

24 January 2024

Malheur Planning Department
Planning and Zoning Commission Members

My name is Dinah Lord. My husband, Mike Lord, and I own the property located at 458 Jasmine Road.

I have previously submitted my objections to this proposed mining site, concrete batch plant, asphalt plant, and storage of rock and other materials. This additional objection addresses the following:

Darren Lee's application for a Conditional Use Permit to conduct the above operations is, to put it mildly, a bad land-use proposal. To go from an EFU/EGU zone in which there are multiple residential dwellings, as well as an organic farm, to a heavy industrial zone, without multiple studies, which would include an environmental impact study, would be blatantly egregious. This could also be compared to putting a halfway house where convicted pedophiles reside, next to a school. And, in Darren Lee's previous testimony before the planning and zoning commission, as well as the Malheur County Court, "the residential dwellings should not have been allowed to build there". Well, many of these residential dwellings have been here since 1960 and prior.

I ask the commission members, "have you ever stood next to a concrete batch plant"? Have you ever stood next to an asphalt plant, a crusher?? Well, both myself and my husband have worked for many years for heavy-highway contractors that conduct these types of operations and **THESE COMPANIES WOULD NEVER PROPOSE A SITE WITHIN THE IMMEDIATE VICINITY OF A RESIDENTIAL NEIGHBORHOOD. The LOCATION OF THIS PROPOSED MINING ACTIVITY CAN NEVER BE MITIGATED UNLESS DARREN LEE DESIRES TO PURCHASE THE PROPERTIES LOCATED ON JASMINE HILL.**

I also ask, "have the commission members driven up to the top of Jasmine Road and Power Road and looked at the ground that has been dug up by heavy equipment? When Darren Lee started excavating this land in 2022, each and every landowner called the Malheur County Sheriff's Office to complain, we called the road department, we called the Planning and Zoning offices. Not one person in any of these offices was able to give us any options to get Darren Lee to stop. The Malheur Enterprise printed articles outlining what was happening. When Darren Lee was contacted by the Malheur Enterprise, his comment was "I will not be stopped." Well, it wasn't until DOGAMI was contacted by residents of Jasmine Road that Darren Lee was forced to stop his illegal mining activity. What makes any of the members of the planning and zoning commission think that if Darren Lee was to be issued a conditional use permit that he would actually abide by it?? Darren Lee has defied DOGAMI – he has not restored the land he disturbed as outlined in the suspension order and the notice of violation and compliance schedule. Restoration was to be complete by 30 September 2023, to include removal of berms, removal of the road he constructed (this supposed road was NOT a haul road, it was a trail used for moving farm equipment, at no time did heavy construction equipment or commercial vehicles (18 wheelers and dump trucks) ever access this trail. He was also ordered to reseed the land he disturbed. This has yet to be accomplished as well.

This resident of Malheur County was advised by Eric Evans and the Malheur County Sheriff's Office to take photographs and video evidence of traffic offenses committed by 4 Lee's Excavation drivers. This resident was confronted by an employee of 4 Lee's Excavation on a public roadway, this employee yelled at this resident, told to "roll down your fu&*ing window, bitch. The employee was issued a misdemeanor citation for harassment by the Malheur County Sheriff's Department. I cannot even imagine if Darren Lee was to be approved for a conditional use permit what he or his employees might subject the residents of Jasmine Hill to when we record his activities that are in violation. This residential area has at least seven live video cameras to record all activities around our homes.

The Malheur County Court agreed with the 2021 decision to deny the conditional use permit as well as deny Darren Lee's request for Goal 5 status. It seems to me that Darren Lee is defying the Malheur County Court as well.

Dallas Head was fined in Malheur County Court \$500.00 for mining in an EFU zone. That certainly didn't stop Darren Lee.

Darren Lee's most recent application for a conditional use permit calls for additional commercial vehicle traffic as well as selling decorative rock from the proposed location. It seems to each and every one of the landowners on Jamine Road that Darren Lee has an axe to grind with us for opposing his BIG PLAN – we have apparently cost him time and money for opposing him and he is going to make us pay by bringing in an even bigger operation.

Dinah and Mike Lord
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