

Malheur County Planning Commission

The Malheur County Planning Commission Meeting was held at the Malheur County Extension Office, 710 SW 5th Ave., Ontario, Oregon 97914, on February 27, 2020. Kathy Clarich called the meeting to order at 7:30 p.m.

MALHEUR COUNTY COMMISSION MEMBERS PRESENT:

Kathy Clarich
Ed Anthony
Teresa Ballard
John Faw
Chad Gerulf
Rob Kindschy
Linda Simmons
Robert Quick

PLANNING DEPARTMENT STAFF MEMBERS:

Eric Evans, Planning Director
Tatiana Burgess, Management Assistant
Stephanie Williams, County Counsel

OLD BUSINESS:

Kathy Clarich – The first thing on our agenda is the approval of the November minutes.

Approval of November 2019 minutes:

Linda Simmons abstains from this vote. She was not present at the November 2019 Planning and Zoning Commission meeting.

*Ed Anthony made a motion to accept the November 2019 minutes.
Teresa Ballard seconded the motion, which was approved by all
Commissioners present, excluding Linda Simmons.*

NEW BUSINESS:

Applicant: Rural Road Assessment District No. 3
230 North Oregon Street
Ontario, Oregon 97914

Representative: Karl Shrum: 4400 Baker Road, Ontario, Oregon 97914.
Michael Lilly: 121 SW Morrison Street, Suite 1100, Portland, Oregon,
97204.

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Conditional Use Permit for Aggregate Mining in EFU Zone and Addition of Mining Site to Malheur County Inventory of Significant Goal 5 Resource. Planning Department File No. 2019-12-010.

Kathy Clarich – Now is the time to hear the request for a conditional use permit for aggregate mining in and processing in an exclusive farm use zone; Planning Department file 2019-12-010. Please sign in at the podium and fill out a testimony and question sheet if you have not done so already and when called to speak please state your name, address and title (if any) for the record.

1. There is a general time limit for testimony of 5 minutes. The applicant's initial presentation will be 20 minutes; with a rebuttal of 10 minutes.
2. All testimony and questions shall be directed to or through the Chair. Testimony in question should not be directed to staff or directly to witnesses.
3. Do any members of the County Planning Commission need to abstain?
 - a. There are no abstentions from the members of the County Planning Commission.
4. Do any members of the County Planning Commission have any conflicts to disclose?
 - a. There are no conflicts to disclose by any members of the County Planning Commission.
5. Do any members of the County Planning Commission have any bias to disclose?
 - a. There is no bias from any members of the County Planning Commission.
6. Do any members of the County Planning Commission have any ex parte communication, including any site visits, to disclose?
 - a. Kathy Clarich has spoken with Dennis Price.
 - b. Chad Gerulf knows Karl Shrum and has worked with the Road District in the past.
 - c. John Faw owns property near the site, knows the property owner and has worked with the Road District.
 - d. Teresa Ballard attempted to make a site visit.
7. Does anyone object to any members of the Malheur County Planning Commission hearing this application?
 - a. There are no objections.
8. Does anyone challenge the County Planning Commission's jurisdiction to hear these matters?
 - a. There are no challenges.

Land Use Statement for the record: Oregon Land Use law requires several items be read into the record at the beginning of this hearing. I will now read these items.

The Applicable Substantive Criteria upon which the application will be decided are found in Oregon State Laws and Rules as well as local code provisions which are specifically set out in the staff report and include: Malheur County Code 6-3A-3(E), 6-6-8-4 and OAR 660, Division 23.

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Testimony, arguments and evidence presented must be directed toward these approval criteria or other criteria in State law, the Malheur County Comprehensive Plan or the Malheur County Code that the speaker believes to apply to the decision.

The failure of anyone to raise an issue accompanied by statements or evidence sufficient to afford the decision makers and the parties the opportunity to respond to the issue will preclude appeal on that issue.

An issue that may be the basis of an appeal must be raised no later than the close of the record. Such issues must be raised and accompanied by statements and evidence sufficient to afford the decision makers and the parties an adequate opportunity to respond to each issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the decision makers to respond to the issue precludes an appeal or an action for damages to Circuit Court.

Preliminary Staff Report: Read by Planning Department Director, Eric Evans.

Eric Evans – This application is a conditional use approval for aggregate mining in an exclusive farming zone. Just like we've done with some of the other actions, a recommendation from the Planning Commission to the County Court to add this site on to the Goal 5, Significant Inventory.

I pulled it up on the board, in the south eastern portion of that parcel they have that lighter green field that looks like it runs north to south is the 13.4 acres. The total parcel is 77.9 but tonight we are only looking at that 13.4. That 13.4 is all they are adding to the Significant Inventory. This is for the Rural Road District. It is not in a flood plain. It is within the Ontario Rural Fire District. I believe they will have a rock crusher out there, as part of the proposal. They're not proposing any building so there isn't any sanitation.

Applicant Testimony:

Kathy Clarich – Please state your names.

Mike Lilly – You probably knew already that I'm a lawyer for the District because I'm wearing a tie and only a crazy person or a lawyer would wear a tie on a day like today, but I am here as their lawyer. I would like to thank you all for volunteering your time. I know from firsthand experience that this often a thankless job that takes a lot of time and a lot of work, so thank you for doing that.

I just want to mention some other people from the District that are here, in addition to Karl there is Dennis Price, Gary Davis, Dave Hanson (who are Commissioners) and Mr. and Mrs. White who we're purchasing the property from are also here.

So Rural Road District No. 3, you may know this already, maintains 250 miles of road. Those 250 miles of road are, generally speaking, in the north east rural section of the county. This site

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is in about the geographic middle of that (not coincidental). I want to start by saying this mine is not going to be a commercial enterprise. We are not going to mine rock out of here and sell it to somebody else, that is not the idea. The idea is to mine rock out of here and use it for the business of the District to maintain the roads and hopefully along the way save some taxpayer dollars. That's what we're trying to do, we're not trying to get into competition with the private enterprise people, we're not trying to undercut somebody in the market somewhere, this is just for our own use. There are several ways in which the impact of this mine is lower than you might otherwise expect, and I would like to go through those.

One easy one is, we don't have to blast anything. Some of these rock mines you have to set off dynamite charges to break the rock, but we don't have to do that, it's loose gravel and sand.

Another is we're not going to put an asphalt batch plant in there. Some people dislike asphalt batch plants, I don't want to pine on that, I just want to tell you we aren't doing it. We are going to have a crusher in there for a short time each year, I'll come back to that.

By its nature, this whole operation is going to be pretty small, kind of a low-profile thing. When I first went into Eric for the pre-op conference that you're always supposed to have he said, 'are you going to apply for the whole 77 acres?' and I said, 'I don't think so. We're only going to apply for the part of the property that we're going to use'. Some number of years in the future and I can't specify exactly but there is a lot of rock on this property and it might be 50 years or more before we needed to mine the whole thing. So, we just wanted to have a smaller spot because it's going to have a smaller mine, less of an impact on the neighbors, it's going to allow us to assure you that we are going to reclaim this as we go.

MULTIPLE PEOPLE REFERRING TO MAP OF PROPERTY.

Mike Lilly – So what I wanted to assure everybody upfront is that we're not doing something where we are going to leave a scar on the land as our neighbors have up there. We're going to start with a pretty small patch and we're going to reclaim it as we go. The Department of Geology and Mineral Industries will allow when you open up a pit, they will allow you to not reclaim it for a long time but for this one we are committing to do the reclamation work as we go so that it will have a smaller impact on the community.

Those of you who have been to the site know that it is relatively flat. So, here is another thing that is going to result in the this mine having a smaller impact on the community. It's relatively flat but what you can't tell just by looking at it is the top 10 feet of the soil is sand and dirt, the gravel is 10 feet down. So that means we're going to have to scrap off that over burden to get to the gravel. So, the mining is actually going to take place 10 feet out of site down there. Moreover, we've got all this overburden of sand and dirt to deal with in the mean time so we're going to berm that around the edges so instead of a person going by looking at kind of a moonscape they are going to see a seeded berm and that is going to help in a whole bunch of ways. One is, that seeded berm plus the dropping down 10 feet... actually more than 10 feet, it's 10 feet to the rock and once you start digging in the rock you're going to go down another 10 feet so we're going to be as much as 20 feet below the surface elevation plus the berm. That's going to mean that we've got a great sound barrier right up front, automatically it's just going to

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happen. We've got a great sight barrier right up front. To some extent dust control, because the dust isn't going to go up and over (I'll come back to dust control in a minute). Those 3 factors make this site have a smaller impact on the community. As I said, even with that site we're going to reclaim as we mine because we've got to scoop the overburden out put it up on the berm, mine down the next 10 feet and then scoop the overburden of the next 10 feet out and put the first back because we want to keep as much of this into agricultural production as we can. If you've been out there at the right time of year you know it's a beautiful alfalfa field that Mr. White has out there, and we'd like to keep that going.

Another thing with this berm system that we've got worked out is we're going to seed that, so it reduces the dust and we have a water truck to reduce the dust. The crushers these days... when I first started doing some mining stuff the crushers were really dusty. Part of the reason for that was that dust was created when you crush the rock. These days they have water in the conveyor that holds that down. The other reason that we're going to produce less dust than you'd expect is because we're not going to crush year-round. This is a small operation. Last year the District's total time spent crushing rock was a week. So, we can schedule that in the spring, fall or sometime when it's relatively wet to keep the dust down because we're not having the crusher running in July, it'd be really hard to control the dust off the crusher in July. We don't have to worry about that because we'll only crush for one week a year.

Let's talk about traffic for a minute because traffic is an issue always with these sites. That is another reason why we wanted to start with a relatively small site, to emphasize that we're just not mining that much rock. Since we're not mining that much rock, we don't have that much traffic. We gave you some really specific numbers based on the last couple of years, these are in our materials here. For 9 months out of the year we average 20-30 trucks a month. So, on a 5-day week that is less than 2 trucks a day. I don't want to mislead you here, that is a trip in and trip out, 2 trips, 2 trucks a day. That's not going to overrun anybody. Sometimes there is a little bit more, during the months of April and May, we might have a max of maybe 18 a day. So, in an 8-hour day that means 3 trucks an hour, that's not going to overwhelm anybody either. Three trucks an hour is not very much traffic and the standard you're looking at is, does the road have the capacity to do that? Of course it does, it's a rural road. It's not like we're running them through the middle of downtown Ontario. Then comes the big one, in June the District goes out and puts in chip seal. When that happens (INAUDIBLE). So, in our application we tell you that there might be 60-65 a week trips, in and out, in June but (and this is really important) that is for a week, it's not all of June, that's one week that there is going to be more intensive traffic. Even that is just not that many trips. If we were talking... some bigger operations have 10 times that, the trucks are just lined up. We've got 4 dump trucks and sometimes if we need, they hire 4 more but that peak time is only one week. Also, when I talk about traffic, I want to say that this is in the geographic center of the District. When the trucks leave the pit some are going north, some are going south, some are going west, and some are going east, so it's not dumping all that traffic onto a single road all at once. In addition, Karl has been preplanning this system where he has stockpiles of rock in the north part of the District and in the south part of the District. As a result of that (and he'll continue that) when we have that peak in June some of the rock for those peak projects are going to come off of those stockpiles. So we won't have all of those 60-65 trucks that we're using coming out of that central spot, some of them will be coming off of the stock piles so that will reduce the amount of traffic and reduce the amount of conflicts that we have.

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Karl Shrum – Referring to this pit, this isn't our only job duty this isn't our only objective. Our pits usually don't see a lot of action, all but that time we go to crush. We don't plan on crushing every year. We just crushed 20,000 tons of rock right above my shop and that will last probably 5 years, at least. Including the other duties that keep us busy, other than occupying that pit and those roads, we're all over the District doing tree and vegetation control, rebuilding and fixing shoulders, doing hot patching, stuff that has nothing to do with that site is the bulk of our workload.

We get a little bit into the chip seal thing, we have 3 spots, not including that one, that we stage rock in. At the worst scenario we would probably see those 60 trucks in one day coming out of that pit just to keep our truck turn around down, because we want to keep that chip spreader full. They are not going all in one shot, they are probably in 7-10 minute staggered intervals. So, it is usually one truck at a time going in and out of that pit and not a fleet of vehicles at any given time.

I guess that's all I've got to say.

Mike Lilly – I would like to state my conclusion from that. This is not going to have a big impact on that neighborhood. We're not going to have so much dust or noise or problems here that impact the farmers around us at all, as a matter of fact we're going to keep farming (the District isn't doing the farming, they are contracting it) but it's not going to be this horrendous thing that is going to be a problem for all the neighbors.

Karl Shrum – To touch on the noise issue, that crushing I was just referring to was 700' or less from my shop, I was pretty surprised on the volume of that crushing machine and we couldn't hear it. Each one of those houses, the closest one is 1500' away. The dust control, with the spray nozzles on the crusher keeps the sound down and damping everything. We can pull up and talk to their employee's 30 yards from that crusher and just talk in a normal speaking voice, I was kind of impressed.

Mike Lilly – I have one more thing to say and I promise then I will shut up unless you have questions. It's my fault, there is an error in your staff report that say's there are only 3 houses within 1500' but there are 4, so that needs to be corrected.

Kathy Clarich – I have a question for you. You're talking about these berms, how high are those berms going to be?

Mike Lilly – That's discretionary, you could put a limit on it where you could say at least 10', you could say more, or you could say less. Our idea was to use the overburden to make the berms and once it gets up to a certain point.

Karl Shrum – Coming from the south on Ontario Heights, what would visually block... you could do a 6' berm and how that grades down and away, not just for sound but for visual, you

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wouldn't see any operation with the subgrade of the crushing of the rock and mining plus the 5-6' berm I don't think you would even see the operation from the road from the south.

Mike Lilly – The plan is to build the berm high enough to obscure the sightline. They automatically work well for sound. This may be more technical than you want but if you build a wall to protect against sound, this knife edge on the wall the sound comes up like this and then breaks and the soundwave bends and comes down the other side. So a wall with a sharp knife edge doesn't do much for you for sound so you need a rounded edge on the top, kind of a flat sport, so when the sound waves hit that they don't just pop over the other side. So the top will be rounded off so that that won't happen.

Teresa Ballard – I have a question, perhaps for Mr. Shrum, how the trucks will travel, either north or south, I ambled around up through Canyon 2 because of the directions I chose to use and those are squiggly roads. I met a big semi with a dump and it wasn't all the ample and there was quite a drop off the sides. There are quite a few homes in that area and I would be concerned about when you're trucks are coming in and out of that, certainly that's a flat road and a pretty nice barrow pit area but there was a little boy on his bike riding just right up there. Where are your trucks going to be traveling? What roads will they be traveling? Community road and... I mean how do they get in and out of that area?

Karl Shrum – Any one of them. How we'd set this up off of Community and/or Ontario Heights, depends on where we're hauling the rock. If we're going to haul to the north we would come out on that west side and hit Community and Stanton. If we're going to head to the south end of the District for anything close, we'd come out Community and head south. So try not occupy any one road, depending on... I mean, we never have a set project for a whole year, we're very versatile, we're all over the place. It can be any one of those roads at any point, within business hours, it's up to the competency of the drivers that work for me to recognize and give plenty of room and not cause any sort of issues. Like I said, there isn't any one road that we're going to travel multiple times. Like coming up Canyon 2, I understand coming off that hill there is a fence and it's a pretty good little drop, it's steep right there and there is a couple of houses a couple hundred feet off the road. So like I said, it's the competency of the drivers and taking different routes that work for what we're doing and not concentrating on one given path because that doesn't really help us if we're looping around, we need to go multiple different ways depending on where we're going.

Teresa Ballard – I get that. Luckily, we've had other gravel pit applications where they are coming over a hill and it was quite a hoo-ha that we had at meetings and I don't blame those people. This luckily is in a flat.

Karl Shrum – It's flat and we have that hill. For us leaving the pit and our safety as well, we have that 4-way stop on the southwest corner, we have a hill on the east end to kind of help slow down traffic that we're coming into as well for our safety. Having a good visual flat at least 200' each way for every access we go, from the south or the west side.

Teresa Ballard – I have another comment and one question, just to make sure. Your roads aren't very well marked out there, they're just not.

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Karl Shrum – We can't... that's a pet peeve of mine but I can't paint them all, all of the time.

Teresa Ballard – I'm a lifelong Malheur County resident and in my professional life, that was like going to Mars. I get so mixed up out there.

Karl Shrum – Oh marked, not just on the roads but on the cross-roads is what you're talking about.

Teresa Ballard – I stopped and asked some poor man that was nursing a calf that has pneumonia and he said, 'ma'am I'm not from here' (he sounded like he was from Texas and was just no help at all). But the biggest question that I have is, you're farming that, you said you're going to return it to farming, how soon are you going to return it to farming?

Karl Shrum – Well as soon as we can. That is the one thing that will hurt that a little bit is our low usage of rock. If we have another place to stockpile it but that means more trucks in and out. We want to keep the impact of that area low so we'll have to stockpile on that northeast corner as much as possible and work our way south and reclaim as we go but it's going to be not a one or two year turn around.

Teresa Ballard – So the 13 acres will be taken out of production and that is that, it won't be irrigated or anything?

Karl Shrum – In small increments, as small of increments as I can. We don't have the money, capacity or time, we don't want to bite off that much. We don't want to take that whole 13 out of production, it will be a step-by-step process and reclaim as we go.

Teresa Ballard – Thank you.

Mike Lilly – I just want to defend professional truck drivers a little bit. I know some statistics that say, generally speaking, professional truck drivers have a really good safety record. That doesn't cover every case or everything that happens and it's kind of a lame response to your concern but it's the only one I've got.

Teresa Ballard – I wasn't casting any dispersions towards professional truck drivers. That little boy on the road came right at me, he didn't care if I was a truck or... the mother was following after him in a car and she's screaming at him to get off the road but you know, he's a little boy. I have had little boys; I know how they think so more for the liability of the District I would be concerned. Certainly, there is a good line of sight there, but it was just happen stance that I observed that.

Chad Gerulf – So most of your trucks, just so people are aware, you're running the 5 yard, you're not pulling massive trailers or anything?

Karl Shrum – Smaller dump trucks.

Chad Gerulf – Smaller dump trucks are going to be the bulk right?

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Karl Shrum – Yes. Even when we contract out to get help from other District's they're the same size truck, just 10 wheel/10 yards and even some 5 yards, small trucks, no big super dumps or end dumps of that nature at all.

Kathy Clarich – Do you know approximately how many acres you'll take out to start with out of that whole thing?

Karl Shrum – Of that 13, less than 5. Going off of our crushing we took up just a month ago, we worked within less than 2 acres probably, but we will have to have room to move so I'm trying to be on the heavy side if anything. I bet what we crushed was an acre up to an acre and a half maybe of the whole thing and the material we took out to last us 'x' amount of years.

John Faw – Is the Irrigation District going to allow to idle that land for a little bit and not lose the water right? We're looking at a 5-year window and we don't want that to happen.

Karl Shrum – That is a conversation that we're going to have to have with Mr. Chamberlain to see if things can be moved. We don't want to lose those water rights either, they need to maintain because eventually that place needs to be back to its original operation and have the water rights to support it. So we have to get together a plan with them, whether it be the berms dust control, whatever we're seeding those berms with to try and move those water rights to try and maintain every lick because we'll never get them back for that property, that's something to hold on to.

John Faw – That was my question, if you had something worked out. They are pretty workable, but I don't want to see you lose them. Maybe the answer to how long is it going to be before you reclaim them, right? Because there is that 5 year window, if you take ground out of production and you don't put it back within 5 years you lose the water.

Eric Evans - Exhibit 5(D) in your guys packet is a letter from Owyhee Irrigation District, just to get to your point, one of the last sentences say, "This action may require water rights to be transferred off or moved to a different location as needed from time to time as the aggregate process expand".

John Faw - They're just going to let them move them around somewhat?

Eric Evans - Yes.

Ed Anthony - How many acres of water right are on that 77 acres?

Kathy Clarich - 72 acres.

Ed Anthony - So you'll have 5 acres of water... spare ground where you can move it from one water spot to the other.

Proponent Testimony.

Tom Hagwood: 4417 Community Road, Ontario, Oregon 97914.

Tom Hagwood - I've always been of mind that a man should be able to do what he wants with his land. These guys kind of covered the basis of my concerns; the dust and how it's going to look. It sounds like they're going to reclaim it as they go. As long as they aren't dusting me out, I know what that's like up there and I've ate a ton of dust so I probably can't live without it. It sounds like they've got their bases covered. As long it doesn't devalue my property or take away from my health, I'm good. We see a lot of trucks up there, onion trucks come by all the time, everybody is pretty respectful and drives pretty good. I'm there at the house all the time so I've got a real good pulse on the traffic. Most everybody is pretty good. I liked what you guys had to say or I would say different.

No Opponent Testimony.

Staff Comments

Eric Evans - I think it's a benefit to our community to have this mine. I would recommend that you pass this and go forward with a recommendation to County Court for approval as well.

Linda Simmons - I would like to say too that this was an excellent application, everything was there.

Larry White - Ma'am, could I make a comment as the owner of the land?

Kathy Clarich - Yes, come on up.

Larry White - 533 Ontario Heights, Ontario, Oregon 97914.

Larry White - Our family is owned that piece of property since approximately 1963. I can remember cutting willows on that thing when I was about 14 years old, so it goes back a long ways. We, my wife and I, live just east of that property, just down the road and right directly across the road from the other aggregate mine. We have lived there since 2006. I'm kind of like my neighbor here, I don't think we could live without a certain amount of dirt in our lungs and we eat a lot of it from that place. I would like to say that over the years with the laws and regulations in place and with the berm, which the other outfit has had there for just directly across the road from where we live has made a tremendous difference in our living conditions there. I have no doubt that these folks are going to do a good and respectable job. I guess the main thing I have to say is we're very happy to have the opportunity to have somebody like the Road District come in and be interested in that property, for a number of reasons. One of them being that they're just going to do a small bit at a time so there is going to be very little impact to the neighbors. We've been neighbors with these people all of our lives and we don't want to see something done that is going to disrupt their lives. If this goes through we're not picking up and moving to timbuktu, we're staying where we're at. If it wasn't good living conditions we'd been

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gone a long time ago but it gives us a good feeling to give something back to the County. I think it's a good deal for the County, it's a good deal for us, it's a good deal for everybody with as little impact as we can have.

I just thank you for the opportunity to say something about it because I really think it's good for everybody.

Closed to Public Testimony.

Chad Gerulf - I'm good with it.

Teresa Ballard - I'm okay with it. I think we're kind of vague about the water part of that. Can we put a condition or maybe ask for a specific statement about the fact that the water will be available so that they can move it around? Or did I misunderstand that letter?

Eric Evans - Give me an idea of what you're thinking of.

Ed Anthony - I think that's going to have to be up to the Owyhee Irrigation District and them. I don't think we can put anything on it because the Owyhee Irrigation District is going to do what they're going to do.

Teresa Ballard - So we're just going to trust that they can move that water around and come back and farm it. Without water in this country we can't farm very well.

Ed Anthony - That's true.

John Faw - It would be in their best interest to maintain that water right.

Ed Anthony - I guess we can always put in there that they can't do it unless the Owyhee Irrigation District says they can move it on their property.

Teresa Ballard - I would feel better about that.

Kathy Clarich - Just to keep the water there?

Ed Anthony - Keep the water so when they reclaim it but they're going to have to work that out with Owyhee Irrigation District.

Teresa Ballard - Well I know that we don't have control over it but we're trusting that they're still going to have water to use it.

Ed Anthony - If he says he isn't going to go anymore than 5 acres at a time, he should have an extra 5 to put that water on.

Robert Quick - If we could put a contingency on that, in essence, if we state this that freezes the permit until that agreement has been met.

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Teresa Ballard - I would be happy with just a statement to the effect that they can move the water around on the property, just not to lose it.

John Faw - I've seen the District move water around so it can be done.

Ed Anthony - It can be done, I move water to one piece of property to another, it can be done.

Teresa Ballard - Yeah but if they lost it.

Chad Gerulf - So what if you paid for the water but don't use it?

Ed Anthony - You have to use it.

John Faw - You have to use it, once every 5 years.

Kathy Clarich - If they're watering the berm or they are watering the roads/pit area or anything like that, they are using the water. They don't have to use the full 2 or 3 feet the allotment is.

Teresa Ballard - Owyhee Irrigation District made us say how many acres we had and how many acres we were farming, here a few years ago and they took water away from people as I understood it.

Ed Anthony - Yes they map things out, all the Irrigation Districts do.

Eric Evans - Our conversation over here is, dust abatement does qualify as use.

MULTIPLE PEOPLE SPEAKING AT ONCE

Teresa Ballard - Do you think they'll be able to keep it Dennis?

Dennis Price - Dust abatement and dust control on that particular piece with a pit, even for dust control on the rock piles, is water use.

John Faw - If dust abatement qualifies as beneficial use of water on that land, I'm happy with it.

Ed Anthony made a motion to accept the staff report and findings of facts. Teresa Ballard seconded the motion which was unanimously approved by the Commissioners present.

Ed Anthony made a motion to approve the Conditional Use Permit for a Aggregate Mine. Linda Simmons seconded the motion which was unanimously approved by the Commissioners present.

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Ed Anthony made a motion to make a recommendation to the County Court for the Approval of 13.4 acres for a Aggregate Mine. Robert Quick seconded the motion which was unanimously approved by the Commissioners present.

There being no further business to come before the Malheur County Planning Commission, the meeting was adjourned.

Respectfully submitted, Kelsey Sullivan.

Minutes approved by:

Name: _____ Date: _____