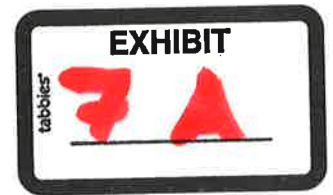


Adam and Karen Mikulski
3992 NW Stahancyk Lane, Prineville, OR 97754
7/21/2021



CROOK COUNTY
JUL 21 2021
PLANNING DEPT

To: Crook County Planning Commission
Re: Robert and Lani Vanier (Owners/applicants) Record 217-21-000436-PLNG

We are opposed to the mining of the Vanier property.

Issues raised during the permitting of the Woodward Pit were not mitigated during the five years of operation at this site. Dust, noise, and weeds have been and still are issues. The CUP was not followed for every requirement.

We have provided the original CUP with responses and pictures detailing the issues. If issues were not mitigated for the Woodward Pit, how will it be different for the Vanier property? The proposed CUP needs to include language addressing enforcement of CUP requirements. Dust, noise and weeds will always be issues at any mining site. Mining in a residential/farm community will always have negative impacts on surrounding properties including property devaluation.

We are also providing responses to the Vanier proposed CUP. It is included in the zip drive.

Adam and Karen Mikulski
3992 NW Stahancyk Lane, Prineville, OR 97754
7/21/2021



Re: Robert and Lani Vanier (Owners/Applicants) Record Number 217-21-000436-PLNG

Conditional Use Application:

18.144.050 Approved Procedures

Page 12 (vi) - Need detail provided on the size of cells and when reclaiming and planting is required. Even though the Woodward CUP addressed this in detail, it was not followed.

Page 13 (x) Security Plan - Vegetated berm needs to define what "vegetated" means. The berms need to be planted with grass, watered and maintained. This would include weed control.

(xi) Weed Control - A detailed weed control plan needs to be submitted. Weeds are currently an issue at the Woodward site.

18.144.60 Development Standards

(3) Access - Hauling mined material to the processing site will need to travel quite a distance from the Vanier property to the Woodward processing site. A road system needs to be installed with a dust control surface that does not produce any dust when used by equipment. Heavy equipment hauling material currently at the Woodward site is producing dust even though a water truck is being used.

(5) Screening Berms - A detailed agreement needs to be developed to have the berms planted with grass and maintained to prevent dust and weeds.

(8) Hours of Operation - No Saturday work. Need to add that sunrise and sunset times will be followed if they are shorter than the regular work hours. This was not followed until complaints were made.

(10) Surface and Groundwater Management - Will there be constant dewatering during all mining operations? Wells in the area have been listed as possibly being affected by dewatering and mining. Provide a mitigation plan when well issues are encountered.

(13) Noxious Weeds - A detailed weed plan needs to be developed with adherence protocol. Weeds continue to be an issue at the Woodward site.

CROOK COUNTY
JUL 21 2021
PLANNING DEPT

18.160.020 General Conditions

(1) The applicant needs to impose conditions of approval. Dust control is an issue. A condition needs to be imposed that when a wind speed is reached (that is to be determined), all work will stop.

18.160.050 Standards Governing Conditional Uses

vi - Rehabilitation of the land has not been followed at the Woodward site. A condition needs to be developed that details what is required to complete rehabilitation and what is the required outcome.

The following has not been addressed in the application:

There is an existing OID water line crossing the property that feeds irrigation water to us and our neighbors to the west. A mitigation plan needs to be developed to make sure that irrigation water is delivered to us and the neighbors with no disruption of water delivery and no additional expense to OID/Water users.



Adam and Karen Mikulski
3992 NW Stahancyk Ln.
Prineville, OR 97754

7/21/2021

Response to the Comprehensive Plan Amendment and Conditional Use Request
Record number 217-21-000436-PLNG



Final CUP for record number 217-15-000115-PLNG Woodward Pit.

The following issues were present during mining operations at this site. These issues need to be brought forward since the Vanier application is an extension of this current mining operation. All issues will be referenced to the final CUP with photos provided as evidence.

1. **Conditions Related to Traffic Impacts - Number 9 - Trips/day.** *The operation shall generate no more than 80 trips per day from the site (40 trucks incoming and 40 trucks outgoing).*

Our Response: This was amended to allow 160 trips a day, 80 in and 80 out. This was allowed because the operator stated they would not have to work Saturdays by allowing more trucks in and out during the week. The operator continued to work on some Saturdays. This will be further addressed under operating hours.

2. **Conditions Related to Mitigating Noise - Number 12 - Operating Hours.**

Our Response: Operating hours were not followed. They started earlier in the day and continued later into the evening than the agreed to timeline. No written notice was provided to the residences on Stahancyk nor the County that the hours needed to be extended. A complaint was filed with the Crook County Compliance Office and the operating hours were complied with as agreed to.

3. **Conditions Related to dust mitigation - Number 13 and 15.** *The applicant shall control all fugitive dust emissions associated with all operations (extractions, processing, and storage) on the site. The applicant shall control dust by applying water and by seeding and/or mulching exposed surfaces.*

Our Response: During extractions, dust was not controlled on an ongoing basis. Numerous calls at various times had to be made by us to the operator in order for water to be applied while extractions were taking place. Processing in the industrial lot/plant releases a lot of dust into the air; it swirls up and over the berm. The stockpile was never watered and still isn't, so dust is being emitted constantly when the wind blows. The dust has never been satisfactorily controlled since the start of the mining operation. More cells were exposed than agreed to in the CUP with no dust control measures being used. Dust is a

constant issue. You can walk across our lawn in the late afternoon raising a dust cloud with each step. Reference photos: 9167,9168,9491,9492, 9495,9594,9625,9633,9634,9635,9637,9638,9687,9691.

4. **Progressive South Side Berm.**

Our Response: The south side berm was not installed at the time it was agreed upon by both parties. The agreement was to install the farm lot berm prior to any mining being done past the property line that separates the heavy industrial lot from the farm lot. It was eventually completed after two meetings with the mine agent/operator.

Reference photos: 9391,9516.

5. **All Berms**

Our Response: The heavy industrial lot berm has grown nothing but weeds since installed. The southside farm berm has evergreens planted but they have limited growth due to lack of water. The dead ones have been replaced when it was brought to the operator's attention. One more has died but hasn't been replaced.

Reference photos: 9713,9718,9719,9720.

6. **Time of Mining - Minimizing Quality of Life Impacts - No more than 10 acres shall be disturbed by mining at any time.**

Our Response: This was not followed. Approximately 30 acres were disturbed last year. The overburden was replaced but nothing was planted before winter. It has not been replanted and is currently growing a crop of weeds. The last two cells are currently in the mining process. We would guess that there is close to 40 acres of dirt that is producing dust as the wind blows.

Reference photos: 9523,9524,9693,9696.

7. **Reclamation - Number 22.** *The site will be reclaimed concurrently with mining as cells are completed.*

Our Response: Three cells were open at one time last year. The dirt has been replaced but currently there are only weeds growing there.

8. **Groundwater Protection - Number 24 and 25. -**

24. *The site will not be dewatered.*

25. *If the applicant intends to dewater the site, it shall obtain relevant DOGAMI and DEQ permits.*

Our Response: The twenty or so acres located on the north part of the farm lot and west of the Vanier property line were dewatered during replacement of soil. There were no permits obtained.

9. **Weed Control.**

Our Response: Currently there are weeds growing on the berms and on all dirt that has been exposed. There is no weed control. Reference photos: 9709, 9714,9715,9716,9717.



**Crook County
Planning Department**
300 NE 3rd Street, Prineville, OR 97754
(541)447-8156
Fax (541)416-3905
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BEFORE THE CROOK COUNTY PLANNING COMMISSION
IN THE MATTER OF APPLICATION 217-15-000115-PLNG FOR SITE PLAN
APPROVAL IN A HEAVY INDUSTRIAL H-M ZONE AND CONDITIONAL USE APPROVAL IN AN
EXCLUSIVE FARM USE ZONE (EFU-2).

FINAL DECISION

DATE: September 24, 2015

APPLICATION NO.: 217-15-000115-PLNG

APPLICANT/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

APPLICANT'S REQUEST: The applicant has requested that the County amend the Crook County Comprehensive Plan to add a 99.5 acre area to the County's inventory of significant mineral and aggregate resource sites and, by adopting the site specific ESEE (Economic, Social, Environment, and Energy) analysis, to allow mining activities on the subject property. 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).

The applicant is requesting a conditional use permit for aggregate mining within the portion of the property zoned for Exclusive Farm Use (EFU-2) and for a site plan approval for aggregate mining and processing within the Heavy Industrial (H-M) zone.

The applicant proposes phasing in mining to allow continued use of the property for agricultural production and the existing sawmill. The EFU-zoned property will be reclaimed for agricultural use. The H-M zoned property will be reclaimed for industrial use.

APPLICATION RECEIVED: May 6, 2015

APPLICATION DEEMED COMPLETE: June 1, 2015

PUBLIC NOTICE: June 5, 2015

PROPERTY OWNER NOTICE: June 3, 2015

HEARING DATES: June 24, 2015 and August 12, 2015

THE ABOVE ENTITLED MATTER came before the Crook County Planning Commission at its regular meetings on June 24, 2015 and August 12, 2015. The public hearing was closed after the August 12, 2015 meeting. The Planning Commission deliberated on the application at the September 9, 2015 and September 23, 2015 meetings. After consideration of the staff report, findings, facts and testimony, the application received 4 votes in favor and 2 votes opposed from the Planning Commission members present.

FINAL DECISION: Approved subject to conditions X
Denied _____

The approval is contingent upon the Crook County Court adopting an ordinance to place the site on the comprehensive plan inventory of significant aggregate resource sites and to adopt the site specific ESEE (Economic, Social, Environment, and Energy) Analysis. The applicant has requested that the significant aggregate resource be designated as a "3C" site under the Crook County Comprehensive Plan and that the conflicts between the aggregate resource use and surrounding activities can be balanced with clear and objective conditions related to development of the aggregate site.

The applicant's request to conduct mining extraction and water storage on tax lot 703, the property zoned EFU-2 and to conduct extraction and processing activities on tax lot 702, zoned for heavy industrial use is granted subject to the following conditions of approval.

I. CONDITIONS AND REQUIREMENTS

1. Mining operations and facilities (e.g., processing, pond area, stock pile, berms) will be located as shown on the site plan submitted by the applicant for the August 12, 2015 public hearing and included as Attachment A to this document. Any modification to the site plan will require review and approval by the Crook County Community Development Department.

General conditions on the proposed mine site

2. Activities on the property zoned for exclusive farm use (tax lot 703) will be limited to sand and gravel extraction and water storage only. No processing will be allowed on this portion of the subject property zoned for exclusive farm use.
3. All processing activities will be on the part of the site zoned for industrial use (tax lot 702) and will be located more than 500 feet from existing residences.
4. **Processing Plant Location**
The aggregate processing plant shall be located within the area shown on the site plan (Attachment A) with the exception of the final phase of mining the aggregate beneath the processing plant. At that time, the processing plant will be relocated within the portion of the site zoned for industrial use (tax lot 702) until all the aggregate is exhausted. The concrete batch plant, if needed, will be located west of the processing area as indicated on the site plan.
5. **Mining Setbacks**
The aggregate operator shall adhere to the following property line setbacks.

- a. Within the industrial-zoned lot (tax lot 702), mining shall not extend closer than fifty (50) feet from the property line adjacent to Stahancyk Lane. The setback area can be used for the proposed screening berm.
 - b. Within the EFU2-zoned lot (tax lot 703), mining shall not extend closer than one hundred (100) feet from the property line adjacent to Stahancyk Lane. The setback area can be used for the proposed screening berm. (The limits in Crook County Code 18.144 requiring 100 feet setbacks only apply to resources zones like the EFU-2 zone).
 - c. Within the EFU2-zoned lot (tax lot 703), mining shall not extend closer than one hundred (100) feet from the eastern property line adjacent to property described on the Crook County Assessor's map as T14 R15 Section 14, tax lot 103, unless the aggregate operator provides a letter signed by the owner of the adjacent lot 103 indicating his/her willingness to allow a fifty foot setback. Such letter shall be provided to the Crook County Planning Department prior to encroaching closer than one hundred feet of the property line. If a screening berm is necessary it shall be placed within the setback area. (No berm is currently proposed because this side of the property abuts property used solely for agricultural purposes).
 - d. Within the EFU2-zoned lot (tax lot 703), mining may extend to the property line shared with tax lot 701 to the north, described on the Crook County Assessor's map as T14 R15 Section 14 Tax lot 701, as the owner of tax lot 701 has indicated acceptance of that condition.
 - e. Mining shall not extend closer than one hundred (100) feet to the adjacent tax lot 700, described on the Crook County Assessor's map as T14 R15 Section 14, tax lot 700 or to Elliott Lane, both of which are west of the Woodward Site.
6. **Mining Depth.** The aggregate mining on the Woodward Site shall be no greater than twenty (20) feet below the pre-mining ground surface.
 7. **Water Supply.** The applicant will submit documentation that an agreement has been reached with the Ochoco Irrigation District to provide industrial water for mining operations including processing of aggregate material prior to beginning any operations on the site.

Conditions Related to Traffic Impacts

8. **Access.** The aggregate operator at the Woodward Site shall not allow its trucks or its contractors trucks to utilize Stahancyk Lane to travel east from the site's ingress/egress location unless it is for a local delivery to be accessed via Stahancyk Lane and then north on Lamonta Road. Access to the site will be from the south side of the property on Stahancyk Lane as illustrated in the site plan (Attachment A).
9. **Trips/day.** The operation shall generate no more than 80 trips per day from the site (40 trucks incoming and 40 trucks outgoing). The mining operator shall make trip logs available to the Community Development Department upon request.

10. Safety

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

11. School bus pick up and drop off

No trucks shall leave or enter the site between 7 minutes before and 7 minutes after the scheduled Crook County School District bus pickup and drop-off times for NW Elliott Lane (Currently scheduled at 6:31 a.m. and 3:37 p.m. for the 2015-2016 school year.)

Conditions Related to Mitigating Noise

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

12. Operating Hours.

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.

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.

Operating hours shall be Saturdays from 8:00 a.m. to 5:00 p.m.

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

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

Conditions Related to dust mitigation

13. The applicant shall control all fugitive dust emissions associated with all operations (extraction, processing, and storage) on the site. The applicant shall control dust by applying water and by seeding and/or mulching exposed soil surfaces.

14. A contact person representing the aggregate operator shall be named and all appropriate contact information shall be provided to a neighbor that requests such information so that the aggregate operator can be contacted if dust is being released.

15. The applicant shall submit a dust management plan to, and obtain the required permits from, the appropriate state agency (Department of Geology and Mineral Industries and/or Department of Environmental Quality).

Concrete Batch plant

A mobile concrete batch plant is allowed in the Heavy Industrial part of the property per Crook County Code.

16. The batch plant must have a valid air quality permit issued by the Oregon Department of Environmental Quality (DEQ) and must meet all air quality requirements of DEQ, the Department of Geology and Mineral Industries and any other federal, state and local agencies.
17. The batch plant will be in the location shown on the site plan (Attachment A).
18. The batch plant will be subject to the same operating hours as for extraction, hauling and processing set forth in #12 of the conditions of approval.

Lights

19. If lights are installed on the site, they shall be directed downward and in a manner to not affect adjacent homes and shall be designed to not negatively impact drivers on adjacent roads.

20. **Berms**

Screening Berm

The screening berm surrounding the proposed Mining Area will be constructed in accordance with the following conditions (the "Screening Plan").

a. Initial Mine development – This period will include the following screening berms.

i. Northwest Side Berm – A berm will be constructed within the setback along the western edge of the Woodward Site and north of the active mill area. This berm will be a minimum of 8 feet high with slopes no steeper than 2:1 (Horizontal:Vertical).

ii. South Industrial Lot Berm – A berm will be constructed parallel to Stahancyk Lane within Lot 702 that will be a minimum of 20 feet high with slopes no steeper than 2:1 (Horizontal:Vertical). The southern edge of this berm will lie on the northern edge of the OID easement for its pipeline (20 feet from the property line). The aggregate will be extracted between 50 and 100 feet from the property line and then backfilled prior to building this berm so that the berm does not overlay the aggregate resource and will remain in place until final reclamation.

iii. East Industrial Lot Berm – A berm will be constructed on the eastern side of Lot 702 during development of the designated processing area. This berm will be constructed to a height that is at least 20 feet above the original grade. Prior to constructing this berm, the aggregate resource will be extracted from beneath the area and then backfilled. This will enable the berm to remain in place until final reclamation.

iv. South Farm Lot Berm – A berm 5 feet high with slopes no steeper than 2:1 (Horizontal:Vertical) will be constructed along the north edge of the OLD water line easement along the south side of the EFU2-zoned tax lot 703 parallel to Stahancyk Lane.

Progressive South Side Berm – As mining progresses across the site, a berm will be added to the north side of the South Farm Lot Berm to a height based on conversations with the landowners on Stahancyk Lane across from this area. The maximum height for this berm will be 15 feet with slopes no steeper than 2:1 (Horizontal:Vertical). The designated height may vary across this area and it will merge into the South Farm Lot Berm at a height of about 5 feet without damaging the trees planted there. A letter will be submitted by the Aggregate Operator to Crook County Planning Department for the permit record prior to completing any section of this berm indicating acceptance by the immediately adjacent property owners across Stahancyk Lane. of the proposed height if greater than 5 feet above original elevation. The Aggregate Operator may proceed with the construction of this berm up to the 5 feet height without such acceptance. This berm will be removed during final reclamation

East and North Side Berm – The Aggregate Operator will construct berms to a height no greater than 20 feet above the original elevation at its sole discretion within the setbacks on the east and north sides of tax lot 703. Such berms will have slopes no steeper than 2:1 (Horizontal:Vertical).

West Mill Site Berm – A berm will be constructed within the setback along the western edge of the active mill area within the Woodward Site if and when the mining progresses to within 1,000 feet from the western property line of the Woodward Site (except for within the proposed batch plant area). This berm will be a minimum of 8 feet high with slopes no steeper than 2:1 (Horizontal:Vertical).

South Mill Site Berm – A berm will be constructed within the setback along the southern edge of the active mill area within the Woodward Site if and when the mining progresses to the west across the current active mill site (except for the ingress/egress area and within the proposed batch plant area). This berm will be a minimum of 8 feet high with slopes no steeper than 2:1 (Horizontal:Vertical). Provided, however, and at the written request of the owners of property designated on the Crook County Assessor's map as T 14 R 15 Section 14, tax lot 700, a berm shall be constructed parallel to, and of the same length as, the residential building, at a height of up to 15 feet with a slope of 2:1 (Horizontal:Vertical).

All berms will be hydro-seeded upon completion and will be irrigated to maintain the planted vegetation. The vegetation will be maintained to prevent the growth and spread of noxious weeds and foxtail. The top of the South Farm Lot Berm will be planted when constructed with evergreen trees (Austrian Pine) 6-8 feet high spaced 20 feet apart. Trees that die will be replaced with a similar sized tree as available. Livestock will not be permitted on the screening berms.

All berms constructed on the Woodward Site will be incorporated into the site reclamation upon completion of mining. No berms will remain around the site.

Timing of Mining – Minimizing Quality of Life Impacts

21. **No more than 10 acres of ground shall be disturbed by mining at any time.** The 'disturbed area' refers to the active mining and reclamation cells and does not include the processing and stockpile area, the temporary ponds, the existing mill operations, or the berm area.

Reclamation

22. The site will be reclaimed concurrently with mining as cells are completed.
23. All reclamation **activities will be subject to a reclamation plan approved by the Department of Geology and Mineral Industries.**

Groundwater Protection

The aggregate operator acknowledges that groundwater may be encountered in the mining of the area in lot 703 that is east of the industrial lot 702, and hereby agrees to the following measures to demonstrate protection of the groundwater resource.

24. The site will not be dewatered.
25. If the applicant intends to dewater the site, it shall obtain relevant DOGAMI and DEQ permits. The applicant shall also, at its expense and assuming neighbor permission, have well water reports performed by an independent expert at the five wells (other than the applicant's well and any wells in the neighboring HM-zoned properties) nearest to the Woodward site, including two to the South (on Stahancyk), one to the West (on Elliot), one to the Northwest (on Puckett) and one directly to the North. Such well water reports shall serve as a "base-line" against which possible future changes in water quality can be assessed. A copy of the well report shall be provided by the applicant to the well owner.
26. All mining ponds will be backfilled with material sourced on the site, except that sediment from the settling ponds will not be placed within the water of any mining ponds.
27. All equipment and trucks operating near exposed water will be inspected daily for possible oil leaks and repaired, if necessary, prior to use. A spill kit for containing hydrocarbon releases will be kept with the equipment operating near exposed water should it be needed.
28. The existing water well on the mill site must not be used for aggregate washing operations, but it can be used for irrigation on the berm and aggregate stockpiles if needed.

Mosquitos

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

Weed Control

30. The applicant will submit annual weed control reports as required by Crook County Code.

Industrial Land Partition

31. Crook County Code 18.72.030(2) (Heavy Industrial Zone) states that " No use permitted under the provisions of this chapter that generates more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall be permitted to locate on a lot adjacent to or across the street from a residential lot in a duly platted subdivision, or a lot in a residential zone."

The applicant shall partition a one-half acre parcel from tax lot 702 to buffer the residential-zoned property designated by the Crook County Assessor's map as T14 R 15 Section 15D, tax lot 700. No mining, processing or storage shall occur on the one-half acre segment. The partition plat shall be recorded before mining operations commence.

II. DESCRIPTION OF PROPOSED USE:

The applicant proposes to mine the aggregate material that underlies the subject property. The property is zoned heavy industrial (36 acres – site of the current Prineville sawmill) and exclusive farm use (76.08 acres), used for grazing and hay production. If approved, the mining will be conducted in phases across the property, allowing the mill and agricultural uses to continue. All processing will be conducted on the industrial zoned lot with extraction and water storage only to occur on the tax lot zoned for exclusive farm use.

III. BACKGROUND:

The Planning Commission held two public hearings on the proposed application and received written and verbal testimony from adjacent property owners, interested community members and public agencies, including the Ochoco Irrigation District. Key issues raised included concerns about water quality, the availability of water for mining and reclamation, dust and air quality, potential impacts of dust on agricultural production, decreases in the value of adjacent residential properties, mosquitos associated with the water storage pond, safety issues associated with increased truck traffic, noise and general comments on potential negative impacts associated with aggregate mining.

The applicant has successfully completed the pre-requisites for applying for a mining operation (217-15-000114-PLNG) including:

1. Requesting an amendment to the Crook County Comprehensive Plan placing the subject property on the Comprehensive Plan inventory for significant mineral resource sites;
2. Requesting that the Planning Commission recommend that the County Court adopt the ESEE

analysis to allow for mining activities, and;

3. Requesting that the Planning Commission recommend that the County Court designate the site as a 3C site on the Comprehensive Plan inventory for significant mineral resources.

Aggregate mining is an outright permitted use in the H-M, Heavy Industrial zone subject to the requirements of Crook County Code 18.72 but requires a conditional use permit in an exclusive farm use zone (Crook County Code 18.20 and 18.144).

IV. SITE PLAN APPROVAL CRITERIA FOR INDUSTRIAL USES:

Many of the criteria in Crook County Code were addressed in staff report I (June 17, 2015) and II (August 5, 2015). Criteria are in standard font and findings are in bold/italics.

A. 18.72.010 Use Permitted Outright:

In an H-M zone, the following uses and their accessory uses are permitted outright, except as limited by CCC 18.72.030.

18.72.010 (19) Quarry, gravel pit, subsurface or surface mining, including crushing, screening and washing of extracted materials are uses permitted outright.

B. 18.72.030 Use Limitations:

In an H-M zone, the following limitations and standards shall apply to all permitted uses:

- (1) No use permitted under the provisions of this chapter that requires a lot area exceeding 9,000 square feet shall be permitted to locate adjacent to an existing residential lot in a duly platted subdivision or a lot in a residential zone.
- (2) No use permitted under the provisions of this chapter that generates more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall be permitted to locate on a lot adjacent to or across the street from a residential lot in a duly platted subdivision, or a lot in a residential zone.
- (3) No use permitted under the provision of this chapter shall be permitted that generates more than 20 automobile-truck trips during the busiest hour of the day to and from the premises unless served directly by an arterial or collector, or other improved street or road designed to serve the industrial use only and does not pass through adjacent residential uses in a duly platted subdivision or residential zone.
- (4) For any use permitted by this chapter on a lot adjacent to or across the street from a residential use or lot in a residential zone, there shall not be any odor, dust, fumes, glare, flashing lights, noise, or other similar types of possible nuisances which are perceptible (without instruments) more than 200 feet in the direction of the affected residential use or lot in a residential zone.

There is an existing industrial use (sawmill) on tax lot 702, the industrial property that is adjacent to the 0.47 acre residential lot. This is the only residentially zoned property adjacent to the proposed use. There is no dwelling on the property and much of the 0.47 acres is used as an access road for adjacent EFU-zoned property.

The proposed use will generate more than 30 truck trips per day. A proposed condition of approval would require the applicant to partition off a small parcel to buffer the existing residential lot from the truck traffic. Truck traffic will enter and exit the site from Stahancyk Lane, not Elliot Lane near the residentially zoned lot. The proposed use will not generate 20 truck trips during the busiest hour of the day. Dust and noise will be present and managed on-site and will have minimal impacts on the residentially zoned lot.

(5) All parking demand created by any use permitted by this chapter shall be accommodated on the subject premises entirely off street.

(6) No use permitted by this chapter shall require the backing of traffic onto a public or private street or road right-of-way to accommodate ingress or egress to any use on the premises thereof.

(7) There shall not be more than one ingress and one egress from properties accommodating uses permitted by this chapter per each 300 feet of street frontage or fraction thereof. If necessary to meet this requirement, permitted uses shall provide for shared ingress and egress.

All vehicles will be parked on site. The subject property is large enough to manage traffic and parking on-site in order to meet this requirement. Ingress to and egress from the site will be from Stahancyk Lane.

(8) All uses permitted by this chapter shall be screened from abutting residential uses in residential zones by densely planted trees and shrubs or sight-obscuring fencing.

There are no residential uses in residential zones that are directly adjacent to the site. There will be berms to screen residences on EFU-zoned properties.

(9) No use shall be permitted which has been declared a nuisance by statute or action of the county or by a court of competent jurisdiction; and, for uses requiring contaminant discharge permits, no such use shall be approved by the commission prior to review by the applicable permit reviewing authority nor shall such uses be permitted adjacent to or across the street from a residential use or lot in a duly platted subdivision or residential zone.

No contaminant will be discharged during the day to day operations on this site. The applicant states that all of the above requirements will be met.

C. 18.72.070 Site Design:

In an H-M zone, the site design of any permitted use shall make the most effective use reasonably possible of the site topography, existing landscaping and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading and storage areas from public ways and neighboring residential uses, and to minimize intrusion into the character of existing developments and land uses in the immediate vicinity of the proposed use.

The applicant proposes to use vegetated berms to screen adjacent properties and the public from the mining operation.

D. 18.72.080 Site and Use Criteria:

In the consideration of an application for a proposed use in an H-M zone, the commission shall take into account the impact of the proposed use on nearby residential and commercial uses, on resource-carrying capacities, on the capacity of transportation and other public facilities and services, and on the appearance of the proposal. In approving a proposed use, the commission shall find that:

(1) Proposal is in compliance with the comprehensive plan.

(2) Proposal is in compliance with the intent and provisions of this title and more particularly with this chapter.

(3) That economic and environmental considerations are in balance.

(4) That any social, economical, physical or environmental impacts are minimized.

The applicant has provided a site-specific ESEE analysis as part of the request for a comprehensive plan amendment. The applicant has proposed screening, limits on operations and an operating plan designed to minimize impacts. Reclamation of the site will help mitigate impacts associated with the mining operation.

SUPPLEMENTAL CRITERIA, CHAPTER 18.144, AGGREGATE RESOURCE SITES:

The provisions of chapter 18.144 apply to resource zones (e.g., Crook County's EFU zones). These criteria were discussed in detail in Staff report I (June 17).

A. 18.144.040 Approval and Review Criteria:

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

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

Comprehensive Plan Amendment 217-15-000114-PLNG requests that the subject site be included as a Goal 5 Resource Site on the Goal 5 Inventory. A geotechnical site evaluation has been completed for the site which indicates that it offers a large quantity of high quality crushable basalt in a readily accessible topographic location.

(b) The proposed use must be consistent with the applicable ESEE analysis and conditions contained in the comprehensive plan. In the event conditions imposed on the mining use by the comprehensive plan to mitigate mining impacts on specific conflicting uses are less restrictive than conditions necessary to address these same impacts under the standards of this section, the conditions imposed by the comprehensive plan control;

See ESEE analysis description in Staff report I and public comments in Staff report II.

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

Mining of the existing EFU-zoned parcel will be phased in so much of the subject property will continue in agricultural production throughout the mining operation. There was some public testimony that there might be impacts on adjacent farms associated with dust from the proposed mine site but there was no specific information that the operation would force a significant change in accepted farm practices on surrounding land. The EFU-zoned property will be reclaimed for agricultural activities.

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

No specific information was provided to show that mining operations would significantly increase the cost of accepted farm practices on surrounding lands devoted to farm use.

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

The applicant's operations will generate approximately up to 80 truck trips per day or less on

average. Traffic will generally use Stahancyk Lane to access Elliot Lane and Highway 26. The Oregon Department of Transportation provided a letter stating that there is existing capacity to accommodate increased truck traffic at the intersection of Elliott Lane and Highway 26 .

The applicant will enter into an agreement with the Ochoco Irrigation District to procure industrial water for mining operations. There are existing water rights on the EFU-zoned property that will be used for reclamation and on-going agricultural production.

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

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

Conditions of approval are included at the beginning of this document.

B. 18.144.050 Approval Procedures:

This section of the Crook County code outlines the requirements for a complete application and includes requirements for specific site plans and maps, water management and reclamation plans, landscaping plans, and security measures.

These were described in staff report I (June 17 on pages 18 – 21)

C. 18.144.060 Development Standards:

These standards establish set back requirements for processing activities and material storage. They also describe requirements for berms, operating hours and screening.

These procedures were summarized in Staff report I dated June 17, 2015. The staff report and attachments are incorporated herein by reference.

PUBLIC COMMENTS/TESTIMONY RECEIVED

Written notice was sent to agencies, organizations and property owners within 750' of the subject land use application. Written testimony was provided as is part of the record. Public comments were accepted at the June 24, 2015 and August 12, 2015 public hearings before the planning commission. These comments are summarized in approved minutes from those meetings.

Staff reports dated June 17, 2015, August 5, 2015 and September 2, 2015 and all attachments to those reports are incorporated by reference. Exhibit 2 (dated June 16, 2015) and Exhibit 14 (dated August 4, 2015) included in staff report dated August 5, 2015 and prepared and submitted by applicant's agent in response to various neighbor questions and comments are to be considered an integral part of the application.

The effective date of the conditional use approval is upon the County Court's adoption of the Ordinance amending the Goal 5 map and text in the County's Comprehensive Land Use plan to

add the subject property to the significant aggregate inventory.


W.R. Gowen, Commission Chairman

Oct. 23, 2015
Date


William Zelenka, Planning Director

10/23/2015
Date

NOTICE TO PERSONS PROVIDING TESTIMONY

The above approval may be appealed in writing to the Crook County Court no later than 4:00 p.m. on **November, 3rd, 2015 (twelve working days from the effective date of this approval, which is contingent upon the County Court's adoption of an ordinance amendment the Goal 5 map and text in the County's Comprehensive Land Use Plan to add the subject property to the significant aggregate resource inventory and to adopt the site-specific ESEE ANALYSIS)** on payment of an appeal fee of \$1850.00 + 20% of the initial application fee. The appellant must also provide transcripts of the relevant meeting tapes at the appellant's expense.

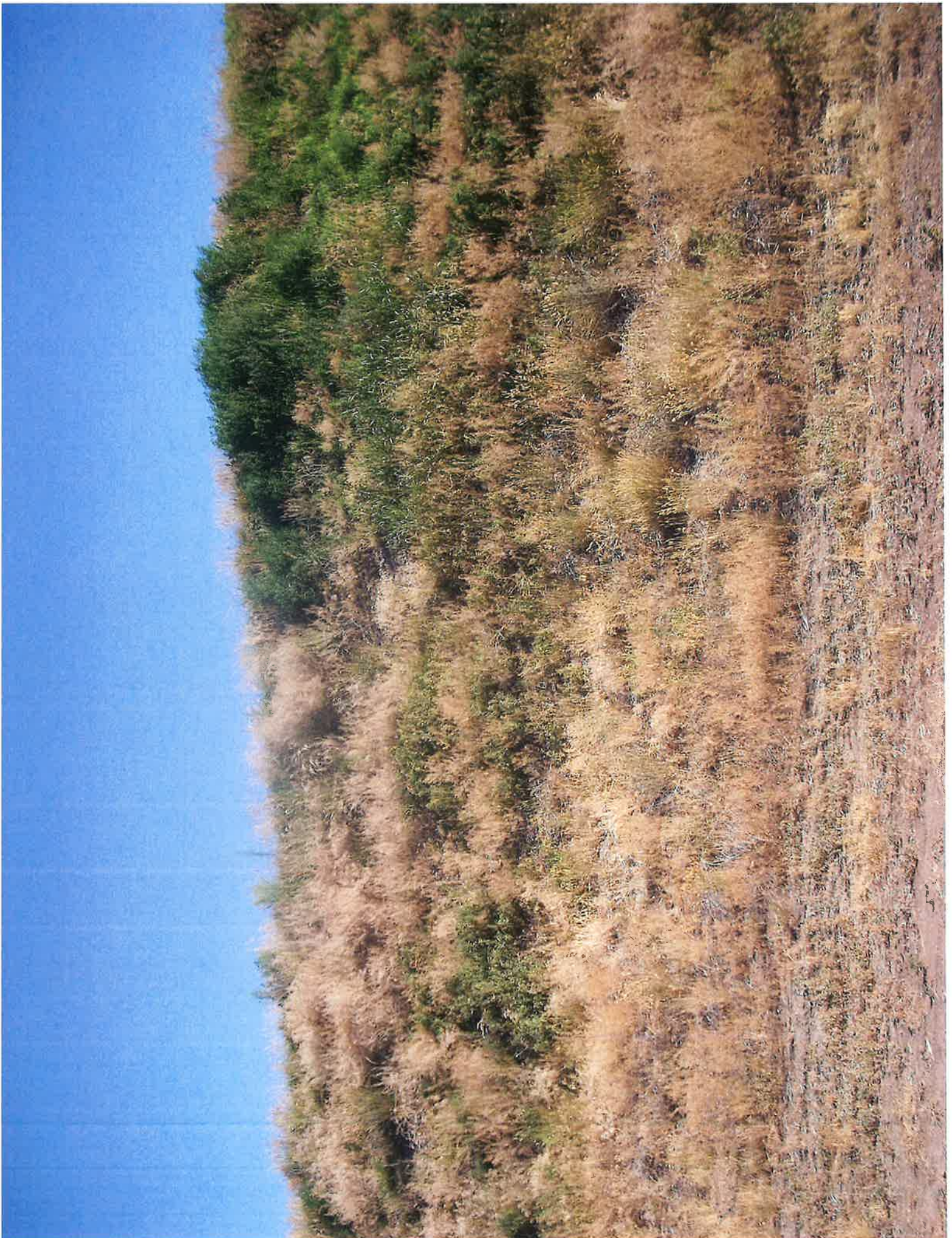
Appeals must be submitted to the Crook County Planning Department, 300 NE Third Street, Prineville, Oregon; and must be received, together with the appeal fee and advance deposit, by the Planning Department no later than the above time and date.

ATTACHMENTS

Attachment A – Applicant's site plan

tabbies®
EXHIBIT
7E





































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