

Malheur Planning and Zoning Commission

Meeting Date July, 22, 2021

Commission Member and Interested Parties,

We are once again writing to voice our opposition to the proposed mining and quarry operation located on Tax Lot 3200, Map 16S47E, Reference No. 15139, Malheur County.

I would once again like a poll of the commission members as to who has visited this proposed quarry operation site.

The original parcel size, as proposed in Darren Lee's application for conditional use permit was 54 acres. On the amended plan submitted by the applicant, applicant has amended his quarry operation size substantially, but has not identified the size of locations one, two and three. It appears that applicant has greatly increased the size of the quarry operations, but has not submitted additional supporting documentation as to at the very least, engineering that was completed for test pits and trenches for the increase in quarry operation size.

On applicant's listed quarry road and activity phases, a new quarry road located off of Mesquite Road, "as depicted by the black line following the old haul road up the draw". This "old haul road is not actually an old haul road **for any commission member that has not visited the proposed site** and "new access road". This is actually an ATV road and does not accurately depict the terrain, slope, slope stability or geography of the proposed access road. As previously discussed in hearings, there was to be no access to Jasmine Road by applicant's quarry operations. Applicant has listed access to Jasmine Road on his amended quarry operations plan. Stop signs and visibility issues are not pertinent to this amended application plan as THERE IS TO BE NO ACCESS TO OR ON JASMINE ROAD.

Applicant has also not addressed engineering of his access road, nor has applicant identified how he is to abide by International Fire Code in engineering this access road.

Applicant has also not indicated to the commission that he is attempting to access his quarry operations on another entity's easement. I will defer any additional comments to this entity.

Applicant has additionally listed that the location of the new quarry road and neighbor concerns about activity close to their residences is somehow mitigated by quarry operations being moved across Jasmine Road providing an additional buffer is misleading and not factual in any way. Applicant's amended plan is now larger in scope. Additionally, because of the increase in size of quarry operations, concerns that have been previously addressed are now magnified. The buffer zones depicted on applicant's amended plan ARE SO WILLFULLY INADEQUATE AS TO BE BEYOND LAUGHABLE. There is no amount of buffer zone or berms that can be constructed that will mitigate the noise, dust and additional site containment around quarry operations. **Applicant has not adequately addressed mitigation of these issues.**

Applicant has also attempted to address concerns regarding abandonment of the quarry. By stating that DOGAMI has established robust safeguards in regards to reclamation, does not even

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minimally address applicants plan for reclamation of the quarry should the quarry be approved and by also stating that a cash bond is required also does not address reclamation. The minimum cash bond is \$50,000.00, which, if applicant fails to properly reclaim the quarry operations site, \$50,000.00 will not adequately cover the costs of reclamation of the site. Filing a claim on applicants' bond will be woefully inadequate in addressing costs for another contractor to complete the reclamation process. Having been employed in the heavy construction industry as well as mining and quarry operations for several years, I do have more than adequate knowledge of what this applicant is trying to do. **Applicant has also not adequately addressed mitigation of this issue.**

Applicant has also attempted to address concerns regarding IFTA road tax. Since applicant has stated that he pays road tax, this property owner would like proof that applicant has paid applicable road taxes for, at a minimum, the entirety of the time that applicant has operated the quarry operation located on the DeHaven ranch, so to give the commission full transparency into applicant's current operations.

On another note, applicant is listed on several websites, including Google and Buzzfile, as having an address as 941 Eaton Road in Weiser. Applicant has stated in the two previous hearings that he lives on Eaton Road in Weiser, yet on his application for conditional use permit, he lists as his address as 515 Noble Road, which, in fact, is his father's residence. On the Idaho Secretary of State's website, applicant has his residence stated as being at 941 Eaton Road, Weiser, YET on the Oregon Secretary of State's website, applicant has his residence stated as being at 515 Noble Road, Ontario. It seems to me that by stating on applicant's conditional use permit application, as well as stating verbally on the record that his residence is in Weiser, applicant has knowingly and fraudulently attempted to deceive the commission as to his actual address in an attempt to lead others to believe that he is an Oregon resident applying for an Oregon conditional use permit. At the very least, applicant needs to figure out where he actually resides.

Applicant's residence in Weiser is located directly to the south of an area that appears to have the same geological makeup as the area applied for in his application. If applicant truly wants to be a "GOOD NEIGHBOR", applicant should apply for a conditional use permit off Eaton Road in Washington County, Idaho, and operate his quarry there since as previously stated, "most of his sales are in Idaho".

There are conditions that have been proposed to approving applicants conditional use permit. These conditions do not mitigate any of the issues highlighted both in applicant's application and supplement to his application. None of the issues brought forth to the commission by homeowners located on and adjacent to Jasmine and Mesquite Roads have been adequately addressed, nor have the issues of property values and wells going dry been addressed. To the issue of the wells, applicant may very well decide to pull from the irrigation canal located on Mr. Head's property located at the bottom of the new proposed access "road" or off of canals that feed water to 515 Noble Road farmland.

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Applicant has been caught by irrigation personnel drawing water from these canals for dust abatement at the Dehaven pit and has been cautioned by Owyhee Irrigation personnel that this water is for exclusive farm use **NOT QUARRY OPERATIONS.**

There are other large landowners located around this proposed quarry operation that have not been comfortable coming forward with issues and complaints against applicant's current mining/quarry operations and applicant's current proposed quarry for fear of reprisal from applicant. That is their decision and we have chosen to abide by their decision. However, ***EVERY HOMEOWNER LOCATED ADJACENT TO THE PROPOSED QUARRY OPERATIONS PROPOSED ARE VEHEMENTLY OPPOSED TO THIS OPERATION. YOU, AS COMMISSION MEMBERS DO NOT HAVE AN ADEQUATE BASIS TO CAST A "FOR" VOTE OF APPROVAL. VOTE TO APPROVE AND EACH AND EVERY HOMEOWNER WILL CONTINUE THIS OPPOSITION WITH ANY LEGAL MEANS NECESSARY.***

Sincerely,

/s/

Dinah and Mike Lord

458 Jasmine Road

Ontario, OR 97914