed more than three hundred (300) days (cumulative) in a calendar year. The calendar year will begin upon the Applicant's receipt of a DOGAMI operating and reclamation permit. Operations shall include excavation, processing and transporting materials off-site. The Applicant shall provide an annual report to the Planning Department regarding the number of days of operations. The first report will be due one year from the effective date of the DOGAMI operating and reclamation permit.

As proposed by the Applicant, ordinary operating hours shall be Monday through Friday, June 1st through October 31st from 6:00 a.m. to 9:00 p.m., or sunrise to sunset, whichever time period is less, and Saturday from 8:00 a.m. to 5:00 p.m. Operating hours shall be Monday through Friday, November 1st through May 31st from 7:00 a.m. to 6:00 p.m., or sunrise to sunset, whichever is less; and Saturday from 8:00 a.m. to 5:00 p.m. No operations shall be conducted on Sundays or in the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day.