



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Application for Limited Water Use License

License No.: LL-2023

Applicant Information

NAME Knife River Corporation – Northwest Attn: Jeff Steyaert			PHONE (HM)
PHONE (WK) (541) 918-5142	CELL		FAX
ADDRESS 32260 Old Highway 34			
CITY Tangent	STATE OR	ZIP 97389	E-MAIL * jeff.steyaert@kniferiver.com

Agent Information

NAME Thomas J. Calabrese			PHONE (503) 768-5121	FAX
ADDRESS P.O. Box 80762			CELL (503) 799-8011	
CITY Portland	STATE OR	ZIP 97280	E-MAIL * tomcalabrese@h2ogeo.com	

I (We) make application for a Limited License to use the following described surface waters or groundwater – not otherwise exempt, or to use stored water for a use of a short-term or fixed-duration:

- SOURCE(S) OF WATER:** L149465 a tributary of NA (Crooked River sub-basin groundwater)
- AMOUNT OF WATER to be diverted;**
 Maximum and instantaneous rate (cubic feet or gallons per minute): 500 gpm
 Total volume annually (gallons or acre-feet): 239 AF/year.
 If water is to be used from more than one source, give the quantity from each: NA – source aquifer is sand & gravel.
- INTENDED USE(S) OF WATER:** (check all that apply)
 - Road construction or maintenance
 - General construction
 - Forestland and rangeland management; or
 - Other: Industrial & Commercial – Dust control and general cleanup

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4. **DESCRIPTION OF PROPOSED PROJECT:** Include a description of the place of use as shown on the accompanying site map, the method of water diversion, the type of equipment to be used (including pump horsepower, if applicable), length and dimensions of supply ditches and pipelines: Water will be pumped from one well using a 50-hp submersible pump and conveyed by pipeline to a pond reservoir for (consumptive) use.

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5. **PROJECT SCHEDULE:** (List day, month, and year) Date
 water use will begin: June 16, 2026
 Date water use will be completed: June 15, 2031
 Months of the year water would be diverted and used: June 16, 2026 until June 15, 2031

If for other than irrigation from stored water, how and where will water be discharged after use: Water used for the described purposes will be conveyed to a pond reservoir for reuse. Consumptive use is expected to be less than 20% of the total rate and volume proposed to be diverted.

Consumptive use is 100%

[Signature]
 Applicant Signature

JEFF STEYAERT
 Print Name and title if applicable
Environmental Mgr

3-3-2026
 Date

PLEASE READ CAREFULLY

NOTE: A completed water availability statement from the local watermaster, Land Use Information Form completed by the local Planning Department, fees and site map meeting the requirements of OAR 690-340-030 must accompany this request. The fee for this request is \$280 for the first point of diversion plus \$30 for each additional point of diversion. Please review the Department's fee schedule to view fees required to request a limited license for Aquifer Storage and Recovery testing purposes or for Artificial Groundwater Recharge testing purposes.

Failure to provide any of the required information will result in return of your application. The license, if granted, will not be issued or replaced by a new license for a period of more than five consecutive years. The license, if granted, will be subordinate to all other authorized uses that rely upon the same source, or water affected by the source, and may be revoked at any time it is determined the use causes injury to any other water right or minimum perennial streamflow.

If water source is well, well logs or adequate information for the Department to determine aquifer, well depth, well seal and open interval, etc. are required. The licensee shall indicate the intended aquifer. If for multiple wells, each map location shall be clearly tied to a well log.

If a limited license is approved, the licensee shall give notice to the Department (Watermaster) at least 15 days in advance of using the water under the Limited License and shall maintain a record of use. The record of use shall include, but need not be limited to, an estimate of the amount of water used, the period of use and the categories of beneficial use to which the water is applied. During the period of the Limited License, the record of use shall be available for review by the Department upon request.

Mapping Requirements (OAR 690-340-0030):

- (1) A request for a limited license shall be submitted on a form provided by the Water Resources Department, and shall be accompanied by the following:
- a. A site map of reproducible quality, drawn to a standard, even scale of not less than 2 inches = 1 mile, showing:
 - i. The locations of all proposed points of diversion referenced by coordinates or by bearing and distance to the nearest established or projected public land survey corner;
 - ii. The general course of the source for the proposed use, if applicable;
 - iii. Other topographical features such as roads, streams, railroads, etc., which may be helpful in locating the diversion points in the field.

REMARKS: One well will be used.

Water is needed to augment water from the Ochoco Irrigation District during drought years.

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This page to be completed by the local Watermaster.

WATER AVAILABILITY STATEMENT

LL-2023

Name of Applicant: Knife River Limited License Number: LL-1876

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights?

Yes No

If yes, please explain:

2. Based on your observations, would there be water available in the quantity and at the times needed to supply the use proposed by this application?

Yes No

3. Do you observe this stream system during regular fieldwork?

Yes No

If yes, what are your observations for the stream?

Subtle long-term decline in groundwater levels in the Lamonta area due to climactic conditions and on-going development.

4. If the source is a well and if WRD were to determine that there is the potential for substantial interference with nearby surface water sources, would there still be ground water and surface water available during the time requested and in the amount requested without injury to existing water rights?

Yes No N/A

What would you recommend for conditions on a limited license that may be issued approving this application?

The applicant must mitigate for the consumptive use in the affected stream reach. While mitigation credits are not required, an offset in the form of a restoration lease may be obtained by the applicant this requirement. Based on information in the application, aggregate washing, dust control, cleanup are all 100% consumptive use.

5. Any other recommendations you would like to make?

User to install and maintain flow meters on all applicable POAs (wells). User to maintain accurate pumping records for the duration of the limited license.

The storage pond/reservoir(s) referenced in the application shall not exceed 15.2AF in total storage.

If storage exceeds 15.2AF, a storage permit is required. The 15.2AF is determined by:

Rate (1.1 cfs) X 1.98 X Number of Days (7).

Signature William D. Nashern WM District #: 24 Date: 1/13/2026

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This page to be completed by the local Watermaster.

WATER AVAILABILITY STATEMENT

4-2023

Name of Applicant: Knife River Limited License Number: LL-1876

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights?

Yes No

If yes, please explain:

2. Based on your observations, would there be water available in the quantity and at the times needed to supply the use proposed by this application?

Yes No

3. Do you observe this stream system during regular fieldwork?

Yes No

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5. Any other recommendations you would like to make?

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Signature William D. Nashem WM District #: 24 Date: 1/13/2026

Application for Limited Water Use License/3

Received WTR

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NOTE TO APPLICANTS

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This form is **NOT** required if:

- 1) Water is to be diverted, conveyed, and used on federal lands only; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a. The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b. The application involves a change in place of use only;
 - c. The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d. The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

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MAILING ADDRESS 32260 Old Highway 34			
CITY Tangent	STATE OR	ZIP 97389	EMAIL jeff.steyaert@kniferiver.com

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
14 S	15 E	14	NE SW	703	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Commercial/Industrial
14 S	15 E	14	SE SW	702 & 703	H-M & EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Commercial/Industrial
14 S	15 E	14	SW SE	703	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Commercial/Industrial
14 S	15 E	14	NE SE	103	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Commercial/Industrial
14 S	15 E	14	NW SE	103	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Commercial/Industrial
14 S	15 E	14	SE SE	103	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Commercial/Industrial

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Crook County

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

Type of application to be filed with the Oregon Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Exchange of Water
 Allocation of Conserved Water

Source of water: Reservoir/Pond Ground Water Surface Water (name) ___

Estimated quantity of water needed: 500 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-Municipal Instream Other _____

Briefly describe:

Water will be pumped from one well into a pond and reservoir and then used for dust control and general site cleanup year-round for up to 5 years. Water not consumed in these operations (expected to be 80%) will be reused. This type of water use is common at aggregate mines.

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____
- Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
CUP No. 217-15-000115-PLNG	Crook County Code 18.144	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land use concerns or make recommendations to the Oregon Water Resources Department regarding this proposed use of water in the box below or on a separate sheet.

Under the above referenced CUP, the Applicant represented and the Planning Commission granted approval on the basis that no groundwater would be used other than for irrigation on the berm and aggregate stockpiles (see, e.g., CoA 28). Use of groundwater for washing rock should be approved through a modification of the CUP.

Name: John Eisler Title: Planning Director
 Signature: *John Eisler* Date: February 18, 2026
 Governmental Entity: Crook County Phone: 541-447-3211

Receipt Acknowledging Request for Land Use Information	
Note to Local Government Representative:	
Please complete this form and return it to the applicant. For new water right applications <u>only</u> , if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.	
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Staff Name: _____	Title: _____
Staff Signature: _____	Date: _____
Governmental Entity: _____	Phone: _____

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Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
CUP No. 217-I5-000115-PLNG	Crook County Code 18.144	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land use concerns or make recommendations to the Oregon Water Resources Department regarding this proposed use of water in the box below or on a separate sheet.

Under the above referenced CUP, the Applicant represented and the Planning Commission granted approval on the basis that no groundwater would be used other than for irrigation on the berm and aggregate stockpiles (see, e.g., CoA 28). Use of groundwater for washing rock should be approved through a modification of the CUP.

Name: John Eisler Title: Planning Director
 Signature: *John Eisler* Date: February 18, 2026
 Governmental Entity: Crook County Phone: 541-447-3211

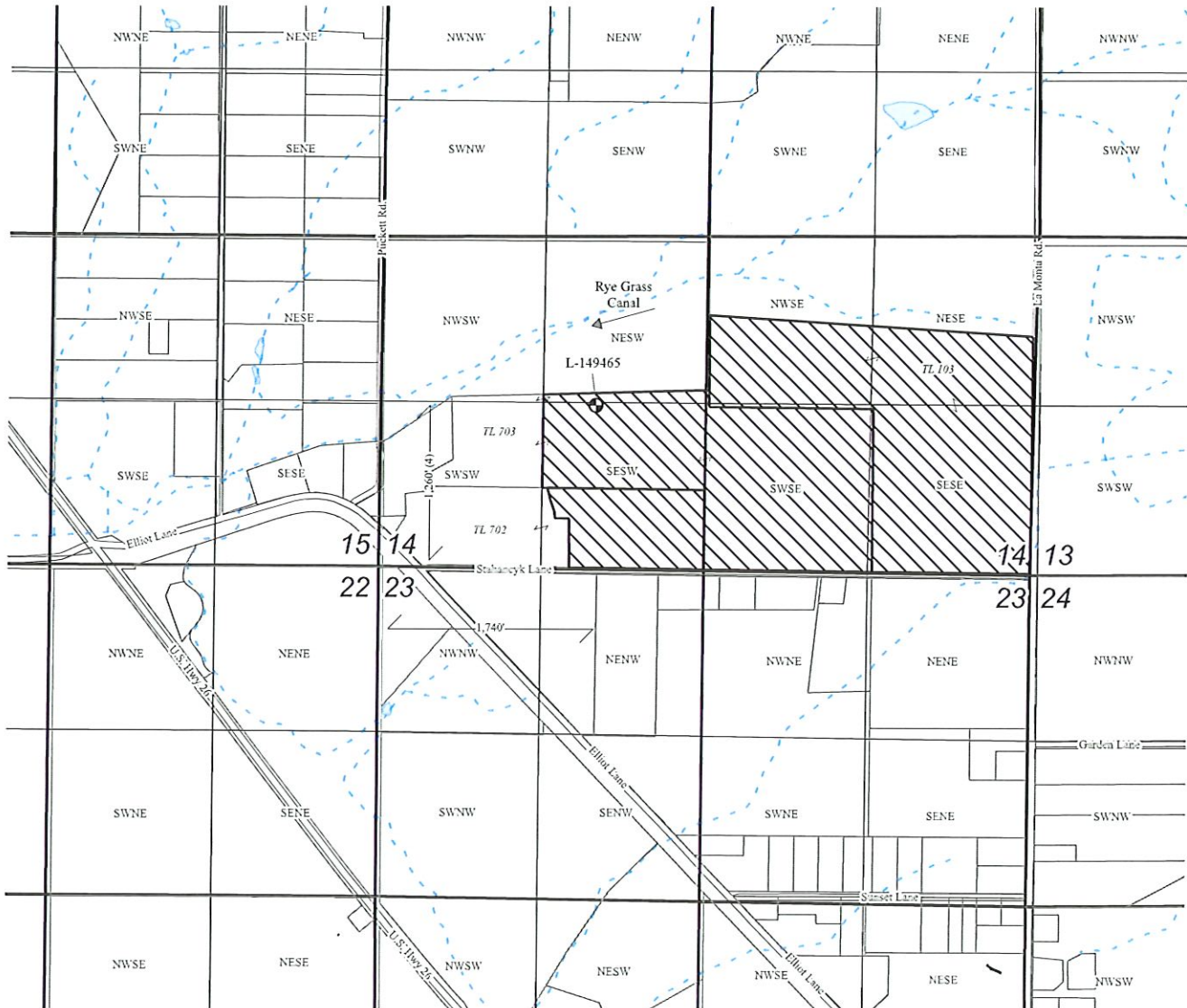
Receipt Acknowledging Request for Land Use Information	
<p>Note to Local Government Representative: Please complete this form and return it to the applicant. For new water right applications <u>only</u>, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.</p>	
Applicant Name: _____	
Staff Name: _____	Title: _____
Staff Signature: _____	Date: _____
Governmental Entity: _____	Phone: _____

OWRD **RECEIVED** Land Use Information Form — Page 4 of 4 **Received** Last Revised: 10/2023
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T14S, R15E WM, Section 14
Crook County, Oregon
LIMITED LICENSE APPLICATION MAP
Knife River Corporation



Explanation

- Proposed Industrial/Commercial Place of Use
- Water Bodies
- Streams
- PLSS
- Roads
- Taxlots
- Well L-149465 (44.352102, -120.900085)

0 330 660 990 1,320 ft



1 inch = 1,320 feet

This map is not intended to provide legal dimensions or locations of property ownership lines.

NAD 1983 HARN
Datum of 1983
Prepared Jan 29, 2026

Sources: Crook County Open Data Portal (PLSS, roads, taxlots, streams).
Latitude & Longitude of well provided by Knife River.

EnviroLogic Resources, Inc.
ENVIRONMENTAL WATER RESOURCES SCIENTISTS



FIGURE 1
Knife River
Corporation-Northwest
Prineville, Oregon

LL-2023



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

BEFORE THE CROOK COUNTY PLANNING COMMISSION
IN THE MATTER OF APPLICATION 217-15-000115-PLNG FOR SITE PLAN
APPROVAL IN A HEAVY INDUSTRIAL H-M ZONE AND CONDITIONAL USE APPROVAL IN AN
EXCLUSIVE FARM USE ZONE (EFU-2).

FINAL DECISION

DATE: September 24, 2015

APPLICATION NO.: 217-15-000115-PLNG

APPLICANT/OWNER: Craig Woodward
P.O. Box 663
Prineville, Oregon 97754

AGENT/APPLICANT: Tim Marshall
Knife River Corporation – Northwest
82260 Old Highway 34
Tangent, Oregon 97389

PROPERTY: Township 14 South, Range 15 East, Section 14, Tax lots 702 and 703

APPLICANT'S REQUEST: The applicant has requested that the County amend the Crook County Comprehensive Plan to add a 99.5 acre area to the County's inventory of significant mineral and aggregate resource sites and, by adopting the site specific ESEE (Economic, Social, Environment, and Energy) analysis, to allow mining activities on the subject property. The property consists of two tax lots. Tax lot 702 is zoned heavy industrial (H-M) and is the site of the Prineville Sawmill. Tax lot 703 is zoned Exclusive Farm Use – 2 (Prineville Valley-Lone Pine Areas).

The applicant is requesting a conditional use permit for aggregate mining within the portion of the property zoned for Exclusive Farm Use (EFU-2) and for a site plan approval for aggregate mining and processing within the Heavy Industrial (H-M) zone.

The applicant proposes phasing in mining to allow continued use of the property for agricultural production and the existing sawmill. The EFU-zoned property will be reclaimed for agricultural use. The H-M zoned property will be reclaimed for industrial use.

APPLICATION RECEIVED: May 6, 2015

APPLICATION DEEMED COMPLETE: June 1, 2015

PUBLIC NOTICE: June 5, 2015

PROPERTY OWNER NOTICE: June 3, 2015

HEARING DATES: June 24, 2015 and August 12, 2015

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- a. Within the industrial-zoned lot (tax lot 702), mining shall not extend closer than fifty (50) feet from the property line adjacent to Stahancyk Lane. The setback area can be used for the proposed screening berm.
 - b. Within the EFU2-zoned lot (tax lot 703), mining shall not extend closer than one hundred (100) feet from the property line adjacent to Stahancyk Lane. The setback area can be used for the proposed screening berm. (The limits in Crook County Code 18.144 requiring 100 feet setbacks only apply to resources zones like the EFU-2 zone).
 - c. Within the EFU2-zoned lot (tax lot 703), mining shall not extend closer than one hundred (100) feet from the eastern property line adjacent to property described on the Crook County Assessor's map as T14 R15 Section 14, tax lot 103, unless the aggregate operator provides a letter signed by the owner of the adjacent lot 103 indicating his/her willingness to allow a fifty foot setback. Such letter shall be provided to the Crook County Planning Department prior to encroaching closer than one hundred feet of the property line. If a screening berm is necessary it shall be placed within the setback area. (No berm is currently proposed because this side of the property abuts property used solely for agricultural purposes).
 - d. Within the EFU2-zoned lot (tax lot 703), mining may extend to the property line shared with tax lot 701 to the north, described on the Crook County Assessor's map as T14 R15 Section 14 Tax lot 701, as the owner of tax lot 701 has indicated acceptance of that condition.
 - e. Mining shall not extend closer than one hundred (100) feet to the adjacent tax lot 700, described on the Crook County Assessor's map as T14 R15 Section 14, tax lot 700 or to Elliott Lane, both of which are west of the Woodward Site.
6. **Mining Depth.** The aggregate mining on the Woodward Site shall be no greater than twenty (20) feet below the pre-mining ground surface.
 7. **Water Supply.** The applicant will submit documentation that an agreement has been reached with the Ochoco Irrigation District to provide industrial water for mining operations including processing of aggregate material prior to beginning any operations on the site.

Conditions Related to Traffic Impacts

8. **Access.** The aggregate operator at the Woodward Site shall not allow its trucks or its contractors trucks to utilize Stahancyk Lane to travel east from the site's ingress/egress location unless it is for a local delivery to be accessed via Stahancyk Lane and then north on Lamonta Road. Access to the site will be from the south side of the property on Stahancyk Lane as illustrated in the site plan (Attachment A).
9. **Trips/day.** The operation shall generate no more than 80 trips per day from the site (40 trucks incoming and 40 trucks outgoing). The mining operator shall make trip logs available to the Community Development Department upon request.

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10. Safety

The aggregate operator shall train all drivers, including contract drivers, to use caution when exiting onto Highway 26 from Elliott Lane.

11. School bus pick up and drop off

No trucks shall leave or enter the site between 7 minutes before and 7 minutes after the scheduled Crook County School District bus pickup and drop-off times for NW Elliott Lane (Currently scheduled at 6:31 a.m. and 3:37 p.m. for the 2015-2016 school year.)

Conditions Related to Mitigating Noise

The County has no noise ordinance but noise is an impact that has been identified as an issue by surrounding property owners. The berms proposed by the applicant and limits on operating hours should help minimize noise impacts.

12. Operating Hours.

Ordinary operating hours shall be Monday through Friday, June 1st through October 31st from 6:00 a.m. to 9:00 p.m., or sunrise to sunset, whichever time period is less.

Operating hours shall be Monday through Friday, November 1st through May 31st from 7:00 a.m. to 6:00 p.m., or sunrise to sunset, whichever is less.

Operating hours shall be Saturdays from 8:00 a.m. to 5:00 p.m.

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

Exceptions to the operating hours set forth above will be granted provided the aggregate operator provides written notice to the residential neighbors on Stahancyk Lane, to the nearest residential neighbors to the north off Elliott Lane and to the Crook County Planning Department that a project requires additional materials and adequate time to produce them. The notice shall be at least 72 hours prior to the planned extended hours and the time period for the extension shall not be longer than 30 consecutive days. The exceptions shall not apply to the Saturday, Sunday, and holiday restrictions.

Conditions Related to dust mitigation

13. The applicant shall control all fugitive dust emissions associated with all operations (extraction, processing, and storage) on the site. The applicant shall control dust by applying water and by seeding and/or mulching exposed soil surfaces.

14. A contact person representing the aggregate operator shall be named and all appropriate contact information shall be provided to a neighbor that requests such information so that the aggregate operator can be contacted if dust is being released.

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15. The applicant shall submit a dust management plan to, and obtain the required permits from, the appropriate state agency (Department of Geology and Mineral Industries and/or Department of Environmental Quality).

Concrete Batch plant

A mobile concrete batch plant is allowed in the Heavy Industrial part of the property per Crook County Code.

16. The batch plant must have a valid air quality permit issued by the Oregon Department of Environmental Quality (DEQ) and must meet all air quality requirements of DEQ, the Department of Geology and Mineral Industries and any other federal, state and local agencies.
17. The batch plant will be in the location shown on the site plan (Attachment A).
18. The batch plant will be subject to the same operating hours as for extraction, hauling and processing set forth in # 12 of the conditions of approval.

Lights

19. If lights are installed on the site, they shall be directed downward and in a manner to not affect adjacent homes and shall be designed to not negatively impact drivers on adjacent roads.

20. Berms

Screening Berm

The screening berm surrounding the proposed Mining Area will be constructed in accordance with the following conditions (the "Screening Plan").

a. Initial Mine development – This period will include the following screening berms.

i. Northwest Side Berm – A berm will be constructed within the setback along the western edge of the Woodward Site and north of the active mill area. This berm will be a minimum of 8 feet high with slopes no steeper than 2:1 (Horizontal:Vertical).

ii. South Industrial Lot Berm – A berm will be constructed parallel to Stahancyk Lane within Lot 702 that will be a minimum of 20 feet high with slopes no steeper than 2:1 (Horizontal:Vertical). The southern edge of this berm will lie on the northern edge of the OID easement for its pipeline (20 feet from the property line). The aggregate will be extracted between 50 and 100 feet from the property line and then backfilled prior to building this berm so that the berm does not overlay the aggregate resource and will remain in place until final reclamation.

iii. East Industrial Lot Berm – A berm will be constructed on the eastern side of Lot 702 during development of the designated processing area. This berm will be constructed to a height that is at least 20 feet above the original grade. Prior to constructing this berm, the aggregate resource will be extracted from beneath the area and then backfilled. This will enable the berm to remain in place until final reclamation.

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iv. South Farm Lot Berm – A berm 5 feet high with slopes no steeper than 2:1 (Horizontal:Vertical) will be constructed along the north edge of the OID water line easement along the south side of the EFU2-zoned tax lot 703 parallel to Stahancyk Lane.

Progressive South Side Berm – As mining progresses across the site, a berm will be added to the north side of the South Farm Lot Berm to a height based on conversations with the landowners on Stahancyk Lane across from this area. The maximum height for this berm will be 15 feet with slopes no steeper than 2:1 (Horizontal:Vertical). The designated height may vary across this area and it will merge into the South Farm Lot Berm at a height of about 5 feet without damaging the trees planted there. A letter will be submitted by the Aggregate Operator to Crook County Planning Department for the permit record prior to completing any section of this berm indicating acceptance by the immediately adjacent property owners across Stahancyk Lane. of the proposed height if greater than 5 feet above original elevation. The Aggregate Operator may proceed with the construction of this berm up to the 5 feet height without such acceptance. This berm will be removed during final reclamation

East and North Side Berm – The Aggregate Operator will construct berms to a height no greater than 20 feet above the original elevation at its sole discretion within the setbacks on the east and north sides of tax lot 703. Such berms will have slopes no steeper than 2:1 (Horizontal:Vertical).

West Mill Site Berm – A berm will be constructed within the setback along the western edge of the active mill area within the Woodward Site if and when the mining progresses to within 1,000 feet from the western property line of the Woodward Site (except for within the proposed batch plant area). This berm will be a minimum of 8 feet high with slopes no steeper than 2:1 (Horizontal:Vertical).

South Mill Site Berm – A berm will be constructed within the setback along the southern edge of the active mill area within the Woodward Site if and when the mining progresses to the west across the current active mill site (except for the ingress/egress area and within the proposed batch plant area). This berm will be a minimum of 8 feet high with slopes no steeper than 2:1 (Horizontal:Vertical). Provided, however, and at the written request of the owners of property designated on the Crook County Assessor's map as T 14 R 15 Section 14, tax lot 700, a berm shall be constructed parallel to, and of the same length as, the residential building, at a height of up to 15 feet with a slope of 2:1 (Horizontal:Vertical).

All berms will be hydro- seeded upon completion and will be irrigated to maintain the planted vegetation. The vegetation will be maintained to prevent the growth and spread of noxious weeds and foxtail. The top of the South Farm Lot Berm will be planted when constructed with evergreen trees (Austrian Pine) 6-8 feet high spaced 20 feet apart. Trees that die will be replaced with a similar sized tree as available. Livestock will not be permitted on the screening berms.

All berms constructed on the Woodward Site will be incorporated into the site reclamation upon completion of mining. No berms will remain around the site.

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Timing of Mining – Minimizing Quality of Life Impacts

21. **No more than 10 acres of ground shall be disturbed by mining at any time.** The 'disturbed area' refers to the active mining and reclamation cells and does not include the processing and stockpile area, the temporary ponds, the existing mill operations, or the berm area.

Reclamation

22. The site will be reclaimed concurrently with mining as cells are completed.
23. All reclamation **activities will be subject to a reclamation plan approved by the Department of Geology and Mineral Industries.**

Groundwater Protection

The aggregate operator acknowledges that groundwater may be encountered in the mining of the area in lot 703 that is east of the industrial lot 702, and hereby agrees to the following measures to demonstrate protection of the groundwater resource.

24. The site will not be dewatered.
25. If the applicant intends to dewater the site, it shall obtain relevant DOGAMI and DEQ permits. The applicant shall also, at its expense and assuming neighbor permission, have well water reports performed by an independent expert at the five wells (other than the applicant's well and any wells in the neighboring HM-zoned properties) nearest to the Woodward site, including two to the South (on Stahancyk), one to the West (on Elliot), one to the Northwest (on Puckett) and one directly to the North. Such well water reports shall serve as a "base-line" against which possible future changes in water quality can be assessed. A copy of the well report shall be provided by the applicant to the well owner.
26. All mining ponds will be backfilled with material sourced on the site, except that sediment from the settling ponds will not be placed within the water of any mining ponds.
27. All equipment and trucks operating near exposed water will be inspected daily for possible oil leaks and repaired, if necessary, prior to use. A spill kit for containing hydrocarbon releases will be kept with the equipment operating near exposed water should it be needed.
28. The existing water well on the mill site must not be used for aggregate washing operations, but it can be used for irrigation on the berm and aggregate stockpiles if needed.

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Mosquitos

29. The applicant shall work with Crook County's Vector Control District to develop a mosquito control plan and provide a copy to the Crook County Community Development Department prior to commencing mining operations.

Weed Control

30. The applicant will submit annual weed control reports as required by Crook County Code.

Industrial Land Partition

31. Crook County Code 18.72.030(2) (Heavy Industrial Zone) states that " No use permitted under the provisions of this chapter that generates more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall be permitted to locate on a lot adjacent to or across the street from a residential lot in a duly platted subdivision, or a lot in a residential zone."

The applicant shall partition a one-half acre parcel from tax lot 702 to buffer the residential-zoned property designated by the Crook County Assessor's map as T14 R 15 Section 15D, tax lot 700. No mining, processing or storage shall occur on the one-half acre segment. The partition plat shall be recorded before mining operations commence.

II. DESCRIPTION OF PROPOSED USE:

The applicant proposes to mine the aggregate material that underlies the subject property. The property is zoned heavy industrial (36 acres – site of the current Prineville sawmill) and exclusive farm use (76.08 acres), used for grazing and hay production. If approved, the mining will be conducted in phases across the property, allowing the mill and agricultural uses to continue. All processing will be conducted on the industrial zoned lot with extraction and water storage only to occur on the tax lot zoned for exclusive farm use.

III. BACKGROUND:

The Planning Commission held two public hearings on the proposed application and received written and verbal testimony from adjacent property owners, interested community members and public agencies, including the Ochoco Irrigation District. Key issues raised included concerns about water quality, the availability of water for mining and reclamation, dust and air quality, potential impacts of dust on agricultural production, decreases in the value of adjacent residential properties, mosquitos associated with the water storage pond, safety issues associated with increased truck traffic, noise and general comments on potential negative impacts associated with aggregate mining.

The applicant has successfully completed the pre-requisites for applying for a mining operation (217-15-000114-PLNG) including:

1. Requesting an amendment to the Crook County Comprehensive Plan placing the subject property on the Comprehensive Plan inventory for significant mineral resource sites;
2. Requesting that the Planning Commission recommend that the County Court adopt the ESEE

analysis to allow for mining activities, and;

3. Requesting that the Planning Commission recommend that the County Court designate the site as a 3C site on the Comprehensive Plan inventory for significant mineral resources.

Aggregate mining is an outright permitted use in the H-M, Heavy Industrial zone subject to the requirements of Crook County Code 18.72 but requires a conditional use permit in an exclusive farm use zone (Crook County Code 18.20 and 18.144).

IV. SITE PLAN APPROVAL CRITERIA FOR INDUSTRIAL USES:

Many of the criteria in Crook County Code were addressed in staff report I (June 17, 2015) and II (August 5, 2015). Criteria are in standard font and findings are in bold/italics.

A. 18.72.010 Use Permitted Outright:

In an H-M zone, the following uses and their accessory uses are permitted outright, except as limited by CCC 18.72.030.

18.72.010 (19) Quarry, gravel pit, subsurface or surface mining, including crushing, screening and washing of extracted materials are uses permitted outright.

B. 18.72.030 Use Limitations:

In an H-M zone, the following limitations and standards shall apply to all permitted uses:

(1) No use permitted under the provisions of this chapter that requires a lot area exceeding 9,000 square feet shall be permitted to locate adjacent to an existing residential lot in a duly platted subdivision or a lot in a residential zone.

(2) No use permitted under the provisions of this chapter that generates more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall be permitted to locate on a lot adjacent to or across the street from a residential lot in a duly platted subdivision, or a lot in a residential zone.

(3) No use permitted under the provision of this chapter shall be permitted that generates more than 20 automobile-truck trips during the busiest hour of the day to and from the premises unless served directly by an arterial or collector, or other improved street or road designed to serve the industrial use only and does not pass through adjacent residential uses in a duly platted subdivision or residential zone.

(4) For any use permitted by this chapter on a lot adjacent to or across the street from a residential use or lot in a residential zone, there shall not be any odor, dust, fumes, glare, flashing lights, noise, or other similar types of possible nuisances which are perceptible (without instruments) more than 200 feet in the direction of the affected residential use or lot in a residential zone.

There is an existing industrial use (sawmill) on tax lot 702, the industrial property that is adjacent to the 0.47 acre residential lot. This is the only residentially zoned property adjacent to the proposed use. There is no dwelling on the property and much of the 0.47 acres is used as an access road for adjacent EFU-zoned property.

The proposed use will generate more than 30 truck trips per day. A proposed condition of approval would require the applicant to partition off a small parcel to buffer the existing residential lot from the truck traffic. Truck traffic will enter and exit the site from Stahancyk Lane, not Elliot Lane near the residentially zoned lot. The proposed use will not generate 20 truck trips during the busiest hour of the day. Dust and noise will be present and managed on-site and will have minimal impacts on the residentially zoned lot.

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(5) All parking demand created by any use permitted by this chapter shall be accommodated on the subject premises entirely off street.

(6) No use permitted by this chapter shall require the backing of traffic onto a public or private street or road right-of-way to accommodate ingress or egress to any use on the premises thereof.

(7) There shall not be more than one ingress and one egress from properties accommodating uses permitted by this chapter per each 300 feet of street frontage or fraction thereof. If necessary to meet this requirement, permitted uses shall provide for shared ingress and egress.

All vehicles will be parked on site. The subject property is large enough to manage traffic and parking on-site in order to meet this requirement. Ingress to and egress from the site will be from Stahancyk Lane.

(8) All uses permitted by this chapter shall be screened from abutting residential uses in residential zones by densely planted trees and shrubs or sight-obscuring fencing.

There are no residential uses in residential zones that are directly adjacent to the site. There will be berms to screen residences on EFU-zoned properties.

(9) No use shall be permitted which has been declared a nuisance by statute or action of the county or by a court of competent jurisdiction; and, for uses requiring contaminant discharge permits, no such use shall be approved by the commission prior to review by the applicable permit reviewing authority nor shall such uses be permitted adjacent to or across the street from a residential use or lot in a duly platted subdivision or residential zone.

No contaminant will be discharged during the day to day operations on this site. The applicant states that all of the above requirements will be met.

C. 18.72.070 Site Design:

In an H-M zone, the site design of any permitted use shall make the most effective use reasonably possible of the site topography, existing landscaping and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading and storage areas from public ways and neighboring residential uses, and to minimize intrusion into the character of existing developments and land uses in the immediate vicinity of the proposed use.

The applicant proposes to use vegetated berms to screen adjacent properties and the public from the mining operation.

D. 18.72.080 Site and Use Criteria:

In the consideration of an application for a proposed use in an H-M zone, the commission shall take into account the impact of the proposed use on nearby residential and commercial uses, on resource-carrying capacities, on the capacity of transportation and other public facilities and services, and on the appearance of the proposal. In approving a proposed use, the commission shall find that:

- (1) Proposal is in compliance with the comprehensive plan.
- (2) Proposal is in compliance with the intent and provisions of this title and more particularly with this chapter.
- (3) That economic and environmental considerations are in balance.
- (4) That any social, economical, physical or environmental impacts are minimized.

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The applicant has provided a site-specific ESEE analysis as part of the request for a comprehensive plan amendment. The applicant has proposed screening, limits on operations and an operating plan designed to minimize impacts. Reclamation of the site will help mitigate impacts associated with the mining operation.

SUPPLEMENTAL CRITERIA, CHAPTER 18.144, AGGREGATE RESOURCE SITES:

The provisions of chapter 18.144 apply to resource zones (e.g., Crook County's EFU zones). These criteria were discussed in detail in Staff report I (June 17).

A. 18.144.040 Approval and Review Criteria:

(1) Notwithstanding any provisions in this title to the contrary, an application for a permit for a use listed in CCC 18.144.030 shall be allowed if it meets the following criteria:

(a) The site must be designated as a mineral or aggregate resource site or an energy source site on an inventory of significant Goal 5 resources in the comprehensive plan;

Comprehensive Plan Amendment 217-15-000114-PLNG requests that the subject site be included as a Goal 5 Resource Site on the Goal 5 Inventory. A geotechnical site evaluation has been completed for the site which indicates that it offers a large quantity of high quality crushable basalt in a readily accessible topographic location.

(b) The proposed use must be consistent with the applicable ESEE analysis and conditions contained in the comprehensive plan. In the event conditions imposed on the mining use by the comprehensive plan to mitigate mining impacts on specific conflicting uses are less restrictive than conditions necessary to address these same impacts under the standards of this section, the conditions imposed by the comprehensive plan control;

See ESEE analysis description in Staff report I and public comments in Staff report II.

(c) The proposed use must be shown to not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;

Mining of the existing EFU-zoned parcel will be phased in so much of the subject property will continue in agricultural production throughout the mining operation. There was some public testimony that there might be impacts on adjacent farms associated with dust from the proposed mine site but there was no specific information that the operation would force a significant change in accepted farm practices on surrounding land. The EFU-zoned property will be reclaimed for agricultural activities.

(d) The proposed use must be shown to not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

No specific information was provided to show that mining operations would significantly increase the cost of accepted farm practices on surrounding lands devoted to farm use.

(e) There must be adequate public facilities and services (street capacity, water supply, police protection, fire protection, energy and communications services) available to meet the additional demands created by the proposed use or that can be made available through the orderly and efficient extension or expansion of these facilities and services.

The applicant's operations will generate approximately up to 80 truck trips per day or less on

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average. Traffic will generally use Stahancyk Lane to access Elliot Lane and Highway 26. The Oregon Department of Transportation provided a letter stating that there is existing capacity to accommodate increased truck traffic at the intersection of Elliott Lane and Highway 26 .

The applicant will enter into an agreement with the Ochoco Irrigation District to procure industrial water for mining operations. There are existing water rights on the EFU-zoned property that will be used for reclamation and on-going agricultural production.

(2) An applicant for a use allowed by CCC 18.144.030 may demonstrate that these standards for approval could be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

(3) To the extent compliance with the approval criteria of this section has been determined as part of the identification and resolution of conflicting uses and development of a program to achieve goal compliance in the comprehensive plan, the determination shall be binding until changed by amendment to the plan.

Conditions of approval are included at the beginning of this document.

B. 18.144.050 Approval Procedures:

This section of the Crook County code outlines the requirements for a complete application and includes requirements for specific site plans and maps, water management and reclamation plans, landscaping plans, and security measures.

These were described in staff report I (June 17 on pages 18 – 21)

C. 18.144.060 Development Standards:

These standards establish set back requirements for processing activities and material storage. They also describe requirements for berms, operating hours and screening.

These procedures were summarized in Staff report I dated June 17, 2015. The staff report and attachments are incorporated herein by reference.

PUBLIC COMMENTS/TESTIMONY RECEIVED

Written notice was sent to agencies, organizations and property owners within 750' of the subject land use application. Written testimony was provided as is part of the record. Public comments were accepted at the June 24, 2015 and August 12, 2015 public hearings before the planning commission. These comments are summarized in approved minutes from those meetings.

Staff reports dated June 17, 2015, August 5, 2015 and September 2, 2015 and all attachments to those reports are incorporated by reference. Exhibit 2 (dated June 16, 2015) and Exhibit 14 (dated August 4, 2015) included in staff report dated August 5, 2015 and prepared and submitted by applicant's agent in response to various neighbor questions and comments are to be considered an integral part of the application.

The effective date of the conditional use approval is upon the County Court's adoption of the Ordinance amending the Goal 5 map and text in the County's Comprehensive Land Use plan to

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add the subject property to the significant aggregate inventory.


W.R. Gowen, Commission Chairman

Oct. 23, 2015
Date


William Zelenka, Planning Director

10/23/2015
Date

NOTICE TO PERSONS PROVIDING TESTIMONY

The above approval may be appealed in writing to the Crook County Court no later than 4:00 p.m. on November, 3rd, 2015 (twelve working days from the effective date of this approval, which is contingent upon the County Court's adoption of an ordinance amendment the Goal 5 map and text in the County's Comprehensive Land Use Plan to add the subject property to the significant aggregate resource inventory and to adopt the site-specific ESEE ANALYSIS) on payment of an appeal fee of \$1850.00 + 20% of the initial application fee. The appellant must also provide transcripts of the relevant meeting tapes at the appellant's expense.

Appeals must be submitted to the Crook County Planning Department, 300 NE Third Street, Prineville, Oregon; and must be received, together with the appeal fee and advance deposit, by the Planning Department no later than the above time and date.

ATTACHMENTS

Attachment A – Applicant's site plan

Received
MAR 12 2026
OWRD