

Tatiana Burgess

From: PUNTON Amanda * DLCD <Amanda.PUNTON@dlcd.oregon.gov>
Sent: Thursday, January 25, 2024 4:51 PM
To: Tatiana Burgess
Cc: HERT Dawn * DLCD
Subject: Malheur County PAPA 002-023, Local file # 2023-12-010

Tatiana,

Thank you for our conversation this morning in which you helped me understand the Mr. Darren Lee's application for authorization to mine portions of a 180-acre parcel. You explained that the county was applying OAR 660-023-0180 review criteria to "Area #1", the area in which excavation will occur. The county plans to apply local conditional use approval criteria to Proposed Area #2 and Proposed Area #3.

- The staff report states that Proposed Area #2 will be used for, Gravel production equipment such as loaders, screen equipment trucks and other earth-moving equipment. This area will also be utilized for gravel product storage, truck scales, and stockpiling of landscape rock and other gravel products not produced or quarried onsite.

Since the definition of mining in OAR 660-023-0180 included processing, the county will need to assure that no processing of aggregate occurs on Proposed Area #2. If this is not the case, OAR 660-023-0180 may apply to this area.

- The staff report states that Proposed Area #3 will be used for, A concrete and asphalt recycling site and crushing and screening of aggregate, as well as the private quarry site for the landowner (less than 1 acre disturbed and/or less than 5000 cubic yards in any 12 month period).

Oregon Revised Statute requires county approval of an application for a land use permit to mine more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area of more than one acre. [ORS 215.298(2)(a)] Statute also requires that a local permit for mining of aggregate shall be issued **only** for a site included on an inventory of significant sites in an acknowledged comprehensive plan. [ORS215.298(2)(b)]

Based on the amount of aggregate material proposed to be excavated and processed in Area #3, OAR 660-023-0180 applies to this portion of the application. Small significant sites must meet the criteria in OAR 660-0180(4), which specify that a CUP authorizing mining on such a site must limit the total quantity of material to be mined and processed to 500,000 tons or less. Alternatively, Area #3 could be combined with Area #1 and be reviewed under OAR 660-0180(3) and (5).

Please include this information in the record for Malheur County PAPA 002-023, Local file # 2023-12-010, and feel free to contact me if you have any questions.

Amanda



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