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Sid Eves Testimony 2024

Crook County

NOV 12 2024

My name is Sid Eves. I live just north and west of the proposed expansion. My wife's family homesteaded here in the 40s when irrigation first came to the valley. Family has lived continuously on the property ever since.

Our family and neighbors have had to fight and defend our right not to have the nuisance of Of gravel pit out our front yard on the proposed site for nearly 60 years and the Crook county court has ruled in favor of the residents of the valley on at least three different occasions. Once in the 80s when Bob Coats tried to get a pit on the same piece of property and again in 2007 with Hegele when the no decision was appealed to LUBA and remanded back to the court which again upheld our right to not have a constant nuisance and eyesore out our front door.

We oppose having the comprehensive plan amended and ask to keep the prior findings of the court that the impact area is the entire Lone Pine Valley.

The applicant agreed to certain conditions and made statements as to how the site would be operated and did not follow any of the condition except for watering a row of trees The applicant told us that there would be no retail sales of product and would only be used for their own use. (page 6 & 8) That was not true. They had numerous ads on craigslist as well as other places, for the sale of their products and have a price list for their materials for residential delivery on the SAR web site.

The applicant told us there would be no new signs on the property. (page 16) That was not true. One of the first things they did was put up a sign that was not set back 10 feet from right of way. When a complaint was filed because the county code only allows one sign with a 10 foot setback on a property and this made two, the head of the planning department wrote them an exemption for a sign with a 10 foot setback. Still to this day that sign is not setback 10 feet.

The applicant said there would be no new lights on the property as they would not be working at night. (page 11 & 16) That is not true. There are at least two lights in the pit and street lights added along entry way. All added without permits or inspections. Many nights the lights are left on all night so even in the dark we get see the nuisance.

The applicant said there would be no new buildings. That is not true. There is a large shop they excavated for and built in front of the berm. No permits or inspections were issued for this building or the electrical work. (pit 2018 & 2020)

The applicant did not abide by the condition that there would be no work on weekends. They were working on multiple Saturdays including this past Saturday. (page 3)



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There were times when a cloud of dust covered nearly the whole east side of the valley while they were processing. There are also clouds of dust from trucks coming and going.

The single row of trees does nothing to reduce the noise coming from the amphitheater shaped pit. Most of the excavation takes place on the upper levels of the property well above the top of the trees. The noise bounces off the east side of the pit and does not roll down hill to the trees and miraculously disappear. The trees do not block the areas where the bulldozer and excavator work on the hillside. The majority of the year the trees hide nothing.

The applicant has not been mining and reclaiming the pit in two acre sections as he claims. (May 2024) For the past several years they have been traversing the entire site from north to south with bulldozers and excavators cutting into the side of the hill, sometimes creating large cavities and slides from the ground above. They only smoothed out the hillside in the past month or so. Just a couple of weeks ago a section of the road collapsed into the pit. They had to go up above the pit area and remove fill material from the hillside to repair the road.

The applicant states that the runoff water remains on site and drains to the east. Drains where? It soaks into the ground with whatever contaminates may or may not be carried with it from the disturbance of soils. The pit sits about 1 mile upstream from Knife River pit that is having concerns about possible ground water contamination. The Hegele pit sits at approximately the same elevation as the Knife River pit and sits above the same stream of water that runs the length of the valley and beyond.

I ask that you deny this expansion. Please uphold the courts prior decisions that the impact area is the entire Lone Pine valley. The applicants past behavior has proven they have no regard for the scenic value of the valley or the noise and dust nuisance they cause to others who live here. Nor do they have respect for the conditions the county imposes. It is not fair to ask that we continue to endure the reduced quality of livability and enjoyment of property just so they can make a dollar. Please do not put an expanded pit in view our front yard for another decade more. We would not do it to you, PLEASE do not do it to us!

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site (17 trucks outgoing and 17 trucks incoming). The mining operator shall make trip logs available to the Community Development Department upon request.

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 are intended to help minimize noise impacts.

6. Operating Hours.

a. The applicant shall operate the mine no more than 90 days (cumulative) in a calendar year. The calendar year will begin upon the applicants' 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 commission regarding the number of days of operation. The first report will be due one year from the effective date of the DOGAMI operating and reclamation permit.

b. 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.

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

Conditions Related to Dust Mitigation

7. 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, seeding and/or mulching exposed soil surfaces.

8. 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).

Lighting

9. No lighting will be allowed on the site without the approval of the Crook County Community Development Department.

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Warren asked where the trees are to be, and if seeding will be done.

Travis said that the trees are to be on the existing berm, and that seeding will be done on the slopes.

Bedortha asked what would be done with the berm at the time of reclamation.

Travis said that it would be left intact, with the trees. He said that the reclaimed area will be used for livestock, and that the berm will be used to control runoff.

Bedortha asked how times of mining can be monitored.

Beier commented that it is helpful to think in terms of phases – excavation, sorting and crushing, and movement. She said that hours of truck traffic could be limited.

Bedortha said that hours are now unrestricted. He said that excavation is the most intrusive phase of operation.

Beier said that the Commission should think about times of year for operations. She said that winter operations might be less intrusive.

Travis said that they would entertain conditions on times of operation during different seasons of the year.

Weberg asked if they had an attorney.

Travis said that they did not.

Weberg said that he did not want to override the Commission's 2008 decision concerning impacts on area residents. He said that the operation considered at that time would have impacted the entire Lone Pine Valley. He asked what is being changed now.

Travis said that the material proposed to be excavated now would be just for their own use.

Stec commented that this is a new application.

Gowen commented that the circumstances are now different. He said that many things have changed, and old concerns no longer apply.

Beier said that the application was accepted because it was sufficiently different from the previous one for the property.

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slope may be reshaped. The applicant has transferred one acre of water rights from another part of his property for the poplar trees and for reclamation. Issues raised in the past were dust, noise, and truck traffic. Some blasting, and onsite screening of gravel is proposed, but no washing of gravel. Neighbors should be notified in advance of any blasting, and the Community Development Department should also be notified.

Stec asked about rock quality.

Beier said that the rock on the site meets ODOT quality standards.

Travis Hegele, Heidi Kennedy, and Rocky Hegele offered testimony on behalf of the applicant. Travis Hegele stated that they are the applicant's children, and are active in his business. He explained their qualifications, and listed clients of the business. He said that the applicant relocated to the property in the 1990's, and obtained a Limited Exemption from DOGAMI for mining of aggregate for his own use. He said that the site has good deposits of 4 inch material. He said that the applicant has been leveling the ground on the site for several years, but was then required to obtain a Conditional Use Permit for mining.

Travis said that the applicant then started buying rock. He said that there is price-gouging in the business, and that many aggregate operations in the area are under out-of-state ownership which is not concerned about the local area. He said that government projects are bid 6-8 months in advance, but suppliers will guarantee prices for no more than 30 days, and often add fuel surcharges despite the declining cost of fuel. The applicant has decided to start a smaller quarry, which must meet DOGAMI requirements. Travis described the operation process. He said that the poplar trees are to be irrigated with a one-acre water right transferred from the applicant's horse pasture, and more water can be transferred. He said that the applicant will move his horse operation to the site when it has been reclaimed. Stormwater will be retained on the site. The applicant does not want a dust pit in his back yard, and violations would harm his business. There will be no retail sales of aggregate, or batch plants. All of the material mined will be used for the applicant's own projects. The operation will improve the site, and reduce problems with the applicant's livestock.

Rocky Hegele said that the rock will be used on the family's own projects. He said that they have a family business, which provides year-round employment. The proposed operation will not impact agriculture in the area.

Kennedy said that she had no comment at that time.

Gowen asked if they have a truck fleet.

Travis said that they have four trucks.

Bedortha asked if they were willing to work in two-acre cells, and limit daily truck traffic as conditions of approval.

(E) Sloping; and

(F) Security of vehicles and equipment.

No operations are to be conducted at night so no lighting will be placed on the site. The applicant states that the existing perimeter fence will be maintained around the project site.

There will be a gate at the end of the proposed haul road which will be closed and locked when the site is not in operation. This will keep vehicles and equipment secure. Due to the slope, the mining of the site will not create any depression or water impoundments. The applicant states that the existing site drainage to the east will be maintained over the altered landscape.

(xi) A noxious weed control plan, acceptable to the Crook County weed master, to control the spread of noxious weeds within and arising from the aggregate resource site. This plan must be implemented in accordance with ORS 569.380 through 569.400 and 569.445 through 569.450 and Chapter 8.24 CCC. (

The applicant has consulted with the County Weedmaster. A weed control plan, approved by the County Weedmaster, is required prior to approval of a conditional use permit to allow mining.

18.144.060 Development standards. Upon approval of a conditional mining use application, all the following standards apply:

(1) Mining activities shall be located and conducted at least

(a) One hundred feet from an existing noise or dust sensitive use, unless the owner of the residence or use signs and files an agreement which authorizes the mining to be conducted closer than 100 feet. In no case shall such mining be conducted closer than 50 feet of the boundary of an adjacent ownership.

The applicant states that all mining activities will be conducted more than 100 feet from any existing noise and dust sensitive use. The nearest residence is at least 1,800 feet from the proposed mining location.

(b) One hundred feet from a road not owned by the applicant and from the property line of the applicant unless that distance is not sufficient to protect the adjoining property from land movement, or the threat of land movement. In such cases, the setback shall be the minimum distance required by DOGAMI that will protect the adjoining property from movement or the threat of movement. This setback shall be reviewed and approved by DOGAMI prior to being approved by the hearing authority. In no case shall the setback be less than 100 feet.

The applicant will maintain at least a 100-foot setback from any nearby public road.

(2) Processing of resource material and the storage of equipment shall be at least 500 feet from an existing noise or dust sensitive use, unless the owner of the residence or use signs and files an agreement which authorizes the processing of resource material or storage of

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(6) Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or loading area.

According to the applicant, parking of equipment will be in the middle of the site and will be screened by the berm.

(7) Limiting or otherwise designating the number, size, location, height and lighting of signs.

No new signs will be placed on the property.

(8) Limiting the location and intensity of outdoor lighting and requiring its shielding.

No lighting will be placed on the site..

(9) Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.

The applicant is proposing a vegetated berm in front of the active mining area to screen the operation from nearby properties and to minimize noise and dust. Conditions of approval specify landscape requirements and maintenance.

(10) Designating the size, height, location and materials for a fence.

There is an existing fence on the site.

(11) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.

There is limited vegetation on the site and no identified water resources, wildlife habitat or other significant natural resources.

(12) Other conditions necessary to permit the development of the county in conformity with the intent and purpose of this title and the policies of the comprehensive plan.

The planning commission has included a list of conditions of approval to address concerns about impacts associated with mining activities.

18.160.050 Standards governing conditional uses

(9) Mining, Quarrying or Other Extraction Activity.

(a) Plans and specifications submitted to the planning director or planning commission for approval must contain sufficient information to allow the planning director or planning commission to consider and set standards pertaining to the following:

(i) The most appropriate use of the land.

The site has been added to Crook County's inventory of significant aggregate resource sites and it has been determined, based on the ESEE analysis that mining can occur with limits to minimize impacts to conflicting uses. The property will be reclaimed to allow agricultural uses.

ii) Setback from the property line.

The applicant states that mining of the site will be conducted in accordance with all applicable setbacks. The applicant will provide a 1,000 foot setback from all property

Pit 2018

Write a description for your map.

Legend

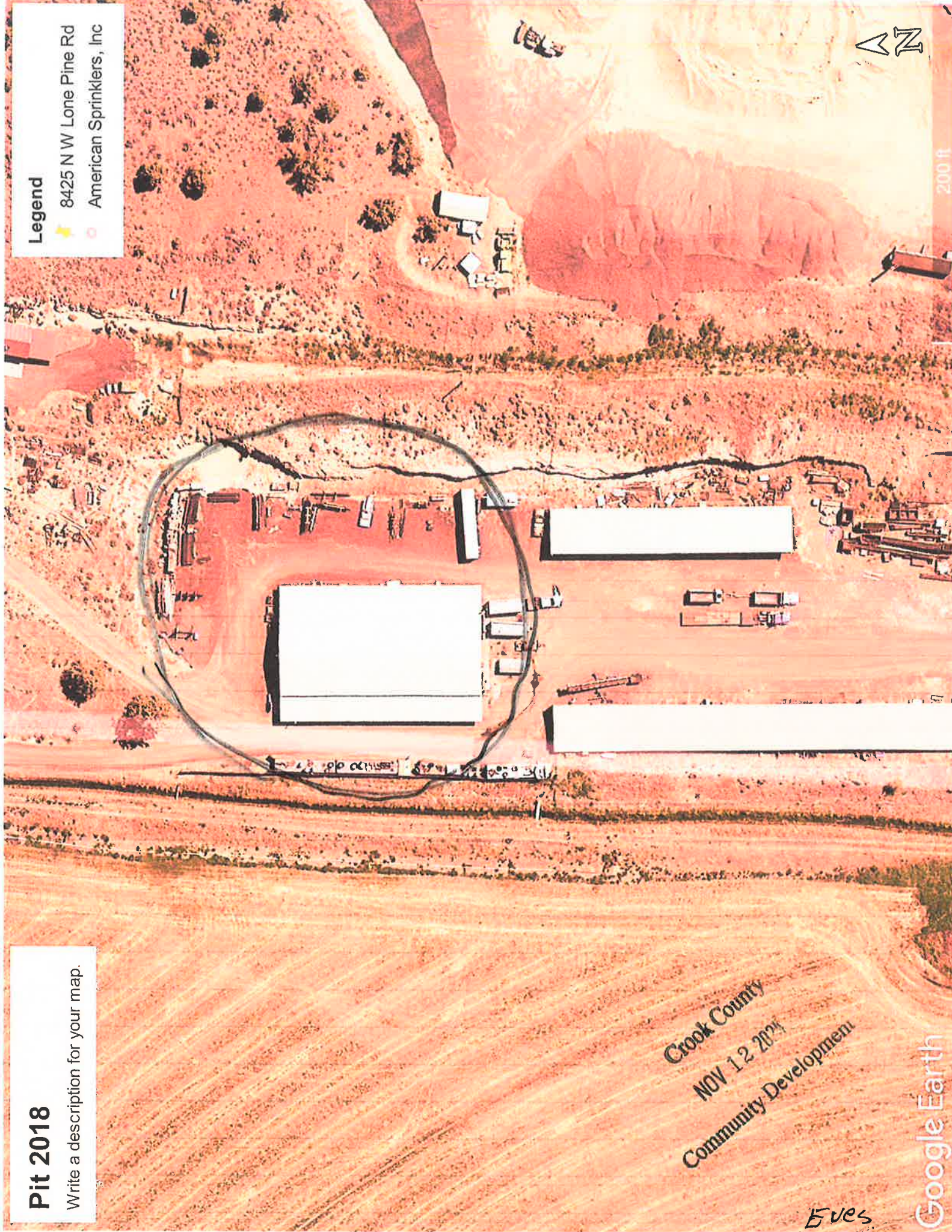
- 8425 N W Lone Pine Rd
- American Sprinklers, Inc

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Google Earth

200 ft

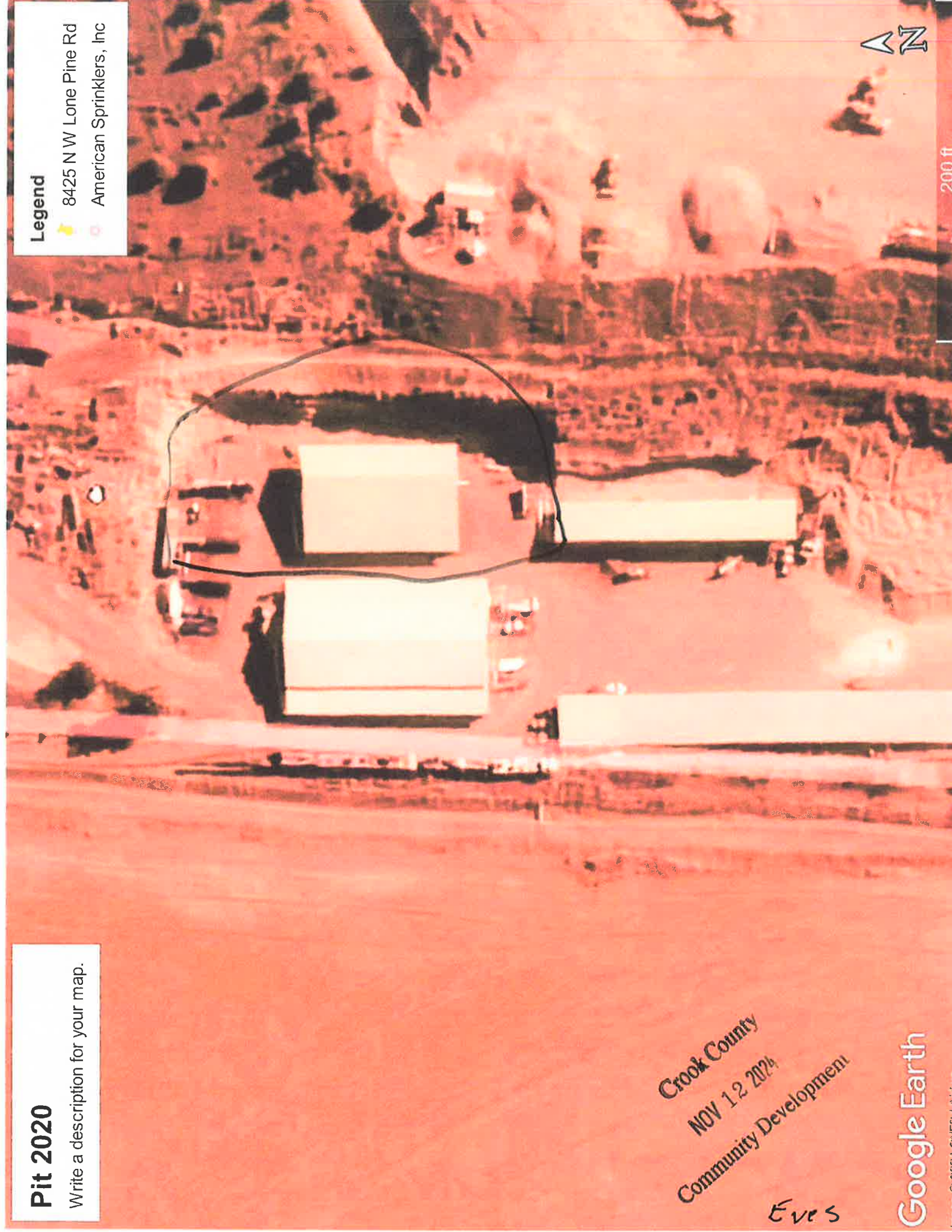


Pit 2020

Write a description for your map.

Legend

- 8425 N W Lone Pine Rd
- American Sprinklers, Inc



200 ft

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Image © 2024 CNES / Airbus

May 2024 image

Not reclaiming in 2 acre sections.

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Legend



8425 N W Lone Pine Rd



American Sprinklers, Inc



200 ft

Google Earth

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