

February 21, 2024

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RE: Application for conditional use and addition to Malheur County Goal 5 Inventory – Planning Department File No. 2023-12-010

Per your request, I reviewed file materials in the referenced matter. As you are aware, I have worked on several significant Goal 5 aggregate cases. In fact, I am currently a consultant on a proposed very large quarry expansion near Eugene, Oregon, which will be entering the hearing process after three years of careful scientific analysis.

Based upon my experience, the applicant's findings do not follow the steps described by DLCD for an ESEE analysis:

“ESEE Decision Process: The steps in the standard ESEE process are as follows:

- (a) Identify conflicting uses;**
- (b) Determine the impact area;**
- (c) Analyze the ESEE consequences; and**
- (d) Develop a program to achieve Goal 5.”**

This process constitutes a prerequisite to establishing the aggregate as a protected Goal 5 resource. Only pursuant to an approved ESEE program may a landowner apply for CUP approval to extract the protected resource. The applicant in Malheur County File No. 2023-12-010 appears to be confused on this.

As a consequence of this confusion, significant issues have been omitted.

- The staff report does not discuss groundwater or the impact of the mining operation on surrounding wells.
- Farm activities are recognized, but no discussion of impact.
- The impact area is not connected to any functional externality; an impact area for groundwater differs from an impact area for noise.
- The applicant dismisses a loss of the right to build a dwelling unit as not significant.
- The transportation impact analysis does not account for the apparent vast majority of traffic generated by the mining operation.

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Portland Business Alliance
Cost of Doing Business Work plan

July 21, 2014

I recommend that the County reorganize the approval process to be consistent with the state outlined methodology. Most importantly, the condition use request be withdrawn until the ESEE process has been concluded.