



**Crook County Community Development  
Planning Division**

300 NE 3<sup>rd</sup> Street, Room 12, Prineville Oregon 97754

541-447-3211

[plan@crookcountyor.gov](mailto:plan@crookcountyor.gov)

[www.co.crook.or.us](http://www.co.crook.or.us)

**FINAL DECISION  
CONDITIONAL USE  
217-24-000198-PLNG**

**I. INTRODUCTION**

**Date:** April 9, 2025

**Owner:** The Charles and Carleen Hegele Revocable Trust  
Carleen C. Hegele, Trustee  
7950 N. Lone Pine Rd  
Terrebonne, OR 97760

**Agent/Attorney:** Mark D. Shipman of Saalfeld Griggs PC  
PO Box 470  
Salem, OR 97308

**Subject Property:** Tax Lot: 1414090000101

**II. PROPOSAL**

Applicant requests a conditional use permit for aggregate mining, crushing, and stockpiling of aggregate and other subsurface material on 12.37-acres of the above referenced subject property.

**III. PROCEDURAL STATUS**

Concurrently with this Conditional Use Permit ("CUP") request, the Applicant submitted an application for a comprehensive plan amendment to add the approximate 12.37-acre portion of property identified as Tax Lot No. 1414090000101 to Crook County's inventory of Significant Mineral and Aggregate Sites ("Aggregate Inventory"). The Applicant submitted application on August 2, 2024. The application was deemed complete on August 30, 2024.

The Planning Commission held hearings for both the comprehensive plan amendment and conditional use requests on November 13, 2024. Newspaper notice of the first evidentiary hearing was published in the Central Oregonian on October 22, 2024. Neighbor notice of the first evidentiary hearing was mailed on October 24, 2024. The Planning Commission had the opportunity to visit the site on November 13, prior to the hearing. A notice of the site visit was mailed to neighbors on November 6, 2024.

The Planning Commission heard the comprehensive plan amendment and conditional use requests at the same time. The Commissioners unanimously approved a motion to close both public hearings and deliberate on the comprehensive plan amendment only and close the hearing on the conditional use permit, asking staff to re-notice the conditional use deliberations for a date and time certain after the comprehensive plan amendment went through the Board of County Commissioners. The Commissioners then unanimously approved a motion that the Planning Commission found there was enough evidence on the findings of fact and materials in the record to recommend the Board of County Commissioners amend the Crook County Comprehensive Plan to include the 12.37-acre section of the tax lot identified in application 217-24-000197-PLNG to be added as a 3C site based on quality and quantity and that any conditions suggested by the Planning Commission through deliberations be added to the staff report as part of the recommendation to the Board of County Commissioners.

The Planning Commission Recommendation and draft ordinance 349 were then heard by the Board of County Commissioners on March 11, 2025, and March 25, 2025. Notice was published in the Central Oregonian on February 25, 2025. Notice was mailed to parties and neighbors within 750' of the subject property on February 25, 2025. At the March 25, 2025 hearing the Board of County Commissioners voted unanimously in favor of a motion to approve the Planning Commission recommendation record number 217-24-000197-PLNG, a comprehensive plan amendment to add the subject property to the Crook County inventory of significant mineral and aggregate sites, via Ordinance 349, modifying only the noise element of the program to achieve as read by staff and described in the ordinance. Staff issued a notice of decision to parties and neighbors sent by mail and email on March 25, 2025, with twenty-one (21) day appeal period.

The Planning Commission reconvened on April 9, 2025, for deliberations. Notice of the meeting was mailed to parties and neighbors on March 21, 2025, and was posted in the Central Oregonian on March 18, 2025.

#### **IV. BASIC FINDINGS**

##### **A. Location**

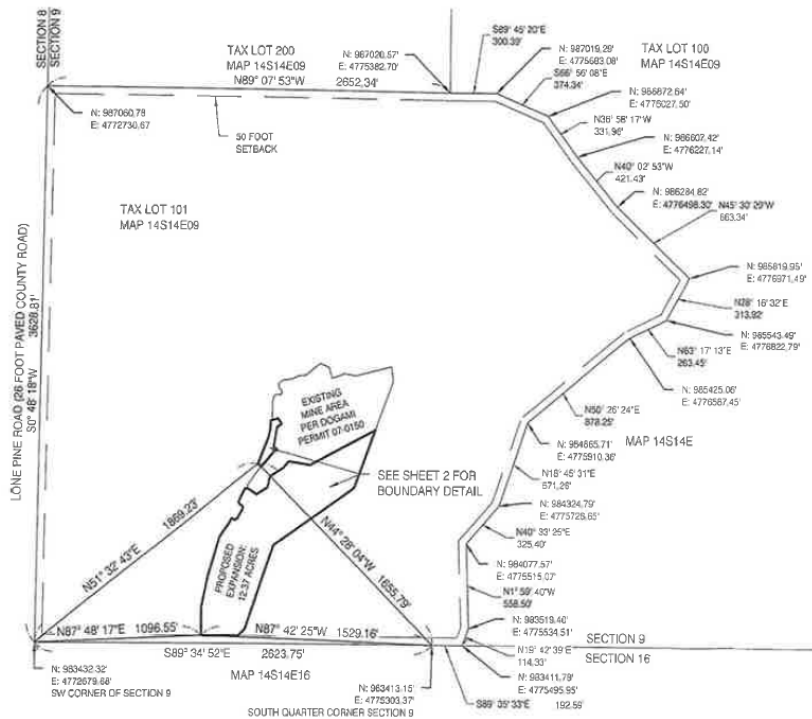
The subject property is located in the northwest corner of Crook County, addressed as 7950 NW Lone Pine Road, Terrebonne, OR 97760 and is located to the south of the current permitted area that is 9 acres of the same Tax Lot. Figure 1 is a vicinity map depicting the subject property. Figure 2 is a map showing the proposed expansion area.

Figure 1<sup>1</sup>



Property Lines are Approximate

Figure 2<sup>2</sup>



<sup>1</sup> Figure 1 was created from County GIS mapping

<sup>2</sup> Figure 2 was provided by the Applicant as Exhibit 104 of the application

## **B. Zoning and Overlays**

The subject property is zoned Exclusive Farm Use, EFU-2 (Prineville Valley-Lone Pine Areas) and is designated as Agricultural in the County's Comprehensive Plan. The subject property is not located within sage grouse, deer, antelope, or elk habitat ranges. There are no floodplains mapped in the proposed expansion area.

## **C. Site Characteristics**

The subject property is listed as 277.73 acres with the Crook County Assessor's records and is west of NW Lone Pine Road. The property has a complex land use history regarding aggregate. In 2002 the Applicant (Charles Hegele) proposed a comprehensive plan amendment to add a 24-acre site to the Goal 5 inventory. That proposal was denied by the County Court (former name of the now titled Board of County Commissioners), then appealed and spent the next few years going through the Oregon Land Use Board of Appeals, Oregon Court of Appeals, and ending with the County Court adopting Amendment Nos. 61 and 62 to Appendix A, Crook County Goal 5 Mineral & Aggregate Elements, Comprehensive Plan Ordinance No. 17, in 2007, to list the 24-acre site as "significant" and place on the Goal 5 inventory of significant aggregate resource sites. However, the Court declared the site as a "3B" site where conflicting uses would be fully allowed and denied the Applicant's request for a conditional use permit to mine the property citing concerns raised by the neighboring property owners regarding the 24-acre site related to increased truck traffic, visual impacts in the Lone Pine Valley and impacts on the rural quality and livability of the area.

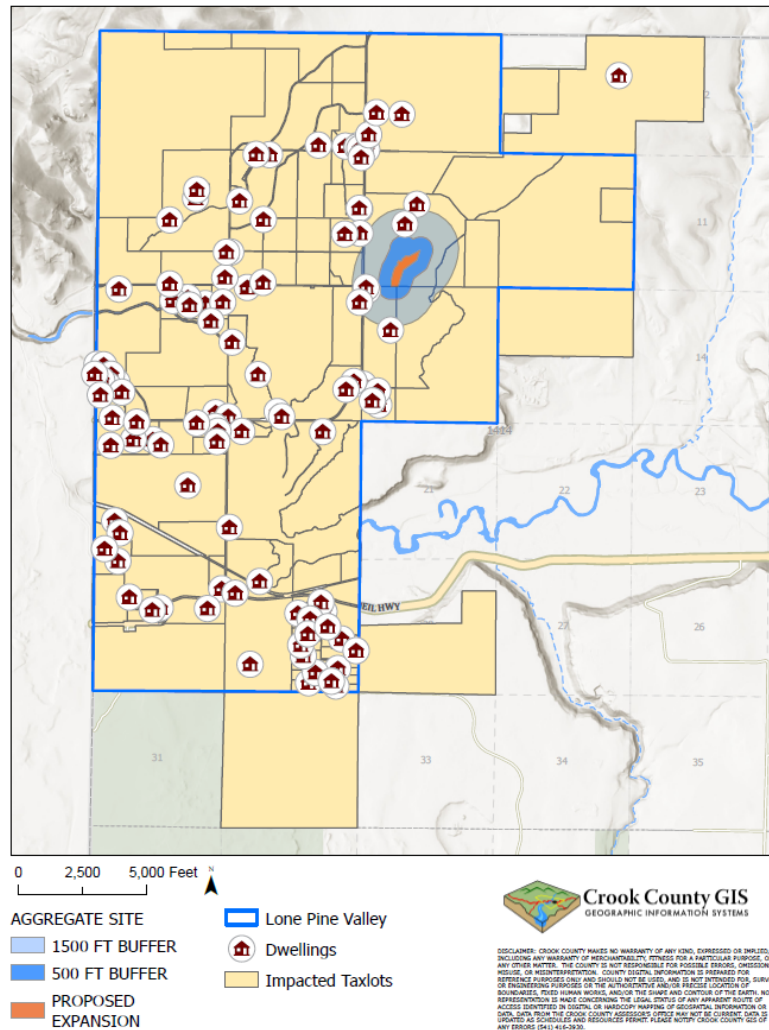
In 2015, the Applicant (Charles Hegele) applied for a conditional use permit (217-15-000236-PLNG) for a 9-acre portion of the site rather than 24-acres and included mitigation such as vegetative screening on the berm to minimize visual impacts. Because a smaller site was proposed, Planning Staff required the applicant to request a new comprehensive plan amendment to address applicable criteria and make new findings regarding the location, quality and quantity of the aggregate materials on the smaller mine site. In 2016, the 9-acres site was added to the County's inventory of significant mineral and aggregate resources as a "3C" site, with an adopted ESEE (Economic, Social, Environment, and Energy) analysis, and approved Conditional Use Permit to mine (217-15-000236-PLNG). In 2021 a modified approval (217-21-000532-PLNG) was issued to include the designation of a stockpiling area within the 9-acre mining site.

This application is for a Conditional Use Permit to allow mining, crushing, and stockpiling of aggregate and other subsurface material. The Applicant proposes to expand the existing site by adding an approximately 12.37-acre portion to the Crook County's inventory of Significant Mineral and Aggregate Sites ("Aggregate Inventory").

The current site and operation are described by the Applicant to include a 6-acre mining area on the sloped portion of the mining site where the Applicant mines 2-acre cell areas, then reclaims that mined area, while moving to the next 2-acre cell. They also describe existing stockpiling areas, a processing area, an office building, a haul road that enters off of NW Lone Pine Road on the south end of the property, and 8'-10' berms and poplar trees along the western boundary of the current mining area that buffer views from NW Lone Pine Road. The property also contains the owner's residence, machine sheds, hay sheds, and general-purpose buildings. The western portion of the property is irrigated and farmed for hay for the owner's horse and cattle operation. The Applicant included irrigation maps and water right



Figure 4<sup>4</sup>



The Applicant describes the surrounding area as follows:

“Land uses in the surrounding area consist of irrigated pasture and cropland in the bottom of Crooked River Valley to the north and south. As you move further to the west and east, you leave the Valley floor and the land slopes uphill to lands that are non-irrigated and non-farmed, which is where the Applicant’s current mining operation lies. To the northeast of the Property lies property being mined by High Desert Aggregate and Paving. To the south of the Property lies property that is being mined by Knife River.

As a result of the topography of the proposed mining site, and Applicant’s proposed extraction plan, only a small section of the proposed expanded mining area will be visible from NW Lone Pine Road from the south and west. The proposed mine will not be visible from adjacent properties to the north and east.”

<sup>4</sup> Figure 4 was created from County GIS mapping

## **E. Access**

Access to the proposed expansion site is existing from NW Lone Pine Road (County road), using a private gravel driveway labeled the “Haul Road” by the Applicant, which parallels the south end of the property then leads up to the mining site (see Applicant’s Exhibit 109). No access changes are proposed with the expansion.

## **F. Other Information**

There are no mapped natural hazards in the subject expansion area. The property is not in a mapped special flood hazard area. The property is located within the Crook County fire protection district.

## **G. Public Comment**

Exhibit 1: Written testimony from Mark Morlan, the property owner and farmer of the 240 acres due west across Lone Pine Rd. They object to the application due to the “detriment to the beauty of the Lone Pine Valley.” They also claim that dust is unmanageable during the windy summer months, operational noise can be heard on the weekends, no attempt to repair hillside damage, and loss of property values.

Exhibit 2: Background memo from the County Legal Department on aggregate process.

Exhibit 3: Written testimony from Walter Miller, a property owner and farmer of the 410 acres southwest of the subject property. Their objections to the applications include noise, visible mining cavities in the hillsides, trucks traveling all times of the week with visible stockpiling areas, land values, and recreational impacts.

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.

## **V. CRITERIA AND ANALYSIS**

### **A. Applicable Approval Criteria**

#### **Crook County Code**

##### **Title 18 Zoning**

##### **Chapter 18.08 Definitions**

##### **Chapter 18.16 Exclusive Farm Use Zones, EFU-1 (Post-Paulina Area), EFU-2 (Prineville Valley-Lone Pine Areas), and EFU-3 (Powell Butte Area)**

##### **Chapter 18.144 Aggregate Resource Sites**

##### **Chapter 18.172 Administrative Provisions**

##### **Chapter 18.180 Transportation**

## B. Findings

### CCC Chapter 18.16 – Exclusive Farm Use Zones

Chapter 18.16 provides standards and criteria for permissible uses in the EFU zones.

#### 18.16.010 Use Table.

Table 1 identifies uses permitted in the EFU zone and applies to all new uses, expansions of existing uses, and changes of use. Section 4 of the table applies to mineral, aggregate, oil and gas uses in Exclusive Farm Use zones. Section 4.4 identifies operations for mining of aggregate materials as subject to conditional use permit review and public hearings before the Crook County Planning Commission.

4.4	Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources.	C	Planning Commission Hearing	<a href="#">18.16.015(11)</a> 18.144
-----	---	---	-----------------------------	---

#### 18.16.015(11)

***Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources are subject to the following:***

***(a) A land use permit is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre.***

***(b) A land use permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in the Crook County comprehensive plan.***

***(c) Mining, crushing, stockpiling and process of aggregate and other mineral subsurface resources are subject to the provisions of Chapter 18.144 CCC.***

**Finding:** The proposed application is subject to the provisions of 18.16.015(11). A land use permit is required because more than 1,000 cubic yards of material and more than 1 acre will be excavated.

The Crook County Board of County Commissioners have approved Applicant's requested Plan Amendment (File 217-24-000197-PLNG) to add the subject property to the County Comprehensive Plan's inventory of significant mineral and aggregate sites. This standard has been met.

Compliance with the provisions of CCC 18.144 are discussed below.

#### 18.16.020 Conditional use review criteria.<sup>5</sup>

---

<sup>5</sup> Crook County Code language mirrors that of Oregon Revised Statute (ORS) 215.296 (1) and Oregon Administrative Rules (OAR) 660-033-0130 Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses.



***An applicant for a use permitted as a conditional use “C” in Table 1 must demonstrate compliance with the following criteria and specific requirements for conditional uses in Chapter 18.160 CCC:<sup>6</sup>***

***(1) The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;***

**Finding:** Applicant states in its application material:

“The proposed mining use will not force a significant change in accepted farm practices on lands devoted to farm use. Adjacent farm uses include grass and alfalfa hay production, pasture and livestock grazing to the north, south and west of the Property. The Applicant owns and farms the irrigated farmland adjacent to the western edge of the mining area and leases the abutting farmland on the Butler property (1414160000101) directly to the south. These lands will remain in agricultural production without any need to change practices. In fact, Richard Butler has submitted a letter in support of the proposed expansion of the mining operation, see Exhibit 116. The farmland to the west of the Property is substantially buffered from the mining operation by the central location of the mining operation, being over 1000’ east of the owner’s westerly property line and NW Lone Pine Road. Due to the location of the mining operation and physical separation from abutting properties, those abutting properties would not have to change farming practices because of the expansion of the mining operation. The properties to the east are hilly and mostly undeveloped consisting of soils not suitable for agriculture. The property to the north is used for agricultural purposes, but because the mining operation is centrally located in the middle of the Property, and the mining operation is over 1000 feet away from the property line to the north. This indicates that expansion of the existing mining operation would not require a change in accepted farm practices on the property to the north. Properties to the northeast are owned and contain an active mine run by High Desert Aggregate and Paving. The mining area on the Property is operated on soils not suitable for farming, consisting mostly of Class 6 to Class 8 soils. Mining on the Property would not require a change in any farm practices that exist on the surrounding properties. None of the surrounding lands are devoted to forest use.”

Staff notes there is no evidence in the record, as of the date of this staff report, indicating the proposed mining use will force any change, let alone significant, on any surrounding lands devoted to farm use. Staff concurs that none of the surrounding lands are devoted to forest use.

The Planning Commission concurs with the Applicant and Staff and finds that this criterion is met.

***(2) The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and***

**Finding:** Applicant states in its application material:

“The proposed mining use will not significantly increase the cost of accepted farm practices on surrounding land. The proposed mining use is nearly imperceptible from the surrounding

---

<sup>6</sup> According to a previous County Court (former name of the Board of County Commissioners) interpretation of CCC 18.144, it was determined that the criteria listed in CCC 18.160 do not apply to aggregate applications. A copy of a memorandum prepared by Crook County Counsel’s Office is included in the record as Exhibit 2 in the record.

properties. As mentioned above, the farm uses to the west enjoy a substantial buffer from the mining operation. The existing mining operation is located on the southern half of the Property which means that the farm uses to the north also enjoy a substantial buffer from the mining operation. As mentioned above, the Applicant farms the farmland to the south of the Property. The Applicant will see no increases in the costs associated with their farming operation due to the expansion of the mining operation. The properties to the east are largely undeveloped and are sheltered from the mining operation by a substantial ridgeline on the eastern edge of the Property. All of this indicates that the mining operation will not have a significant impact on the costs associated with the surrounding lands devoted to farm use in the area. None of the surrounding lands are devoted to forest use.”

Like the above finding, staff notes there is no evidence in the record that the proposed mining use will significantly increase the cost of accepted farm practices on surrounding lands to devoted to farm use. Staff concurs that none of the surrounding lands are devoted to forest use.

The Planning Commission concurs with the Applicant and Staff and finds that this criterion is met.

***(3) The proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this title and the following general criteria:***

***(a) The use is consistent with those goals and policies of the comprehensive plan which apply to the proposed use;***

**Finding:** The use of the property as an aggregate site will be consistent with the Crook County Comprehensive Plan, subject to the ESEE analysis and the adopted program to implement Statewide Planning Goal 5. The proposed use is allowed as a conditional use in the County’s EFU-zones. Aggregate operations are further regulated by Chapter 18.144 of the Crook County Code. An approval for the Comprehensive Plan Amendment has been granted and the site is listed in the Comprehensive Plan and thus consistent with these goals and policies.

***(b) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.***

**Finding:** The parcel is suitable for the proposed use considering its size, shape, location, topography and existence of improvements and natural features. The parcel is large enough and has natural features that allowed it to be designated as a significant aggregate site based on the quantity and quality of aggregate materials. According to Applicant:

“The Property is suitable for the development of a mining operation because of the substantial aggregate resources available for extraction. The site is in a rural area with substantial distance between the mining area and other uses. The extraction area as proposed would use a small portion of land near the middle of the 277.73-acre Property, similar to the current operation, only extending south to the property line at the southern edge of the property. In addition, the storage and processing areas will continue to be at the current location, behind a berm that has been planted with 160 Poplar trees that form an additional vegetative buffer. These natural and manmade features of the property, combined with appropriate conditions of approval, make it suitable for mining.”

The Planning Commission concurs with the Applicant and Staff and finds that this criterion is met.

***(c) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district.***

**Finding:** This code provision requires that the proposed mining use not “substantially” limit, impair, or prevent allowed uses in the EFU-2 zone; not that the use have no negative impact on surrounding parcels.

Applicant states in the application material:

“The Property is located in the EFU-2 Zone which includes some of Crook County's most productive irrigated cropland. The EFU-2 Zone allows mining as a conditional use on EFU-2 land. The portion of the Property that can be feasibly irrigated and farmed remains as farmland, while the mining operation takes place on steeply sloped land on the central and eastern portions of the property with soils not suitable for agricultural use. As demonstrated above, surrounding properties can continue their existing agricultural uses indicating that allowing expansion of the mining operation would not change the character of the area. Because the mine is located in the central portion on a large (greater than 80 acre) parcel, the impacts beyond the property lines of the Property are extremely limited. New conflicting uses could be constructed on surrounding properties without falling into the 500-foot or 1500-foot Impact Areas. The County's control over siting can also influence where new conditional uses are sited, and that control can ensure that the character of the surrounding area is maintained. Moreover, the Applicant has been operating their current mining operation from the Property since 2016 without complaints. This can be attributed to the Applicant's mining operational characteristics, and adhering to the conditions of approval under their current mining permit.”

Staff notes that except for employee and truck traffic, the mining use will be contained within the Mining Area on the subject property. The program to achieve Goal 5 to be adopted as part of the Comprehensive Plan Approval includes conditions to limit fugitive dust. Moreover, the adjacent parcels are large enough that development on those parcels can be located with some distance between the proposed use and the Mining Area. Thus, the proposed mining use should not substantially limit, impair or prevent use of the surrounding properties for permitted uses in the EFU-2 zone.

***(d) The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use; and***

**Finding:** Applicant states in the application material:

“Public facilities are adequate to support the proposed use. The Applicant intends to improve the driveway to the Property and its connection to NW Lone Pine Road, but otherwise the Property requires no new infrastructure. The on-site roads will be maintained in accordance with County road standards. Upon approval of the CUP, the Applicant will provide a letter of agreement to the County to maintain the road to the applicable County road standards.”

Applicant states in the application material that no new infrastructure or public facilities are needed to support the proposed use. The Applicant has agreed to improve access road where the roadway connects

to NW Lone Pine Road in order to improve the transportation facilities serving the mining site. Applicant further notes that they anticipate no more than 34 trips per day (17 trucks outgoing and 17 trucks incoming). The Applicant clarified at the hearing that the traffic count is for the entire property.

The subject property is located within the Crook County Fire & Rescue District. Applicant notes the application is merely for an extension of the existing mine. Staff recommended the Planning Commission ask for more information on fire protection and detail regarding an emergency and wildfire response plan. The Applicant testified at the hearing with details about onsite water storage for emergency and dust management that was sufficient for the Planning Commission. A proposed condition of approval has been added that the Applicant shall coordinate with Crook County Fire & Rescue prior to starting mining operations, for the purpose of implementing a fire protection plan to protect the site and surrounding properties. A copy of which shall be submitted to Crook County Community Development for the record. The operator shall maintain on site a 5,000-gallon water holding tank for wildfire protection and dust management.

The proposed mining use is appropriate considering the necessary public facilities and services.

**(e) The use is or can be made compatible with existing uses and other allowable uses in the area.**

**Finding:** Applicant states in its application material:

“The Property has farmland to the north, west, and south that is developed with residences and a variety of other accessory buildings. The land to the east of the Property consists of uneven, hilly terrain with steep slopes that remains largely undeveloped. Because the mining operation is centrally located on a large lot, the impacts of the mining operation are unlikely to impact the surrounding uses. The closest residential uses are still over 1000 feet from the mining site, indicating that the mining operation as proposed is compatible with the existing and allowed uses of the surrounding properties.”

The Planning Commission agrees that the use is isolated and should have minimal impact on existing and allowable uses in the area. Further, the Program to Achieve, adopted to balance the mining use with conflicting uses, will further limit impact on existing and allowed uses in the area. This criterion can be met.

The Applicant proposes the following condition to minimize quality of life impacts:

No more than 3 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.

#### **Crook County Code 18.144 Aggregate Resource Sites**

##### **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.**

**Finding:** Applicant submitted a plan amendment application (217-24-000197-PLNG) requesting the Mining Area be added to the Aggregate Inventory in the Crook County Comprehensive Plan. The Board of County Commissioners approved the addition of the Mining Area to the Aggregate Inventory, thus this criterion is met.

**(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.**

**Finding:** The Planning Commission must ensure that any conditions included with this decision are not more restrictive than the conditions adopted as part of the ESEE analysis and Program to Achieve. The Planning Commission will need to balance the mining use with conflicting uses as part of the comprehensive plan amendment and should include any conditions necessary to address the impacts as part of the Program to Achieve to be adopted with the comprehensive plan amendment. This will ensure that conditions included with this decision are not in conflict with the comprehensive plan.

**(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.**

**(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**

**(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 service**

**Finding:** See the above findings for 18.16.020.

**(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.**

**Finding:** Applicant acknowledges that conditions of approval may be necessary to ensure consistency with applicable approval criteria.

**(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.**

**Finding:** Staff interprets this provision as requiring that findings and conditions under Chapter 18.144 must be consistent with the ESEE analysis and Program to Achieve adopted with the comprehensive plan amendment.

**(4) No application shall be approved to allow batching and blending of mineral and aggregate into asphalt cement within two miles of a planted vineyard.**

**Finding:** No batching into asphalt has been requested and no batching is allowed on the subject property. Applicant is unaware of existing planted vineyards within two miles of the subject property. A condition of approval has been added that no concrete or asphalt batch plants are authorized at the site. This criterion is met.

**18.144.050 Approval Procedures.**

- (1) Each application for approval shall be processed in accordance with Chapter 18.172 CCC and this chapter.**
- (2) The hearing authority shall review the application and shall grant or deny approval based on conformance of the application with the requirements of this chapter and with the appropriate site-specific or generic ESEE analysis in the comprehensive plan.**
- (3) The hearing authority may only require modifications to the application as are necessary to fulfill the requirements of this chapter and the appropriate site-specific or generic ESEE analysis. Any modifications must be clear and objective.**
- (4) The hearing authority shall deny approval only if the requirements of this chapter or the ESEE analysis are not or cannot be satisfied by the proposed application.**
- (5) Prior to establishing a use authorized by this chapter, the property owner or agent must receive approval from the county.**

**Finding:** The conditional use application is being reviewed under the provisions of Crook County Code 18.172. The conditions of the site specific ESEE and program to achieve the goal have been adopted as part of the plan amendment and will be binding and applicable to all land use permits, including this conditional use permit request. Per this section of 18.144, approval or denial of the conditional use permit shall be based on Chapter 18.144 of the Crook County Code and the approved comprehensive plan amendment. All approvals from the County are required prior to mining the subject property.

- (6) In addition to all information required for a site reclamation plan by DOGAMI, the applicant shall submit the following information:**
  - (a) An application for a site plan approval shall contain suitable maps, drawings and narrative to assure the requirements of this chapter can and will be met. A complete application must contain the following information:**
    - (i) A complete application form from the county.**

**Finding:** Applicant submitted a complete application form, as required by the County. If any changes are made to the site, a final site plan is required prior to mining the property. Applicant states in its application material:

“Included with this Application is an applicable Site Plan (See, Exhibit 109), showing processing area, stockpiling area, berm, planted poplar trees, proposed mining areas (cells) and haul road, the Applicant also included a proposed Impact Area Map (See, Exhibit 110) showing both the 500-foot and 1,500-foot impact areas, also included is a survey map showing proposed mining area

boundary (See, Exhibit 104), also included is a reclamation plan (See, Exhibit 114), a written narrative addressing the mandatory approval criteria, and finally, a completed application form.”

This criterion is met.

**(ii) A list of known materials to be extracted or processed together with a general description of the excavation operations and the estimated duration of operation at the site.**

**Finding:** Applicant states in its application material:

“The MRE Report attached as Exhibit 108 includes a list of known materials to be extracted or processed. The operation will remain perpetual until all materials are extracted or until operations are deemed to no longer be economically viable.”

This criterion is met.

**(iii) A map of the site which shows existing trees and natural vegetation; existing water courses, including streams, rivers, ponds and lakes; adjacent ownerships, including the location of structures which relate to the setback or other requirements of this zone; and existing and proposed roads.**

**Finding:** Applicant states in its application material:

“The MRE Report, attached as Exhibit 108, includes a "Site Vicinity Map" at Figure 1 and Figure 2 includes an Exploration Location & Permit Boundary Map of the Property, which shows existing trees and natural vegetation. In addition, there are no existing watercourses on the Property.”

This criterion is met.

**(iv) A surface water management plan for the site and all phases of the operation.**

**Finding:** There are no surface water features on the property. According to Applicant, all stormwater will be contained on site and a stormwater management plan will be required as part of the DOGAMI permitting process. It is not anticipated that groundwater will be encountered while mining the Mining Area. However, if it is, the Applicant shall notify the Crook County Community Development Department and seek an amendment to the Program to Achieve and this conditional use to ensure that the groundwater resource is protected. Staff also recommend a condition of approval that all surface and stormwater be contained on the subject property.

**(v) A map which shows the location of the surface mining area, the location of all processing and storage areas, the location of caretaker dwelling (if proposed), landscaping, screening and buffer areas.**

**Finding:** Applicant is not proposing a caretaker dwelling. Included with the application as Exhibit 109, is a Site Plan that shows the location of the surface mining area, as well as the location of all processing and storage areas. The Site Plan also shows the location of an earth berm and poplar trees planted on the berm used as a method of vegetative screening. The Planning Commission does not request additional screening or landscaping consistent with the adopted Program to Achieve.

The Applicant has proposed the following conditions:

The existing berm shall be maintained at the height of the berm existing as of February 1, 2016.

The poplar trees shall be irrigated and maintained for at least five years after reclamation is complete and the reclamation bond has been released by DOGAMI.

The Applicant shall stabilize slopes and other disturbed ground with hydro-seeding to minimize dust and erosion.

**(vi) A landscape management and maintenance plan adequate to demonstrate compliance with provisions of this zone.**

**Finding:** Applicant states in its application material:

“Applicant has indicated landscape features necessary to comply with provisions of the zone on the Site Plan which is attached as Exhibit 109. The Applicant has maintained these landscape features since initial approval of mining on the Property and intends to continue this maintenance.”

The Planning Commission did not request additional landscaping, consistent with the adopted Program to Achieve, and finds this criterion met.

**(vii) A map showing existing contours.**

**Finding:** Applicant included a “Topographic Map” (Applicant’s Exhibit 108, Figure 3).

**(viii) A map or other drawing showing the contours of the site upon completion of the operation together with a description of the proposed end use of the reclaimed site.**

**Finding:** In response to this criterion, Applicant stated:

“The Applicant has submitted a proposed reclamation plan, which is attached hereto as Exhibit 114. Ultimately, the mined area will be reclaimed consistent with an approved DOGAMI reclamation plan.”

The Planning Commission has included a condition of approval requiring Applicant provide a copy of the reclamation plan approved by DOGAMI which is to include a map or drawing showing the contours of the site upon completion of the mining operation.

The Applicant has also proposed the following conditions:

The site will be reclaimed concurrently with mining as cells are completed.

All reclamation activities will be subject to a reclamation plan approved by the Department of Geology and Mineral Industries.

**(ix) An environmental report from an engineer or other qualified professional which is adequate to demonstrate that the operation can conform to county, DEQ, and DOGAMI requirements as outlined in the “development standards” section of this zone (CCC 18.144.060).**



**Finding:** Applicant's Mineral Resource Evaluation Report (Applicant's Exhibit 108) was prepared by a registered professional geotechnical engineer and a registered professional geologist. Conformance with County, DEQ and DOGAMI requirements are addressed in CCC 18.144.060 below.

**(x) A security plan addressing the following issues:**

- (A) Lighting.**
- (B) Fencing;**
- (C) Gates at access points;**
- (D) Water impoundments;**
- (E) Sloping; and**
- (F) Security of vehicles and equipment.**

**Finding:** In response, Applicant states:

"No operations are to be conducted at night so no lighting will be placed on the site. The Applicant has installed a gate at the end of the proposed haul road which is closed and locked when the site is not in operation. Due to the slope, the mining site will not create any depression or water impoundments. The Applicant will maintain the existing site drainage to the east."

A condition of approval has been added that any additions of outdoor lighting will be required to meet the standards listed in CCC 18.126 Outdoor Lighting.

Based on Applicant's response, this requirement is met.

**(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.**

**Finding:** A noxious weed plan has not been provided, and the Applicant states no noxious weeds have been observed on the property. Applicant has agreed to provide a noxious weed plan approved by the County Weed Master. A condition of approval is included to ensure compliance.

#### **18.144.060 Development Standards.<sup>7</sup>**

**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.**

---

<sup>7</sup> The provisions of 18.144.060 establish minimum requirements for operations on the subject property.

**Finding:** In response, Applicant states:

“As shown on the Site Plan attached as Exhibit 109, the proposed mining use will be setback at least 50 feet from the property lines and roads not owned by the Applicant. Notwithstanding the foregoing, there are no noise or dust sensitive uses located within 100 feet of the mining operation.”

Applicant has complied with this requirement.

**(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.**

**Finding:** In response, Applicant states:

“As shown on the Site Plan attached as Exhibit 109, the proposed mining use will be setback at least 50 feet from the property lines and roads not owned by the Applicant. Notwithstanding the foregoing, there are no noise or dust sensitive uses located within 100 feet of the mining operation.”

There is no evidence in the record that adjacent lands are at risk of land movement. Applicant’s Site Plan shows there will be a minimum 50-foot setback from all property lines and roads. If DOGAMI determines a greater setback is required to protect adjacent lands from land movement or the threat of movement, Applicant shall comply with such setback as determined by DOGAMI. A condition of approval is included requiring compliance with the DOGAMI operating permit.

**(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 equipment closer than 500 feet. In no case shall such activities be located closer than 100 feet from any adjacent dwellings.**

**Finding:** There are no existing noise or dust sensitive uses located within 500 feet of the subject property. There are no dwellings located within 100 feet of the proposed use. Per the Program to Achieve, if a noise or dust sensitive use is proposed within the adopted impact area, the owner will be required to sign a waiver of remonstrance to confirm they do not object to the mining use, including the processing of the mineral. Accordingly, a condition of approval is included requiring that no processing occur within the required 100-foot setback.

Applicant has also proposed the following condition: Mining operations and facilities (e.g., processing, stockpile, equipment) will be located at the current location, in the center of the existing 9-acre mining site, to minimize impacts to the nearest adjacent residence. At a minimum, all processing activities will occur at least 1,800 feet from existing residences, as proposed by the Applicant. Any modification to this plan will require review and approval by the Crook County Community Development Department.

Applicant has complied with this requirement.

**(3) Access.** All private roads from mining sites to public highways, roads or streets shall be paved or graveled. All on-site roads and access roads from the site to a public road shall be designed, constructed, and maintained to accommodate the vehicles and equipment which use them. Whether paved or graveled, the roads shall be maintained by the applicant in accordance with county road standards. Before the applicant may exercise the privileges of the permit, the applicant shall provide a letter of agreement to the county to maintain the road to the applicable county road standards. If the applicant fails to provide the letter of agreement prior to exercising the privileges of the permit, or fails to so maintain the road, the applicant shall submit an agreement and security in accordance with CCC 17.40.080 and 17.40.090.

**Finding:** In response, Applicant states:

“As mentioned above, the Applicant has graveled the roadways on the Property associated with the current mining operation and the Applicant maintains these roadways in accordance with County road standards. Upon approval of the CUP, the Applicant will provide a letter of agreement to the county to maintain the access and haul roads to the applicable County road standards.”

The on-site roads will be maintained in accordance with County road standards. A condition of approval is included that requires the Applicant to provide a letter of agreement to the County to maintain the road to the applicable County road standards.

**(4) Effective vehicle barriers or gates shall be required at all access points to the site.**

**Finding:** According to Applicant, a lockable gate exists at the connection between the Applicant's private driveway which functions as the current mining operation haul road and NW Lone Pine Road. A condition of approval is included requiring the placement and maintenance of gates at all access points.

**(5) Screening.** Unless inconsistent with the conditions imposed to protect conflicting uses under the comprehensive plan, or of minimal value of effectiveness because of topography or other site features, the following requirements apply to the mining or resource site:

**(a) Berms, fencing or vegetation shall be maintained or established to block the view of the mining or resource site from conflicting uses;**

**(b) To the extent feasible, all-natural vegetation and trees located within 100 feet of the mining site and that block the view of the mining area shall be preserved and fences maintained for the purpose of screening the operation.**

**Finding:** In response, Applicant states:

“The mining operation exists near the center of a large 277-acre parcel. As a part of the current mining operation the Application has built and established a berm and vegetative buffer which have mitigated the effect of the mining operation on surrounding properties. The Site Plan (See, Exhibit 109), shows the location of a line of poplar trees which are a method of vegetative screening. These trees effectively create a visual barrier between the current and proposed processing area and the surrounding properties and roads.”

To the extent feasible, the natural vegetation and trees located within 100 feet of the mining site and that block the view of the mining area will be preserved. A condition of approval is included requiring that natural vegetation and trees within 100 feet of the mining site be preserved to block the view of the mining area. The Applicant intends to maintain all existing screening measures. These criteria are satisfied.

**(6) No alteration or removal of riparian vegetation located within 100 feet of the banks of a year-round stream shall occur.**

**Finding:** Not applicable. There are no year-round streams on the subject property.

(7) Mining, storage, and processing operations shall conform to all standards of the Department of Environmental Quality and to the requirements of the Department of Geology and Mineral Industries (DOGAMI). The county may require information, data and analyses which demonstrates the ability to meet state environmental standards.

**Finding:** Applicant shall provide evidence of DOGAMI permit approval, including demonstrated compliance with DOGAMI and DEQ requirements to the Crook County Community Development Department. A condition of approval is included requiring compliance with this standard.

**(8) Hours of Operation. All mining extraction, processing and equipment operation shall be subject to the following limitations unless waivers authorize operation at other times:**

**(a) June 1st through October 31st: 6:00 a.m. to 9:00 p.m., Monday through Friday. 8:00 a.m. to 5:00 p.m., Saturday.**

**(b) November 1st through May 31st: 7:00 a.m. to 6:00 p.m., Monday through Friday. 8:00 a.m. to 5:00 p.m.**

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

**Finding:** Conditions of approval are included requiring compliance with the above hours of operation and limits imposed by the proposed Program to Achieve. The Applicant agreed to the following conditions:

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. The calendar year will begin upon the Applicant's receipt of a DOGAMI operating and reclamation permit. Operations shall include excavation, processing and transporting materials off-site. The Applicant shall provide an annual report to the Planning Department regarding the number of days of operations. The first report will be due one year from the effective date of the DOGAMI operating and reclamation permit.

Ordinary operating hours shall be Monday through Friday, June 1<sup>st</sup> through October 31<sup>st</sup> from 6:00 a.m. to 9:00 p.m., or sunrise to sunset, whichever time period is less, and Saturday from 8:00 a.m. to 5:00 p.m. Operating hours shall be Monday through Friday, November 1<sup>st</sup> through May 31<sup>st</sup> from 7:00 a.m. to 6:00 p.m., or sunrise to sunset, whichever is less; and Saturday from 8:00 a.m. to 5:00 p.m. No operations shall be conducted on Sundays or on the following legal holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.

**(9) Blasting.**

**(a) A plan addressing the potential for earth movement, flying rock, and other effects on surrounding uses shall be submitted.**

**(b) Blasting shall be allowed unless prohibited by the comprehensive plan ESEE analysis.**

**(c) Blasting which is allowed and which is not to be conducted within 500 feet of any noise or dust sensitive use or agricultural use involving the raising of animals shall meet the following standards:**

**(i) DEQ noise control standards for blasting.**

**(ii) Blasting shall be restricted to the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday. No blasting shall occur on Saturdays, Sundays or legal holidays.**

**(iii) The operator shall be responsible for notifying the owners and inhabitants of conflicting uses located within 500 feet of the blasting site by written notice delivered by certified mail to be received by each person entitled to notice at least 48 hours prior to the time the blasting will occur.**

**Finding:** In response, Applicant states:

“The Applicant will adhere to all blasting standards identified in this section. In the initial permit application to approve mining on the site, the County allowed blasting subject to conditions. The Applicant agrees to abide by those, and any other conditions of approval related to blasting.”

The Applicant also proposes the following condition: Blasting shall be restricted to the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday. No blasting shall occur on Saturdays, Sundays, or legal Holidays. The Applicant/operator shall provide written notice to adjacent property owners (within 2,000 feet) and to Crook County Community Development at least 72 hours prior to the time of blasting. Blasting shall not occur more than 3 days per year. Signs will be posted at the mine entrance on NW Lone Pine Road at least 72 hours in advance to notify adjacent property owners of the potential blasting.

This condition is consistent with the adopted Program to Achieve.

**(10) Surface and Ground Water Management. Surface water shall be managed to provide protection against ground or surface water contamination and sediment discharge into streams, rivers and lakes. There shall also be adequate water available to the site for reclamation of the property, maintenance of screening and buffer, dust control, landscape maintenance, and processing of materials.**

**Finding:** No streams, rivers, or lakes are on the property. The Applicant states that they are required to obtain an operation permit from DOGAMI, which will include a reclamation plan. The Applicant will also comply with all DOGAMI and DEQ requirements regarding surface and ground water management.

The Applicant has proposed the following conditions for dust control: 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. 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).

**(11) For surface mining, which is not regulated by DOGAMI, the following requirements apply:**

**Finding:** Not applicable. The proposed mining operation for surface mining of the subject property is regulated by DOGAMI.

**(12) All mining operations shall be subject to the dimensional standards, yard restrictions, sign limitations and all other substantive standards set out in the zoning district applicable to the property.**

**Finding:** According to Applicant, the proposed mining operation, including all proposed buildings, will comply with all dimensional standards, yard restrictions and sign limitations applicable to the EFU-2 zoning district. Applicant cites to its Site Plan (Applicant's Exhibit 109, pg. 2). Applicant will be subject to the applicable standards of the EFU-2 zone.

**(13) Noxious Weed Control. The operator, including all public agencies, shall document compliance with the noxious weed control plan submitted pursuant to CCC 18.144.050(6)(a)(xi) on a yearly basis by submittal of a written report to the Crook County weed master. The report shall be submitted not later than December 15th of each year.**

**Finding:** Per a previously discussed condition of approval, Applicant shall be required to comply with this requirement.

#### **18.180.010 Transportation impact analysis.**

**(1) Purpose.** The purpose of this section is to coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the county to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts, when a transportation impact analysis or transportation assessment letter must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities, the required contents of a transportation impact analysis and transportation assessment letter, and who is qualified to prepare the analysis.

**(2) When a Transportation Impact Analysis Is Required.** The county or other road authority with jurisdiction may require a transportation impact analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:

**(a) The development generates 25 or more peak-hour trips or 250 or more daily trips.**

(b) An access spacing exception is required for the site access driveway(s) and the development generates 10 or more peak-hour trips or 100 or more daily trips.

(c) The development is expected to impact intersections that are currently operating at the upper limits of the acceptable range of level of service during the peak operating hour.

(d) The development is expected to significantly impact adjacent roadways and intersections that have previously been identified as high crash locations or areas that contain a high concentration of pedestrians or bicyclists such as school zones.

(e) A change in zoning or a plan amendment designation.

(f) A TIA is required by ODOT.

(3) When a Transportation Assessment Letter (TAL) Is Required. If the provisions of subsections (2)(a) through (f) of this section do not apply, the applicant's traffic engineer shall submit a transportation assessment letter to Crook County planning department demonstrating that the proposed land use action is exempt from TIA requirements. This letter shall outline the trip-generating characteristics of the proposed land use and verify that the site-access driveways or roadways meet Crook County's sight-distance requirements and roadway design standards.

**Finding:** Applicant states:

"The operation shall generate no more than 34 trips per day from the site (17 trucks outgoing and 17 trucks incoming). The mining operator shall make trip logs available to the Community Development Department upon request." The Planning Commission may want to ask the Applicant to clarify if the total trips are for the entire operation, or for the proposed expansion."

In addition, the Applicant is not requesting a change in zoning or a plan amendment designation. As a result, no traffic impact assessment is required. To ensure compliance, staff recommends a condition of approval capping truck trips to 34 per day for the entire operation and no more than 25 peak hour trips and requiring the operator to make trip logs available at the request of the Community Development Department. This will ensure a TIA is not required.

## **CONCLUSIONS**

Based on the record and the proposed findings above, the Planning Commission approves the application subject to the following conditions of approval:

### **CONDITIONS OF APPROVAL**

1. Applicant shall comply with all conditions and requirements of the comprehensive plan amendment (217-24-000197-PLNG), including the Program to Achieve, adopted by the County.
2. **Fire Protection** – Prior to starting mining operations, the Applicant shall coordinate with Crook County Fire & Rescue for the purpose of implementing a fire protection plan to protect the site and surrounding properties. A copy of which shall be submitted to Crook County Community Development for the record.

3. **Ground disturbance** - No more than 3 acres of ground shall be disturbed by mining at any time on the property. The 'disturbed area' refers to the active mining and reclamation cells and does not include the processing and stockpile area.
4. **Unauthorized** - No concrete or asphalt batch plants are authorized at the site.
5. **Site Plan/Land Use** – A copy of the final site plan is required to be submitted to Crook County Community Development for review of compliance with this approval prior to mining the property. No additional structures are approved with this decision. Any additional structures shall be submitted for site plan approval from Crook County Community Development.
6. **Stormwater** – All storm and surface water shall remain on the subject property. Prior to mining, the Applicant shall provide a copy of the stormwater plan approved by DOGAMI to Crook County Community Development.
7. **Surface water** - It is not anticipated that groundwater will be encountered while mining the Mining Area. However, if it is, the Applicant shall notify the Crook County Community Development Department and seek an amendment to the Program to Achieve and Conditional Use to ensure that the groundwater resource is protected.
8. **Screening** - The existing berm shall be maintained at the height of the berm existing as of February 1, 2016. The poplar trees shall be irrigated and maintained for at least five years after reclamation is complete and the reclamation bond has been released by DOGAMI. The Applicant shall stabilize slopes and other disturbed ground with hydro-seeding to minimize dust and erosion.
9. **Reclamation Plan** – All reclamation activities will be subject to a reclamation plan approved by DOGAMI which is to include a map or drawing showing the contours of the site upon completion of the mining operation. A copy of the approved reclamation plan shall be submitted to Crook County Community Development. The site will be reclaimed concurrently with mining as cells are completed. Prior to reclamation, the mine operator shall stabilize disturbed areas using hydro-seeding or other soil stabilization product to help minimize dust from disturbed areas.
10. **Lighting** - Any additions of outdoor lighting will be required to meet the standards listed in CCC 18.126 Outdoor Lighting.
11. **Weed Plan** - Applicant shall document compliance with the noxious weed control plan to be submitted pursuant to CCC 18.144.050(6)(a)(xi) on a yearly basis by submittal of a written report to the Crook County Weed Master. The report shall be submitted not later than December 15th of each year.
12. **Operations** – Mining, storage, and processing operations shall conform to all standards of the Department of Environmental Quality (DEQ) and to the requirements of the DOGAMI operating permit. The county may require information, data and analyses which demonstrates the ability to meet state environmental standards. Applicant shall provide evidence of DOGAMI permit approval, including demonstrated compliance with DOGAMI and DEQ requirements to the Crook County Community Development Department.
13. **Processing** – No processing or crushing shall occur within 100 feet of property line.



14. **Operations** – Mining operations and facilities (e.g., processing, stockpile, equipment) will be located at the current location, in the center of the existing 9-acre mining, to minimize impacts to the nearest adjacent residence. At a minimum, all processing activities will occur at least 1,800 feet from existing residences, as proposed by the Applicant. Any modification to this plan will require review and approval by the Crook County Community Development Department.
15. **Road Standards** – Before Applicant may exercise the privileges of the permit, the Applicant shall provide Crook County Community Development a letter of agreement to maintain the road to applicable County road standards. If the applicant fails to provide the letter of agreement prior to exercising the privileges of the permit, or fails to so maintain the road, the applicant shall submit an agreement and security in accordance with CCC 17.40.080 and 17.40.090.
16. **Natural Vegetation** - To the extent feasible, all-natural vegetation and trees located within 100 feet of the mining site that block the view of the mining area shall be preserved and fences maintained for the purpose of screening the operation.
17. **Cumulative Operating** - 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. The calendar year will begin upon the Applicant's receipt of a DOGAMI operating and reclamation permit. Operations shall include excavation, processing and transporting materials off-site. The Applicant shall provide an annual report to the Planning Department regarding the number of days of operations. The first report will be due one year from the effective date of the DOGAMI operating and reclamation permit.
18. **Hours of Operation** - Ordinary operating hours shall be subject to the following limitations unless waivers authorize operation at other times:
  - a. June 1st through October 31st: 6:00 a.m. to 9:00 p.m., or sunrise to sunset, whichever time period is less, Monday through Friday. 8:00 a.m. to 5:00 p.m., Saturday.
  - b. November 1st through May 31st: 7:00 a.m. to 6:00 p.m., or sunrise to sunset, whichever is less, Monday through Friday. 8:00 a.m. to 5:00 p.m., Saturday.
  - c. No operations shall be conducted on Sundays or the following legal holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day.
19. **Blasting** – Blasting shall be restricted to the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday. No blasting shall occur on Saturdays, Sundays, or legal Holidays. The Applicant/operator shall provide written notice to adjacent property owners (within 2,000 feet) and to Crook County Community Development at least 72 hours prior to the time of blasting. Blasting shall not occur more than 3 days per year. Signs will be posted at the mine entrance on NW Lone Pine Road at least 72 hours in advance to notify adjacent property owners of the potential blasting.
20. **Dust** – The Applicant shall control all fugitive dust emissions associated with all operations (extraction, processing, and storage) on site. The Applicant shall control dust by applying water, seeding and/or mulching exposed soil surfaces. 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).

21. **Final Site Plan** – Prior to operating in the Mining Area, the Applicant shall provide Crook County Community Development Department, a final site plan, including information regarding the location of the mining extraction, processing, existing structures, proposed structures, equipment storage and parking, setbacks, and the impact area. The Applicant shall provide an updated site plan if operations change.
22. **Gates** - Effective vehicle barriers or gates shall be installed and maintained in an operable condition at all access points to the site.
23. **Trip Limits** – Truck traffic shall be limited to 34 truck trips per day for the entire operation and no more than 25 peak hour trips shall be permitted. Operator shall make trip logs available at the request of the Community Development Department.
24. **CUP Assignment** – Applicant shall notify Crook County Development if it assigns the conditional use permit to another operator or property owner.
25. **Dust and Wildfire:** Applicant shall maintain on site a 5,000-gallon water holding tank for wildfire protection and dust management.

## VI. CONCLUSION

Based on the above findings, the Crook County Planning Commission has approved the requested conditional use permit.

---

**John Eisler**  
**Community Development Director**

---

**Michael Warren II**  
**Planning Commission Chair**

**DATED this \_\_\_\_ day of \_\_\_\_\_, 2025**

**NOTICE:** The above approval may be appealed to the Crook County Board of Commissioners no later than 4:00 p.m. on \_\_\_\_\_, 2025 (twelve calendar days from the effective date of this decision). An appeal must be filed with the Crook County Planning Department at 300 NE Third Street, Prineville, Oregon, on a form provided by the Planning Department, and must be accompanied by the appropriate appeal fee per the County Fee Schedule. The appellant must also provide written transcripts of the relevant meeting tapes at the appellant's expense.

CC: Applicant/Agent  
Crook County Departments  
Crook County Fire and Rescue  
Parties of Record