



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

AMENDED NOTICE OF ADOPTED AMENDMENT

December 27, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Crook County Plan Amendment
DLCD File Number 002-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 3, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Amanda Punton, DLCD Natural Resource Specialist
Jon Jinings, DLCD Regional Representative
Bill Zelenka, Crook County

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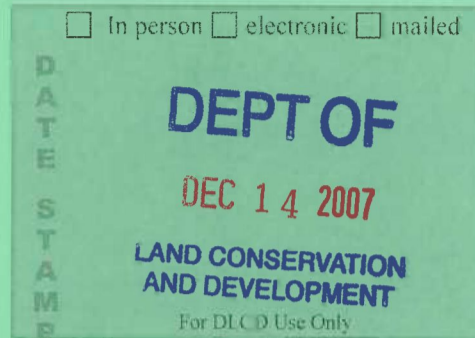
FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Groff



Jurisdiction: **Crook County**

Local file number: **C-CPA-011-06**

Date of Adoption: **10/3/2007**

Date Mailed: **12/11/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one**Date:

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Adopts a site specific ESEE and expands a Goal 5 mineral site.

Does the Adoption differ from proposal? Please select one
no

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: **2650 NW Lamonta Road 14 15 25 101** Acres Involved: **60**

Specify Density: Previous: _____ New: _____

Applicable statewide planning goals:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. 002-07 (16010)

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

ODFW, Ochoco Irrigation District, City of Prineville

Local Contact: **Bill Zelenka**

Phone: (541) 447-8156 Extension:

Address: **300 NE Third Street**

Fax Number: - -

City: **Prineville**

Zip: **97754-**

E-mail Address: **bill.zelenka@co.crook.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

C-CPA-011-06

CROOK COUNTY
PLANNING DEPT.
OCT 05 2007
RECEIVED
TIME:



RECORDING COVER SHEET
Any errors in this cover sheet **DO NOT** affect the transactions(s) contained in the instrument itself.

STATE OF OREGON } 2007114
COUNTY OF CROOK }
I CERTIFY THAT THE WITHIN INSTRUMENT WAS
RECEIVED FOR RECORD ON THE 5th DAY OF
OCTOBER, 20 2007, AT 2:50 P. M.
AND RECORDED IN C.T.R.N.L.
RECORDS OF SAID COUNTY MF NO. 2007-114
DEANA E. BERMAN, CROOK COUNTY CLERK
BY Florence Brunner DEPUTY

N/C

AFTER RECORDING RETURN TO:

CLERK'S VAULT

NAME OF TRANSACTION

**ORDINANCE 195, ADOPTING AN ESEE WITH
RESPECT TO AN AGGREGATE RESOURCE SITE
PLACED ON THE GOAL 5 INVENTORY OF
SIGNIFICANT AGGREGATE SITES AND
DECLARING AN EMERGENCY**

GRANTOR: CROOK COUNTY

(15 pp)

IN THE COUNTY COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CROOK

AN ORDINANCE ADOPTING AN ESEE
WITH RESPECT TO AN AGGREGATE
RESOURCE SITE PLACED ON THE
GOAL 5 INVENTORY OF SIGNIFICANT
AGGREGATE SITES AND DECLARING
AN EMERGENCY

Ordinance No. 195
(Amendment to Appendix
A, Crook County Goal 5 Mineral and
Aggregate Elements)

WHEREAS, Oregon's Statewide Planning Goal 5 establishes a state policy to conserve open space and protect natural and scenic resources; and

WHEREAS, Goal 5 further provides that in conjunction with the Inventory of Mineral and Aggregate Resources, sites for removal and processing of such resources should be identified and protected; and

WHEREAS, the Goal 5 Administrative Rule (OAR 660-16-0000 to 660-16-0025) was designed to carry out the requirements of Goal 5 for all types of resources, including mineral and aggregate resources; and

WHEREAS, known resource sites must be inventoried and designated in one of three categories and if determined to be "significant" must be included on the County's Resource Inventory; and

WHEREAS, based on the analysis of the Economic, Social, Environment and Energy (ESEE) Consequences and other statewide goals, Crook County may determine that identified conflicting uses may be allowed, notwithstanding the presence of the resource site; and

WHEREAS, in such cases, the County may determine that both the resource site and the conflicting uses are important relative to each other and that the ESEE Consequences should be balanced so as to allow the conflicting uses but in a limited way so as to protect the resource site to some desired extent. These sites are those sites identified in OAR 660-016-0010(3).

NOW, THEREFORE, the County Court of Crook County, Oregon, ORDAINS as follows:

Section 1. Impact Area. The County adopts as the impact area for the subject site an area extending 1500 feet from the subject property, which site is more particularly described as T 14 S R 15 E WM Section 25 Lot 101.

Section 2. Adoption of Conflicts Analysis, ESEE Analysis and ESEE Decision. The County amends the Goal 5 Mineral and Aggregate element of its Comprehensive Plan by adopting the Conflicts Analysis, ESEE Analysis and ESEE Decision attached hereto as "Exhibit A" and by this reference included herein.

Section 3. Findings. The Crook County Court adopts the ESEE and the findings attached hereto as "Exhibit A" and by this reference incorporated herein as its findings in support of its Decision.

Section 4. Severability. The different Sections of this Ordinance shall be deemed to be severable from each other, and the appeal of one Section shall not prevent other unappealed Sections from becoming effective.

Section 5. Emergency. This Ordinance being necessary for the health, welfare and safety of the people of Crook County, an emergency is hereby declared to exist, and this Ordinance shall become effective upon signing.

First Reading October 3, 2007

Second Reading October 3, 2007

DATED this 3rd day of October, 2007.

CROOK COUNTY COURT

Scott R
Judge Scott R. Cooper

Mike McCabe
Commissioner Mike McCabe

Not Available for Signature
Commissioner Lynn Lundquist

Approved in
County Court
10-3-2007
CF

CROOK COUNTY
BEFORE THE PLANNING COMMISSION

NO. C-CPA-011-06
C-TA-006-06
RECOMMENDATION

APPLICANT/PROPERTY OWNER: Benjamin Bar R. Groff III
5777 NW Wilkinson Lane
Prineville OR 97754

AGENT/ATTORNEY: Jeffrey M. Wilson
Miller Nash LLP
446 NW Third Street Ste. 230
Prineville OR 97754

PROPERTY LOCATION: 2650 NW Lamonta Road; T 14 S R 15 EWM
Sec 25 TL 101

PROPOSAL: A recommendation to the Crook County Court on a request by Benjamin Bar Groff for approval of a Comprehensive Plan Amendment to amend the existing Goal 5 Inventory Map to add an aggregate site in an Exclusive Farm Use zone EFU-2 to the Goal 5 Inventory; and a Text Amendment to adopt a new site specific ESEE (Environmental Social Economic Energy) Analysis for the mineral and aggregate site.

On the basis of the Legal Criteria under Exhibit "A", Site Characteristics under Exhibit "B", Identification of Conflicting Uses under Exhibit "C", Testimony under Exhibit "D", and Conclusions under Exhibit "E", the Commission hereby recommends by a 7-0 vote that a Comprehensive Plan Amendment be approved to add an aggregate site in an Exclusive Farm Use zone EFU-2 to the Goal 5 Inventory as a 1C site; AND that an ESEE Analysis be adopted as a Text Amendment to place the subject site as a 3C site on the inventory of significant sites which shall be conserved and protected for surface mining.

EXHIBIT "A"
C-CPA-011-06; C-TA-006-06
LEGAL CRITERIA

CROOK COUNTY CODE: Chapter 18.160 of the Crook County Code contains requirements for Comprehensive Plan and Land Use

EXHIBIT A

Regulation amendments. CCC 18.168.050 states that the Commission is to hold at least one public hearing on a proposed Comprehensive Plan amendment, and is to issue a written recommendation to the County Court within 20 working days.

Chapter ~~18.14~~ contains specific requirements for Aggregate Resource Sites. A copy of this chapter is attached.

Chapter 18.20 contains requirements for the EFU-2 zone. An aggregate site is permitted as a Conditional Use in this zone under Subsection ~~18.20.030~~.

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

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

Policy (7) under Crook County's Mineral and Aggregate Goal states that a mineral and aggregate resource site that is not on a Crook County Goal 5 inventory, or that is listed as a 1B site, shall be placed on the inventory of significant sites and shall be conserved and protected for surface mining after all the following conditions are met:

- (a) A report is provided by a certified geologist, engineer, or other qualified person or firm verifying the location, type, quantity, and quality of the resource;
- (b) The site is determined to be a significant 1C site after reviewing all available evidence regarding the location, quality and quantity of the mineral and aggregate resource, and the site is added by amendment to the Comprehensive Plan;
- (c) There are no conflicting uses, or the ESEE analysis results in a determination that the

EXHIBIT A

resource is important relative to conflicting resources, uses, and other applicable statewide planning goals and policies.

Policy (13) states that as part of an ESEE analysis, Goal 5 Mineral and Aggregate sites shall be evaluated and designated for mining only where the County finds that the mining operation will not:

(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

(b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use. The applicant may demonstrate that standards for approval will be satisfied through the imposition of conditions. Any condition so imposed shall be clear and objective.

The expansion area must be considered to be a "new" site, because it is in an area not now approved for aggregated extraction.

OREGON ADMINISTRATIVE RULES (OAR): Department of Land Conservation and Development OAR Chapter 660, Division 016, Requirements and Application Procedures for Complying with Statewide Goal 5 contains requirements for Goal 5 resources.

OAR ~~660-016-0000(1)~~ states that a local government must determine which resource sites are of significance and include them on an inventory which constitutes a part of the Goal 5 section of the government's comprehensive plan.

Subsection (2) states that a "valid" inventory of a Goal 5 resource must include a determination of the location, quality, and quantity of each proposed resource site. Based on data collected, analyzed, and refined by local government, a jurisdiction has three basic options:

(a) Do Not Include On Inventory - site not important enough or not required to be included.

(b) Delay Goal 5 Inventory Process - inadequate

EXHIBIT A

information is available on location, quality, and/or quantity presently available.

(c) **Include On Inventory** - adequate information is available on location, quality, and quantity, and local government has determined site to be significant or important.

~~OAR 660-016-0010~~ states that, based on the ESEE analysis, a jurisdiction must "develop a plan to achieve the Goal". A jurisdiction is expected to resolve conflicts in any one of the following three ways. Whichever of the three courses of actions is chosen must be supported by reasons which are included in the Comprehensive Plan, and Comprehensive Plan and zoning designations must be consistent with the chosen course of action:

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

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

(3) **Limit Conflicting Uses:** If the resource site and conflicting uses are both important relative to each other, the conflicting uses can be allowed in a limited way in order to protect the resource site to a limited extent. The jurisdiction must designate with certainty which uses and activities are to be allowed at all, and which are to be allowed conditionally. The jurisdiction must also designate specific standards and limitations to be placed on the permitted and conditional uses and activities. These limitations must be specific enough that affected property owners can clearly understand them.

EXHIBIT A

EXHIBIT "B"
C-CPA-011-06; C-TA-006-06
SITE CHARACTERISTICS

Site Location

The proposed expansion area consists of an approximately 60 acre portion of a 104.90 acre parcel located at 2650 NW Lamonta Road (T 14 S R 15 EWM Sec 25 TL 101). It adjoins the existing Goodman Aggregate Site and a 145 acre agricultural parcel owned by the applicant on the east. The site is not visible from Lamonta Road, or from any existing residence.

The existing Goodman Site is located adjacent to Lamonta Road at T 14 S R 15 EWM Sec 25, 25B TL 200, 3301.

Quality and Quantity

The applicant has submitted a Technical Memorandum (engineer's report), produced by Kleinfelder Geotechnical Engineering, documenting the quantity and quality of resources available on the site. The findings of this report are summarized below:

QUALITY: In accordance with Division 16 of the Oregon Administrative Rules (OAR), representative samples of the basalt on the site were tested for abrasion, air degradation, and soundness. Samples were collected by Kleinfelder representatives from two new test pits on the property. Samples from 4-6 feet below ground surface (bgs) were combined to form one composite sample, while samples from 14-16 feet bgs were combined to form a second composite sample.

The laboratory test results indicate that both composite samples meet ODOT specifications for asphalt aggregate and highway road base aggregate. However, they indicate that the composite sample from 4-6 feet bgs does not meet the sodium sulfate soundness requirements for ODOT-specified concrete aggregate. This sample is from immediately beneath the overburden clayey sand, and contains some clay and calcium carbonate scale.

The Kleinfelder representatives state their opinion that the proposed expansion site contains a significant sand and

EXHIBIT A

gravel resource, as described in Oregon Statewide Planning Goal 5. They state that the applicant typically conducts various materials processing operations, including screening and washing, to remove fine soil particles and calcium carbonate scale. They state that these processes should be continued to assure adequate quality, as the material contains isolated sand, silt, and clayey lenses which will require sorting. They recommend that the applicant conduct periodic quality control testing to verify that material properties meet the intended specifications.

QUANTITY: The proposed mining site measures approximately 60 acres. The Kleinfelder representatives estimate that it contains approximately 116,000 cubic yards of topsoil, 426,000 cubic yards of clayey sand with gravel, and 1,000,000 cubic yards of commercial-grade sand and gravel.

EXHIBIT "C"
C-CPA-011-06; C-TA-006-06
IDENTIFICATION OF CONFLICTING USES

Identifying the Impact Area

The applicant has identified an impact area including all parcels within 1500 feet of the proposed use.

The impact area is predominantly zoned Exclusive Farm Use EFU-2. It also includes areas zoned Limited Industrial LM on the east and west sides of the impact area, and an area zoned Heavy Industrial M2 on the south side.

Extensive residential development on lands zoned EFU-2 is located within the Impact Area a short distance to the west and northwest of the property. An area to the east of the property which is presently vacant, but which is proposed for residential development by the City of Prineville, is also within the Impact Area.

An existing aggregate mining operation on a parcel bordering the property on the west is between the property and the residential development.

The remaining area zoned EFU-2 within the Impact Area consists of larger parcels, which are in agricultural use or are vacant.

EXHIBIT A

The lands within the Impact Area zoned for industrial use are occupied by a mixture of industrial and residential uses.

ESEE Analysis

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

ECONOMIC CONSEQUENCES: The proposed expansion will have positive economic impacts. It will maintain if not increase the employment, tax revenue, and aggregate supply now being produced by the aggregate operation bordering it on the west, which it is to replace.

Negative economic impacts from reduced residential property values within the impact area, are likely to occur.

Potential impacts on property values are difficult to quantify, but they result from increases in noise, dust, and traffic, as well as impacts on scenic values. There may also be negative impact on property values from the simple proximity of an aggregate site, regardless of actual physical impacts.

These negative impacts will affect residential development within the industrially zoned areas in the Impact Area, as well as within areas presently zoned for residential use, or proposed to be rezoned for residential use.

Potential impacts are limited by the fact that the EFU-2 zoning of major part of the area will allow for only limited new residential development. Existing parcels which measure less than 40 acres may not be divided, and larger parcels have a potential for partitioning to create no more than one or two new residential parcels each.

There are also potential conflicts with other agricultural operations within the impact area, although the applicant's representative states that there have been no impacts on the applicant's hay growing operation from the applicant's existing aggregate pit to the east.

EXHIBIT A

There is not likely to be any negative impact on vineyards. While they are highly vulnerable to dust, they are not customarily planted in Crook County. None is located in or near the Impact Area.

Aggregate operations are generally considered to be compatible with industrial operations. Some existing and potential industrial operations which rely on road access could be negatively impacted by existing truck traffic generated by the proposed aggregate expansion.

The proposed expansion may generate increased truck traffic on Lamonta Road. The existing access to Lamonta Road used by the operation to the east will be used for the proposed operation, which may limit additional impacts.

SOCIAL CONSEQUENCES: Positive social impacts of the proposed mining operation will include retention and possible increase of the employment, tax revenue, and aggregate supply produced by the existing operation to the west.

Negative social impacts will potentially include a reduction in the quality of living for impact area residents from noise, dust, increased truck traffic, and lower property values, as described above.

The property itself presently offers no opportunities for public or commercial recreational activities, and is not zoned for such activities. As the property is in an agricultural zone, where residential development is restricted, it has relatively little potential for residential development.

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

Possible negative impacts include increased dust emissions, and disruption of wildlife by noise and traffic. There are likely to be few impacts on water quality, because there are no streams or water bodies in the immediate area.

The property is within five miles of the Prineville Airport, a public airport, and of a heliport at Pioneer Memorial Hospital, both in the City of Prineville.

EXHIBIT A

Environmental conflicts between mining sites and airports occur because of water impoundments at mining sites, which attract birds which endanger aircraft. No water impoundments are proposed in connection with the proposed mining operation, and there is no likelihood of conflicts between it and the airport or the heliport.

ENERGY CONSEQUENCES: Positive energy impacts are likely to occur from having a continued aggregate source close to the City of Prineville, reducing the amount of energy required for long distance hauling of aggregate for projects within the city and the urban growth boundary (UGB).

There appears to be little potential for negative energy impact, as the amount of aggregate production and hauling within the county as a whole is controlled by demand rather than supply. Negative energy impacts are likely to occur only if aggregate is mined from the expansion area for transport to distant areas, which is unlikely because of the cost of long-distance transport of aggregate, and the availability of other aggregate sources closer to such areas.

EXHIBIT "D"
C-CPA-011-06; C-TA-006-06
TESTIMONY

The applicant's representative testified in support of the application. He stated that the applicant's aggregate operation on adjoining property has been in operation since 1952, although the property was sold in 2006. He said that the proposed operation is simply a movement of that operation onto the subject property, as the resource on the site now being excavated is becoming exhausted. He said that there will be no additional impact, because the amount of aggregate excavated over a given period of time will not be changed, and excavation will cease on the neighboring property, since the resource there will have become exhausted at the same time operations begin on the new site. He said that the access to Lamonta Road now used by the operation on the neighboring property will be used for the proposed operation, and the number of truck trips will not change.

EXHIBIT A

Groff, Recommendation
C-CPA-011-06; C-TA-006-06
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For these reasons, there will be no increased impact on area residential and other uses over that which is already occurring.

He said that he does not agree with the statements of the staff that the proposed operation is likely to result in increased economic, social, and environmental impacts.

He said that OAR Chapter 660 Division 016 provides no discrete definition of significant.

He said that the required Impact Area under Ordinance 43 Division 16 was 500 feet. Ordinance 51 does not state a definite Impact Area. However, Division 23 imposes a 1500 foot Impact Area, which has been employed by the applicant. He said that this is a more effective Impact Area than 500 feet, as it includes parts of most of the land use zones in close proximity to the property. He provided contour maps of the applicant's 1500 foot buffer zone.

An engineer employed by the applicant testified in support of the proposal. He stated that he has sampled the resource on the site. It is not hard rock, but consists primarily of alluvium deposited by the Crooked River. It will be processed onsite primarily by screening, which is noisy, and produces a higher frequency noise than crushing.

He said that drilling was used to sample the resource and determine its depth on the property. He said that most of the drilling was done in the year 2000. The resource is at least 30 feet deep on the site.

EXHIBIT "E"
C-CPA-011-06; C-TA-006-06
CONCLUSIONS

(1) On the basis of the Technical Memorandum (engineer's report) submitted by the applicant, documenting the quantity and quality of resources available on the site, the Commission concludes that the quality and quantity of the resource on the proposed site qualify it as a 1C site.

(2) On the basis of the fact that OAR 660-016 requires a 1500 foot Impact Area by default, and that establishment of a 1500 foot Impact Area lends itself to consistency because an area of this size has been established for most other

EXHIBIT A

aggregate sites, the Commission concludes that the applicant's proposed 1500 foot Impact Area should be accepted.

(3) On the basis of the staff report and ESEE Analysis, the Burden of Proof, testimony received, and the Commission site visit, the Commission concludes that the proposed aggregate operation will provide economic benefits to Crook County in the form of employment, tax revenue, and availability of aggregate in close proximity to lands within the Urban Growth Boundary (UGB).

(4) On the basis of the staff ESEE Analysis, the Commission concludes that the negative economic, social, and environmental consequences of the proposed aggregate operation on the surrounding area will be minor, and will be largely mitigated by the limited potential for residential development due to the EFU-2 zoning of much of the area. The Commission concludes that negative energy consequences from the proposed aggregate operation are unlikely.

(5) Reclamation of the site when mining is completed will be overseen by the Oregon Department of Geology and Mineral Resources (DOGAMI), and the site will be restored to a condition which will make possible the resumption of agricultural use. For this reason, the Commission concludes that the proposed use will not make the site permanently unusable for agriculture.

(6) On the basis of (1-5) above, the Commission recommends that a Comprehensive Plan Amendment be approved to add the subject site to the Goal 5 Inventory as a 1C site; AND that an ESEE Analysis be adopted as a Text Amendment to place the subject site as a 3C site on the inventory of significant sites which shall be conserved and protected for surface mining.

(6) On the basis of the staff visit, the Commission recommends that the portion of the existing access road within 100 feet of Lamonta Road be required to be paved to reduce the impact of aggregate spills.

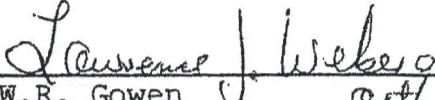
(7) The Commission recommends that all requirements of DOGAMI be required to be adhered to.

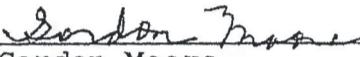
EXHIBIT A

Groff, Recommendation
C-CPA-011-06; C-TA-006-06
Page 12

(10) The Commission finds that the staff report and the Burden of Proof are to be incorporated as a part of this recommendation. (Attachment)

DATED THIS 11th Day of July, 2007.


W.R. Gowen *acting chair*
COMMISSION CHAIRMAN


Gordon Moore
COMMISSION SECRETARY

(Attachments)

EXHIBIT A

WYOMING COUNTY ADMINISTRATION
COURTHOUSE
100 N.E. THIRD STREET
PRINEVILLE, OR 97754



012H16208489

\$04.600

12/13/2007

Mailed From 97754

US POSTAGE

Hasler

Department of Land Conservation
and Development
Attn: Plan Amendment Specialist
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540