



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

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www.oregon.gov/LCD



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

Date: March 24, 2016
Jurisdiction: Crook County
Local file no.: 217-15-000100-PLNG
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 03/21/2016. 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 36 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.: 001-15 {24789}
Received: 3/21/2016

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.: 217-15-000100-PLNG

Date of adoption: 3/16/2016

Date sent: 3/22/2016

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): 12/17/2015

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 a 9-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 S, R 14 E WM, Section 9, tax lot 101

The subject property is entirely within an urban growth boundary.

19 acres only added to inventory.

N/A

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: Lone Pine 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 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.



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

Cheryl Seely - County Clerk



RECORDING COVER SHEET

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

AFTER RECORDING, RETURN TO:

CLERK'S VAULT

NAME OF TRANSACTION

**Ordinance 292, An ordinance amending the Crook County Plan
Goal 5 Inventory by including a new 3C aggregate site and adopting
a site specific ESSE (Environmental Social Economic Energy)
Analysis for the mineral and aggregate site**

**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. 292

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 nine (9) acres of the subject property on the County's inventory of significant aggregate and mineral resource site; 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 nine (9) acre site, described as a portion of T 14 S, R 14 EWM, Section 9, tax lot 101, 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 BSEE analysis and map attached hereto (Attachment B).

First Reading March 2, 2016

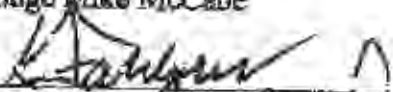
Second Reading March 16, 2016

Dated this 16th day of March, 2016

CROOK COUNTY COURT



Judge Mike McCabe



Commissioner Ken Fahlgren



Commissioner Seth Crawford

Vote:	Aye	Nay	Abstain	Excused
Mike McCabe	<u>✓</u>	—	—	—
Ken Fahlgren	<u>x</u>	—	—	—
Seth Crawford	<u>x</u>	—	—	—

Attest: _____



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

February 18, 2016

**RECOMMENDATION TO THE CROOK COUNTY COURT
217-15-000100-PLNG**

OWNER: Charles Hegele
7950 N Lone Pine Road
Terrebonne, Oregon 97760

AGENT: Heidi Kennedy
64180 Old Bend Redmond HWY
Bend, OR 97701

PROPERTY: Township 14 South, Range 14 East, Section 9, Tax Lot 101

APPLICATION NO: 217-15-000100-PLNG (Comprehensive Plan Amendment)

REQUEST: The applicant asks that the Planning Commission make a recommendation to the Crook County Court on a request for approval of a Comprehensive Plan Amendment to amend Crook County's existing Goal 5 inventory map by adding a new aggregate site and adopting a site specific ESEE (Economic, Social, Environmental, Energy) Analysis for the aggregate site. The request is to add a 9 (nine) acre site to the Goal 5 inventory. The site is part of a 278 acre property zoned for Exclusive Farm Use – 2 (Prineville Valley-Lone Pine Areas).

A request for conditional use approval for the proposed mining activities has been submitted under a separate application (217-15-000236-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: April 20, 2015
DEEMED COMPLETE: November 23, 2015 (the applicant agreed to an extension of the review period)
PUBLIC NOTICE: December 23, 2015
PROPERTY OWNER NOTICE: December 21, 2015
HEARING DATES: January 13 and 27; Planning Commission deliberation February 10, 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 9-acre site (the ESEE Analysis) by a 4-1 vote of the Planning Commission members in attendance at the February 10, 2016 meeting.

On the basis of the Aggregate Resource Investigation for the Hegele 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 1500 foot Impact Area to assess impacts associated with mining. This is in excess of the 500 foot Impact Area 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 19 DAY OF February, 2016



W R Gowen
Commission Chairman



William P. Zelenka
Planning Director

ATTACHMENT A – Goal 5 Inventory
ATTACHMENT B – ESEE Analysis

ATTACHMENT #1



Source: Esri, DigitalGlobe, GeoEye, IGN, Aerion, GEBCO, USDA, CNES, and the GIS User Community

This map does not constitute a warranty of any kind, including but not limited to the accuracy and completeness of the information. The County is not responsible for any errors or omissions. This map is for informational purposes only and should not be used for any purpose other than the one intended. The County does not warrant the accuracy or completeness of the information on this map. The County is not responsible for any errors or omissions.

0 2,100 4,200 Feet

ATTACHMENT #2



2 →

14-14-09 T. III

ATTACHMENT #3

THIS MAP IS A REPRODUCTION OF THE ORIGINAL MAP AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE ORIGINAL MAP IS THE ONLY AUTHORITY FOR THE LOCATION OF THE PIT. THE LOCATION OF THE PIT IS SHOWN ON THE ORIGINAL MAP AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE ORIGINAL MAP IS THE ONLY AUTHORITY FOR THE LOCATION OF THE PIT.

WALTON GROUP

EXPLORATION LOCATION MAP
HEGEL 5 PIT
7360 N. LOME PINE ROAD
CROOK COUNTY, OREGON



LEGEND

APPROPRIATE SITE PERMITTERS
 TR-01: TEST PIT No. 8 LOCATIONS
 APPROXIMATE



PROJECT No.	30001	pg.	2
DRAWN BY	Fred S. Davis	DATE	07/15/01
CHECKED BY	JAV	DATE	08/01/01
FILE NAME	10001_101_PITLOC.DWG		

ATTACHMENT A
217-15-000100-PLNG
GOAL 5 INVENTORY

Goal 5 Inventory - Applicable Criteria

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 nine (9) acre resource location is defined within the Hegele site based on setbacks from the property boundaries. A legal description of the mining area will be provided as part of the mining and reclamation permit that will be required by the Oregon Department of Geology and Mineral Industries. Attachments 1-4 show the property location, the mining area boundary, the location of test pits and the 1,500-foot impact area.

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. Division 23 includes specific guidance regarding the quality and quantity of mineral resources needed 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 oil 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 the aggregate resource is "significant."

QUALITY: The applicant provided information on resource quality. An initial report on the quality of aggregate material was prepared by Carlson Geotechnical in 2002 and Kleinfelder, Inc. in 2002 for the applicant's original proposal to mine a 24-acre site. This information was evaluated by the Wallace Group in February 2015. The Wallace Group assessed the commercial aggregate potential of the 9-acre site by visiting the site, observing the excavation of six test pits and reviewing the published geologic maps and reports for the site prepared in 2002 to determine if the quality of the material on the proposed 9-acre site was consistent with material found on the larger 24-acre site.

Geotechnical staff from the Wallace Group evaluated 6 test pits on the proposed mine site. (Applicant's burden of proof statement). Bulk samples were collected for lab analysis. According to the Wallace Group's summary memo (June 4, 2015), "Based on our previous site visits, recent exploration, knowledge of the local geology and a review of the Carlson (2002) lab testing results; it is our opinion that the aggregate quality on the 9-acre site is relatively consistent with that reported by Carlson. Based on our visual observations and experience, the aggregate consists primarily of a rockfall deposit originating from a durable member of the Columbia River Basalt or CRB. After processing, CRB rockfall deposits generally produce high quality construction aggregate." The Wallace Group states that the aggregate source is relatively consistent in quality and depth across the proposed pit area and appears to be a continuous deposit of CRB rockfall, with some alluvial material in the lower areas of the pit.

Material was tested for quality relative to Oregon Department of Transportation (ODOT) specifications as part of the Aggregate Resource Investigation report prepared by Carlson in 2002. Based on evaluations conducted in 2002 and in 2015, the aggregate resource meets ODOT specifications for base form and is consistent with County policies related to aggregate quality. According to these reports, the materials are not suitable for Portland Concrete Cement (PCC).

QUANTITY: The proposed mine site measures approximately 9-acres. The Wallace Group prepared an Aggregate Quantity Assessment report in February 2015 and estimated that total aggregate quantity available for excavation is approximately 576,000 cubic yards and that the net aggregate quantity after processing, assuming +3/8 material, is estimated at 374,000 cubic yards. It is anticipated that material will weigh approximately 523,600 tons. This is consistent with the quantity required by OAR 660-023, the new Goal 5 administrative rule (OAR 660-023).

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 is then evaluated 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).

**ATTACHMENT B
IDENTIFICATION OF CONFLICTING USES AND ESEE ANALYSIS
217-15-000100-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. The planning commission adopted a 1,500 foot impact area and analyzed conflicting uses and ESEE consequences in the broader area. Attachment 4 shows properties within 500 feet and 1,500 feet of the proposed mine site.

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(20)(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 are no residences within 1,500 feet of the proposed mine site. The nearest residence, owned by the Butlers, is approximately 1,800 feet from the proposed site. Other farm and non-farm residences in the Lone Pine Valley may be impacted by noise, dust and traffic associated with mining on the property. The applicant proposes buffering nearby residential uses by the following:

- 1) Planting trees on an existing berm to help serve as a visual and noise barrier;
- 2) Limiting operating hours;
- 3) Phasing mining operations; and
- 4) Restricting all processing activities to be performed greater than 1500 feet from any of the 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 is required. Some impacts are likely to affect more than one of these categories of consequences. Impacts of conflicting uses on the resource site and the impacts of the resource site on conflicting uses must both be considered.

The planning commission considered the consequences of current mining on the subject property. Mining has been occurring on the site under a "Grant of Total Exemption" from the Oregon Department of Geology and Mineral Industries (DOGAMI). Under this exemption, up to one acre and/or 5,000 cubic yards of disturbance can occur within a 12 month period. The property has been removing material under this provision for over 15 years. No reclamation is required under this provision. If approval to mine the nine (9) acre site is granted, the applicant would need to apply for and receive a DOGAMI operating and reclamation permit.

ECONOMIC CONSEQUENCES: 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. The applicant states that they will use materials for their own projects, including using materials for base rock and pipe bedding.

There may be negative economic impacts on neighboring property values associated with an aggregate mine at this location. While there are existing mining operations in the area, these are not visible to other properties in the Valley.

SOCIAL CONSEQUENCES: Positive social impacts of the proposed mining operation will include retention and possible increases in local employment, tax revenue, and aggregate supply produced by the operation.

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 impacts by phasing mining on the site, by limiting hours of operation, and by placing vegetation on an existing berm to help screen operations. The applicant will be responsible for controlling fugitive dust and for reclaiming the site.

Area residents are concerned about potential impacts due to increased truck traffic. The applicant has agreed to limit the amount of daily truck traffic and to limit annual days of operation.

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

Possible negative impacts include increased dust, noise and traffic. There are likely to be few impacts on surface water quality, because there are no streams or water bodies in the immediate area. The geotechnical assessments reported that no groundwater was encountered in the test holes on the site. The applicant proposes controlling dust by applying water and by seeding and/or mulching exposed soil surfaces. ODFW has not identified any wildlife or sensitive bird habitat near 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.

CONFLICTS WITH STATEWIDE PLANNING GOALS.

OAR 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. While the county is required to notify property owners within 750' of a proposed land use in an exclusive farm use zone, in this situation, the County notified neighbors in a larger area to provide them with the opportunity to comment on the proposal. In addition, public notice is provided through the local newspaper. 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. 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.

Goal 3 – Agricultural Lands - The applicant states that conflicts with neighboring agricultural activities will be minimized by the operational design for mining the site. Agricultural activities in the area are limited to grass and alfalfa hay operations, pasture and rangeland grazing. Noise and dust generated by the mining operation on the site should have limited impact on those agricultural uses. The mine is located in a manner that will not interfere with agricultural operations on the subject property. The site is on a steep slope that is not irrigated.

Goal 4 – Forest Lands - There are not 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 productions does not conflict with any other Goal 5 resources.

Goal 6 – Air, Water and Land Resources Quality. There may be some impacts to air quality associated with the mine but operation of the mine 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 may be visual impacts associated with the mine that impact recreational cyclists and others enjoying the scenic values of the Lane Pine Valley.

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 construction projects.

Goal 10 – Housing. Development of the aggregate resource site will have no impact on Crook County's housing needs. Properties zoned for Exclusive Farm Use are unlikely to be approved for new dwelling sites.

Goal 11 – Public Facilities and Services. No new public services will be required to support development of the aggregate resource site. Sewer service is not required and water and power are currently available to serve the site.

Goal 12 – Transportation. The applicant states that mining activities on the subject property should typically generate no more than 34 truck trips per day during peak mining operations. The applicant has clarified that truck trips involve 17 out-going and

17 in-coming trips. The proposed development will not generate 25 or more peak-hour trips or 250 or more daily trips. The applicant will be required to get a road approach permit for the intersection of the access road with Lone Pine Road and will need to meet Crook County's sight-distance requirements.

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

OAR 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 over approximately 576,000 cubic yards is available for excavation. Material meets ODOT specifications for base rock and thus the material on the site appears to meet the 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 recommended a 1,500 foot impact area to address conflicting uses and ESEE consequences in a broader area.

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

The property is surrounded by agricultural uses. The nearest residence is 1,800 feet from the proposed mine site and is just beyond the proposed 1,500 foot impact area. There are potential conflicts with residential and agricultural uses on properties in the broader Lone Pine Valley 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) would involve placing 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 twenty conditions on the mining operation to limit impacts to conflicting uses (See the decision for 217-15-000356-PLNG). 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 resources sites as a "3c" site.