

LETTER IN OPPOSITION

February 21, 2024

Planning and Zoning Commission Members,

I am here representing my husband, Mike Lord, and myself, Dinah Lord

Let me begin by asking a question.

What do you expect the Jasmine Slope landowners, once again, in opposition to Darren Lee's application for a conditional use permit, to present to you that we have not already covered? Some additional information that should change your mind about approving a mining activity in the center of eight homesites that have enjoyed peace, safety and clean air and water for over 70 years. If you listen to Darren Lee's previous statements to you, we should have never been allowed to build here. And, if this conditional use permit were to be approved, any new homes built would be required to sign a waiver prohibiting them from lodging complaints or filing legal action against his mining activities. How are we protected by a yes vote???

To help you realize that approving a mining activity with his suggested concrete batch plant, asphalt plant, crusher, storage of additional materials brought in from other locations, these activities in a fragile ecosystem that supports a wide variety of mammals and birds is a terrible idea?? It seems that we have addressed these very issues in 2021 and again in 2024. Your decision then was to deny the conditional use permit as well as Goal 5 status, which said decision was upheld by the Malheur County Court.

Now, for some strange reason, the planning and zoning department accepted an application from Darren Lee to consider again, with none of the previous concerns addressed being mitigated by Darren Lee. Also, Darren Lee's legal counsel advised you to vote yes as he and his client were going to keep coming to this commission for approval. Sounds mightily like a threat.

What has changed?? Darren Lee defied your denial of the conditional use permit as well as the decision by the Malheur County Court and then proceeded to illegally excavate without one legal permit.

When the residents of Jasmine Slope reported these activities to the county, we got no response, either by phone or email, other than to "take pictures and videos. Several county and state officials/agencies were then notified. The Malheur court found Darren Lee and Dallas Head guilty of illegal mining in an EFU zone and fined \$500.00. Then, DOGAMI investigated

and Darren Lee was issued a stop order and ordered to restore all parcels to their original state, to include the planting of native grasses. While ignoring a state agency, what makes you think that he would possibly adhere to a local body's restrictions or conditions??

We implore you to vote no based on the continuing un-resolved legal issue that Darren Lee has with DOGAMI.

We implore you to vote no based on the quantity, quality and location based on Darren Lee's misleading, insufficient and unproven documentation he has submitted with his application.

We implore you to vote no - because rezoning for any amount of time (in Darren Lee's application, he states a period of mining of **20 years**). To approve mining activity on such a large scale in this residential area and ecological area is, to put it mildly, is a terrible idea. It would be more pertinent and advantageous to have mining activity far removed from an area such as the Jasmine Slope.

We implore you to vote no based on Darren Lee's disregard for the law and his questionable business practices.

And finally, we implore you to vote no based on your review of all of the substantial legal objections that have been raised by numerous parties -

Hyline Farms	Jasmine Slope landowners
DOGAMI	ODFW
DLCD	USDOI - F&W

If for some reason this commission decides on a YES vote, we are assuming you are willing to monitor and assist Darren Lee in addressing all of the concerns/fines/regulations from this day forward regarding his day-to-day operations.

Common sense dictates that a more suitable location for a commercial aggregate mining and processing operation that doesn't step on the throats of the Jasmine Slope landowners so that one man can make money and make our lives miserable, threaten pre-existing health conditions, threaten our safety and devalue our properties by 50%.

Thank you for your consideration,

Dinah and Mike Lord