

## SUPPLEMENTAL STAFF REPORT

Planning Department File No. 2021-03-010

### APPLICATION FOR Conditional Use Approval for Aggregate Mining in EFU Zone And Addition of Mining Site to Malheur County Inventory of Significant Goal 5 Resources

Planning Commission Meeting Date: July 22, 2021

1. **APPLICANT:** Darren Lee  
515 Noble Rd  
Ontario, OR 97914
2. **PROPERTY OWNER:** Dallas Head  
5560 Hwy 201  
Ontario, OR 97914
3. **PROPOSED ACTION:** Conditional use approval for aggregate mining in the C-A1 zone and designation of the proposed mining area as a Goal 5 significant resource.
4. **PROPERTY IDENTIFICATION:** Tax Lot 3200, Map 16S47E, Reference No. 15139, Malheur County.
5. **PROPERTY LOCATION AND DIRECTIONS:** West of the intersection of Hwy 201 and Mesquite Road, about 1 mile west on Mesquite Rd. Ontario, Oregon.
6. **ZONING:** C-A1 Exclusive Farm Use.
7. **PARCEL SIZE:** The parcel is 308.42 acres. The Application is for 54 acres of the parcel.
8. **PARCEL USE:** Farm/Residential.
9. **SURROUNDING USE:** Existing aggregate mining to the West; Farm/residential use to the South and East and North.
10. **ACCESS:** Via existing road approach on Mesquite Rd.
11. **SANITATION REQUIREMENTS:** No restrooms are proposed on the site.
12. **FIRE PROTECTION:** The parcel is within the Annex Rural Fire District.
13. **NATURAL HAZARDS:** Parcel is not in the 100-year floodplain.

**14. WATER RIGHTS:** No water rights on property for this use. Well in use for residence

**15. ZONING HISTORY:** This parcel has historically been in residential and agricultural use.

- I. Applicant's Additional Exhibits:** All new Applicant Exhibits can be found on the Malheur County Planning and Zoning Department's Website at [www.malheurco.org/planning-department](http://www.malheurco.org/planning-department) (July 2021)
- a. Exhibit 20: Amended Plan – Dallas Head Quarry: The amended plan for the aggregate site places a 100-foot buffer around the entire property line and a 350-foot buffer from the property line anywhere there is a residence. The amended plan also formally designates a new private access road off of Mesquite instead of Jasmine.
- II. Opponent Exhibits:** All new Opponent Exhibits can be found on the Malheur County Planning and Zoning Department's website at [www.malheurco.org/planning-department](http://www.malheurco.org/planning-department) (July 2021)
- a. Exhibit 19: Letter/Email of Opposition from Bill Downing, dated 7/1/2021
- III. Complete List of Exhibits:**
- a. Exhibit 1: Applicant's Gravel Quality Analysis
  - b. Exhibit 2: Applicant's Letter from Petra Blasting & Drilling
  - c. Exhibit 3: Applicant's Operation Plan
  - d. Exhibit 4: Applicant's Reclamation Plan
  - e. Exhibit 5: Applicant's Traffic Impact Assessment Map
  - f. Exhibit 6: Agency's Letter from Malheur County Road Master
  - g. Exhibit 7: Agency's Letter from Payette Rural Fire
  - h. Exhibit 8: Agency's Letter from Malheur County Road Master
  - i. Exhibit 9: Agency's Letter from Ontario Rural Road District
  - j. Exhibit 10A: Letter of Opposition from Mike Hastings, dated 5/27/2021
  - k. Exhibit 10B: Letter of Opposition from Dinah Lorde, dated 5/27/2021
  - l. Exhibit 11: Email from Mike Hastings, dated 5/28/2021
  - m. Exhibit 12: Agency's Email from Owyhee Irrigation District
  - n. Exhibit 13: Email from Mike Hastings, dated 6/22/2021
  - o. Exhibit 14: Email from Mike Hastings, dated 6/23/2021
  - p. Exhibit 15: Email of Opposition from Robert Cassity, dated 6/24/2021
  - q. Exhibit 16: Email from Jennifer Gerulf (with 3 videos)
    - i. Video 1
    - ii. Video 2
    - iii. Video 3
  - r. Exhibit 17: Email of Opposition from Robert Cassity, dated 6/24/2021
  - s. Exhibit 18: Email of Opposition from Dinah Lorde, dated 6/24/2021
  - t. Exhibit 19: Letter/Email of Opposition from Bill Downing, dated 7/1/2021
  - u. Exhibit 20: Applicant's Amended Plan – Dallas Head Quarry

**IV. Amendment to Staff Recommended Conditions of Approval**

- a. Existing Proposed Conditions of Approval
  - i. Final approval of the Conditional Use Permit is subject to approval of a reclamation plan by the Oregon Department of Geology and Mineral Industries.
  - ii. The post acknowledgement plan amendment including the subject site identified as significant aggregate site in the Goal 5 resource inventory must be approved by the Malheur County Court and take effect prior to any mining on the property.
  - iii. ~~A new approach must be established and culverts will be required for the Jasmine Road approach as per Malheur County Road Department requirements.~~
- b. New Proposed Conditions of Approval
  - i. This Conditional Use Permit does not allow the use of a concrete or asphalt plant.
  - ii. A 350-foot buffer must be maintained from all property lines which are adjacent to a residence.
  - iii. Jasmine Road cannot be used as access to the aggregate mine or in any capacity to serve the mine.
  - iv. Damage to Mesquite Road caused by the increase of truck traffic is the responsibility of the Applicant.
  - v. Any damage to the crossing or the irrigation system at the access road crossing is the responsibility of the Applicant.
  - vi. Applicant's Operations Plan and any amendments are adopted herein by reference. Operations must abide by the operations plan including any operating times and days. An updated Operations Plan is required prior to any Land Use Compatibility Statements being issued.