

Tatiana Burgess

From: Mike Hastings <hastingsmjh@gmail.com>
Sent: Wednesday, June 23, 2021 10:59 AM
To: Eric Evans; Tatiana Burgess
Cc: pttydickens1@fmtcblue.com; Dinah Lord; dentkingoforegon@yahoo.com; mandihastings
Subject: [Possible Spam] Commission Hearing Information for the 06/24/2021 Hearing
Attachments: Proposal Comments Opposition 2-A.pdf

Dear Commission Members

In light of the Commission Hearings being held remotely, it is my deepest hope that this email reaches each of you. I would like to submit to you a visual aid as well as important information regarding the Darren Lee Aggregate Mining proposal that is before the commission and scheduled for 06/24/2021.

I have attached a short document along with a map image of Mr. Lee's proposal. As you will see, if this proposal were to be approved, it would be the equivalent of going into a 40+ year established neighborhood park, surrounded by residential homes, and turning the park into an Aggregate Pit. This simply cannot happen.

As you can imagine, every family, (*There are 10 as you can see on the map*) that borders this proposed mining pit, is heartbroken and very afraid that everything that has been worked so hard for, (*Some of us for nearly 40 years!*) will be lost by the stroke of a pen.

Just as it is the Commission's mandate to analyze and approve projects as the county grows. Equally, if not more important, is your duty to Not Allow careless and irresponsible projects to transpire. As such, I have attempted to highlight the Requirements that must be met for an Aggregate Pit to be adopted as Goal 5 Inventory. These requirements simply have not been met.
to Not Allow this project from happening.

Please take a moment to absorb this information prior to your decisions on this proposal. The adverse effects to each and every family that is within the impact area would be extreme and irreversible. The loss of the rural neighborhood, surrounded by nature style of living, coupled with the extreme monetary loss of value of our properties themselves would be absolutely devastating emotionally, spiritually and financially.
only advocates and we sincerely hope that you will put yourself in our shoes.

Thank you in advance for your focus and attention to this matter.

Sincerely,

Michael and Mandi Hastings
And the Jasmine Road / Power Road / Mesquite Road Group of Families.

06/22/2021

COMMENTS IN OPPOSITION TO THE DARREN LEE AGGREGATE SITE PROPOSAL AND CONDITIONAL USE APPLICATION FOR AGGREGATE MINING IN AN EXCLUSIVE FARM USE ZONE

Attention: Mr Eric Evans
Eric.Evans@MalheurCo.org
Malheur County

To Whom It May Concern:

We are writing you again today to voice our deep opposition and concern to the Aggregate Mining proposal that is being submitted by **Darren Lee (Also known as “The Applicant”)** This is the proposal that is located on Dallas Heads property in Malheur County.

We would like to focus our comments by quoting directly from the *Land Conservation and development departments, Chapter 660, Division 23, Procedures and Requirements for complying with Goal 5.*

We feel that there are significant and overwhelming issues with this mining proposal, the likes of which are in direct conflict with the clearly defined requirements for such a proposal. We would also like to highlight the clearly defined “Procedures” that the “Local Government” must follow to disallow this aggregate mining proposal.

(b) The local government shall determine existing or approved land uses within the impact area that will be adversely affected by proposed mining operations and shall specify the predicted conflicts. For purposes of this section, “approved land uses” are dwellings allowed by a residential zone on existing platted lots and other uses for which conditional or final approvals have been granted by the local government. For determination of conflicts from proposed mining of a significant aggregate site, the local government shall limit its consideration to the following:

1. The attached image and map clearly shows that there are 10 such existing and approved platted lots with dwellings allowed by a residential zone. These 10 dwellings literally circle the proposed mining operation and are well within the impact area. Several of the properties are within 100 feet of the proposed mining operation. ALL will be adversely effected in a variety of ways that are in line with the allowed considerations. Those considerations are as follows:

- a. *Conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e.g., houses and schools) that are sensitive to such discharges;*
 - i. As mentioned there are 10 family homes that are in direct conflict to the noise, dust, and other discharges. These 10 homes have been approved residential for years and years.

- b. *Potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order to include the intersection with the nearest arterial identified in the local transportation plan. Conflicts shall be determined based on clear and objective standards regarding sight distances, road capacity, cross section elements, horizontal and vertical alignment, and similar items in the transportation plan and implementing ordinances. Such standards for trucks associated with the mining operation shall be equivalent to standards for other trucks of equivalent size, weight, and capacity that haul other materials;*
 - i. We have tremendous concerns, questions, and issues with the letter that was submitted by David Tiffany “The Road Master”. His statement that “The county road department has no objections to the request” is extremely ignorant and not supported by anything. His “Opinion” is in no way, shape or form adequate in resolving this enormous conflict. There have been absolutely no professional studies, plans, maps, engineering, or assessments made to determine:
 1. Sight Distances
 2. Road Capacity
 3. Cross Section Elements
 4. Horizontal and Vertical Alignment and other similar items.
 5. Truck Weights
 6. Truck Sizes
 7. Truck Capacities
 8. Haul Materials

- c. *Other conflicts for which consideration is necessary in order to carry out ordinances that supersede Oregon Department of Geology and Mineral Industries (DOGAMI) regulations pursuant to ORS 517.780.e*
 - i. There is a clear and major conflict in this regard. At issue is the potential contamination of the groundwater. The proposed mining operation is located in the direct path of the underground corridor of water that directly services and recharges the residential drinking water wells of at least 6 residences. Studies must be conducted and the DEQ must weigh in to stop such contamination. There is clear photographic evidence supporting the fact that water is flowing underground to said wells and residences. The test pits that were dug in preparation for the proposed mining operation now contain green grasses, whereas the surrounding area is dead and brown clearly demonstrating that the pits created and path to the underground water.

Question: WHAT MUST THE LOCAL GOVERNMENT DO, NOW THAT SO MANY REQUIREMENTS ARE NOT MET AND/OR ARE IN DIRECT AND CLEAR CONFLICT OF GOAL 5?

Answer: THE COMMISSIONERS MUST NOT ALLOW THIS MINING OPERATION TO MOVE FORWARD.

In conclusion and pursuant to the procedures and requirements for complying with Goal 5, the reasons for not allowing this mining operation are as follows:

1. The degree of adverse effects on existing land uses within the impact area are EXTREMELY significant and severe.
2. There are NO reasonable or practicable measures that could be taken to reduce the identified adverse effects.
3. There is no probable duration of the mining operation and the proposed post mining use of the site identified.

In conclusion the evidence is overwhelming that this mining proposal is in direct conflict with many of the rules and regulations that are in place to allow such and endeavor and does NOT comply with Goal 5. Allowing the site to proceed will be challenged at great lengths and by any legal means necessary.

Sincerely

Michael and Mandi Hastings

The Local Government shall determine existing or approved land uses within the impact area that will be adversely effected by the proposed mining operations and shall specify the predicted conflicts. "Approved Land Uses" are dwellings allowed by a residential zone on platted lots.

As shown on this map, there are 10 approved residences that literally circle the proposed mining operation. All 10 of these properties are approved with dwellings on residentially zoned and platted lots. All 10 properties will be adversely effected by the following conflicts:

- A. Conflicts due to Noise Dust or Other Discharges
- B. Potential conflicts to local roads used for access and egress to the mining site within 1 mile of the entrance.
- C. Conflicts with Agricultural Practices
- D. Conflicts with Oregon DEQ / DOGMAI in regards to the polution of ground drinking water wells that directly service at least 5 residential properties

