

## Malheur County Planning Commission

The Malheur County Planning Commission Meeting was held remotely, via GoToMeeting, on June 24, 2021. Kathy Clarich called the meeting to order at 7:30 p.m.

### MALHEUR COUNTY COMMISSION MEMBERS PRESENT:

Kathy Clarich  
Ed Anthony  
Linda Simmons  
John Faw  
Clark Forsyth  
Teresa Ballard  
Robert Quick  
Chad Gerulf

### PLANNING DEPARTMENT STAFF MEMBERS:

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

### NEW BUSINESS

Applicant: Garrett H. Stephenson  
Calico Resources

Owner of Record: Calico Resources USA Corp  
665 Anderson St Winnemucca, NV 89445

### ***Consideration for an extension of the conditional use permit for the Grassy Mountain Mine (File No. 2018-10-012) in Exclusive Range Use zone.***

Kathy Clarich – Now is the time to hear the request for a conditional use permit extension for applicant Calico Resources USA Corp. Planning department file 2021-04-013, -014 and -015.

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 and questions should not be directed to staff or directly to witnesses.

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3. Do any members of the County Planning Commission need to abstain?  
If so, state the reason.
4. Do any members of the County Planning Commission have any conflicts to disclose?  
If so, state the conflict.
5. Do any members of the County Planning Commission have any bias to disclose?  
If so, state bias.
6. Do any members of the County Planning Commission have any ex parte communications, including any site visits, to disclose?
7. Does anyone object to any of the members of the Malheur County Planning Commission hearing this application?
8. Does anyone challenge the County Planning Commission's jurisdiction to hear these matters?

Land use statements 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:

There are no applicable substantive criteria upon which the application will be decided.

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 or 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.

10. Order of Proceeding.

The applicant will be allocated up to 20 minutes for initial applicant presentation. The applicant may also present up to 10 minutes for final rebuttal. All others wishing to testify will be given 5 minutes each.

So, is there someone from Calico here?

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Eric Evans- Yes, we have Erin Forbes with Schwabe Williamson and Wyatt, that's here with us.

Kathy Clarich – Okay, so Eric do you want to read in the staff report?

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

Eric Evans – Yes, so this kind of goes with the memo you received in your email. So, if you guys recall back in 2018 Calico resources applied for two... and we heard it in the beginning of '19 when we had the hearings for that, for a gold and silver mine located on tax lot 101 of map 22S44E. There were a couple of different applications: the first was a conditional use permit to allow the mining activity and that was pursued with Malheur County Code 6-6-7. The County file number on that was 2018-10-012. The second permit was for the development within an identified sage grouse habitat. The final approval for that was back in May 23, 2019, and it expired on May 23, 2021. Under Malheur County Code 6-6-12: *“Approved conditional use permit is valid for 2 years unless extended by the Planning Commission”*, and I will kind of read that 6-6-12, it says *“Authorization of conditional use shall be void after 2 years or such lesser time as a Planning Commission may specify, unless substantial construction pursuant there to have take place. However, the Planning Commission may extend authorization for additional periods on request or on its own motion, without the necessity of following any former procedures such as those set out in this chapter, and in chapter 10 of this title.”* The way the Planning Department reads this, basically the extension's a ministerial act, and what makes that a little bit different is typically ministerial acts are just done in my office and it's just my signature or my office's signature. But this one is actually spelled out in our Code that it's an act of the Planning Commission. There is no specific procedure, there is no specific criteria. We did send out public notice, as we normally would in these types of applications, or other types of applications. Calico did provide an explanation of why it was necessary to get the extension, and in short, they are still in the process of doing the consolidated permitting process through the Oregon Department of Geology and Mineral Industries, and that is taking some time to do. It is a very complex procedure that they're going through and this is going to be one of the first chemical processing gold mines in the State of Oregon if you guys remember, so it's a very complicated process. That's all I have.

Kathy Clarich – Okay, Thank you. Who did you say was here?

Eric Evans - Erin Forbes

Kathy Clarich- Okay, would she like to make a comment?

**Applicant Testimony**

Erin Forbes – Good evening everyone. I am Erin Forbes. I am an attorney with Schwabe Williamson and Wyatt. I am representing the applicant Calico Resources. My office address is 1211 SW 5<sup>th</sup> Ave, Suite 1900 Portland, OR 97204. I'll first thank Eric for his presentation it went over everything that we are asking for here tonight, and I don't have too much more to add to his presentation aside from answering any questions that everyone has. Calico conquers with Mr.

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Evans that this extension is a ministerial act, rather than a land use decision. As he stated, there are no approval criteria for this extension request, and it is allowed under the County Code 6-6-12, so we are requesting a further extension of 2 years on our conditional use permit, so that we can continue to work to get our DOGAMI permit completed, and approved. My understanding is that, that permit application was submitted in November 2019. At this point we are at our final round of completeness review with DOGAMI and we expect it to be issued within the next year. So, hopefully we will not be requesting more extensions after tonight. If anyone has any questions for me I'm happy to answer them. Other than that, I think we've covered our request for an extension. Thank you.

Kathy Clarich – Were you held up by the COVID?

Erin Forbes- You know I am not sure if COVID had a lot to do with it. The permitting process is extremely complicated. We submitted with our application materials a kind of flow chart showing all the various steps that we have to go through for that permitting process, and it's quite complex. We have been working through everything and getting more studies done that are requested and submitting them, and so it has just been a very long review process.

Kathy Clarich – Okay, does any of the Commissioners have any questions for her? If not, is there anyone here in favor of this action?

**No Proponent Testimony.**

**No Opponent Testimony.**

**Closed to Public Testimony.**

*Robert Quick made a motion to approve the staff report and findings of fact. Ed Anthony seconded the motion which was unanimously approved by the Commissioners present.*

*Robert Quick made a motion to approve the extension. Ed Anthony seconded the motion which was unanimously approved by the Commissioners present.*

Applicant: Travis & Alison Williams  
PO Box 117, Caldwell, ID 83606

Owner of Record: Travis & Alison Williams  
PO Box 117, Caldwell, ID 83606

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***Conditional Use Permit for a Non-Farm Dwelling in Exclusive Farm Use zone. Planning Department file #2021-05-013***

Kathy Clarich – Now is the time to hear the request for a conditional use permit for one non-farm dwelling in Exclusive Farm Use zone for applicant Travis Williams. Planning department file 2021-05-013.

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 and questions should not be directed to staff or directly to witnesses.
3. Do any members of the County Planning Commission need to abstain?  
If so, state the reason.
4. Do any members of the County Planning Commission have any conflicts to disclose?  
If so, state the conflict.
5. Do any members of the County Planning Commission have any bias to disclose?  
If so, state bias.
6. Do any members of the County Planning Commission have any ex parte communications, including any site visits, to disclose?

**Site visited by Kathy Clarich, Robert Quick, John Faw and Ed Anthony.**

7. Does anyone object to any of the members of the Malheur County Planning Commission hearing this application?
8. Does anyone challenge the County Planning Commission's jurisdiction to hear these matters?
9. Land use statements 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:

The Malheur County Code:

- MCC 6-6-7 General Criteria to Evaluate Suitability
- MCC 6-6-8-1 Specific Conditional Use Criteria Nonresource Dwellings in EFU, ERU or EFFU Zones

OAR 660-033-130(4)(a)(D) Agricultural Lands

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 or 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.

10. Order of Proceeding.

The applicant will be allocated up to 20 minutes for initial applicant presentation. The applicant may also present up to 10 minutes for final rebuttal. All others wishing to testify will be given 5 minutes each.

We will start with the staff report, Tatiana.

**Preliminary Staff Report: Read by Planning Management Assistant, Tatiana Burgess.**

Tatiana Burgess – This is an application for a conditional use permit for a non-farm dwelling. The applicants are Travis and Allison Williams. Their mailing address is PO Box 117, Caldwell, ID 83606. The property is located on map 18S44E24 on Tax lot 100, Malheur County Ref #13517. Property zone is Exclusive Farm Use and it's 7 acres, and it's being accessed via Greenfield Rd. A DEQ sanitation system will be required for the development. The parcel is within Vale Rural Fire Protection District. It current has no water rights. The entire property is covered in soils of class IV. A little bit of zoning history on this parcel, a previous owner specifically, Paul Martin, had secured a Lot of Record on this property back in 2007, and then nothing was done with that permit. The property kept changing owners several times over the years, and then another previous owner had a soil site evaluation conducted in 2018, which that site evaluation is still valid. The parcel has been disqualified from the farm use special assessment for taxing purposes. One more thing I wanted to add: just two days ago I did receive a letter from the County Road Master regarding the access for the property that had not been included in your guys' packets. It had been posted on our website. Do you want me to read that into the record, Kathy?

Kathy Clarich – Yes, if you would please.

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Tatiana Burgess – The letter is dated June 22, 2021. And it reads:

“This property accesses Greenfield Road. Greenfield Rd, is a gravel County road that is maintained by the Road Department. The applicants, Travis and Allison Williams, are applying for a conditional use permit, for the purpose of home construction, to be accessed from Greenfield Rd. Greenfield Rd is not high traffic road, and this approach will not cause the Malheur County Road Department any additional maintenance or problems. There is already an approach onto Greenfield Rd. The Malheur County Road Department will require 12-inch culverts be put into the approach. The Malheur County Road Department has no objections to the request.”

And it is signed by David Tiffany, Malheur County Road Supervisor. And that is all I have.

Kathy Clarich – Okay, thank you. So, is Travis or Allison on the line?

Tatiana Burgess – Travis is on the line as long as their realtor Barbra Hutchinson, they’re both representing this application.

Kathy Clarich – Okay, tell us what you want to do, Travis?

**Applicant Testimony**

Allison Williams – Can you hear me? This is Allison Williams. I think what you are asking is we’re going to be using this as our residential home.

Kathy Clarich - So, what are your plans are, like going to put up a home and...?

Allison Williams – We are planning on bringing a manufactured home in, along with, since there is already water and power to the lot there, we are going to be bringing our manufactured home in and septic in there. In the future possibly have some farm animals for private use, nothing public.

Kathy Clarich – Okay, anybody have any questions for Allison? --- If not, is there anybody on the line who is for this action? Anybody against this action?

**No Proponent Testimony.**

**No Opponent Testimony.**

**Closed to Public Testimony.**

Kathy Clarich – What do you guys think?

Ed Anthony – I think they need to get their house built on it. They’ve had about 4 or 5 different people get things approved on it. And it’s ready to be filled. I think it’s a great location and I think we should let them build.

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Kathy Clarich – And we do have the thing about the roads and stuff, for the Fire Department, listed in the...

Tatiana Burgess – Kathy, if I may add. I did put in there the condition of approval regarding the Fire Department's requirements for the driveway to be built up to their standards. However, I didn't have anything in there regarding culverts requirements, as indicated by Dave Tiffany, since I didn't have that letter at the time. And, if you want, we can add that condition in there.

Kathy Clarich – Ok.

*Ed Anthony made a motion to approve the staff report and findings of fact with the amended conditions of approval. Linda Simmons seconded the motion, which was unanimously approved by the Commissioners present.*

*Ed Anthony made a motion to approve a conditional use permit for one non-farm dwelling. Bob Quick seconded the motion, which was unanimously approved by the Commissioners present.*

**OLD BUSINESS**

Applicant: Darren Lee  
515 Noble Rd, Ontario OR 97914

Owner of Record: Dallas Head  
5560 Hwy 201, Ontario OR 97914

*Continuance from the May 27, 2021 hearing.*

**Commissioner Chad Gerulf recused himself from hearing this agenda item.**

Kathy Clarich – Does anybody else need to recuse themselves from this, that were not here last month?

John Faw – I was not here for the last meeting, but I did listen to the audio tape of that meeting.

Kathy Clarich – Ok, that's what I wanted to make sure, that people had a chance to listen to that.

Linda Simmons – This is Linda. I did the same.

**Preliminary Staff Report: No additional staff report.**

Eric Evans – I do think that after Mr. Lee has his moment, I think we'll probably, if you guys are wanting to approve this in the end, there'll be some additional recommendations for the

conditions, additionally to what's already in from last month's staff report. But, we can talk about that later on down the road.

Kathy Clarich – Darren, do you want to state anything about your application?

### **Applicant Testimony**

Darren Lee – Yes, thanks everybody for this time. Hopefully, we can resolve the issues that were brought up last month. One of the big issues that my neighbors have brought up was the use of the Jasmine Rd., and whether there was going to be a possibility of maybe cutting another access to avoid being in everybody's thoughts there. I did some surveying on what use to really be the old quarry road up there and I can make an access up there. I think that it's the best course of action for everybody. I will be out of everybody's business. I can conduct my operations as need be. So, my intent in this whole process, was to keep up with new regulatory requirements that have been imposed by the State and the Department of Geology and Minerals to continue to utilize this property for a quarry. This process involves a formal conditional use permit now as well as a DOGAMI mining permit. Completing these requirements will allow me to continue to enjoy the property and maintain this traditional use. This process was not necessary in the past to use this as a quarry, but it is mandatory now, and I'm just trying to keep up with the new regulations and comply. To go over a little history of this quarry, pretty much this has been used as a quarry for the past 70 years. It has no water running on it and has poor ground because it has gravel on it. The Heads have owned it for that whole time period and the best course of action we have found for it, is to take advantage of the gravel on it and get some use out of the land. I would guess probably about 30 acres of the ground has already been mined off, off the top layer. Most of the base gravel in the Annex area, including under Jasmine Rd., when it was originally set up, came out of that quarry. Also, for about 50 years (INAUDIBLE)... use that quarry, locally the Yanos, ourselves, everybody used it. We could've mined a lot of it out, but that would be kind of hard and couldn't do too much with it, so the easily mined gravel was depleted. (INAUDIBLE). There was a State pit also on that property. I don't know how many years they worked out of there, but I know they probably worked out of there more than a decade, if not more. Then they had the land revert back to this. Over the last 12 years there really hasn't been a lot of activity up there, because I have kind of taken over that role in the community to provide the gravel, and with the difficulty of mining that harder stuff off. So, the last gravel activity that took place up there was last year when Dallas called me and asked me to quarry him off some material so he could haul it off for his own personal use, which was perfect with me. We have had our farm around the corner of theirs since 1943. We kind of know what has happened historically there, pretty clear on that. Part of the, I looked it up, part of the Goal 12 in the Transportation section 7, states *"The access to existing or potential aggregate resource sites will be maintained and protected through zoning regulations"*. I think this has established itself historically as a gravel resource for the community. My plans for it, for the future, are the mirroring of operations I currently have on the DeHaven quarry. I historically sell about 15 thousand yards per year for local projects, mine projects. I provide gravel for Weiser, from here, to local municipalities. There is concerns I am going to turn this into a huge gravel operation. This is unfounded and it's historically fraud. I have been mining there for 12 years. There is just so much business and so many people in our area that are going to want to buy gravel. So, that theory I think is very flawed and unsubstantiated and I'm not really interested in doing that. If

our population did explode, I would tell you we have bigger problems going on then just a little bit more gravel activity. Another Goal 12 policy is the *“Conservation of energy will be a primary factor in the design and construction of transportation improvements”*. This quarry which is uniquely situated between Weiser, Payette and Ontario and that definitely meets that Goal by minimizing trucking and fuel costs, as well as the time on the road. There’s been a concern about truck traffic on the road, again, there’s only so much business I can do. I have two trucks. There has been speculations or accusations about speeding and other issues on that road with my trucks. I think that might be mistaken for a truck just being loud. A loaded gravel truck is not a nimble creature, it’s a very slow and I have been driving commercially for 15 years. I have never had a ticket, I have never had an overweight ticket, I have never had a DOT ticket. So, I think that these are non-issues. If those are concerns of the neighbors then they can just come speak to me, or appropriately speak to law enforcement. I’m good with that. Again, I think with our meeting last time I never really considered that access. I think it’s going to be a great expense to me to get that cut in there, but I think that it’s, to be a good neighbor, the best course of action for all involved. Most of the other people on the other side of Jasmine won’t even more or less know about what I got going on. But I do have the right to enjoy the property and have the right to, you know, take advantage of the property. I have complied with all the requirements for Goal 5, which are quite extensive. The biggest one, of course, is the quality of the aggregate and it does meet the requirements for Goal 5 on quality and as well as quantity. I have received the approval from the Fish and Game and Fire Department and the Road District for this type of activity. So, I think part of being a good neighbor, is being a little understanding. I have been around there a long time, like I said, before anybody even ever thought about moving up there. I think it’s a bit disingenuous that people are complaining about stuff that if the Heads hadn’t been granted an easement through that property on Jasmine, most of you guys wouldn’t have access to your own properties. So, he did that as a gesture and I think that a part of that is, we all have to learn to get along. You know I’m not fond when the hemp farmers moved into our area and they stunk up the neighborhood in my opinion, and they brought in a bunch of workers and they are all right along our property line, leaving their garbage and stuff. But, everybody has a right to make a living. Other neighbors, you know, they are into drip line and they got that (INAUDIBLE) running all night, when it used to be pretty darn quiet out there. They have a right to modernize and so they have a right to make a living also. So, this is traditionally what we have done in that area and so, you know, so be it. Also, I find it a little disingenuous you got someone from Steve’s Backhoe, Knife River, and someone that worked for a big concrete place. They either partially or for the most part made their living off of gravel and it’s good for you and not for me, and it’s a little bit irritating to me. So, I hope by me cutting this new road that we will be able to hopefully get along and be good neighbors and exercise good faith on all our parts and work together, so that we can all live happily in that community. I don’t think there was any other real concerns. That was the biggest one other than just my actual rights and continue to do what we traditionally done for a long time. That’s all I have, thank you.

Kathy Clarich - Okay, thank you. Does anybody have any more questions for Mr. Lee? --- Okay, if not, is there anybody in favor of this action who would like to speak?

**No Proponent Testimony**

**Opponent Testimony:**

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Kathy Clarich – If not, I can see from the list we have some opponents. So, I am going to go down my list, it might be different from everybody else's. I have a Bob and Tina Cassity.

Robert Cassity – 478 Jasmine Rd, Ontario OR 97914.

I don't want to spend too much time. I appreciate you giving me a chance to speak tonight to address this matter. I don't want to take up too much time and reiterate stuff that has already been brought up in the past. But, I have a few issues I am concerned about. The first one is I suppose is that I'm just admittedly opposed to this whole proposal. I concur with all my neighbors and all their statements they submitted in documentations they have sent in. My main concern is the property value of our home. I have lived there for 28 years. Me and my wife have raised our family here. We have completely remodeled our home here. Built our life here. It's not even argumentative, it's a fact, if this was to happen my home value is going to be destroyed, and a good neighbor would not do that to a neighbor, okay. I would not do that to my neighbors. I wouldn't do anything that would destroy my neighbor's property value. It's just not the right thing to do. That is my biggest concern: my property value. Water right: the water table up here is really low. 28 years I have always had an issue with my water running out. I have a 460 ft deep well. I have run out of water within an hour running it at full blast. In the hot time of the year, late summers, and drought time I can run out of water within half an hour. If he starts sucking water from up above me. I will completely run out of water, and my home will be worth zero. Who is going to be held liable for that? If my home becomes zero value. After 28 years of equity that I've worked my tail off to build. And to see it all potentially just go away. Talk about irritated. I'm irritated. To see my good neighbor potentially destroy my whole life time of work. If he contaminates the water, now my drinking water is destroyed. So, that's just a few feet from my home. Now that's not to mention the wildlife that's up here that runs abundantly. I could go on and on: there's turkeys, there's quails, pheasants and chukars. There's sage grouse, and I understand sage grouse is also in the Goal 5 resource, protected resource. I quite often see sage grouse up here. There was a family that just ran through my yard a few weeks ago. There's all kinds of natural resources up here, not just gravel. I would hate to see it all be destroy. Not to mention the hawks, and deer, there's just lots and lots of wildlife up here. I would like to ask the Council, if they haven't already, I would just like to ask them to spend the time and drive on up here and take a look what we're all talking about. We don't just live in a flat, rural, spread out area with houses, you know, like a mile apart. We live on a hilltop, in a neighborhood. We live in a neighborhood, not too much different than the Boise foothills. That would be like putting a gravel pit in the Boise foothills. We are all living in pretty close proximity to one another. Our homes will surround this gravel pit, and I will have a gravel pit in a third phase, which is kind of doing business as usual, the third phase will be less than 100 ft from my front door. It's ridiculous. It's so upsetting to me. I can't even hardly put into words the fears that I have what is going to do to everything I have worked for my whole life. In closing, again I would like to ask the Council to consider, what would they like, if they lived up here like the rest of us, if they were our neighbors, if you lived up here, and it was 5ft from your boundary line, your property? Would you really think that would be okay? Do you think it is the right thing to do to allow a neighbor to destroy another neighbor's property value? Because, it's not a question if it will or not, it is going to. Its just a matter of how much will it? And will it completely destroy it? If it does, someone is going to be held liable. I just want to close at that. I really appreciate the time allowing for me to speak tonight. Thank you.

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Kathy Clarich – Thank you. Is there a Tina that would like to talk?

Tina Cassity – 478 Jasmine Rd, Ontario OR 97914

Okay, I'm going to be quick, I'll probably repeat some of what my husband said. We didn't discuss this before. I am in total opposition to Mr. Lee's request. We bought our house over 28 years ago. It was an old farm house, 70s shag carpet, paneling, no landscaping at all, and unfinished basement. It had sat empty for many years. It was pretty dilapidated, but we loved the quiet neighborhood. We loved the surrounding farm land. We were young and saw the potential in it and wanted to raise our family here. We worked hard over the last 28 years with lots of sweat and tears. We put new flooring, walls, remodeled our kitchen, finished the basement. Added a bedroom, a bath, a new deck, landscaping, concrete patio, new siding... It goes on and on. My husband and I both grew up in this area. We have been a part of this community. We're small business owners for over 25 years. We have worked hard all of our lives to get what we have and our home and the equity we have in our home, is a big part of our retirement that we have worked so hard for. So, to see the surrounding zoned farm land, which has always been farm land, to be turned into a commercial quarry gravel pit business, which will be 5 ft from our property line. The depreciation of the value of our home, by a possible 35%, would be devastating. I did email exhibits A-D, for your reference. Secondly, I would like to mention, my daughter and I both suffer from lasting affects from having contracted COVID-19 last year. It has caused us to have ongoing lung and respiratory issues, so with the proximity of the gravel pit area, which is 5 ft from our property line, and the nature of the canyon and the amount of debris and silica from the rock, that will be distributed through the air, it will undoubtedly create more health issues for us, which will be debilitating. It has been shown, that people living down wind of a gravel pit are exposed to elevated levels of silica and it can cause permanent irreversible damage to your lungs, reducing your ability to absorb oxygen. As it is, we see debris from farmers who stubble-burn their fields, which is miles and miles away from us. So, you can imagine the health implications of a gravel pit just feet from us. It's very scary to think about. Lastly, I would like to address Mr. Lee's comments from the last hearing, and also in this one, that the pit was already been up and doing business as usual up to the last 70 years. We have lived here for 28 years and that was very misleading. There has never been a commercial pit up here. A private pit owned by Mr. Head and another inactive pit that was accessed by the County, and for short time in the winters they would use it on the roads. This is about a mile away and over a hill. So, where he wants to put his commercial business is farm land and 5ft. from our house. Otherwise, why would he be wanting it to be rezoned? It was stated in the last meeting, that Mr. Head should be able to do what he wants with his property and enjoy it like he can. Mr. Lee stated the same thing, well it's not Mr. Lee's property, it's Mr. Head's. We agree as well that he can. Within the law and within what his property is zoned for. He already has a gravel pit on his property. As Mr. Lee stated in the last meeting, he took over 50 loads out of it for his personal use last year. He has also enjoyed farming on his land in the past, but this is different, he is wanting a commercial business to be on his farm land. With that reasoning, can we all do what we want with our properties? Whether it harms our neighbors, breaks laws, creates monetary devastation to our neighbors, contaminates our water, ruins the wild life? Absolutely not. I would just say in closing, just like my husband, please ask the Council members to ask themselves, would you want a commercial gravel pit business right next to your home and in your neighborhood, just feet away from your property, where your kids and pets play, where you garden and have barbeques, with all the noise, the dust, health risks, silica, and trucks going up

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and down, contamination of your drinking water supply, affecting your already low water table, destruction of wild life? The thousands of dollars of lost value on your home? I would venture to say the answer is no, and that's what I would say if I was a Council member. The devastation it will cause to all the families that live out here, are not worth a commercial business making money on getting rock out of an exclusive farm land zone. Especially when there are plenty of other gravel pits around. I would just appeal to your good judgment and ask that you vote no, and allowing this application to move forward. We greatly appreciate your time, thank you.

Kathy Clarich – Okay, thank you. Next on my list is Dinah Lord.

Dinah Lord – 458 Jasmine Rd, Ontario, OR 97914

Sometime during this hearing, respectfully request a poll of the Planning and Zoning Commission members, as in to who has inspected the supposed quarry operation site, or the proposed new access road off of Mesquite. The property owners' questions water usage at the proposed quarry operations. Test holes were dug at this proposed site and these test holes were green, which indicates ground water at these sites. What will Mr. Lee do for water at this proposed site for dust mitigation? Will he transport water or will Mr. Lee drill a well? If Mr. Lee does dig a commercial well, the impact for surrounding homes will be substantial and devastating, as many of these homes can only draw from their individual wells, as one source at a time. Meaning we are unable to run a washer and dryer, excuse me, a washer and dish washer at the same time. Our pumps shut off and we must wait 20 to 30 minutes for our water storage tanks to refill. There was a comment made by a Board member at the last hearing, that Mr. Head has the right to use his property as he sees fit. Mr. Head's property has been used in the past to grow dry land crops, so a quarry mining operation is not the only source of income that Mr. Head will have for this property. Members of the County Road Department recently went to the active quarry on Moores Hollow Road, that Mr. Lee is currently hauling from. These individuals inspected the condition of this roadway and stated that the road is tore up and needs to be repaired. Malheur County will be out the cost to repair this road. With no monies received into the Malheur County coffers to offset these costs. At the last hearing, Mr. Lee stated that he was going to pull the portion of conditional use application permit that pertains to temporary concrete plants and asphalt plants. Have these two plants been removed from his application? If Mr. Lee's statement on May 27<sup>th</sup> hearing of his transporting and selling aggregate in Oregon to be consumed in Idaho, and with the application statement from Petro Blasting and Drilling, borrow pit #1 – has 2.4 million tons; borrow pit #2 – has 560,000 tons; the two miscellaneous gravel pits – 100,000 tons. Hauling for these operations, if you are using a belly dump, which for purposes of averaging, via 7 axel combination: for 2.4 million tons divided by 27 tons per load, equals 88,889 one-way trips, hauling out loaded, returning empty. One dump truck, which is 771,429 one-way trips. Borrow pit #2 – 560,000 tons: 20,741 one-way trips, hauling out loaded, not counting returning empty. For a dump truck – that's 40,000 one-way trips. The two miscellaneous gravel pits – 3,704 one-way trips with a belly dump. 105,000 pounds gross vehicle weight, for each one of those loads. The standard number of the loads will have a direct impact of the longevity and safety of Jasmine Road, Mesquite Road, and Schoolhouse Road, Buckhorn Road. Mr. Lee has been hauling on this road as well, and Hwy 201 as well. These trips pulling aggregate do not take in effect the transport of equipment and water. Water is a precious resource. A quarry will have serious negative impacts on the water supply. Quarries drain the aquafer. What are you going to do about refilling the aquafer? When the residents of Mesquite

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and Jasmine Rd purchased their properties, they had a reasonable expectation, that future zoning changes and or conditional use permits would not adversely affect their property values. My husband and I, just this winter, put in over \$50,000 towards remodeling our home. Are we going to get that money back? If this is approved, no, we will not! I thank the members of the Commission for their time. And I hope you vote no on this conditional use permit application and possible rezoning. Thank you.

Kathy Clarich – Thank you, Dinah. Next on my list is Jennifer Gerulf.

Jennifer Gerulf – 451 Jasmine Rd, Ontario, OR 97914

My name is Jennifer Gerulf. I'm at 451 Jasmine Rd. We also own 450 Jasmine Rd, in Ontario, OR. I'm here to voice my concern of this gravel pit that is being considered above us. I have a bird's eye view, unlike some of my neighbors. I have been aware of Mr. Lee hauling out of the pit that is below us. I have watched a white dump truck hauling, at fast speeds, both down Mesquite and Noble, as well as Buckhorn, and some of the other dirt roads out there. I was outside when a dump truck blew a tire and it made a loud bang. It made my dog bark and me jump, this is also just below us, on Mesquite. I do appreciate however, how much slower some of these trucks have been traveling, since our last meeting. But, I would like to make some notes on what just went on this morning. I was outside a little after 6, when I noticed a little black dump truck headed towards the pit that is down below us, on Noble Rd. I thought I would drive down there to see what was going on, just with all this chaos, of this new gravel pit. It was a short black dump truck I could not read its name, because it came back down by me, it was driving too fast. I then followed him to Noble Rd with my video camera going, of my speedometer from 50 to 60 mph down a little short trip, until he reaches Hwy 201, which he turns left to Weiser. Then I went home and watch the school bus go down Mesquite Rd, which has been picking up my children as well as two other children of other families, that go pass Mesquite and down around Noble Rd. They are doing a summer school camp at the Annex School. A little later I watched the same... (INAUDIBLE)

Kathy Clarich – Did we lose you? Jennifer, are you there?

Jennifer Gerulf – Yes. This was all before 8 o'clock. If these trucks are flying by at 50 and 60 mph, and these children run out and get a pet, is this truck going to be able to stop, and not hit a child? There were 3 families out this morning catching the bus. With that being said, why is Mr. Lee leaving this pit down here? Is there concerns there? Is that why he is leaving? Is there livestock, and pets, and animals, and families concern? Why is he having to leave this pit down here? Have the Commissioners talked to anybody that he has hauled out of their pits, on how his habits are? Are there other contractors that will be hauling out, other then Mr. Lee? That is another concern. How many? I know he already has two, but who is this other truck that was in there this morning? My next concern, is what I did watch this morning. The truck that hauls out of here heads towards Weiser, and then turned around and came back. Last time Mr. Lee did state that Weiser needed gravel and he wanted a gravel pit every so many miles. Why should Malheur County, I want all the Commissioners to think about this, as well as all our neighbors, why should Malheur County pay the taxes to fix these roads, that all these trucks will be tearing up to benefit Weiser, Idaho? Is Weiser going to reimburse us to fix these roads these heavy trucks are driving on? I'm curious how many jobs Mr. Lee actually did in Ontario last year

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versus Weiser, as well as maybe other contractors who are being led up into these pits. I am also very concerned with the water, along with my neighbors. We have a well that tastes great. Same thing: you turn on more than a couple spickets and pretty soon, your water is trickling, but it's sufficient, if we are conservative. It's a great resource that we need to continue to be able to use. If Mr. Lee is digging up there, do we worry about contamination for all of our waters? Obviously, these wells have been good for several years, because this house has been here since 1960s, and it's been fine. So, I am not sure what will happen if someone else starts digging into this.

Kathy Clarich – Time's up, Jennifer.

Jennifer Gerulf – Ok. Thank you!

Eric Evans – Can I interject? We want to point out that Jennifer Gerulf also submitted 3 videos that you can find on our website, as well.

Jennifer Gerulf – And these were the videos of this morning, following the speeding truck down our road.

Kathy Clarich – Ok. Thank you, Jennifer!

Jennifer Gerulf – Thank you!

Kathy Clarich – Is Patty Dickenson on?

Patty Dickenson – 5120 Power Rd, Ontario, OR 97914

I'm Patty Dickenson and my husband is Don Dickenson and we live at 5120 Power Rd. I would like to voice my right on the permit of aggregate mining getting approved. I oppose this application of Darren Lee's again. The two areas across from Cassity's on Jasmine Rd will not only be devastated for their quality of living, but it will impact us here, at this house, greatly. I will never again be able to look East and see wide open land and beautiful valley view, that stretches from Weiser all the way across to Ontario. The river, the train... This will all be taken away from us. In its place, will be noise, from trucks going up and down the hill, crusher noises, dust, dirt, ugly stripping of the land. We all get a lot of wind up here at the top, and if it wasn't for the fields covered in vegetation, the dirt would blow. Is Mr. Lee going to be watering down the ground if he is working it or not? I doubt it. It's a constant cloud of dirt. Why do we, who have been here on the land, for us – over 45 years, now have to, along with our neighbors, have to subside to this? To be put in the corner and told to be quiet. No, we are not going to be quiet. Not one of us would think going to Mr. Lee's house, whether his home on Noble Rd or his home on Eden Road on Weiser flats, and create total chaos for him and his neighbors. To me, Mr. Lee is taking advantage of Dallas Head and his generosity to simply take over the land with no consequences and leaving it in disrepair, which will leave us with our land, totally worthless. Please, I'm appealing to the Board. Put yourselves in our shoes and stop this from happening from destroying our wild life, what we have built, our own sanctuaries. Thank you for my time with you.

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Kathy Clarich – Thank you Patty. Was your husband wanting to state anything?

Patty Dickenson – No.

Kathy Clarich – Ok, thank you! Next, I see, is Riley Downing.

Riley Downing – 5151 Power Rd, Ontario, OR 97914

Good evening to all of you. The residents that you are hearing from this evening are united. We have taken the time to read the documents presented, we've researched the ramifications of gravel mining operation. And approval on this project would cost 10 families the ability to enjoy the unique residential lifestyle, which some families have cherished for almost 40 plus years. Ten families lose and one person wins. A person who has vested zero interest in what happens in our neighborhood. We have presented many reasons for this application to be denied. They include: decreased property values, disrupted and destroyed wild life habitat, water and air contamination, water depletion, noise, and road deterioration. At the previous meeting, we listened to the applicant tell you, the Commissioners, that he hauled many loads of material from Dallas Head's pit, and when Kathy asked for clarification he has stated that it was for Mr. Head's – the owner's personal use. I would like it to be put on record that we actually live in full view of that pit. We will testify that this material went to a nearby construction site for a steel building pad and an equipment storage lot. As stated previously, and we feel it does require attention, the applicant has misrepresented his intentions directly to the residents, as well as this Commission. It appears he will say and do anything to get this permit. An approval of this project will leave the home owners as a group with no choice, but to fight this with all available resources. And that's all we have on this end. Thank you!

Kathy Clarich – Is there anyone else on, that is against this action?

Chad Gerulf – 451 Jasmine Rd, Ontario, OR 97914

Thanks everybody for your time this evening. Mr. Lee is right: I'm a gravel person. I have been for a long time. And I have no problem with gravel pits. It kept my family fed for years. But, I don't want to live in one. His phase one is a couple hundred feet from my house. I know the ins and outs of these things. I am in them every day. I know the noise associated with the crushers, the dust, the loaders, the stripping, the over burden materials... It's not a pleasant thing. We have a serene place there that we are lucky enough to call home, and there really is a neighborhood up there. And where the proposed gravel pit is, it is right in the middle of it. And it really is going to have an impact. Our homes are our largest investments. And we all know it's going to devalue that. And people suffering from one-person's gain, like it's been said already, I agree with that 100%. I have some questions about the life of the pit, that's a lot of tonnage. So, we are talking the foreseeable future here, not like it's going to be open and closed in a 10-year time frame. I wouldn't call it a forever working hole, but it's probably a good share of our lifetimes, it will be, you know at 15,000 tons a year or whatever. I mean that's got to be considered. There are plenty of other deposits in this valley. That desert is full of them. There needs to be... There's better places to explore other than in people's back yards. Like mine, like Bob and Tina's house. You want to permit 300 acres and want to mine 100 ft off their front door. You talk about being a good neighbor and that's not. We're impacting 10 households. We can't forget that. And like was stated before, the pit's up on top. I just moved out there last October, I haven't seen any

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trucks come down out of there, I haven't seen it active. But, I will tell you I would have never bought there if I would have known there was going to be a pit. So, that's just my main concern. I see enough of the gravel pits. I don't want to live in one, you know. I don't want any hard feelings and it's not a personal thing. It's my home and I'm going to do everything I can to protect it. I strongly urge everybody on the Board to vote no on this. Thank you.

Kathy Clarich – Thanks Chad. Whose caller number 5?

Mike Hastings – 464 Jasmine Rd, Ontario, OR 97914

I'm not sure what number I am, but this is Mike Hastings. Hello and thank you for your time. My name is Michael Hastings. My wife and I live at 464 and 470 Jasmin Road. And we will be reading our statement in two parts: first by me and then continued and concluded by my wife in her 5 minutes. Our comments are going to narrow written statements that we have submitted. But we are hoping to take emotion out of this and focus on rules, by which we are all bound. By focusing on these rules, we will know whether or not Darren Lee's proposal to open an aggregate mining operation, literally smack dab in the middle of a beautiful, rural, nature drenched, agricultural and residential neighborhood of 10 family homes should be allowed or not. But, more specifically, Darren Lee is attempting to rezone and inventory Dallas Head's land as a Goal 5 aggregate mining resource. The rules that govern this proposal are written in the Land, Conservation and Development Department's Procedures & Requirements for complying with Goal 5. This document states that the Commissioners are mandated, to quote "*Determine existing approved land uses within the impact land area that will be adversely affected by proposed mining operations, and shall specify the predicted conflicts.*" Unquote. The quote goes on to specify that these determinations must be made by analyzing 6 potential conflict points. If the proposal creates even one conflict of the 6 potential conflicts. Then the proposal does not qualify as a Goal 5 Inventory resource. Furthermore, the Commission is then bound to not allow said proposal. Darren Lee's proposal will create 4 conflicts of the 6 potential conflicts that are listed in the code. The two areas that will not be conflicts are as follows: the proposal would not pose a safety conflict with public airports due to bird attractants, and the proposal number 2, the proposal would not conflict with other Goal 5 resource sites. However, there are 4 conflicts that will be created if the proposal were to be allowed. Those 4 conflicts are as follows, and please remember that even one conflict equals a do not allowed vote. Conflict #1, and I'm quoting from the code. "*Conflicts due to noise, dust, or other discharges with regard to those existing and approve uses, and associated activities that are sensitive to such discharges for example, houses and schools.*" There are 10 residential plots, 8 with houses, that are well within the 1,500-foot impacted zone, and are all sensitive to such discharges. This will be a clear conflict, thus mandating a do not allow vote. Number 2, "*Conflicts with agricultural practices*" We, my wife and I, own an organic agricultural practice that shares a fence line with Dallas Head's land. It is within 100 feet of where Mr. Lee wants to mine aggregate. This will be a conflict, thus mandating a do not allow vote. My wife will continue to explain the other two conflicts and conclude our statement. And that's all I have, thank you.

Mandi Hastings – 464 Jasmine Rd, Ontario, OR 97914

Hello, my name is Mandi Hasting. This is part two and the conclusion of our statement. As my husband was explaining, Darren Lee's proposal will create 4 conflicts out of the potential 6 conflicts that the Commission is required to analyze. My husband has explained the first 2 of the

conflict points and I will continue to explain the third and fourth conflict points, and conclude our statement. Number 3, again reading from the code, *“Conflicts to local roads used for access and egress to the mining site within 1 mile of the entrance to the mining site, shall be determined based on clear and objective standards regarding site distances, road capacity, cross section element, horizontal and vertical alignment and similar items in the transportation plan, and implemented ordinances. Standards for trucks associated with the mining operation should be equivalent standards for other trucks of equivalent size, weight, and capacity that haul other materials.”* No studies have been performed or submitted to determine Darren Lee’s proposal adheres to the standard of site distance and road capacity, cross section elements, horizontal and vertical alignment, and similar items. Nor has any information been submitted addressing truck size, weight, or capacity. This is a conflict, thus mandating a do not allow vote. Number 4, *“Other conflicts for what consideration is necessary in order to carry out ordinances that supersede Oregon Department of Geology and Mineral Industries regulations.”* This means that in addition to a multitude of other potential pollutants and/or impact, that if the proposal has the potential and likely hood of contaminating or impacting residential drinking water and/or harming wildlife, or wildlife habitat within the area of impact, then DOGAMI will not allow it, and therefore the Commission must consider it a conflict caused by the proposal. This is a conflict, thus mandating a do not allow vote. So, of the 6 potential conflicts that the Commission is mandated to analyze, there are 2 non-conflicts and 4 conflicts that will be caused by Darren Lee’s proposal. Again, one conflict alone equals a do not allow vote. In conclusion, it is the applicant, Darren Lee’s burden, to prove he can mitigate and eliminate these conflicts. And it is only by doing so, that his proposal will be in compliance, with the rules and regulations, that are clearly written in order to approve, qualify, rezone and inventory Dallas Head’s land as a Goal 5 resource. The only way for Darren Lee to accomplish this, is through professional third-party analysis, testing, studies and recording, followed by professionally engineered plans by experts in each respective field, that demonstrates a clear course of action that guarantees the elimination of each of these conflicts. However, we will submit to the Commission that these conflicts ultimately cannot be eliminated, due to the fact that there exist 10 home sites, contained within the area of impact. Many have existed over 50 years, and none of the site homeowners are willing to give up ownership of their property, nor are they willing to give up their rights that are inherent to their approved land uses and ownership of their property. Thank you.

Kathy Clarich – Thank you Mandi. I have a caller #10. Anybody else on the line? --- I am going to go on to a public comment. Karl? Do you want to give us your opinion on the road and stuff? Since that is your area.

### **Public Agency Testimony**

Karl Shrum – Ontario Rural Road District # 3

Just my opinion, trying not to be opinionated, just with the facts, is all I wanted to present, or I was asked to present. There are two problem areas in my district. Just with elevation change, site visibility, and general road access and conditions. Jasmine Rd and Mesquite are one of the two that we kind of struggle with. It is just a difficult area.

Kathy Clarich – I have a question for you, Karl. The make-up of the road, it’s not asphalt, is it?

Karl Shrum – Yes, it is asphalt.

Kathy Clarich – It is? It's not just that gravel and oil?

Karl Shrum – No, I believe it's been, years before I was hired, it appeared to have been chip sealed. At least 10 years ago, at a minimum.

Kathy Clarich – Okay, thank you. --- Okay, so did caller #10 ever come on the line?

Eric Evans – I never heard from caller #10.

Kathy Clarich – Mr. Lee, it's your chance... You got, I think it is 10 minutes, for rebuttal.

### **Applicant's Rebuttal**

Daren Lee – Thank you! Ok, a lot of the concerns that I hear, I think the neighbors have obviously gotten together here and they have concerns. I think in a way they have worked themselves up into a bunch. In the last 12 years I have worked 13 acres of quarry. There is a reason that I have asked Dallas Head to permit the whole 300 acres. And that was to give me an option of where that I could work, whether it was either for better gravel or to deconflict stuff with my neighbors. I want to be a good neighbor. 13 acres is not a huge amount. There is probably more than 30 of this that's already been mined off from the top. And nobody has lost their mind or lost their property values. So, I do take the issue with how adamant people are with that particular thing. I am a small operation. I have always said there are not a lot of gravel activity. But, it is necessary here, because we really get hammered when we don't have gravel here for the cost. It comes all the way from Ontario or all the way from even Cambridge, and that's absolutely unsatisfactory to have trucks hauling that far. As far as water. I have a farm right around the corner. We got plenty of water. I have no intention of drilling a well. I don't have a wash plant. The only water I ever use is for my two water trucks and a water trailer. I know what the water is like there. We have great water on the farm, very fortunate. So, I think that the water issue is a non-starter. I am already on top of the hill and it would be insane for me to even think of drilling a well up there, makes no sense. And, again, I just don't have any use for it. Like I said the whole thing is not going to get tore up. I'm going to work in a small area, and I don't need to be right in people's backyards. There is plenty of ground out there. What people keep going back to is how quiet and how open stuff is. Well 300 acres of that is not yours to be open and quiet about. That's Dallas Head's land, and if you want to buy air rights, to look like they do in the city, so you can have a view, then by all means, do that. But, you don't have a right to just tell people you can't do anything with your property, because it will fuss up my view. Several of you people up there, the places you have built your houses on, are right on quarries. That are on the very tip top of the hill. They have already been mined out. So, a little hypocrisy there. Far as any water... If there is any water up there would have been nice, because you can't farm up there. There's no water. If there's any water, it probably leaks out of the canal. If it was farmable, Dallas Head would've farmed it. It does not pay to do dry land for anything. We do not have the moisture content to be able to make that pay and that's why it has never been farmed, in a long time. Because the math just does not come out. That makes it non-buyable as

farm ground. As far as contaminating water again, there is a layer of caliche up there, that's why that's gravel there. It's very imperviable and you're just not going to get through that. Right behind, I think it was Chad's place he was talking, I don't need to be right in your socks. I got a lot of options. I can move out to other locations. What I had to do was submit a plan, so that we could work off of that. I can do an amendment and do something different. I don't have to be in your socks, but 300 acres is a lot of standoff for any type of operation. I don't care how hyposensitive you are. When we talked about the wildlife. I have been on DeHaven's, and it's completely full of wildlife. That is a complete misnomer about wildlife doesn't want to hang out in quarries. I have one right behind my house here where I live, it's clear full of critters. They find a habitat and a place to hide, so that is just appallsive. I work with DOGAMI already on my quarry up there. I have been in compliance all the time with it. I understand what is required to be done. I have always stated my plans with them. As far as other issues, with reclamation and everything else, don't worry about that. They got my money already and if I were to die or bow out they would come in and make it good with my money. That's part of the reason why they want us to re-permit all of these things and go through this process. Again, I think everybody is worked up in a frenzy. It's just not that big of a deal. I understand you live there. I live there too, I have lived there my whole life, I get it. But, I also have a right to have a livelihood. You guys all have your livelihood. We have a farm there, yes. This is a secondary job for me. But, by all rights, we have a right to exist and do something in this County. A matter of fact, it's one of the requirements of the County, is to make sure that you take advantage of natural resources, and that you provide opportunities for people in the community. Not just fold your arms, and say hey we don't want to do this, because we just don't like it. I have bent over backwards to try to mitigate the road issue, and other issues. And, now we are just to: "I just don't want it in my backyard." Well, it's not in your backyard, there is 300 acres there. There is a lot of ground, and I don't need all of it to do my job. Thank you.

Kath Clarich – Thank you! Does anybody have any questions for Mr. Lee, of the Board? --- Okay, if not does any of the Board have any other questions for any of the other people we have heard from tonight? --- Okay, if not I am going to close this to public hearing then.

### **Closed to Public Testimony**

Kathy Clarich – Tatiana, was there a thing from ODFW in the packet? If so, I missed it.

Eric Evans – No, we don't have anything from ODFW.

Kathy Clarich – Okay, so we haven't had anything on the wildlife and Sage Grouse, or any of that?

Eric Evans – They're not in a critical wildlife habitat, nor are they in a core or designated habitat below core. They are not in designated Sage Grouse habitat.

Kathy Clarich – Okay, I just thought we had to have ODFW look more on stuff.

Eric Evans - No. They are not in any kind of impact zone where we are going to be applying the Sage Grouse rule permit.

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Kathy Clarich – Okay. Alright, I guess I should have asked this question and I didn't. If he is going up the other, another direction into the pit, do we have anything on that? Shouldn't we have gotten something on that?

Eric Evans – I do believe we have something on this.

Tatiana Burgess – Kathy this is Tatiana. I did send an email to Owyhee Irrigation District. It was included in your packets as exhibit number 12. There was an email exchange between myself and Brittany of the Owyhee Irrigation District. And again, that was sent out. It was basically discussing the approach over the canal, and the Owyhee District Irrigation manager had visited the site and he had some comments regarding that.

Kathy Clarich – Okay, but we didn't get anything from the applicant or anything stating what his, how he is planning to use this other way, and from Road Master saying whether his approach site there was okay or anything? I mean I don't remember seeing anything for a change.

Eric Evans – There wasn't anything in writing. I had some conversations with the Road Master and with Karl about it, this afternoon, but nothing on the record.

Kathy Clarich – But nothing on the record. Nothing in the packets. Okay.

Ed Anthony – So is it alright for him to use that approach?

Eric Evans – Is Karl still on? He can probably answer that.

Karl Shrum – Yeah, what do you got?

Eric Evans – I guess they are just talking about the proposal to not use Jasmine Rd and go across, you know where that house is at, there on Mesquite, and go across that road.

Ed Anthony – You're alright with that? That's a set of viable plans?

Karl Shrum – Well, I guess... The road is 21 ft wide, there's not much of an apron there, which he would be in charge of. It's almost so close to the canal, that Owyhee would have to work with me on making a little bit better in and out, to that propose lane to make it work. Its so narrow and that road is only 21 ft wide, straight across from that house. It's pretty tight and there's not much room for workability with the irrigation canal there.

Kathy Clarich – Okay, that kind of answered that question.

Karl Shrum – So, now, if the Road Master would have any opinions or thoughts on it... You know, him and I haven't walked that section together. We looked at Jasmine hill at the beginning of this. We really haven't had a plan of attack to how to address this yet. It's pretty new to me as of today, I think.

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Kathy Clarich – Okay, my other question would be, and maybe Karl you can answer this one, because a lot of his pits are on the southside of Jasmine, that is going to be hauling from or whatever. So, crossing, I don't know how he is planning on getting from one pit to the other. But I also that would have been needed to be covered.

Eric Evans – Karl, this is Eric. One question that I would have for you is, would you recommend any conditions of approval, if the Commission were to approve him using the other access point?

Karl Shrum – What I have heard in past there is some sort of agreement or condition of maintenance of that road. Whether it be through the applicant or if it falls upon the County to be built to the applicant for that area right there, because it will be impacted over just standard travel. But that is something to put in the conditions, for you guys to think about to put in as a maintenance up-keep thing, that we would have to work together on.

Kathy Clarich – Okay, thank you Karl. --- I don't know, to me, there are too many things on this that weren't very complete, and I don't know. I don't think I can vote for it. It's up to the rest of you guys too, what you want to do.

Bob Quick – Eric, I have a question you said at the beginning you had some addendum that would have to be added for us to consider, or would it be added afterwards? What are your new findings?

Eric Evans – So, I guess they are not new findings. I didn't develop really any new findings or a memo for you guys, 'cause I had nothing in writing. I was anticipating and I talked to Mr. Lee about it, and I knew he was going to present it. So, some of the things, the Staff would recommend additionally, I believe we had 3 initial conditions of approval, and some of those may be struck, I can't remember... In addition to the 3 that we had, I would recommend that we put some kind of a condition that we don't allow access to Jasmine Rd, if that's the way we go. I think that would be a good condition to add. Also, one that Karl hinted at too, and this is something that Dave had in regards to Jasmine Rd as well, but we could put something like the damage to Mesquite is the responsibility of the applicant. Damage that is caused by the extra truck traffic is the responsibility of the applicant. Also, I would like to see just more of a reminder to make things clear. Brittany from the Owyhee Irrigation District put this in her comments to us, but just to make it clear, something that states that damages and repairs for the crossing are the responsibility of the land owner. To make that clear, I haven't gotten out there to look at it. I don't know that culvert, what kind of shape that culvert's in. The last one, and this was a question that was kind of brought up the last go around, during the last hearing. I want to be clear that it wasn't my understanding and we haven't met the requirements of processing, and I want to make sure there is a condition in there saying that we aren't approving processing at this time. That's it.

Kathy Clarich – I have a question. How many of the Commissioners actually went out and looked at this?

Teresa Ballard – Kathy, I went twice. I went before our last meeting and I went after that last meeting. And, in my opinion, it's a terrible plan. It's a terrible plan. I understand and appreciate

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the fact that we should be able to use land that we own or have access to, for gain. But, I don't believe it should be to create a dangerous situation. So, I did go out there. I went twice.

Bob Quick – I went out there. I also have great concerns, more proximity at all the environmental and the other things that were there, were my concerns. But, it since Jasmine Rd seems to have been taken off the table. That opens a number of other questions I have in terms of the new access, the canal, the road repair, but more importantly, there were a lot of questions that were brought up, as did the residents, the people, in terms of air quality and the wind blows, and 300 acres isn't very far for the wind move. I have concerns.

Kathy Clarich – I also have concerns about even going over to Mesquite. The kids being out on the road, and the summer time you cannot limit hours that kids can be out on the road or whatever, because I think, the thing from Tiffany said something about limiting hours they could be using the road. But, of course that was Jasmine. We don't have anything, as far as I know, on Mesquite.

Teresa Ballard – Kathy, you asked a specific question about who here had visited the site. Are we at a point when we could discuss this openly?

Kathy Clarich – Yeah, it's closed to the public right now.

Teresa Ballard – Well, you know, Mr. Lee mentioned that DOGAMI have bonds posted to take care of reclamation and other issues that might arise with his business operation. But, Malheur County, and I don't mean to speak badly about Malheur County, but over the years, with all the years that I have been on this panel, we have seen repeated cases where the County makes stipulations, but it has not teeth to enforce anything. And we would all hope Mr. Lee had a long and productive life, but none of us have any guarantees whether we will be here tomorrow. And you know, he may agree to maintaining the roads, I believe he is a gentleman, I believe that he means what he says. But someone who would be a subsequent operator? You know, we don't know. We don't know and we don't have, as far as I can tell, any real teeth to be able to enforce the agreements to maintain those roadways. And, my trips up there show that those are very flimsy roadways. I can't see how those have enough base, that they could support heavy trucks. And so, my big concern, I have lots of concerns about this action, but one of the big concerns is what are we going to do if this guy doesn't do what he says he is going to do? We'll have beat up roads, which is not unusual here in Malheur County, and nobody to pay for them, but we who are the tax payers. That to me is a huge concern. I think it is a poor location to be that close to that nice residential area. It's a poor idea and not very neighborly. I'm opposed to the action.

Kathy Clarich – Anybody else have any other comments?

John Faw – I have made a couple of trips up by that parcel as well, and I was not really in favor of this, until we moved the access down off Jasmine to down around the corner to Mesquite. That kind of changed the whole picture of this in my mind. I have owned property near gravel pit, asphalt plant, concrete plant. The dust they are talking about – a non-starter. Values – I've since sold that property, being right adjacent to that gravel pit had no effect on the value of that dirt, and the value that it brought. We have sold several other pieces right out in that same area,

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and it has not had any detrimental effects to the property at all. Where he is working on 300 acres, that's a pretty good size chunk. The one that was right next to me was about 100 acres. It wasn't an issue. You know asphalt plants, concrete plants, gravel pits, they do have an aroma, but so does every other agricultural endeavor. Have you ever been out by a dairy or feed lot? Onion storage? They all have their own unique aromas that go with them. If this rock is the quality that he says it is, there's not much dirt in it to blow. The only dirt that's out there is the over burden, and it's there now. It's not going anywhere, unless the wind blows it away. And the flip side of that is, we could use some more industry in this County. Things are going to happen. In my opinion this is not a bad spot for a gravel pit location-wise. And they're talking about all the other pits that are available... I don't know where they are at.

Kathy Clarich – I know the other pits we have approved have not been around like a residential-type area. They have been out in the sage brush, miles away from things... The ones that we've approved since I have been on the Commission.

John Faw – But you got to approve them where the material is.

Kathy Clarich – Yeah, and that's why I'm saying, there might be other places too. What I was going to say, 100 feet from your front door – that's getting it pretty close. And it may not affect property values (INAUDIBLE).

Ed Anthony – He got 300 acres. Is he going to move away from that 100 feet? Or is he going to put it right there on the fence line?

Kathy Clarich – He's only going to be on the 50 acres, so it's right there, by all those houses. --- Anybody else with comments?

Teresa Ballard – One of my other concerns was that with all the other gravel pits that we have discussed, the goal was to provide an inventory for Malheur County and our area. Mr. Lee's testimony has shown repeatedly an interest in providing gravel for Weiser and Payette. They have a right to gravel too. That isn't really our greatest concern. Malheur County is our concern. And we as tax payers, I think have a right to enjoy the primary benefits of an operation that would cause this much disruption. I'm not convinced that it's primarily something that will benefit the citizens of Malheur County, as much as the citizens of Washington and Payette Counties.

Clark Forsyth – I have a question. I'm just coming onto this meeting, I wasn't present last month. I haven't been out to this property, but I'm very familiar where it is. I live at the other end towards Ontario, on Hylene and Snowmoody. What are the, I'm looking on the map here, and it seems to me that gravel pits have a tendency to sprawl as they get going, they kind of they just expand, for lack of a better word. Mr. Lee is talking about using 50 acres, what is the sprawl capability of this type of operation?

Kathy Clarich – I would assume he could physically go the whole 300 acres. He would have to reapply for stuff.

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Eric Evans – He has it pretty spelled out. The map with the boundaries that's what it's going to include. So, they have a phase 1 and phase 2 area.

Clark Forsyth – Are you looking at exhibit A? Or the untitled map?

Eric Evans – I'm looking at his, I believe the map with exhibit 3, his operations plan. But, I believe that the approximate acreage was 54 acres over those 2 phases.

Clark Forsyth – The only reason I was asking is, according to Mr. Lee, his comment there is 300 acres, so he would be willing to move away from houses or use a different portion of it to be able to do his operation. On exhibit A there is that red area and the green area which matches up with, I don't know if you guys can see this one.

Eric Evans – I take that appendix A as just kind of an overall general view of what we are looking at. I'm looking at the operation plan where they have phase 1 and phase 2. And to me those are the areas we are looking at to approve tonight.

Clark Forsyth – Alright, thank you!

Eric Evans – And you guys have kind of mentioned around it. There are other possibilities out there too, of conditions of approval. Like limiting how close mining can happen towards a residence. Things to throw out there like that. And if anybody is interested I can kind of go through the actual OAR, it's been mentioned by some of the other applicants too, about how the OAR actually reads and how we apply it.

John Faw – Please.

Eric Evans – Okay, so it kind of says in our initial staff report a little bit. So, it's OAR 660 Division 23-0180. It really kind of describes a several steps process to approving an aggregate site. Step 1, is location, quality and quantity that we always have them provide, some technical information about that. Step 2, is going to be defining an impact area. In this case, the impact area is at least 1,500 feet from the proposed property, and that's typically what we always go by. We're looking at an area that's 1,500 feet from that piece of property. And within that impact area we are looking to identify conflicts of the mining. What are the conflicts within that 1,500 feet? They are right, there is actually 6 conflicts. Conflicts due to noise, dust, discharges, conflicts to roads, safety conflicts with public airports due to birds – doesn't apply here, conflicts with other Goal 5 resources, conflicts with agricultural practices, and conflicts for which consideration is necessary in order to carry out ordinances that supersede the DOGAMI stuff. We don't really have ordinances that supersede DOGAMI regulations. Step 3, kind of, identifies conflicts within that 1,500 ft area. Step 4 – is to minimize those conflicts. I think that is kind of where we are at right now, in my opinion. We need to have the discussion, how we minimize the conflicts? Are there things that we can do to minimize the conflicts? Step 5 is going to be, what if we can't minimize those conflicts? And this is me giving you a bird's eye view of how this read. It's a little more concerning regulations, every time I read it, it hurts my brain a little bit. So, step 5, is what if we can't minimize those conflicts? It's basically we do, that they call an ESEE – Economic, Social, Environmental and Energy study, which we haven't done here.

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Always, always with every gravel pit we have done, we've mitigated all the conflicts. So, that's really the direction that we go, usually always lean towards having the applicant mitigate those conflicts, and not have to go through that ESEE process. And then the next steps are, hey, are we going to allow it, once we've gone through all those processes? Does that make sense?

Kathy Clarich – It makes sense to me, Eric. But I don't think we've had... I don't think the applicant has mitigated any of those conflicts. I mean we don't have a transportation study. We don't have anything that shows putting the trucks on the road. He says he's not going to do more than he already has, but we don't know that for sure. I don't know how long the permit is good for. If he goes 10 years, 15 years how do we know that he is not going to increase the amount of truck traffic. Can we limit it and say you can only have two trucks a day and that's it, no. I guess I just have questions?

Linda Simmons – This is Linda, I have a couple questions too, whenever you're ready.

Kathy Clarich – Okay, go ahead.

Linda Simmons – Okay, I'm sorry I was not here last time, but I certainly watched everything on the video, and listening today and reading. On exhibit 3, under the 1,500 ft impact plan, it really talks about 3 weeks of this happening, it's not something that goes on... Am I reading it... I would assume this would go on as needed. But, it talks in there, operations: in late spring early fall, it's the most time, and that's usually a 3-week duration. And I feel like John did, with that application that maybe making a different road, that maybe looking at it a lot differently. Am I reading this, that it's just an example or is that part of this plan? And whether or not he sells it should be our problem. We're not here to tell him where he can sell it and to whom, and to what county and what state. But, I do think it's important, I certainly feel for these people. I can put myself in their shoes, but on 300 acres, why would any of this be within 5 ft or even 100 ft of somebody's house? There ought to be a way to work around that. And maybe I'm being unrealistic, but I'm looking at it a little differently. But, there ought to be a solution here somewhere. Thanks.

Kathy Clarich – As far as whether he is going to be just working it in the spring or the fall, what you say and what you end up doing, things change over time. That part. The other part is, yes there is 300 acres up there. To me, he has put the areas right next to where the majority of houses are in that area. That's something that he's had a month he could have worked on to mitigate some of that stuff. We got nothing more from him. I mean he never even sent in anything for the plans for changing the roads, until tonight. He said, yeah, he was going to go the other way. And that still doesn't tell me how he is going to access the one on the south side of Jasmine. I just have, there are just too many things here that I don't think the applicant actually did his due diligence on, and provided the, all the stuff we actually need., in order to make a sound decision. We do have to consider the other people in the area. We do have to consider whether it's going to affect the other people. Any more discussion on it?

John Faw – My question is, is would an extension on this would be able to clear up some of these mitigation and access issues with road, and crossing, and those issues? Or is this just a yes or no decision tonight?

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Kathy Clarich – Well to me, we extended it for 30 days and basically got nothing more on it than what we had last time. And it just allows the neighbors to get more stuff on it. I don't know, Eric what do you think?

Eric Evans – I'm just looking at day-wise. We received this application back on March 1<sup>st</sup>. Okay, never mind it was deemed complete on March 23<sup>rd</sup>, 3 months ago, so 90 days. We're down to about 60 days left before the County has to render its final decision. So, that would be including the appeal to County Court and also the PAPA process we have to go through. If we wait another month, that puts us to 30 days to get all the rest of the process, including an appeal done. We are pushing a time period, not making a decision tonight, but it's probably feasible.

Kathy Clarich – So, what do you guys want to do?

Eric Evans – And the Commission can say some of these mitigation issues can be made through conditions that we apply. Like limiting, I think Linda said something if I understood her right, limiting the distance from mining to the residences, some of those things I suggested earlier. Or you guys, please feel free to come up with something as well.

Teresa Ballard – Kathy, I think that we should table it for another 30 days. Until the concerns are addressed by the applicant.

John Faw – I'm afraid we will run out of time if we have to go through this process.

Kathy Clarich – I got too many people talking at one time. John, what did you say?

John Faw – I think we are running out of time if it has to go through the appeal process. That is not a short, quick, easy process in itself.

Kathy Clarich – Yeah, and I guarantee it would be appealed, if we passed it.

John Faw – If we deny it, it's probably going to be appealed.

Kathy Clarich – Both ways I can imagine. So, Eric, what did you say?

Eric Evans – If you figure, hypothetically if you guys were to pass this tonight, it's going to be next week before we get a signed order, possibly sooner than that. We get the order signed, we have 10 days for the appeal to happen. And then we have to have time to advertise for the appeal. I can't remember how many days that is for the notice for the appeal. I mean your looking before we have the appeal from tonight, you are looking at almost 30 days alone. So, if you push that out 30 days from now, and then you have another 30 days, we are kind of getting down to crunch time here.

Kathy Clarich – And so, either way, if we deny it or approve it, they still have the time to appeal it. Like if we do it tonight.

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Eric Evans – Yes.

Ed Anthony – Here's my question. You want him to mitigate some of these problems. So, we need to have those written down in black and white, so he has to know what he needs to do. One way or another. If we approve it or disapprove it. So, what are the things that we want him to mitigate? I have heard a lot of different things, but don't have anything written down on what he got to do.

Eric Evans – Maybe give him a little bit of help in hearing it out. If you guys want a new operation plan from him that actually addresses the mitigation, plus what the operation are, with hours and everything. Keep in mind those operation plans are things that we look at, just like the map, when questions come up. Those operation plans are pretty set in stone, and if they are deviating from that operation plans or the map, we're telling them to come in and amend their conditional use permit.

Kathy Clarich – Eric, I am going to ask you the same question that Teresa brought up. Who is going to be the one checking on it?

Eric Evans – It's like every other issue in the County. We don't have anybody that actively that polices any planning and zoning aggregate actions. So, we would it would be a complaint-based problem only. If we were going to have a complaint, I mean, we can revoke a conditional use permit. There is a process where, we approved a conditional use permit for an aggregate site in the UGA of Ontario, a couple years ago. DOGAMI is, we are working with DOGAMI and they're doing enforcement on that site currently. My office takes these things serious. We make sure that we do what we need to do, to enforce any of the conditions we can. We also have a code enforcement deputy these days. So, we work, I emailed him today about a different issue, so we work with him and make sure our ordinances are being followed. So, that's one of the best things I helped push for, when I first started to have somebody designated for those.

Kathy Clarich – Okay, well, I'm still going to stand by my first statement is that, I don't think the applicant did his job and give us the information that we needed, so therefor I am not going to vote for this, because there's just too many things... Even if we start putting, whatever you want to call them on it. We are going to have a list a mile long of conditions he would have to meet. And he should have been mitigating some of this stuff before he even came to us. I mean some of those criteria include what it might do to the water table. What it might do to transportation. There is a whole bunch of those criteria we did not get any answers to in the first place. Conflicts, I guess is what they are called.

John Faw – Would that be covered in his operation plan?

Kathy Clarich – Do we have his operation plan?

Linda Simmons – Yes, Exhibit 3.

Kathy Clarich – I don't think he covered all those conflict items.

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Ed Anthony – Is someone going to make a motion? Or are we still reading?

Kathy Clarich – Well, I'm looking to see where he mitigated any of those conflicts. I'm not seeing them.

John Faw – Yeah, im not finding that operations plan, at my fingertip, either.

Linda Simmons – It's exhibit 3.

Robert Quick – In his initial application, they do break down through the questions, that were submitted. How will the noise screening be conducted? He answered that. How will the dust screening be conducted? He explained that. How will the visual screening be conducted? What will the traffic screening be? He listed those things out in the initial application that were included in that, and all of them are secondarily questions that would come up. Dust screening that was brought up, air quality, water usage, he answered that question. So, from the stand point of some of the things that have been unresolved. His initial application he answered those questions there.

Eric Evans – Bob, may be not surprising, but there is a reason those questions are on the application.

Kathy Clarich – Well, I just don't think this is good for that neighbor and for that spot. Maybe if he was to choose a different spot, I don't know. If someone wants to make a motion we can just get it voted on, and decide one way or another.

***Ed Anthony proposed a motion to approve the staff report and findings of fact with the amended conditions of approval. John Faw seconded the motion.***

Kathy Clarich – I don't know what those amended conditions are.

Eric Evans – So, those were: no Jasmine Rd access, damage to the Mesquite – is the responsibility of the applicant, damage to the crossing – is the responsibility of the applicant, no processing and whether you guys wanted to limit the mining activity to a certain distance from residences.

Kathy Clarich – Ok, so Eric, answer me this: if we vote to accept your findings of fact, then we're saying, yes, we're good with this? Is that what you're saying?

Eric Evans – You're accepting the findings as, the finding you want to adopt to use. Yes, essentially.

Kathy Clarich – So, we'd be saying yes, if we vote for that.

Eric Evans – Yes, because my findings are, the ones that were provided by the applicant, yes.

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Kathy Clarich – Ok, I just want to make sure, because if somebody doesn't want to go for this and they approve the findings of fact, then they're actually approving it, whether they know it or not.

Eric Evans – Right. And all the conditions that we have that I've recommended are going towards that direction of approval. That's how we do it.

Kathy Clarich – Ok, so...

John Faw – I would like to include that we change the buffer from 100 ft out to 350 ft from the property lines.

Kathy Clarich – And what's your reasoning behind picking 350 ft?

John Faw – Because 100 ft was too little, 1,500 ft is too many.

Ed Anthony – I would even say make it further out than that. I would say make him go 1,500 ft. Give those people a little more leeway.

John Faw – Well, it's a quarter mile, and you gonna really limit the use of that property if you go a quarter mile from any of them.

Eric Evans – So, here is the other thing that I want to bring up a little bit, as I sit here thinking about writing an order with this. If we make it too big and we start encompassing the entire phase 1 and phase 2 areas, then what are we approving? If we want to have that conversation, maybe we should continue this and have him provide us a different map that encompasses whatever area you guys don't want to allow him to mine.

Ed Anthony – Will we give you enough time with all this?

Eric Evans – I'll make it work, I think.

Kathy Clarich – I have a motion on the floor.

Ed Anthony – I can withdraw my motion.

Kathy Clarich – Ok, so the motion's withdrawn.

Eric Evans – Well, I don't know. I'll let Stephanie be the parliamentarian. I don't know how we usually do that here.

Kathy Clarich – So are we wanting to do then? Are we wanting to give him another 30 days then, or what are we wanting to do?

Stephanie Williams – There is a motion on the floor with a second. So, you need to deny that motion, and make another motion to continue. I don't know if Mr. Lee is interested in waiving

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the 150 days or not. We would have to ask him to voluntarily wave it, so that we're not pushed up against the time frame. Usually, what happens is, that the applicant will ask for a continuance. In those circumstances it is waived, so that way we aren't pushed up against the 150. But, it is totally up to him.

Kathy Clarich – Okay, so first, because it was seconded we have to call, he can't just withdraw his motion?

Eric Evans – Right, once it's been first and seconded you are forced to vote on that.

***Motion made by Ed Anthony failed by a vote of 6-1 (John Faw voted for the motion). Chad Gerulf abstained from the vote. Motion failed.***

Eric Evan – So we're clear – that motion failed.

Kathy Clarich – Ok, so, do we need to then ask Mr. Lee if he's willing to forgo the 150 days? How do we do that, Stephanie?

Stephanie William – Yes, you can ask him. It's something that he would voluntarily have to do.

Kathy Clarich – Ok. Mr. Lee, are you still on?

Darren Lee – I am.

Kathy Clarich – Would you like to forgo the 150 days and let this go a little longer.

Darren Lee – Yes, I am fine with that. I want to make sure it's done right for all parts.

Kathy Clarich – Okay, thank you. So, do we have to do date certain on anything? Or what do we have to do Eric?

Stephanie Williams – Yes, we usually ask for a date certain. Another 60 days past the 150. You know like with the Treasure Valley Reload Center, we went out to 220 days one time, for the continuance.

Kathy Clarich – Okay, I don't think we want to go that long, do we?

Eric Evans – Yeah, we could go another 30 or 60 day, is what I would recommend, past the 150 days. So, 60, a total of 210 days.

Kathy Clarich – Okay, so that gives time for appeals and what not.

Stephanie Williams – We also need to know why. Are we continuing the whole hearing keeping everything open in the record? I think we need to, right, so... Wouldn't be a limited record. Sometimes we hold a record open only to hear limited testimony on a particular issue. In this

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case, I think that because there are several mitigating factors, we should just keep the record open.

Kathy Clarich – Okay, but it’s still closed to public at this point and time, right?

Stephanie Williams – Well, you can make a motion to continue the hearing and have the record be held open. Close it for today. You closed it for tonight.

Kathy Clarich – Okay.

Ed Anthony – So, if we leave it open, everybody can testify again?

Stephanie Williams – It should not be repetitive, it should only be based on new evidence or material Mr. Lee presents, as part of his application, mitigation, and operation plan. It shouldn’t just be people reiterating what they said tonight. It should just be limited to any new evidence submitted at the next hearing.

Kathy Clarich – And it has to be submitted ahead of the hearing, right? Because just coming and telling us at this point and time doesn’t give anybody else a chance to decide what we want to do.

Stephanie Williams – Right. He should submit his stuff that could be included in a supplemental staff report that’s due at least 7 days before the hearing date. And as it comes in, it should be disseminated.

Kathy Clarich – Thank you, Stephanie! Do we need a motion to decide how many days we want to go? Or do we automatically take 60 days?

Eric Evans – The discussion about the 60 days was really us telling Mr. Lee that we will have a decision within 210 days. So, that is a certainty from 150 to the 210. So, the continuance itself to date and time certain, would be our hearing in July. So, that would be July 22<sup>nd</sup> at 7:30 PM.

Kathy Clarich - So, I need a motion on the continuance. Do I need one to extend his time out? A motion on it, too, or not.

Eric Evans – No, that’s just him voluntarily agreeing to that.

Kathy Clarich – And that would be 210 days from his initial acceptance of the application, right?

Eric Evans – Right.

***Ed Anthony made a motion continue the public hearing to date and time certain – July 22<sup>nd</sup> at 7:30 PM. Bob Quick seconded the motion which was unanimously approved by the Commissioners present.***

Kathy Clarich – Anything else we have to do on this?

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Eric Evans – No.

Eric Evans – I do have a couple things to mention to you guys too. Kind of here at the very end. Non-business items. Next month, you guys should be meeting our newest clerk, that we hired in the Planning Department. We did hire someone to help Tatiana and I. There will be 3 of us. That will be fantastic. We offered her the job last Friday, and she accepted. Her name is Alexis McDaniel and she is from Nyssa. We also, coming down the pipe line, I don't know if you guys follow the Senate, but we had Senate Bill 16 pass. It passed the Senate already, and passed the House, where we can rezone 200 acres in Malheur County to Rural Residential. My plan is to leverage some funds from the Eastern Oregon Boarder Board, to pass some ordinances that will help us and maybe some criteria for that. How we are going to administer that here in the County. I haven't heard back from the Boarder Board. It was a pretty significant amount of money we are going to need. We will see about that. Also, coming down the pipe line for you guys, we also, I can't remember the Bill number, but there is another Bill that allowed accessory dwelling units on Rural Residentially zoned properties, and the County, well Tatiana and I, will be working on some language for an ordinance, and Stephanie of course too, to address how we are going to ADUs on Rural Residential land. That's it.

***Ed Anthony made a motion to adjourn the public hearing. Linda Simmons seconded it. The motion passed unanimously approved by the Commissioners present.***

Eric Evans – Good night, everybody! Thank you!

Respectfully submitted, Alexis McDaniel

Minutes approved by:

Name: \_\_\_\_\_ Date: \_\_\_\_\_