

**NOTICE OF PUBLIC HEARING BY MALHEUR COUNTY COURT  
REMAND HEARING ON LUBA APPEAL**

A public hearing will be held by the Malheur County Court on Wednesday, April 30, 2025, at 10:00 a.m. (MST) in room #107, Malheur County Courthouse, 251 B. Street West, Vale, Oregon 97918; with an option for virtual participation at the following link:

<https://meet.goto.com/MCPZ/malheur-county-court>, to consider the following:

**Remand from the State of Oregon Land Use Board of Appeals (LUBA) No. 2024-030 In The Matter of Hastings et al. (Petitioners) vs. Malheur County (Respondent), and Darren Lee (Intervenor-Respondent). This LUBA remand was in response to the appeal of the Malheur County Court’s approval of Ordinance No. 235, which added 80 acres of tax lot 3200 Assessor’s Map 16S47E as a significant aggregate site to Malheur County’s Goal 5, Mineral and Aggregate Inventory (Planning Department File 2023-12-010).**

*The remand hearing will be based on the record with oral and written argument. No new evidence will be considered. The hearing will be limited as follows: to the one assignment of error set forth in LUBA’s remand order. Specifically, OAR 660-023-0180 (5) and whether mining is permitted. The County Court must make findings that determine the impact area and specify conflicts within the impact area. Next, the County Court must determine whether significant conflicts can be minimized to a level that is no longer significant. If identified conflicts can be minimized through reasonable practical measures, then mining must be allowed. If any conflicts cannot be minimized then the County Court must evaluate the ESEE consequences of allowing, limiting or not allowing mining. The County Court must then determine whether to allow, limit or not allow mining. The Court must also make findings under OAR 660-023-0180(7) and OAR 660-023-0180 (8). The Court’s findings will be added to Ordinance No. 235 resulting in an amended Ordinance No. 235.*

The applicable criteria include: Oregon Statewide Planning Goal 5; Oregon Administrative Rules OAR 660-023-0180 (5), (7) and (8), ORS 215.296.

Written and oral argument will be accepted prior to and at the hearing. New evidence will not be considered. Written argument can be submitted before the hearing to [kross@malheurco.org](mailto:kross@malheurco.org). Failure of an issue to be raised, in person, or by a writing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issues precludes further appeal to LUBA on that issue.

Notice of this public hearing was sent to all parties and landowners to the original planning and zoning proceeding and affected agencies. For additional information or materials, please contact [kross@malheurco.org](mailto:kross@malheurco.org), at (541) 473-5124. The County reserves the right to charge \$.25 cents per page to fulfill document requests.