



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



NOTICE OF ADOPTED AMENDMENT

5/17/2010

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

FROM: Plan Amendment Program Specialis

SUBJECT: Crook County Plan Amendment
DLCD File Number 001-10

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: Friday, May 28, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged

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

<paa> YA

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

(See reverse side for submittal requirements)

DEPT OF

MAY 10 2010

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: CROOK Local File No.: AM-10-0009
(If no number, use none)

Date of Adoption: May 5th, 2010 Date Mailed: May 7th, 2010
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: February 12th, 2010

☐ Comprehensive Plan Text Amendment ☒ Comprehensive Plan Map Amendment
☐ Land Use Regulation Amendment ☐ Zoning Map Amendment
☐ New Land Use Regulation ☐ Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write ASee Attached.≡

A 20 acre area added to the inventory of significant resource site.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write ASame.≡ If you did not give notice for the proposed amendment, write AN/A.≡

NA

Plan Map Changed from : _____ to _____

Zone Map Changed from: _____ to _____

Location: 1415230000600,606 Acres Involved: 20

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 1,2,5,6,9,12, and 13

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 001-10 (18135) [16119]

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes: X No: ____

If no, do the Statewide Planning Goals apply. Yes: ____ No: ____

If no, did The Emergency Circumstances Require immediate adoption. Yes: ____ No: ____

Affected State or Federal Agencies, Local Governments or Special Districts: _____

DOGAMI, AND Crook County Road Department

Local Contact: Bill Zelenka Area Code + Phone Number: 541-447-8156

Address: 300 NE Third St., Rm. 11 City: Prineville

Zip Code+4: 97754 Email 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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 ANotice of Adoption is sent to DLCD.
6. In addition to sending the ANotice 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 copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to Larry.French@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

RECORDING COVER SHEET

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

STATE OF OREGON } SS 2010050
COUNTY OF CROOK }
I CERTIFY THAT THE WITHIN INSTRUMENT WAS
RECEIVED FOR RECORD ON THE 7th DAY OF
May, 2010, AT 1:55 PM.
AND RECORDED IN CJRN
RECORDS OF SAID COUNTY MF NO. 2010-050
DEANNA E. BERMAN, CROOK COUNTY CLERK
BY Julia Sammel DEPUTY N/C



AFTER RECORDING RETURN TO:

CLERK'S VAULT

NAME OF TRANSACTION

Ordinance 228, Amending the Crook County
Comprehensive Plan Goal 5 Inventory by
including a new 3C Aggregate site and adopting a
site specific ESEE (Environmental Social
Economic Energy) analysis for the mineral and
aggregate site

GRANTOR: CROOK COUNTY

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

**AN ORDINANCE OF THE CROOK
COUNTY COURT AMENDING THE
CROOK COUNTY COMPREHENSIVE
PLAN GOAL 5 INVENTORY BY
INCLUDING A NEW 3C AGGREGATE
SITE AND ADOPTING A SITE
SPECIFIC ESEE (ENVIRONMENTAL
SOCIAL ECONOMIC ENERGY)
ANALYSIS FOR THE MINERAL AND
AGGREGATE SITE.**

Ordinance No. 228

WHEREAS, the Crook County Planning Commission has recommended that the Crook County Comprehensive Plan be amended to include the subject property as new aggregate site and adopt a site specific ESEE analysis for the mineral and aggregate site.

WHEREAS, the comprehensive plan amendment is authorized by Crook County Code Title 18 Chapter 18.168 and the Comprehensive Plan of Crook County;

NOW, THEREFORE, this 5th day of May 2010, the Crook County Court ordains as follows:

SECTION ONE. *Amendment.* Ordinance 17 is amended by amending the comprehensive plan to include the approximately 20 acre site of a 39+ acre industrial parcel located on Lamonta Road (T 14 S R 15 EWM Sec 2334 TL 606 & 600) to add the subject property to the Goal 5 Inventory as a significant site and that the ESEE Analysis be adopted as a text amendment to place the subject site as a 3C aggregate site on the inventory of significant sites which shall be conserved and protected from mining.

The legal description of the parcel is as follows:

A) Parcel 2 of Partition Plat 2006-04 located in Township 14 South, Range 15 East, Section 23, W.M. (Tax Lot 606), and; B) that portion of Parcel 2 of Partition Plat 1993-05 located in Township 14 South, Range 14 East, Section 23, W.M., lying to the north and west of the Bus Evans County Road (Tax Lot 600), all located in Crook County Oregon.

SECTION TWO: *Findings*. The Crook County Court adopts the recommendation of the Crook County Planning Commission and the attached herein as its findings in support of its Decision. The Crook County Court also adopts the ESEE analysis and map attached hereto.

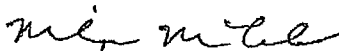
SECTION THREE. *Emergency*. The Ordinance being necessary for the health, welfare and safety of the people of Crook County, an emergency is hereby declared to exist and this Ordinance shall become effective upon signing.

First Reading 5 - 5, 2010


Second Reading 5 - 5, 2010

Dated this 5 day of May, 2010


CROOK COUNTY COURT



Judge Mike McCabe



Commissioner Ken Fahlgren



Commissioner Lynn Lundquist



Crook County
Planning Department
300 NE 3rd Street, Prineville, OR 97754
(541) 447-8156
Fax (541) 416-3905
ccplan@co.crook.or.us

November 4, 2009

**RECOMMENDATION TO THE CROOK COUNTY COURT
AM-09-137**

OWNER / APPLICANT: Rhodens Investments, Inc.
PO Box 460
Prineville, OR 97754

AGENT: Craig & Cathy Kilpatrick
13790 NW O'Neil Highway
Redmond, OR 97756

**PROFESSIONAL
GEOLOGIST:** Siemens & Associates
19134 River Woods Drive
Bend, OR 97702

PROPERTY: Township 14 South, Range 15 East, Section 23, Tax Lots 606 & 600

APPLICATION NO: AM-10-0009

REQUEST: A recommendation to the Crook County Court on a request by Rhodens Investment for approval of a Comprehensive Plan Amendment to amend the existing Goal 5 Inventory Map by including a new aggregate site and adopting a site specific ESEE (Environmental Social Economic Energy) Analysis for the mineral and aggregate site. A site plan application has been submitted under different application. A site plan permit cannot be effective until the County Court passes an Ordinance that includes the site on the Inventory Map and adopts the ESEE Analysis.

APPLICATION DATE: January 25, 2010

DEEMED COMPLETE: February 11, 2010

PUBLIC NOTICE: February 23, 2010

PROPERTY OWNER NOTICE: February 23, 2010

HEARING DATE: March 10 & 24, 2010

Rhoden Investments, Inc.

Page 1 of 2

AM-10-0009

FINAL DECISION: Recommend APPROVAL by a 4-0 vote of the Planning Commission.

On the basis of the Quarry Geologic Evaluation 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 significant site.

The Commission concludes that the applicant's proposed 500 foot Impact Area should be accepted.

On the basis of the staff report and ESEE Analysis, the Burden of Proof, testimony received, 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.


On the basis of the ESEE Analysis, the Commission concludes that any negative economic, social, and environmental consequences of the proposed aggregate operation on the surrounding area will be minor.

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

Based upon the information provided by the applicant's geologist and agent, this site is to have several restrictions imposed by the proposed Ordinance. First, this site shall have a "Sunset Clause" removing it from the Goal 5 Inventory of Aggregate sites no later than July 1, 2015. Secondly, the depth of the mining operation shall be consistent with the current elevation of the ground adjacent to Lamonta Road.

The Commission requires that all criteria of DOGAMI and DEQ be required to be adhered to.

DATED THIS 14th Day of April, 2010.



W R Gowen
Commission Chairman



William P. Zelenka
Planning Director

**Rhoden Industrial Aggregate Site
Crook County
Burden of Proof & ESEE Analysis**

January 17, 2010

OWNER / APPLICANT: Rhoden Investments, Inc.
Ron & John Rhoden
P.O. Box 460
Prineville, OR 97754

AGENT: Craig & Cathy Kilpatrick
13790 NW O'Neil Highway
Redmond, OR 97756

**PROFESSIONAL
GEOLOGIST:** J. Andrew Siemans, P.E., G.E.
Siemans & Associates
19134 River Woods Drive
Bend, OR 97702

**OPERATOR/LESSEE
CONTRACTOR:** SA Moore LLC Sand & Gravel
3597 NE 21st Drive
Redmond, OR 97756

REQUEST: The Applicant requests a Comprehensive Plan Amendment to add a 20 acre area to the inventory of significant resource sites and a Site Plan Review to place a temporary processing facility in the Heavy Industrial Zone (H-M).

I. APPLICABLE CRITERIA:

The following legal criteria are applicable to this plan amendment and site plan review application:

Crook County Code, Title 18, Zoning:

- Chapter 18.72 Heavy Industrial Zone, H-M;
- Chapter 18.124 Supplemental Provisions;
- Chapter 18.144 Aggregate Resource Sites;
- Chapter 18.148 Resource Use Protection;
- Chapter 18.168 Amendments;
- Chapter 18.172 Administrative Provisions.

Crook County Comprehensive Plan, dated November 14, 1990:

- Appendix A, Ordinance No. 43, Crook County Goal 5 Resources Mineral and Aggregate Element, Sections 2, 3, 4, 5 and 6
- Ordinance No. 51 Comprehensive Plan Policies for Mineral and Aggregate.

Oregon Administrative Rules, Chapter 660-12-060.

Oregon Administrative Rules, Chapter 660, Division 016.

Oregon Statewide Land Use Goals.

II. FINDINGS OF FACT:

1. **LOCATION.** The proposed site (tax lot 606) is located to the west of Lamonta Road on the old Pine Products lumber mill site with a strip (tax lot 600) that borders the north side of Bus Evans Lane.

2. **ZONING.** The property is zoned Heavy Industrial Zone, H-M, and is designated as such on the Crook County Comprehensive Plan.

3. **SITE DESCRIPTION.** The Rhoden property measures 39.65 acres in size. The proposed aggregate site contains approximately 20 acres. The subject property consists of two tax lots; tax lot 606 adjacent to Lamonta Road measures 29.93 acres in size, tax lot 600 to the north of Bus Evans Lane measures 9.72 acres. The elevation of highest point of the site is approximately 2,840 feet, the lowest about 2,795 feet. The proposed site slopes from north to south. Approximately on half of the property is flat. The terrain is mostly covered with gravels both natural and imported as the site was once the mill yard for Pine Products Corporation. There is little forage. Tax lot 606 is entirely fenced. Many of the old mill buildings have been removed.

Tax lots: The Rhoden Property consists of two tax lots totaling 39.65 acres as listed below:

141523 600	9.72
141523 606	<u>29.93</u>
Total:	39.65 acres

4. SURROUNDING PROPERTY.

The land to the north of the subject property is zoned Exclusive Farm Use, EFU-2, and consists of seven small parcels owned by six owners. The parcels range in size from 1.15 to 4.6 acres. Six have dwellings and are accessed from Sunset Lane to their north. Only the eastern three ownerships are directly adjacent to the land to be mined. All are outside of the 500 foot processing impact area.

Across Lamonta Road to the east are five EFU-2 parcels measuring between 0.39 to 33.1 acres in size. All of these have dwellings. There is one other parcel on the east side of Lamonta belonging to the applicant. It is zoned H-M, Heavy Industrial and is not part of this application, nor is it affected by this request.

The properties to the south are zoned H-M and vary in size from 2.46 acres to 31.0 acres in size. This last parcel belongs to the City of Prineville and houses the newly constructed City of Prineville Railroad Freight Center. Also to the south and across Bus Evans Lane is a 29.21 acre EFU-2 irrigated farm with dwelling.

To the west are two H-M zoned properties that currently have active mining operations. In the northwest corner is a six acre H-M zoned property that contains a pre-cast concrete plant that uses local sand and gravel.

5. REQUEST.

Ron and John Rhoden, the applicants, are requesting: 1) an amendment to the Crook County Comprehensive Plan placing the subject property on the Comprehensive Plan inventory for significant mineral resource sites, and; 2) adopt the ESEE analysis to allow for mining activities. Both designations are pre-requisite to applying for a commercial site plan review to operate an aggregate processing facility and; 3) designate the site as a 3C site on the Comprehensive Plan inventory for significant mineral resources. Aggregate mining is an outright use in this zone

A concurrent Commercial Site Plan Review has been submitted requesting review for the subject operation which will include surface and subsurface mining of sand & gravel and inclusion of a plant for crushing, screening and washing of the extracted materials. Aggregate mining is an outright use in this zone but requires a site plan review. Upon completion of the removal, processing and reclamation phases the property will be developed into an industrial park with commercial - industrial facilities.

A site resource evaluation report has been prepared by J. Andrew Siemans of Siemans & Associates which concludes that there is a significant volume and quality of aggregate suitable for the production of ODOT specification and other construction materials.

6. EXHIBITS:

The Applicant has submitted the following exhibits in support of this proposal.

1. Land Use Application Form for Comprehensive Plan Amendment.
2. Commercial Site Plan Review Application with required signatures, forms, tax lot cards, etc.
3. Burden of Proof & ESEE Analysis & Conclusion
4. Construction Aggregate Resource Exploration including the Quantity/Quality Evaluation of mineral resources on the Rhoden Property w map exhibits, ERT (electrical resistivity tomography) line sectional diagrams and test results.

5. Map Exhibits:
 - Vicinity Map
 - A. Assessors Maps
 - B. Existing Rhoden Property
 - C. Proposed Quarry Site
 - D. Surveyors Drawing
 - E. 500 Foot Impact Area
 - F. Surrounding Ownerships
 - G. Proposed Quarry Aerial

6. Site & Access Photos

7. FINDINGS AND CONCLUSIONS.

GOAL 5 PROCESS:

Comprehensive Plan Amendment:

The Applicant is requesting inclusion of approximately 20 acres of the subject property as a 3C-GRV Site. The Goal 5 process under the Crook County Comprehensive Plan is a five step process, which is briefly summarized as follows:

1. The first step is to determine whether the site should be included in the inventory of Goal 5 resources, this requires adequate information on the location, quantity and quality of the Goal 5 resource, which in this case is sand and gravel, and a determination that the indicated resource site is important or significant.
2. The second step is to identify conflicting uses and any conflicts in the applicable requirements of other state-wide planning goals on the resource site.
3. The third step is to determine the economic, social, environmental and energy consequences of allowing conflicting uses.
4. If conflicting uses have been identified, the fourth step is to develop a program to achieve Goal 5.
5. The fifth step is implementation through the zoning regulations.

STEP 1 – INVENTORY:

1. RESOURCE LOCATION:

A. Property Location: The subject site consists of approximately 20 acres generally described as part of Tax Lots 600 and 606, in Section 23, Township 14 South, Range 15 East of

the Willamette Meridian. The proposed site is located between Lamonta Road and Bus Evans Road. The subject site property consists of a total of 39.65 acres. The subject area represents approximately half of the total property or 20 acres.

B. Impact Area:

The area proposed for mining will occur more than 100 feet from the neighboring properties. The Applicant has identified an impact area extending 500 feet from the site of the processing area which will be the greatest source of activity. The impact area is within the subject parcel.

2. RESOURCE QUALITY AND RANKING SYSTEM:

A. Quality: Conclusions excerpts from the Construction Aggregate Resource Exploration Report:

General fill

Each of the strata encountered can be considered acceptable as a general, pit run fill material suitable for building embankment for a variety of purposes including structural fills. Variations exist with Stratum 2g materials offering superior capacity and strength over the other, finer grained soils.

PCC Aggregate

The character of Stratum 2g offer an important resource for progressing as rounded/sub-rounded aggregate utilized as the coarse and fine fraction in concrete mix design. Rounded/sub-rounded aggregate is in very short supply in Central Oregon and favored for its workability characteristics when used to batch Portland cement concrete. Our conversations with users of similar materials mined from nearby sources believed to be geographically similar indicate that both Strata 2g and 2s have been successfully utilized as PCC aggregate. The sand of Stratum 2s was considered by these users to offer only fair qualities due to lightweight constituents and as a result the sand is commonly combined with higher quality sand typically produced from crushed basalt in order to meet common specifications.

A series of qualification tests were performed on both the coarse of Stratum 2g and the finer, sandy aggregate of Stratum 2s for the purpose of evaluating potential to meet common specifications for aggregate quality. These data are presented in the attached "Field and Laboratory Appendix."

In summary, it is our view that the testing program generally supports a conclusion that both Stratum 2g and Stratum 2s offer characteristics that make these resources valuable as potential PCC aggregate.

Other aggregate

The coarse nature of Stratum 2g is ideally suited for screening to produce a quality drainage aggregate for uses including drainfield rock, wall drainage aggregate, floor drainage, landscape rock and other similar products. The oversized constituents could be crushed to provide materials

such as base aggregate and aggregate for the production for hot-mix asphalt concrete and other crushed products used in road construction.

STEP 2 – IDENTIFICATION OF CONFLICTING USES AND OTHER GOALS:

The site is identified as having no potential conflicting uses or conflicting applicable requirements of other state-wide planning goals. The Applicant contends that the proposed site should be identified as a 3C site under the Crook County Comprehensive Plan. The Applicant's reasons are set forth in the following ESEE analysis:

STEP 3 – ESEE ANALYSIS:

OAR 660-16-005 requires that the economic, social, environmental and energy consequences be considered when reviewing impacts, both to and from Goal 5 resource sites.

A. Conflicting Uses:

OAR 660-016-0005 requires local governments to identify conflicts with inventoried Goal 5 resource sites. This is done primarily by examining the uses allowed in the zone where the resource is located. If conflicting uses are identified the local government must determine the economic, social, environmental, and energy (ESEE) consequences. Both the impacts of the conflicting uses on the resource site and the impacts of the resource site on the conflicting uses must be considered. A determination of the ESEE consequences is legally sufficient if it enables the local government to explain why decisions are made for the site. The first step in identifying conflicting uses is to define the boundaries of the impact area. Crook County has not adopted Division 23 of the Oregon Administrative Rules (OAR 660-23), therefore the Applicant has elected to describe the impact area as a 500 foot setback from the area of greatest activity, the processing, which is also the setback for noise and dust sensitive uses such as residences commercial uses. Division 16 of the Oregon Administrative Rules (OAR 660-16) does not specify the specific scope of the impact area and Crook County has not defined the boundaries of the impact area by ordinance.

B. Impact Area:

A GIS map is attached to this application that shows the entire property, the proposed mine area, processing area and all adjacent properties and uses. The 500 foot impact area is designated, all of which is within the subject property. The subject site is proposed for a temporary sand and gravel pit and as such there will be no blasting occurring on-site. There are no sensitive bird sites or wildlife overlays on or near the property. There are a number of dwellings on properties adjacent to the subject properties. They are all located on parcels zoned Exclusive Farm Use, EFU-2. All of the residences are outside of the area designated as being within 500 feet of the processing plant. Applicant notes that this mining operation is temporary in nature and that quarry activities are an outright use within this designated zone. Also please note that the subject property was formerly part of the Pine Products Corporation lumber mill and that many of the neighboring dwellings were located after the construction and operation of the old mill.

C. ESEE Analysis:

The following ESEE analysis identifies conflicting uses and describes the economic, social, environmental, and energy impacts of the proposed mining operation.

1. Economic Consequences: The Crook County Comprehensive Plan has identified some of the economic benefits from the development of aggregate resources. There are both direct and indirect benefits from the development of aggregate resources. The landowner, mine operator and those employed by him benefit directly as well as those equipment suppliers, truckers and home and road construction contractors. The aggregate, road construction and trucking industries provide employment and generate tax revenues within Crook County. This mining proposal is unique in that it is the first step in reclaiming an old lumber mill site for future development as an industrial park within the H-M Heavy Industrial zone. The largest part of the material, approximately 75 percent, will be processed by another area company off-site while the smaller part, approximately 25 percent will be processed on-site for an adjacent facility where pre-cast concrete products are produced. The aforementioned activities help to create a "value added" opportunity which represents the best possible economic consequence. The effect of moving materials in from other locations and greater distances only increases road development costs, wear on road systems and increased consumption of fuel.

Central Oregon benefits indirectly from the availability of reasonably priced aggregate. The preservation and operation of aggregate resources adds to the available supply of these resources.

There are also several factors that can be considered as having negative economic consequences such as increased short term truck traffic, costs related to the rehabilitation and resurfacing of roads worn or damaged from long hauling from the property, and the potential need for increased police enforcement and other regulation. As previously stated the proposed site is ideally situated for two significant production options. The aforementioned production options and the possibility for reclamation of the mill site clearly outweigh those possible negative factors.

2. Social Consequences: The Crook County Comprehensive Plan identifies a number of social benefits from mining activities including the maintenance of an adequate supply of high quality aggregate for maintaining and expanding the roads of Crook County. There are numerous employment opportunities resulting from aggregate production and mining activities. The availability of quality aggregate insures competitive bidding on area road and construction projects.

The Plan also identifies several negative social consequences, including the loss of scenic value, reduced recreational opportunities, degradation of habitat for fish and wildlife. The negative impacts also include noise and dust during production and hauling periods.

With this approval of the subject project there is no significant loss of scenic value. It is an old mill site which will be replaced with a newly constructed industrial park. It is well screened on the north side due to the slope. If the Applicant is given approval to proceed, a

DOGAMI permit will be required and the property will have to be reclaimed. Reclamation of the mill site is part of the owners plan for the future. There should be negligible degradation of habitat for wildlife, in any, in the area.

The property does not lie within the general winter deer range or elk range. There are no identified bird nests in the impact area or even in the immediate area. As previously stated there will be no blasting associated with this quarry site.

There will be no reduced recreational opportunities on the subject property as it is private and is not used for recreation. There may be a negligible impact from dust and noise near the processing area. The operator is required to meet DOGAMI and DEQ guidelines for control of dust and noise.

3. Environmental Consequences: The Comprehensive Plan recognizes some negative environmental consequences associated with mining including the reduction of available cover and forage, possible relocation of some wildlife, and increased traffic associated with mining and road construction.

The proposed excavation site is not in a farm zone, is not in any wildlife range and is the former site of a lumber mill that produced a great deal more traffic, dust and noise than will be experienced through the reclamation of the subject property.

All fugitive dust will be controlled by seeding, mulching and/or the addition of water. There are no creeks or perennial streams in the quarry area. There are the remains of an old mill pond on the south side of the property, outside of the proposed mining area. It is slowly being filled with road debris by the City of Prineville as a permitted use.

4. Energy Consequences: The Applicant is not able to identify any negative energy consequences. The quarry site is ideally situated to serve the needs neighboring pre-cast concrete plant and is adjacent to the Hooker Creek mine site that is also hauling material off-site for processing.

The site contains easily processed sand and gravel which will be processed at the on-site plant. Beyond the removal of the aggregate materials the primary consequence will be the reclamation of the lumber mill site creating an opportunity for new facilities development within the heavy industrial zone.

STEP 4 – PROGRAM TO ACHIEVE GOAL 5:

D. Program To Achieve Goal 5:

OAR 660-016-0010 states that based upon 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 three courses of actions is chosen must be supported by

reasons which are included in the Comprehensive Plan, the 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 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 ESSE 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 fully, which are not to be allowed at all, and which are to be allowed conditionally. The jurisdiction must also designate specific standards and limitations must be specific enough that affected property owners can clearly understand them.

Based upon this analysis, the Applicant suggests that there are few potential and no actual conflicting uses within the impact area that can be identified. By observing the County setback requirements and locating the processing facility more than 500 feet from the property boundary the Applicant has created a circumstance in which potential conflicts, if any, can be mitigated in order to achieve the Goal. It is important to protect the site and to limit conflicting uses. Therefore, the applicant is requesting that this site be ultimately identified as a 3C site. Protection from conflicting uses will be implemented through the zoning regulations and any condition attached to the approval.

E. Comprehensive Plan / Zoning Ordinance Requirements:

1. **The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies and regulations of the County.**

RESPONSE: The Applicant has proposed an amendment to the Crook County Comprehensive Plan to include the subject property on the County's inventory of significant mineral and aggregate resource sites. The Applicant has supplied a geotechnical site evaluation demonstrating the significant aggregate resources on the site, both in terms of quantity and quality. Assuming that comprehensive plan will be amended to include the subject property, the Applicant has addressed the applicable provisions of the zoning ordinance for such a use. The Comprehensive Plan identifies the subject property as a high priority area for industrial development as it is located near and between the Madras Highway and the railroad, facilitating prime access; it is adjacent to present industry and industrial zoning. Conformance with those applicable provisions is discussed below in this burden of proof statement.

2. Taking into account location, size, design and operation characteristics, the proposal will have minimal adverse impacts on the (A) livability, (B) value, and (C) appropriate development of the abutting properties and the surrounding area compared to the impact of development that is permitted outright.

RESPONSE: The 20 acre area has been identified by the Applicant as having over two hundred, ninety seven thousand (297,000) cubic yards of sand and gravel. The material will be mined using excavation equipment without the need to "drill and shoot." Typical on-site equipment will consist of a bulldozer, excavator, a loader, a sorter, weigh scale, water truck, crusher, screen and washer. All of the equipment is portable. The operation will generate noise and dust, which will have some minimal impacts on adjacent property. All of the adjacent properties are more than 500 feet from the processing facility. These impacts will be mitigated by the location, design and excavation sequence on the site. See Map Exhibit E.

The Applicant has identified the types of uses which are occurring nearby as very small EFU parcels that are not economical to farm. There are also several other adjacent H-M zoned properties including the old Rhoden Power Plant and the City of Prineville's new freight facility. Agricultural uses are not usually considered to be "noise and dust sensitive" uses and are often generators of noise and dust themselves. Most of the adjacent "farms" are more residential in use but are zoned EFU nonetheless. The proposed operation should have minimal adverse impact on the value and development due to the temporary nature of the mining and processing activity.

3. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.

RESPONSE: The Applicant suggests that the reclamation of the site to a modern productive industrial park can only be seen as an improvement of the site.

4. The proposal will preserve assets of particular interest to the County.

RESPONSE: Long run preservation and restoration of high priority, heavy industrial land is of in the best interest of the county and its citizens.

5. The applicant has a bona fide intent and responsibility to develop and use the land as proposed and has some appropriate purpose for submitting the proposal, and is not motivated solely by such purposes as the alteration of property values for speculative purposes.

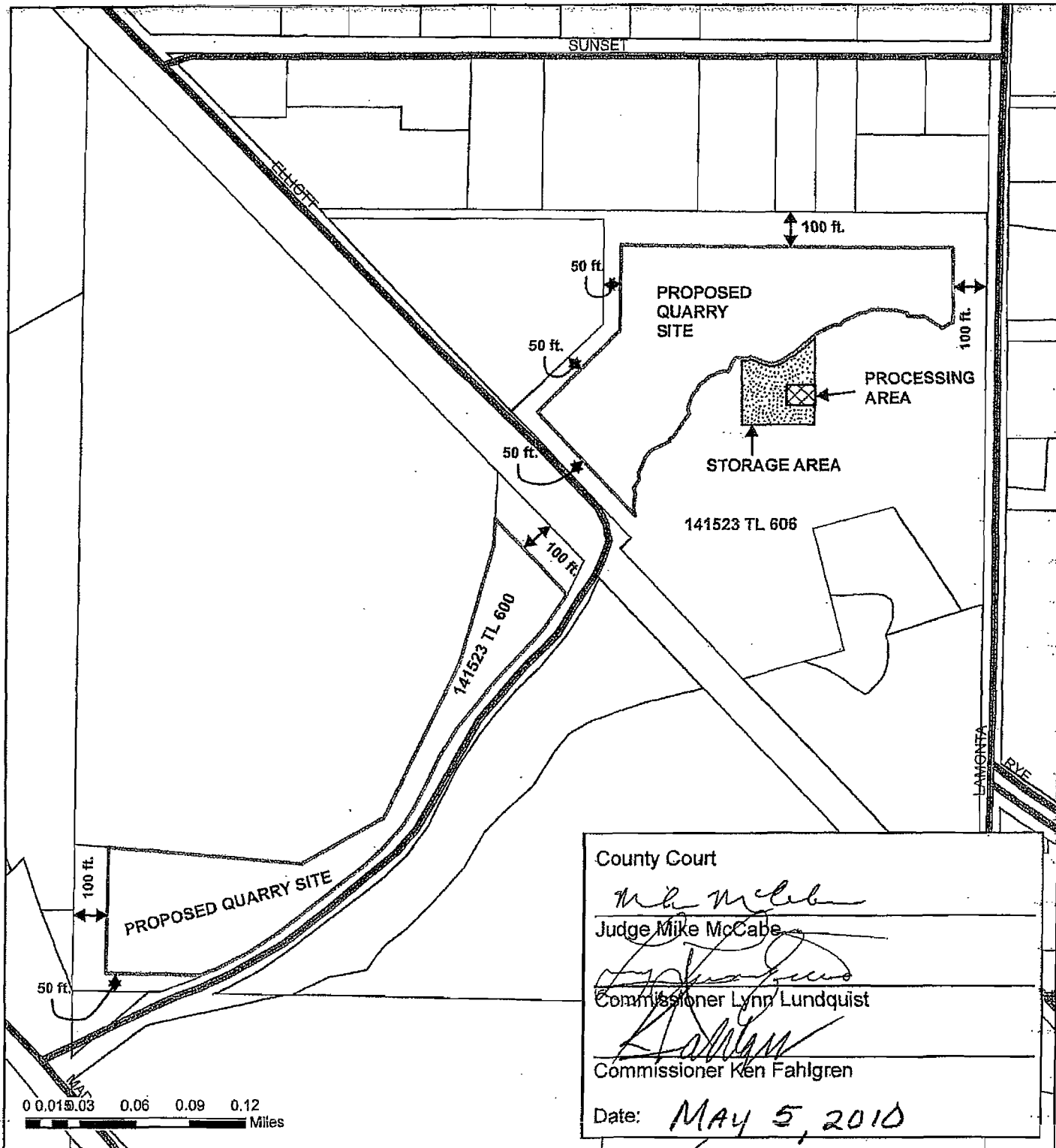
RESPONSE: The short term result of this approval is the mining and reclamation of the old mill site for future industrial development, essential to the County's growth and welfare.

F. Site Plan Review.

Site Plan Review.

Ordinance 228, Goal 5 Inventory Aggregate Amendment

Rhoden Properties - T14S, R15E, SEC. 23 TL 600 - 9.72 ac.
T14S, R15E, SEC. 23 TL 606 - 29.93 ac.



Disclaimer: This information is prepared for reference purposes only and should not be used, and is not intended for, survey or engineering purposes.

ROCK COUNTY PLANNING DEPT.
300 N. E. Third Street
Pineville, OR 97154

DLCD
Plan Amendment Spec.
635 Capitol St. NE Ste. 1
Salem OR 97301 2540

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