



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: April 18, 2016
Jurisdiction: Crook County
Local file no.: 217-15-000344-PLNG
DLCD file no.: 001-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/12/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 001-16 {24209}

Received: 4/12/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Crook County

Local file no.: 217-15-000344-PLNG

Date of adoption: 4/5/2016

Date sent: 4/12/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes / Date (use the date of last revision if a revised Form 1 was submitted): 1/7/2016

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Ann Beier

Phone: 541-447-8156

E-mail: ann.beier@co.crook.or.us

Street address: 300 NE 3rd Street

City: Prineville

Zip: 97754

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

The comprehensive plan was amended to add an eighty-five acre site to the Goal 5 inventory of significant mineral and aggregate resources (Appendix A of the Comprehensive Plan). The Crook County Court also adopted the site-specific ESEE analysis. There is no change in plan map designation

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected: *N/A*

Change from _____ to _____ acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): T14 R15 Sec 25, TL 100 and T14 R15, Sec 25D TL 500

The subject property is entirely within an urban growth boundary *NO*

The subject property is partially within an urban growth boundary *N/A*

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary. *N/A*

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary. *N/A*

Exclusive Farm Use - Acres:	Non-resource - Acres:
Forest - Acres:	Marginal Lands - Acres:
Rural Residential - Acres:	Natural Resource/Coastal/Open Space - Acres:
Rural Commercial or Industrial - Acres:	Other: - Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

N/A

For a change to a zoning map:

Identify the former and new base zone designations and the area affected: *N/A*

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: *N/A* Acres added: *N/A* Acres removed: *N/A*

Location of affected property (T, R, Sec., TL and address): *N/A*

List affected state or federal agencies, local governments and special districts: Ochoco Irrigation District, Crook County Road Department, OR Department of Geology and Mineral Industries, OR Department of Environmental Quality, OR Department of Land Conservation & Development, OR Department of Fish & Wildlife

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

The ordinance (ordinance 293) adding the site to the Goal 5 inventory and adopting the site-specific ESEE analysis is attached. The planning commission's recommendation and supporting documents are also attached.



Cheryl Seely, County Clerk for Crook County,
Oregon, certifies that the instrument identified
herein was recorded in the Clerk records.

Cheryl Seely - County Clerk



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

**AN ORDINANCE 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. 293

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

WHEREAS, Goal 5 further provides that in conjunction with the inventory of mineral and aggregate resources, sites should be analyzed for the Economic, Social, Environmental and Energy (ESEE) consequences of allowing mining and potential impacts on conflicting uses; and

WHEREAS, the Crook County Planning Commission has recommended that the Crook County Comprehensive Plan be amended to include eighty-five (85) acres of the subject property to the County's inventory of significant aggregate and mineral resource sites; and

WHEREAS, the Crook County Planning Commission recommends adoption of the site specific ESEE (Economic, Social, Environmental and Energy) analysis for the proposed mineral and aggregate site; and

WHEREAS, the comprehensive plan amendment is authorized by Crook County Code Title 18 Chapter 18.170 and the Comprehensive Plan of Crook County.

NOW, THEREFORE, the Crook County Court ordains as follows:

SECTION ONE. *Amendment.* Ordinance 17 is amended by amending the comprehensive plan to add the approximately eighty-five (85) acre site, described as a portion of T14S, R15 E WM, Section 25, tax lot 100 and a portion of T14S, R15 E WM, Section 25D, tax lot 500, to the Goal 5 Inventory as a significant aggregate resource site and to adopt the site-specific ESEE Analysis as a text amendment to place the subject site on the inventory of significant sites as a

3C site, which shall be conserved and protected for mining, subject to conditions required by the Planning Commission's conditional use approval.

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 including the proposed inventory (Attachment A). The Crook County Court also adopts the ESEE analysis and map attached hereto (Attachment B).


First Reading March 16, 2016


Second Reading April 6, 2016

Dated this 2nd day of April, 2016

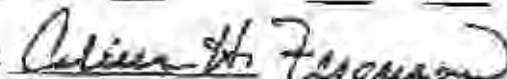
CROOK COUNTY COURT


Judge Mike McCabe


Commissioner Ken Fahlgren


Commissioner Seth Crawford

Vote:	Aye	Nay	Abstain	Excused
Mike McCabe	<input checked="" type="checkbox"/>			
Ken Fahlgren	<input checked="" type="checkbox"/>			
Seth Crawford	<input checked="" type="checkbox"/>			

Attest: 
Crook County Court Secretary



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

March 8, 2016

**RECOMMENDATION TO THE CROOK COUNTY COURT
217-15-000344-PLNG**

OWNER: Mark Stafford
Rock Products Manufacturing, Inc.
4411 NW Elliott Lane
Prineville, Oregon 97754

AGENT: Craig and Cathy Kilpatrick
Kilpatrick Designs
13790 NW O'Neil Highway
Redmond, Oregon 97756

PROPERTY: T14 S R15 E WM, Section 25, Tax lot 100
T14 S, R15 E WM, Section 25D Tax lot 500

APPLICATION NO: 217-15-000344-PLNG (Comprehensive Plan Amendment)

REQUEST: The applicant requests that the County amend the Crook County Comprehensive Plan to add an eighty-five (85) acre area to the County's inventory of significant mineral and aggregate resource sites and, by adopting the site specific ESEE (Environmental, Social, Economic, and Energy) analysis, to allow mining activities on the subject property.

If the site is added to the County's inventory, the applicant is also requesting a modification to the existing conditional use permit for aggregate mining in an exclusive farm use zone (EFU-2). A request for modification of the existing conditional use approval for the proposed mining activities has been submitted under a separate application (217-15-000345-PLNG). The conditional use approval cannot take effect until the County Court adopts an ordinance to place the aggregate site on the Comprehensive Plan Goal 5 Inventory map and adopts the site specific ESEE Analysis.

APPLICATION DATE	December 9, 201
DEEMED COMPLETE	January 7, 2016
PUBLIC NOTICE	January 22, 2016
PROPERTY OWNER NOTICE	January 22, 2016
HEARING DATES:	February 10 and February 24, 2016

FINAL DECISION: Recommend approval of comprehensive plan amendment and adoption of site-specific assessment of the Economic, Social, Environmental and Energy Consequences of allowing mining on the proposed 85-acre site (the ESEE Analysis) by a 4-0 vote of the Planning Commission members in attendance at the February 24, 2016 meeting.


On the basis of the Aggregate Resource Investigation for the Stafford Site submitted by the applicant (Summarized in ATTACHMENT A), documenting the location, 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 required a 500 foot Impact Area to assess impacts associated with mining as required by Crook County Comprehensive Plan policies (See the ESEE analysis - ATTACHMENT B).

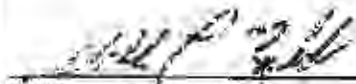
On the basis of the staff reports and the ESEE Analysis (ATTACHMENT B), the applicant's Burden of Proof statement, and testimony received, the Commission concludes that the proposed aggregate operation will provide economic benefits to Crook County in the form of employment, tax revenue, and availability of aggregate material. 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 can be minimized by conditions on mining activities.

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 the site-specific ESEE Analysis be adopted as a Comprehensive Plan Text Amendment to place the subject site as a "3c" Gravel site on the inventory of significant sites, allowing the site to be protected while limiting impacts on conflicting uses. A "3c" site is one for which the Planning Commission has determined, based on the ESEE analysis, that both the resource site and conflicting zoning uses are important relative to each other. The ESEE consequences were balanced and limits and conditions placed on the mining and on the conflicting uses to resolve conflicts described in the ESEE analysis.

The Commission requires that all criteria of permits for the site from the Oregon Department of Geology and Mineral Industries and the Oregon Department of Environmental Quality are required to be adhered to.

DATED THIS 10th DAY OF MARCH, 2016


W R Gowen
Commission Chairman



William P. Zelenka
Planning Director

ATTACHMENT A - Goal 5
ATTACHMENT B - ESEE Analysis

ATTACHMENT A
217-15-000344-PLNG
STAFFORD AGGREGATE SITE EXPANSION
GOAL 5 INVENTORY

Crook County's Comprehensive Plan includes the County's existing Goal 5 inventory, including an inventory of significant mineral and aggregate sites. This inventory has been amended over time to include additional, significant Goal 5 resources.

Oregon Administrative Rules (OAR) 660-016 outlines the requirements and procedures for complying with Statewide Goal 5 (natural resources):

660-016-0000 (2) A "valid" inventory of a Goal 5 resource under subsection (5)(c) of this rule must include a determination of the location, quality, and quantity of each of the resource sites. Some Goal 5 resources (e.g., natural areas, historic sites, mineral and aggregate sites, scenic waterways) are more site-specific than others (e.g., groundwater, energy sources). For site-specific resources, determination of location must include a description or map of the boundaries of the resource site and of the impact area to be affected, if different. For non-site-specific resources, determination must be as specific as possible.

LOCATION: The eighty-five (85) acre resource location is defined within the Stafford site based on setbacks from the property boundaries. A legal description of the mining area will be provided as part of the amended mining and reclamation permit that will be required by the Oregon Department of Geology and Mineral Industries. Exhibits 1 and 2 show the property location, the proposed mining area boundary and the location of test pits.

QUALITY AND QUANTITY: OAR 660-016 does not include specific language relating to the quality and quantity of aggregate and mineral resources. It describes quality in terms of the site's relative value compared to other examples of the same resource that are found in the jurisdiction. A determination of quantity requires consideration of the relative abundance of the resource on the site.

Crook County has retained the provisions of OAR 660-016 in evaluating Goal 5 resources rather than adopting language in OAR 660-023, which outlines the State's current requirements related to local plans and programs to protect Goal 5 resources, including mineral and aggregate sites. Division 23 includes specific guidance regarding the quality and quantity of mineral resources required to make a finding that the resource is "significant." Specifically,

(3) An aggregate resource site shall be considered significant if adequate information regarding the quantity, quality, and location of the resource demonstrates that the site meets any one of the criteria in subsections (a) through (c) of this section, except as provided in subsection (d) of this section:

(a) A representative set of samples of aggregate material in the deposit on the site meets applicable Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley, or more than 500,000 tons outside the Willamette Valley.

Although the applicant is not required to meet the specifications in 660-023, these are useful parameters in determining whether or not an aggregate resource is "significant."

QUALITY: The applicant provided an analysis of aggregate materials on the site prepared by Mark Herbert and James Parker of The Wallace Group, Inc. (September 10, 2015). The Wallace Group analyzed materials from six test pits, ranging from 14 to 18 feet below the ground surface. (Exhibit 2 - location of test pits). The report states that the test pits indicated approximately 1.5 to 7 feet of overburden soils (silty sand and sandy-silt) overlying silty, sandy gravel with cobbles to depths of 12 to 18 feet. According to the report, no ground water was encountered in any of the test pits.

The report concludes "Based on our field exploration, observations and laboratory testing, the type and quality of the aggregate resource in the proposed expansion area is generally consistent to that currently mined in the existing pit area."
"Aggregate qualification laboratory testing was not included in the scope of this investigation, but a visual assessment of the material indicates that the aggregate is of relatively durable nature and consistent with aggregate in the active pit area."

The applicant provided information prepared by Kleinfelder Geotechnical Engineering when the original mine site was approved in 2006 (C-CPA-011-06 and C-TA-006-06). The staff report for that proposal stated that samples were tested for abrasion, air degradation and soundness. According to the staff report summary of the Geotechnical report, "The laboratory test results indicate that both composite samples meet ODOT (Oregon Department of Transportation) specifications for asphalt aggregate and highway road base aggregate. However, they indicated that the composite sample from 4-6 feet below ground surface (one of the composite samples) does not meet the sodium sulfate soundness requirements for ODOT specified concrete aggregate." The report suggested that processing operations, including screening and washing, would remove fine soil particles and would assure adequate quality of materials. They recommended that the applicant conduct periodic quality control safety testing to verify that the material properties met the intended specifications.

QUANTITY: The proposed active mining site measures approximately 67 acres out of the 85 acre area. According to the 2015 report by the Wallace Group, based on their observations of the test pits, they estimate an average thickness of 10.5 feet for the sand, gravel and cobble strata. Based on this information, they calculated a gross estimate of 1,131,000 cubic yards of potential aggregate resource in the proposed expansion area. Using an estimate of 1.3 tons per loose cubic yard yields an estimate of approximately 1,471,000 tons of available aggregate resource. The test for quantity in the new Goal 5 administrative rule (OAR 660-023) is 500,000 tons outside the

Willamette Valley. The expected quantity of materials from this site is almost three times that amount.

SUMMARY OF INVENTORY DECISION

Based on the location, quality and quantity information, the Planning Commission recommends that the site should be placed on the County's Goal 5 mineral and aggregate inventory as a "1C" site. A "1C" site is one that has been inventoried and found to be significant. The "1C" site was then evaluated by the Planning Commission to determine if there are conflicting uses and if those uses can be balanced with protection of the resource site. This balancing is based on the ESEE (Economic, Social, Environmental and Energy) analysis (ATTACHMENT B).

Exhibit A

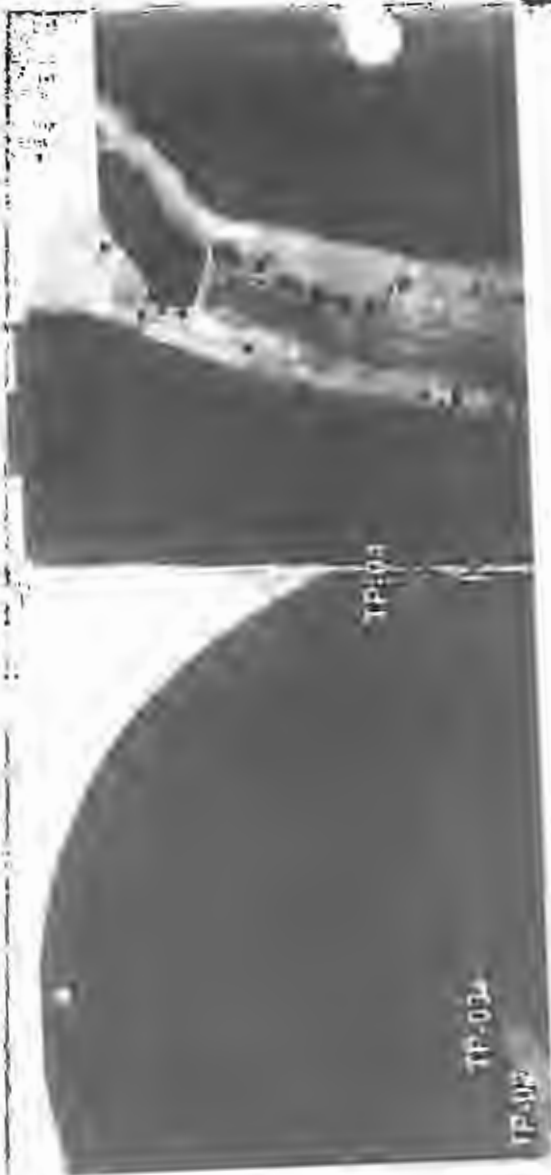
211-15-00004 - PLAN



Map information and disclaimer text.

0 500 1,000 Feet





PROJECT No.	DATE (Y)	FIGURE
INDUSTRY	APPROX. RE. DATE	2
CITY		
COUNTY		
STATE		
FILE NUMBER		

EXPLORATION LOCATION MAP
 AGGREGATE QUALITY EVALUATION
 PROPOSED PIT EXPANSION
 ROCK PRODUCTS PTINNEVILLE PIT
 PTINNEVILLE, OREGON

GROUP
 11-15-50
 11-15-50

LEGEND

1:50,000 SCALE



APPROXIMATE SCALE

THIS MAP WAS PREPARED BY THE U.S. GEOLOGICAL SURVEY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE DIRECTOR. THE U.S. GEOLOGICAL SURVEY IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE U.S. GEOLOGICAL SURVEY IS NOT RESPONSIBLE FOR ANY DAMAGES OR LOSSES ARISING FROM THE USE OF THIS MAP.

**ATTACHMENT
IDENTIFICATION OF CONFLICTING USES AND ESEE ANALYSIS
STAFFORD AGGREGATE SITE
217-15-000344-PLNG**

IDENTIFICATION OF CONFLICTING USES

If a mineral and aggregate site is found to be significant (see Attachment A), OAR 660-016-0005 states that it is the responsibility of local government to identify conflicts with inventoried Goal 5 resource sites. This is to be done primarily by examining the uses allowed in the zone where the resource is located. A conflicting use is one which, if allowed, could negatively impact a Goal 5 resource site. When existing conflicting uses are already present, the Goal 5 site could impact those uses. These impacts must be identified, and one of two actions taken by the local government:

(1) Preserve the Resource Site: Applies only if there are no existing conflicting uses.

(2) Determine the Economic, Social, Environmental, and Energy (ESEE) Consequences: This applies if existing conflicting uses are identified. 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. The applicability and requirements of other Statewide Planning Goals must also be considered. A determination of the ESEE consequences of the identified conflicting uses is adequate if it enables the jurisdiction to explain why decisions are made regarding the site.

There are conflicting uses related to this site. Thus, the Planning Commission and County Court must determine the impacts of conflicting uses on the resource site as well as the impacts of the resource site on the conflicting uses. In addition, the County must weigh the applicability of other Statewide Planning goals.

(This step requires the following:

1. identifying the impact area
2. identifying conflicting uses
3. Determining the ESEE consequences
4. Assessing the applicability of other Statewide Planning goals

Identifying the Impact Area

The applicant identified an impact area including all parcels within 500 feet of the proposed mine site. The 500 foot impact area is consistent with language in the County's comprehensive land use plan that defines the impact area as 500 feet from the boundary of the mining area. Exhibit 1 shows the proposed mining area and 500 foot impact area.

Conflicting Uses

All properties within the impact area and surrounding the proposed mine site are zoned for Exclusive Farm Use - 2 (EFU-2). Aggregate mining is allowed as a conditional use in an exclusive farm zone. (Crook County Code 18.20.020 and (ORS 215.283(2)(b)).

Although agricultural activities are not considered conflicting uses with mining activities, some uses that are allowed in farm zones may have impacts associated with mining. These include currently occurring activities such as agricultural uses, farm and non-farm dwellings, and commercial activities in conjunction with farm use. Other potential uses in the EFU zone could include schools, churches, parks, campgrounds, parks and playgrounds, and home occupations.

There is one dwelling within the 500 foot impact area. This is a dwelling on 14.1 property owned by the Groff family. The applicant proposes limiting impacts to nearby residential uses by the following:

- 1) Limiting operating hours;
- 2) Phasing mining operations; and
- 3) Limiting processing activities to the existing mine site (R16 Section 25, tax lot 200).

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 is required. Some impacts are likely to affect more than one of these categories. Impacts of conflicting uses on the resource site and the impacts of the resource site on conflicting uses must both be considered.

As part of the ESEE analysis, the Planning Commission considered whether or not the current mining and processing site impacted adjacent uses. They reviewed County and Oregon Department of Geology and Mineral Industry records and found no evidence of complaints regarding the on-going operations.

ECONOMIC CONSEQUENCES:

The Crook County Comprehensive Plan has identified some of the economic benefits from the development of aggregate resources including both direct and indirect benefits. The landowner and those employed in mining and processing will benefit directly as will equipment and fuel suppliers, and trucking firms. The mine will provide employment opportunities and generate tax revenues within Crook County. The proposed aggregate site should have positive economic impacts by providing a local source of high quality aggregate material for local construction projects. This will benefit the economy of Crook County and Central Oregon.

There may be negative economic consequences associated with impacts from truck traffic on County roads. There may also be economic consequences for adjacent property owners due to a drop in property values because of the mining operation. Dust and noise associated with mining operations may be factors affecting property values. However, it should be noted that mining has been occurring on the adjacent property for a number of years. It is not expected that the proposed operation will add significant noise, dust and traffic relative to current operations.

The applicant indicates that the proposed site is ideally situated for two significant production options - both on and off-site processing. The required reclamation of

agricultural uses ensures that agricultural activities only be temporarily displaced by the mining operation.

SOCIAL CONSEQUENCES: Positive social impacts of the proposed mining operation will include retention and possible increases in employment, tax revenue, and the availability of a local aggregate supply to ensure competitive bidding on area road and construction projects.

Negative social impacts potentially include a reduction in the rural quality of life for the adjacent properties. Impacts associated with the site could include increased traffic, noise, and dust. The applicant is proposing to limit operating hours at the expanded site to help minimize these potential impacts.

Mining activities have been conducted on the adjacent property since approved in 2006-2007. Impacts associated with the new mine site are not expected to differ in type or intensity from current impacts. The subject property consists of one half of an irrigated alfalfa field that will be restored to the same use following completion of the mining activities. The mine site is well screened on three sides due to the slope. Because of the required 100 foot setback perimeter, most of the mined area will be well below the existing grade and out of sight of most surrounding properties.

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

The proposed mine site is in an exclusive farm zone and will be reclaimed for farm use. The subject property is not located in any identified wildlife range. All fugitive dust will be controlled by seeding, mulching or adding water to reduce dust. There are no creeks or perennial streams in the mining area. The water used on the adjacent mining and processing site is contained in the existing ponds that are sealed and have a long history of approved use. Water quality issues will be addressed by the Oregon Department of Environmental Quality and the Department of Geology and Mineral Industries prior to an amended mine operation and reclamation permit being issued for the site.

ENERGY CONSEQUENCES: Positive energy impacts are likely to occur from having a local source of aggregate to minimize transportation costs related to moving aggregate materials. There appears to be little potential for negative energy impacts.

CAR 660-16-0005(3) requires local governments, in analyzing the ESEE consequences of conflicting uses, to also consider the applicability and requirements of other Statewide Planning Goals.

Goal 1 - Citizen Involvement - Crook County requires notice to adjacent property owners and a public hearing before the planning commission and the County Court prior to adoption of any comprehensive plan amendment. In addition, public notice is provided through the local newspaper. The information relating to the hearing (e.g.,

the staff report and exhibits) are available on the County's website and hard copies are available to the public when requested. Interested parties have an opportunity to submit written and oral testimony to the County before any final decision is issued. The County also provided notice of the proposed plan amendment to the Oregon Department of Land Conservation and Development.

Goal 2 - Land Use Planning - This decision will be subject to the policies and processes of Crook County's Comprehensive Land Use Plan and the zoning code and will meet the Goal 2 requirements regarding land use planning. The land use process established under Goal 2 assures that there is an adequate factual basis for all final land use actions and decisions.

Goal 3 - Agricultural Lands - Goal 3 seeks to preserve and maintain agricultural lands through the implementation of zoning restrictions that limit land uses that adversely impact agricultural practices. The applicable zoning rules authorize mining activities on significant resources sites where mining activities will not force a significant change in accepted farm uses and will not result in significant cost increases to accepted farm practices. The agricultural use on the site will be temporarily interrupted as actual mining is conducted in phases. The site will be reclaimed to allow agricultural use after mining is complete. Mining activities should have limited impacts on other agricultural properties.

Goal 4 - Forest Lands - There are no forest lands impacted by the proposed aggregate site and thus no conflicts with Goal 4.

Goal 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces. This proposal is to add this site to the Goal 5 inventory of significant aggregate resource sites. Based on information from Oregon Department of Fish and Wildlife and other resource management agencies, development of this site for aggregate production does not conflict with any other Goal 5 resources.

Goal 6 - Air, Water and Land Resources Quality. The operation of the aggregate mining site will be conducted in compliance with all other applicable state and local permits and regulations. DOGAMI has oversight responsibility for mining operations and final reclamation. Dust control is a required component of the operating plan. DEQ permits will be required for water management.

Goal 7 - Areas Subject to Natural Disasters and Hazards. The proposed mine site is not recognized as being in an area subject to natural disasters or hazards. There is no conflict with Goal 7.

Goal 8 - Recreational Need. The proposed mining operation will not impact identified recreational sites. There is no conflict with Goal 8.

Goal 9 - Economy of the State. The proposed mining operation will have a positive impact on the local economy by providing a readily available source of material for local construction projects.

Goal 10 – Housing. Development of the aggregate resource site will have no impact on Crook County's housing needs.

Goal 11 – Public Facilities and Services. Public services be required to support development of the aggregate resource site.

Goal 12 – Transportation. Development of the proposed aggregate resource site does not conflict with the Crook County Transportation Plan or Goal 12. The applicant states that the proposed temporary mining operation will not result in a significant amount of additional truck traffic nor will it create any significant burden on a state highway or local road system.

Goal 13 – Energy Conservation. Development of an aggregate resource site in Crook County reduces the consumption of energy in moving aggregate from locations farther away to projects in Crook County. The proposed use is consistent with Goal 13.

Goal 14 – Urbanization – This proposal does not include expansion of any urban growth boundary. This area has not been considered for UGB expansion. If the area is considered for urbanization in the future, the reclaimed site could be available for development.

(Goal 15 applies to Willamette River communities and Goals 16-19 apply to coastal communities).

PROGRAM TO ACHIEVE GOAL 5

ODAR 660-016-0010 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,

(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 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 to be placed on the permitted and conditional uses and activities. These standards and limitations must be specific enough that affected property owners can clearly understand them.

LEGAL CRITERIA FOR COMPREHENSIVE PLAN AMENDMENT

CROOK COUNTY CODE: Chapter 18.170 of the Crook County Code contains requirements for Comprehensive Plan and Land Use Regulation amendments.

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 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.

ANALYSIS – COMPREHENSIVE PLAN AMENDMENT

(1) Should the proposed expansion area be included on the inventory of aggregate sites, in accordance with OAR 660-016-0000?

The location, quality and quantity of the resource are described in the **Goal 5 inventory (Attachment A)**. The application includes maps, geologic surveys and test results submitted by the applicant. The report submitted by the applicant states that approximately 1,471,000 tons of material is available for excavation. Material meets ODOT specifications thus the material on the site appears to meet the quantity and quality requirements for the Goal 5 inventory.

On the basis of the above, adequate information is available on location, quality, and quantity of the resource, and that the quantity and quality of the resource are significant.

Option (c) under OAR 660-016-0000(2), **Include on Inventory**, was recommended by the Crook County Planning Commission.

(2) What is the size of the impact area which should be evaluated for the expansion?

The applicant proposes an impact area including parcels within 500 feet of the property boundaries. This is consistent with language in the comprehensive plan. The planning commission agreed to the 500 foot impact area.

(3) Are there existing conflicting uses in the impact area of the proposed site?

The property is surrounded by agricultural uses. There is one existing residence within the 500 foot impact area. There are potential conflicts with existing residential and agricultural uses on properties in the area beyond the 500 foot impact area.

(4) What program should be chosen to achieve Goal 5, in accordance with OAR 660-016-0010?

Option 1 – Protect the Resource Site

Option 2 – Allow the conflicting uses fully regardless of impact to the resource.

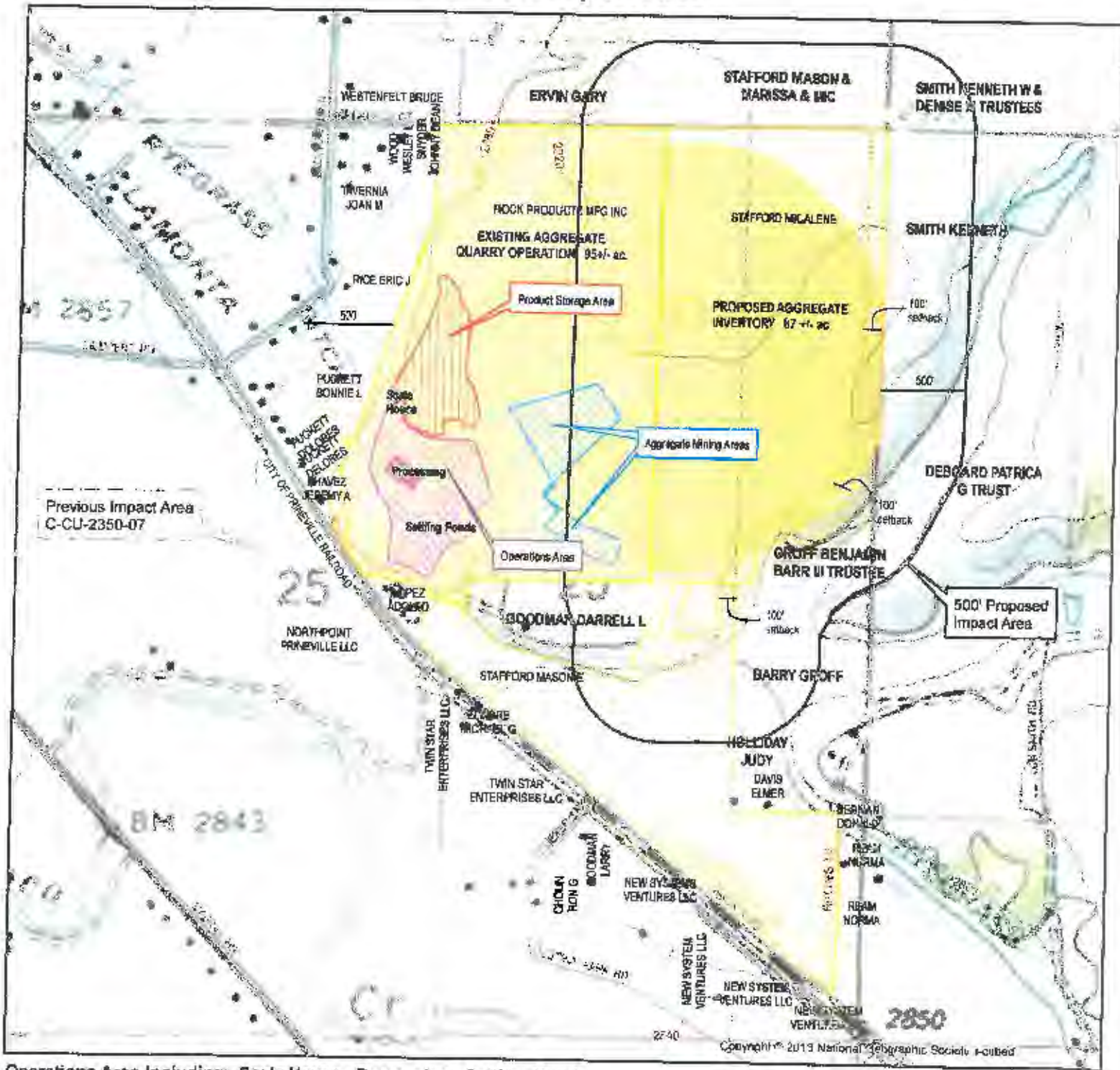
Option 3 – place sufficient limitations on conflicting uses to permit the proposed use to operate under some limitations.

While the site qualifies as "1C," a significant resource site, for inventory purposes, based on location, quality and quantity information, after considering the ESEE analysis and balancing conflicting uses, the Planning Commission and the applicant recommend that the site be classified as "3C," a significant resource site but one where the resource site and conflicting uses are both important and need to be balanced. The Planning Commission recommends a list of ten conditions on the mining operation to limit

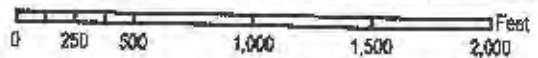
impacts to conflicting uses (See the decision for 217-15-000345-PLNG). Conditions include limits on operating hours to minimize impacts to neighboring properties. The conditional use decision will not take effect until the Crook County Court makes a determination that the proposed mine site should be added to the Goal 5 inventory of significant sites as a "3c" site.

ATTACHMENT B

Proposed Aggregate Mining Area with 500' Impact Area



Operations Area Including: Scale House - Processing - Settling Ponds



Stafford / Rock Products Mfg. Inc. Crook County, Oregon

- T14S, R15E, Sec. 25 TL 200 - 95.64 ac.
- T14S, R15E, Sec. 25 TL 100 - 73.12 ac.
- T14S, R15E, Sec. 25D TL 500 - 47.69 ac.
- T14S, R15E, Sec. 25B TL 3300 - 0.99 ac.
- T14S, R15E, Sec. 25B TL 3100 - 0.09 ac.

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



Kelpro Inc.
LAND USE CONSULTING
PRINEVILLE, OREGON

641-447-2724 • kelpro@kelpro.com