



Crook County
Community Development Department
Planning Division
300 NE 3rd Street, Room 12
Prineville, OR 97754
(541)447-3211
plan@crookcountyor.gov

TO: Crook County Planning Commission
FROM: John Eisler, Community Development Director
DATE: April 8, 2025

SUBJECT: Hegele Conditional Use Permit, Record No. 217-24-00198-PLNG

The Crook County Planning Commission (PC) is convening for deliberations only for a conditional use permit (CUP) for aggregate mining, crushing, and stockpiling of aggregate and other subsurface material on 12.37 acres on Tax Lot 1414090000101.

Background

The Applicant, The Charles and Carleen Hegele Revocable Trust, submitted an application on August 2, 2024, which was processed concurrently with a Comprehensive Plan Amendment (217-24-000197-PLNG). The evidentiary hearing was heard by the PC on November 13, 2024. The PC moved to close the hearing on the CUP and re-notice it for deliberations only while continuing to consider the Comprehensive Plan Amendment.

The PC ultimately found there was enough evidence in the record to recommend to the Board of County Commissioners (the "Board") that the site be included in the County's Comprehensive Plan as a 3(c) site based on the quality and quantity and that any conditions be added to the staff report as part of the recommendation to the Board of County Commissioners.

The Comprehensive Plan Amendment

The Board considered the Comprehensive Plan Amendment at public hearings on March 11th and 25th, 2025. The Board adopted the PC's recommendation via Ordinance 349 with a slight modification, at the request of the applicant. The Ordinance was passed as an emergency and thus took immediate effect. The appeal period to LUBA ends on April 15, 2025.

The Board's modification concerned the Program to Achieve Goal 5's noise element. Specifically, the first sentence of the second paragraph. That sentence of the PC's noise element read:

As proposed by the Applicant, mining operations shall take place no more than 90 days (cumulative) in a calendar year.

As modified by the Board, that portion now reads:

As proposed by the Applicant, operations shall not exceed 300 total days in a calendar year. All mining operations other than loading and transporting materials off-site shall take place no more than 90 days (cumulative) in a calendar year.

In other words, outside of the 90 days per year for operations that include excavation and procession, the Applicant is limited to loading and transporting materials off-site. Other than that, the PC's recommendation was adopted in full.

Moving Forward

It is now time for the PC to deliberate on the consideration of Applicant's CUP. For a more detailed review, please reference the April 9, 2025 staff report. Broadly, the CUP application is now subject to our Aggregate Resources chapter, 18.144. "Notwithstanding any provisions in this title to the contrary, [the CUP] shall be allowed" if it meets the criteria in CCC 18.144.040. The site must be designated as a significant Goal 5 resource in the County's Comprehensive Plan and the proposed use must be consistent with the ESEE analysis in the program to achieve. CCC 18.144.040(1)(a)-(b). There are two important sections here:

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.

CCC 18.144.040(1)(b). And:

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.

CCC 18.144.040(3). In other words, the issues that were addressed in the Program to Achieve Goal 5 as part of the Comprehensive Plan amendment control and can only be modified by another amendment to the Comprehensive Plan. The items in the Program to Achieve Goal 5 will come become conditions of approval in the Applicant's CUP.

The PC's focus should be on satisfaction of the applicable criteria and the imposition of clear and objective conditions of approval relating to criteria not addressed in the Program to Achieve Goal 5.

///

New Evidence

Since the original staff report, the County has received four new exhibits:

- Exhibit 4: Written testimony from Sid Eves, describing multiple instances of the applicant not abiding by prior assurances made or conditions of the original approval.
- Exhibit 5: An email exchange submitted by the Applicant from Luke Brown to SAR Rock Products, listing the dates that crushing has taken place from 2017 to 2022.
- Exhibit 6: Submitted by the Applicant, containing photos from the years 2019, 2021, and 2022 of Applicant's hydroseeding.
- Exhibit 7: A November 12, 2024 email from staff to Side Eves regarding the number of days of operation of the Applicant and County records.