

OCT 18 2021

Crook County  
Community Development



**Jennifer Orozco**

**From:** Ropp, Matt <Matt.Ropp@kniferiver.com>  
**Sent:** Monday, October 18, 2021 1:56 PM  
**To:** Plan  
**Subject:** Knife River - County Court  
**Attachments:** Ordinance No. 281 w\_ESEE Analysis.pdf

RECEIVED

OCT 18 2021

Crook County  
Community Development

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please add the attached to the record for 217-21-000436-PLNG – Knife River/Vanier Plan Amendment. Please confirm receipt of this message. Thank you!

Best,  
Matt

Matt Ropp  
Manager of Land Planning  
Knife River Corporation – Northwest Region  
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Tangent, Oregon 97389  
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IN THE COUNTY COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF CROOK

AN ORDINANCE OF THE CROOK  
COUNTY COURT AMENDING THE  
CROOK COUNTY COMPREHENSIVE  
PLAN GOAL 5 INVENTORY BY  
INCLUDING A NEW 3C AGGREGATE  
SITE AND ADOPTING A SITE  
SPECIFIC ESEE (ENVIRONMENTAL  
SOCIAL ECONOMIC ENERGY)  
ANALYSIS FOR THE MINERAL AND  
AGGREGATE SITE AND DECLARING  
AN EMERGENCY.

Ordinance No. 281

Crook County Official Records  
Commissioners' Journal  
No Fee

**CJ2015-068**

10/21/2015 3:33:24 PM

I, Cheryl Seely, County Clerk for Crook County,  
Oregon, certify that the instrument identified  
herein was recorded in the Clerk records.

Cheryl Seely - County Clerk



WHEREAS, the Crook County Planning Commission has recommended that the Crook County Comprehensive Plan be amended to include the subject property as new aggregate site and adopt a site specific ESEE (Economic, Social, Environmental and Energy) analysis for the mineral and aggregate site.

WHEREAS, the comprehensive plan amendment is authorized by Crook County Code Title 18 Chapter 18.168 and the Comprehensive Plan of Crook County;

NOW, THEREFORE, this 21<sup>st</sup> day of October, 2015, the Crook County Court ordains as follows:

**SECTION ONE. *Amendment.*** Ordinance 17 is amended by amending the comprehensive plan to add the approximately 99.5 acre site, described as T 14 S, R 15 EWM, Section 14, tax lots 702 and 703, to the Goal 5 Inventory as a significant aggregate resource site and to adopt the ESEE Analysis as a text amendment to place the subject site on the inventory of significant sites as a 3C site, which shall be conserved and protected for mining.

**SECTION TWO. *Findings.*** The Crook County Court adopts the recommendation of the Crook County Planning Commission and the attached herein as its findings in support of its Decision. The Crook County Court also adopts the ESEE analysis and map attached hereto.

SECTION THREE. *Emergency.* The Ordinance being necessary for the health, welfare and safety of the people of Crook County, an emergency is hereby declared to exist and this Ordinance shall become effective upon signing.

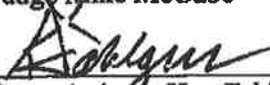
First Reading October 7, 2015

Second Reading October 21, 2015

Dated this <sup>21<sup>ST</sup></sup> day of October, 2015

CROOK COUNTY COURT

  
\_\_\_\_\_  
Judge Mike McCabe

  
\_\_\_\_\_  
Commissioner Ken Fahlgren

  
\_\_\_\_\_  
Commissioner Seth Crawford



Crook County  
Planning Department  
300 NE 3<sup>rd</sup> Street, Prineville, OR 97754  
(541) 447-8156  
[ccplan@co.crook.or.us](mailto:ccplan@co.crook.or.us)

September 24, 2015

**RECOMMENDATION TO THE CROOK COUNTY COURT  
217-15-000114-PLNG**

**OWNER:** Craig Woodward  
P.O. Box 663  
Prineville, Oregon 97754

**AGENT/APPLICANT:** Tim Marshall  
Knife River Corporation – Northwest  
82260 Old Highway 34  
Tangent, Oregon 97389

**PROPERTY:** Township 14 South, Range 15 East, Section 14, Tax Lots 702 and 703

**APPLICATION NO:** 217-15-000114-PLNG (Comprehensive Plan Amendment)

**REQUEST:** The applicant requests that the Planning Commission make a recommendation to the Crook County Court on a request for approval of a Comprehensive Plan Amendment to amend Crook County's existing goal 5 inventory map by adding a new aggregate site and adopting a site specific ESEE (Economic, Social, Environmental, Energy) Analysis for the aggregate site. The property consists of two tax lots. Tax lot 702 is zoned Heavy Industrial (H-M) and is the site of the Prineville Sawmill. Tax lot 703 is zoned Exclusive Farm Use – 2 (Prineville Valley-Lone Pine Areas).

Requests for site plan review for the property zoned H-M and a request for a conditional use approval for the property zoned EFU-2 have been submitted under a separate application (217-15-000115-PLNG). Neither the site plan permit nor the conditional use approval can be effective until the County Court adopts an ordinance to place the aggregate site on the Comprehensive Plan Goal 5 Inventory map and adopts the ESEE Analysis.

**APPLICATION DATE:** May 6, 2015  
**DEEMED COMPLETE:** June 1, 2015  
**PUBLIC NOTICE:** June 5, 2015  
**PROPERTY OWNER NOTICE:** June 3, 2015  
**HEARING DATES:** June 24 and August 12, 2015

*Woodward Aggregate Site  
Page 1 of 3  
217-15-000114-PLNG*

**FINAL DECISION: Recommend approval of comprehensive plan amendment and adoption of site-specific ESEE Analysis by a 4-2 vote of the Planning Commission members in attendance at the September 23, 2015 meeting.**

On the basis of the Aggregate Resource Investigation for the Woodward Site submitted by the applicant (EXHIBIT 4 of the application and summarized in ATTACHMENT A), documenting the quantity and quality of resources available on the site, the Commission concludes that the quality and quantity of the resource on the proposed site qualify it as a significant site. The Commission concludes that the applicant's proposed 500 foot Impact Area is consistent with Crook County Comprehensive Plan policies and should be accepted. (see the ESEE analysis - ATTACHMENT B).

On the basis of the staff reports and ESEE Analysis (ATTACHMENT B), the Burden of Proof, and testimony received, the Commission concludes that the proposed aggregate operation will provide economic benefits to Crook County in the form of employment, tax revenue, and availability of aggregate. On the basis of the ESEE Analysis, the Commission concludes that any negative economic, social, and environmental consequences of the proposed aggregate operation on the surrounding area can be minimized by conditions on mining activities.

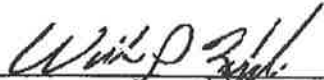
On the basis of the above, the Commission recommends that a Comprehensive Plan Amendment be approved to add the subject site to the Goal 5 Inventory as a significant site; AND that the site-specific ESEE Analysis be adopted as a Comprehensive Plan Text Amendment to place the subject site as a "3c" Gravel site on the inventory of significant sites, allowing the site to be protected while limiting impacts on conflicting uses. A "3c" site is one for which the Planning Commission has determined, based on the ESEE analysis, that both the resource site and conflicting zoning uses are important relative to each other. The ESEE consequences were balanced and limits and conditions placed on the mining and on the conflicting uses to resolve conflicts described in the ESEE analysis.

The Commission requires that all criteria of permits for the site from the Oregon Department of Geology and Mineral Industries and the Oregon Department of Environmental Quality are required to be adhered to.

DATED THIS 25 DAY OF September, 2015



W R Gowen  
Commission Chairman



William P. Zelenka  
Planning Director

ATTACHMENT A – Goal 5 Inventory  
ATTACHMENT B – ESEE Analysis

**ATTACHMENT A**  
**GOAL 5 INVENTORY**

**Goal 5 Inventory - Applicable Criteria**

Crook County's Comprehensive Plan includes the County's existing Goal 5 inventory, including an inventory of significant mineral and aggregate sites. This inventory has been amended over time to include additional, significant Goal 5 resources.

Oregon Administrative Rules (OAR) 660-16 outlines the requirements and procedures for complying with Statewide Goal 5 (natural resources).

*660-016-0000 (2) A "valid" inventory of a Goal 5 resource under subsection (5)(c) of this rule must include a determination of the location, quality, and quantity of each of the resource sites. Some Goal 5 resources (e.g., natural areas, historic sites, mineral and aggregate sites, scenic waterways) are more site-specific than others (e.g., groundwater, energy sources). For site-specific resources, determination of location must include a description or map of the boundaries of the resource site and of the impact area to be affected, if different. For non-site-specific resources, determination must be as specific as possible.*

**LOCATION:** The resource location is defined within the Woodward site based on setbacks from the property boundaries. The applicant has included legal descriptions of the subject properties in the application. Figure 4 of the application shows the mining area boundary and the 500 foot impact area.

**QUALITY AND QUANTITY:** OAR 660-016 does not include specific language relating to the quality and quantity of aggregate and mineral resources. It describes quality in terms of the site's relative value compared to other examples of the same resource that are found in the jurisdiction. A determination of quantity requires consideration of the relative abundance of the resource on the site.

Crook County has retained the provisions of OAR 660-016 in evaluating Goal 5 resources rather than adopting language in OAR 660-023, which outlines the State's current requirements related to local plans and programs to protect Goal 5 resources. Division 23 includes specific guidance regarding the quality and quantity of mineral resources needed to make a finding that the resource is "significant."

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

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

Although the applicant is not required to meet the specifications in 660-023, these are useful parameters in determining whether or not the aggregate resource is "significant."

**QUALITY:** The applicant provided information on resource quality. Material was tested for quality relative to Oregon Department of Transportation (ODOT) specifications as part of the Aggregate Resource Investigation report prepared by Tim Marshall, an Oregon Registered Professional Geologist (EXHIBIT 4 of the application). The study describes testing protocol and concludes that the aggregate resource on the Woodward Site meets the ODOT specifications for resistance to abrasion, sodium sulfate soundness and air degradation. Approximately two thirds of the aggregate resource on site appears suitable for Portland Cement Concrete (PCC) use. The remaining third consists of oversize cobbles that can be used for other high quality rock products. The resource exceeds stipulated ODOT specifications and the applicant suggests that it warrants a designation of (1) under Crook County's Resource Quality and Ranking System. One (1) is the highest quality designation.

**QUANTITY:** The proposed mining site measures up to approximately 99.5 acres. The investigation report concludes that there are over 1.2 million cubic yards of sand and gravel with over 800,000 cubic yards meeting ODOT specification for PCC concrete aggregates. The remaining 400,000 cubic yards of oversize aggregate would be suitable for drain rock or multiple crushed rock products. According to the applicant, this is a significant volume of high quality aggregates that are not relatively abundant in Crook County. The volume would be slightly less (1,138,782 cubic yards) if 100 foot setbacks are required.

VOLUME CALCULATIONS		
Unit	Proposed Volume – 50 foot setback on south and east	Alternate Volume – 100 foot setback on south and east
Aggregate Resource	1,215,892 Cubic Yards 1,823,838 Tons (1.5 tons/cubic yard)	1,138,782 Cubic Yards 1,708,173 Tons (1.5 tons/cubic yard)
Overburden	877,955 Cubic Yards	796,005 Cubic Yards

#### SUMMARY OF INVENTORY DECISION

Crook County Ordinance 51 as modified by ordinance 55 states:  
 "An abundance of a Goal 5 mineral or aggregate resource shall not be used as the basis to deny placement on the County plan inventory."

Based on the location, quality and quantity information, the Planning Commission recommends that the site should be placed on the County's Goal 5 mineral and aggregate inventory as a "1C" site. A "1C" site is one that has been inventoried and found to be significant. The "1C" site is then evaluated to determine if there are conflicting uses and if those uses can be balanced with protection of the resource site. This balancing is based on the ESEE analysis (ATTACHMENT B).



**ATTACHMENT B  
IDENTIFICATION OF CONFLICTING USES AND ESEE ANALYSIS  
217-15-000114-PLNG**

**IDENTIFICATION OF CONFLICTING USES**

If the site is significant, OAR 660-016-0005 states that it is the responsibility of local government to identify conflicts with inventoried Goal 5 resource sites. This is to be done primarily by examining the uses allowed in the zone where the resource is located. A conflicting use is one which, if allowed, could negatively impact a Goal 5 resource site. When existing conflicting uses are already present, the Goal 5 site could impact those uses. These impacts must be identified, and one of two actions taken by the local government:

(1) Preserve the Resource Site: Applies only if there are no existing conflicting uses.

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

**Consequences:** This applies if existing conflicting uses are identified. Both the impacts of the conflicting uses on the resource site, and the impacts of the resource site on the conflicting uses must be considered. The applicability and requirements of other Statewide Planning Goals must also be considered, if appropriate. A determination of the ESEE consequences of the identified conflicting uses is adequate if it enables the jurisdiction to explain why decisions are made for the site.

**There are conflicting uses related to this site. Thus, the Planning Commission and County Court must determine the impacts of conflicting uses on the resource site as well as the impacts of the resource site on the conflicting uses. In addition, the County must weigh the applicability of other Statewide Planning goals.**

This step requires the following:

1. Identifying the impact area
2. Identifying conflicting uses
3. Determining the ESEE consequences
4. Assessing the applicability of other Statewide Planning goals

**Identifying the Impact Area**

The applicant has identified an impact area including all parcels within 500 feet of the proposed use. The 500 foot impact area is consistent with language in the County's comprehensive land use plan that defines the impact area as 500 feet from the boundary of the mining area.

**Conflicting Uses**

There are three zones in the impact area: Heavy Industrial (HM), Exclusive Farm Use – 2 (EFU-2), and Rural Residential (R-5). The following describes potential conflicting uses in each zone. . The applicant has submitted aeriels, and other maps showing the impact areas. (EXHIBITS 5 and 6 of the original application).

**Heavy Industrial (H-M)**- Properties on the southwest corner of the subject properties are within the impact area and are zoned HM. The applicant states that aggregate mining on the site does not represent a conflicting use for the adjacent H-M zoned properties. Mining and associated activities (crushing, screening...) are uses permitted outright in the H-M zone (Crook County Code 18.72.010(19)).

**Exclusive Farm Use – 2 (Prineville Valley-Lone Pine Areas)** - Aggregate mining is a conditional use in an exclusive farm zone. (Crook County Code 18.20.020 and (ORS 215.283(20(b))). Properties to the north, south and east of the proposed mine site are zoned for exclusive farm use and all have acreage within the impact area. Although agricultural activities are not considered conflicting uses with mining activities, some uses that are allowed in farm zones may have impacts associated with mining. These include currently occurring activities such as agricultural uses, farm and non-farm dwellings, and commercial activities in conjunction with farm use. Other potential uses in the EFU zone could include schools, churches, parks, campgrounds, parks and playgrounds, and home occupations.

The applicant has identified residential uses in the EFU zone that the aggregate mining may conflict with in the designated 500 foot impact area. The applicant indicates that there are seven residences that are on lots that include some of the impact area. Of those, three residential dwellings are located within the impact area. According to the applicant, none of the dwellings will be within 500 feet of the aggregate processing area, although they may be within 500 feet of mining activity. The applicant proposes buffering nearby residential uses by the following:

- 1) Installing a screening, vegetated berm that will serve as a visual and noise barrier;
- 2) Placing stockpiles between the aggregate processing and the nearest residential use; and
- 3) Restricting all processing activities to be performed greater than 500 feet from any of the residential uses.

Neighboring farmers are concerned that agricultural activities, including production of alfalfa and grass hay, may be impacted by dust from the mining site. Rural residents and farming operations may be impacted by truck traffic associated with the mine site (although the applicant states that most traffic will use Elliot Lane and will not travel on Stahancyk Lane).

**Rural Residential Zone (R-5)**. There are two properties zoned for rural residential use in the 500 foot impact area. One has a dwelling that is located just outside the 500 foot impact acre boundary. Dwellings, accessory structures and residential homes are uses permitted outright in the R-5 zone that might be identified as conflicting uses. Other uses permitted outright should not conflict with the mining operation (e.g., transmission towers and noncommercial wind and solar energy systems).

#### **ESEE ANALYSIS**

As part of the process of identifying conflicting uses, an analysis of the social, environmental, and energy impacts of the proposed mining operation is required. Some impacts are likely to affect more than one of these categories of

consequences. Impacts of conflicting uses on the resource site and the impacts of the resource site on conflicting uses must both be considered.

**ECONOMIC CONSEQUENCES:** The proposed aggregate site should have positive economic impacts by providing a local source of high quality aggregate material for local construction projects. This will benefit the economy of Crook County and Central Oregon. If aggregates are used on the site to batch PCC concrete, there will be additional cost savings related to reduced haul costs.

The landowner will benefit from the mining of aggregate resources without significant negative consequences because both the industrial and agricultural portions of the subject property will be available after reclamation. Reclamation of the site will expand the footprint suitable for industrial activity. However, reclamation may result in reduced yields on the agricultural properties.

Negative economic consequences to industrial and agricultural production on the site would occur during actual mining. The applicant proposes phasing the mining operation so industrial and agricultural use can continue on the site while mining is occurring.

There may be negative economic consequences for residential property owners due to a drop in property values due to the location of the mining operation. The mining operation is located in and adjacent to an existing industrial area, which may minimize impacts of the mine on adjacent property values.

There may be negative economic impacts for agricultural production on adjacent properties due to dust according to comments from the public.

**SOCIAL CONSEQUENCES:** Positive social impacts of the proposed mining operation will include retention and possible increases in local employment, tax revenue, and aggregate supply produced by the operation.

Negative social impacts potentially include a reduction in the rural quality of life for the adjacent residential properties. Impacts associated with the site could include increased traffic, noise, and dust. The applicant is proposing to limit impacts by phasing mining on the site and by placing screening berms around the processing and active mining site. The applicant will be responsible for controlling fugitive dust.

Area residents are concerned about potential impacts due to increased truck traffic. The applicant states that road impacts are minimized because the site is located on an existing truck route. Truck traffic will be directed to Elliott Lane, away from residences on Stahancyk Lane.

The applicant suggests that negative impacts will be minimized by providing visual screening and soil berms to deflect noise from the aggregate operations. Dust control is required as part of the required Oregon Department of Geology and Mineral Industries (DOGAMI's) operation plan.

**ENVIRONMENTAL CONSEQUENCES:** No positive environmental impacts from the proposed mining operation have been identified.

Possible negative impacts include increased dust emissions, and disruption of wildlife by noise and traffic. There are likely to be few impacts on water quality, because there are no streams or water bodies in the immediate area. Water will not be discharged from the site but rather will be allowed to infiltrate, on site, in accordance with a permit issued by the Department of Environmental Quality with oversight by the Department of Geology and Mineral Industries. Area residents were concerned about impacts to groundwater quality. The applicant has agreed not to de-water the site to protect groundwater resources and will apply for and meet all conditions of Oregon Department of Environmental Quality water pollution control permits. The applicant will purchase industrial water from the Ochoco Irrigation District to avoid impacts to agricultural water users. The applicant proposes controlling dust by applying water and by seeding and/or mulching exposed soil surfaces. ODFW has not identified any wildlife or sensitive bird habitat near the site.

**ENERGY CONSEQUENCES:** Positive energy impacts are likely to occur from having an aggregate site located in an area that minimizes transportation costs related to moving aggregate materials. There appears to be little potential for negative energy impacts, as the amount of aggregate production and hauling within the county as a whole is controlled by demand rather than supply. Negative energy impacts are likely to occur only if aggregate is mined from the area for transport out of the county, which is unlikely because of the distances involved. Reducing emissions associated from transferring aggregate from outside the Crook County area could be a positive impact.

#### **CONFLICTS WITH STATEWIDE PLANNING GOALS.**

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

**Goal 1 – Citizen Involvement** - Crook County requires notice to adjacent property owners and a public hearing before the planning commission and the County Court prior to adoption of any comprehensive plan amendment. Public notice was provided through the local newspaper. Information relating to the hearing (e.g., the staff report and exhibits) were made available on the County's website and hard copies were available to the public when requested. The planning commission held two public hearings and offered opportunities for the public to submit testimony and review testimony provided by others. They conducted a site visit prior to the first public hearing and invited adjacent property owners to attend.

**Goal 2- Land Use Planning** - This decision will be subject to the policies and processes of Crook County's Comprehensive Land Use Plan and the zoning code and will meet the Goal 2 requirements regarding land use planning.

Goal 3 – Agricultural Lands - The applicant states that conflicts with neighboring agricultural activities will be minimized by the operational design for mining the site. The agricultural use on the site will be temporarily interrupted as actual mining is conducted in phases. The site will be reclaimed to allow agricultural use after mining is complete.

The applicant states that the aggregate operation will not force a significant change in accepted farm practices nor will it result in a significant cost increases to accepted farm practices. Adjacent property owners are concerned about the impacts of dust on their crops and are concerned about reduced yields and reductions in quality. While there may not be a change in farm practices, there may be reductions in yields and income, however, no specific information on reductions in crop yields was provided. They are also concerned about conflicts between truck traffic on Stahancyk and their farm operations. Truck traffic will be directed to Elliott Lane, away from adjacent agricultural properties.

Goal 4 – Forest Lands – There are not forest lands impacted by the proposed aggregate site and thus no conflicts with Goal 4.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces. This proposal is to add this site to the Goal 5 inventory of significant aggregate resource sites. Based on information from Oregon Department of Fish and Wildlife and other resource management agencies, development of this site for aggregate productions does not conflict with any other Goal 5 resources.

Goal 6 – Air, Water and Land Resources Quality. The operation of the aggregate mining site will be conducted in compliance with all other applicable state and local permits and regulations. DOGAMI has oversight responsibility for mining operations and final reclamation. Dust control is a required component of the operating plan. Oregon Department of Environmental Quality (DEQ) permits will be required for water quality management.

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

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

Goal 9 – Economy of the State. Development of the aggregate site is consistent with Goal 9 because aggregate is a necessary commodity for road and building projects. A local source of aggregate provides an economic benefit to the Central Oregon area. Reclamation of the industrial zoned property may create an opportunity for additional industrial development.

Goal 10 – Housing. Development of the aggregate source site will have no impact on Crook County's housing needs. Properties zoned heavy industrial or Exclusive Farm Use are unlikely to be approved for new dwelling sites.

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

Goal 12 – Transportation. Development of the proposed aggregate resource site does not conflict with the Crook County Transportation Plan or Goal 12. The site is located on an existing designated truck route less than ½ mile from Highway 26. No new access points are needed or requested. The County Road Master and the Oregon Department of Transportation have reviewed the proposal. The proposed use does not trigger a Transportation Impact Analysis under the County's 2005 Transportation System Plan.

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

Goal 14 – Urbanization – This proposal does not include expansion of any urban growth boundary. This area has not been considered for UGB expansion. If the area is considered for urbanization in the future, the reclaimed site could be available for development.

(Goal 15 applies to Willamette River communities and Goals 16-19 apply to coastal communities).

#### **PROGRAM TO ACHIEVE GOAL 5**

OAR 660-016-0010 based on the ESEE analysis, a jurisdiction must "develop a plan to achieve the Goal." A jurisdiction is expected to resolve conflicts in any one of the following three ways.

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

**(2) Allow Conflicting Uses Fully:** If the ESEE analysis determines that a conflicting use is sufficiently important relative to the resource site, the conflicting use must be allowed fully regardless of the impact on the resource site.

**(3) Limit Conflicting Uses:** If the resource site and conflicting uses are both important relative to each other, the conflicting uses can be allowed in a limited way in order to protect the resource site to a limited extent. The jurisdiction must designate with  
uses and activities are to be allowed fully, which are not to be allowed  
jurisdiction must also designate  
permitted and conditional uses

and activities. These standards and limitations must be specific enough that affected property owners can clearly understand them.

#### **LEGAL CRITERIA FOR COMPREHENSIVE PLAN AMENDMENT**

**CROOK COUNTY CODE:** Chapter 18.160 of the Crook County Code contains requirements for Comprehensive Plan and Land Use Regulation amendments. CCC 18.168.050 states that the Commission is to hold at least one public hearing on a proposed Comprehensive Plan amendment, and is to issue a written recommendation to the County Court within 20 working days.

#### **CROOK COUNTY COMPREHENSIVE PLAN:**

**Relevant sections of the Crook County - Prineville Area Comprehensive Plan include the Goal 5 Mineral and Aggregate Amendments, Emergency Ordinance No. 51 amending the Comprehensive Plan policies for mineral and aggregate, and pages 25-27, 42-49, 152-164, and 178-200.**

As revised by Emergency Ordinance No. 51, adopted by the Crook County Court on September 16, 1991, the Crook County Comprehensive Plan sets forth requirements for placing mineral and aggregate sites and expansions of existing sites on the Inventory of Mineral and Aggregate Resources.

Policy (7) under Crook County's Mineral and Aggregate Goal states that 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 the location, quality and quantity of the mineral and aggregate resource, and the site is added by amendment to the Comprehensive Plan;
- (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.

Policy (13) states that as part of an 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.

### **ANALYSIS – COMPREHENSIVE PLAN AMENDMENT**

**(1) Should the proposed expansion area be included on the Inventory of aggregate sites, in accordance with OAR 660-016-0000?**

The location, quality and quantity of the resource are described in the Goal 5 Inventory section of the application, along with the maps, and test results submitted by the applicant. The report submitted by the applicant states that over 1.2 million cubic yards of sand and gravel are present on the site. Over 800,000 cubic yards will meet ODOT specifications for Portland Cement Concrete aggregates. The remaining 400,000 cubic yards of oversize aggregate would be suitable for drain rock or multiple crushed rock products. Because the material meets ODOT standards, the material on the site appears to meet the quality requirements for the Goal 5 inventory.

On the basis of the above, adequate information is available on location, quality, and quantity of the resource, and that the quantity and quality of the resource are significant.

Option (c) under OAR 660-016-0000(2), **Include on Inventory**, could be chosen.

**(2) What is the size of the impact area which should be evaluated for the expansion?**

The applicant proposes an impact area including parcels within 500 feet of the property boundaries. This is consistent with language in the comprehensive plan. The Planning Commission could recommend a larger impact area that might bring in residences to the northwest of the proposed mine site.

On the basis of the above, it appears that the 500 foot impact area delineated by the applicant covers the areas likely to be significantly impacted by the proposed expansion.

**(3) Are there existing conflicting uses in the impact area of the proposed site?**

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

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

Option 1 – Protect the Resource Site

Option 2 – Allow the conflicting uses fully regardless of impact to the resource.



Option (3) would involve placing sufficient limitations on conflicting uses to permit the proposed use to operate under some limitations.

The situation here is relatively unique because the subject property is zoned for both heavy industrial uses and exclusive farm use. The industrial zone allows mining as an outright permitted use. The subject property is in an area with existing industrial uses and there are relatively few residences on adjacent exclusive farm use zoned properties. There is no much likelihood of additional residential development in the area. The applicant has proposed methods to minimize and mitigate impacts to conflicting uses and these limits would allow the mine to operate while limiting impacts to adjacent uses.

While the site qualifies as "1C," a significant resource site, for inventory purposes, based on location, quality and quantity information, after considering the ESEE analysis and balancing conflicting uses, the Planning Commission and the applicant recommend that the site be classified as "3C," a significant resource site but one where the resource site and conflicting uses are both important and need to be balanced. The Planning Commission recommends conditions on the mining operation to limit impacts to conflicting uses (See the decision for 217-15-000115-PLNG).