

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ORDINANCE NO. 804

An Ordinance amending Comprehensive Framework Text Plan Policy 16 - B and MCC 11.15 regarding the regulation of surface mining and nearby surrounding land uses in partial fulfillment of Periodic Review Work Program tasks required to bring Multnomah County's land use program into compliance with Statewide Planning Goal 5.

(Underlined sections are new or replacements; [~~bracketed~~] sections are deleted.)

Multnomah County Ordains as follows:

Section I. Findings.

(A) Periodic Review Remand Order 93-RA-876 required Multnomah County to complete additional work related to protection and regulation of aggregate and mineral resources to be in compliance with the requirements of Statewide Planning Goal 5 and associated Oregon Administrative Rules (OARs).

(B) On March 9, 1994, the Land Conservation and Development Commission approved the county's Work Program (WKPROG - 0038) which indicated work tasks that must be completed to fulfill the requirements of the Remand Order.

(C) On August 9, 1994 the Board of County Commissioners decided on the appropriate level of protection of the Angell Brothers and Howard Canyon aggregate resource sites.

(D) OAR 660-16 requires the county to amend its Comprehensive Plan and zoning code to be consistent with the adopted protection programs for each Goal 5 resource. This ordinance will make the necessary amendments to provide clear standards to protect mining operations from future conflicts while providing standards applicable to mining which will reduce the impacts of mining on surrounding land uses.

1 (E) On August 22, 1994 the Planning Commission held open workshops for drafting of the
2 amendments. On September 12, 1994 the Planning Commission held a public hearing. On September 26,
3 1994 the Planning Commission held an additional open workshop for review of the amendments.
4 Hearings before the Board of County Commissioners followed on October 11, 1994, October 18, 1994,
5 October 27, 1994 and November 3, 1994. At each of the hearings all interested persons were given an
6 opportunity to appear and be heard.

7

8 Section II. Amendment of Framework Plan Text.

9 Multnomah County Comprehensive Framework Plan Policy 16-B is amended to read as follows:

10 POLICY 16 - B: MINERAL AND AGGREGATE RESOURCES

11 IT IS THE COUNTY'S POLICY TO PROTECT AND ENSURE APPROPRIATE USE ~~[AREAS]~~ OF
12 MINERAL AND AGGREGATE RESOURCES OF THE COUNTY, ~~[FROM INAPPROPRIATE LAND~~
13 ~~USES WHICH COULD LIMIT THEIR FUTURE USE]~~ AND MINIMIZE CONFLICT BETWEEN SUR-
14 FACE MINING ACTIVITIES AND SURROUNDING LAND USES.

15 STRATEGIES

16 A. The county shall protect significant gravel and mineral resources consistent with Statewide Planning
17 Goal 5 and Oregon Administrative Rules Chapter 660, Division 16.

18 B. [A.] As a part of the ongoing planning program the County will maintain [engage in] an inventory of
19 mineral and aggregate resource[s] sites within the County [utilizing data, criteria and standards from
20 the most recent study of rock material resources compiled by the State Department of Geology and
21 Mineral Industries]. The comprehensive plan inventory is to include four classifications of sites:

- 22 1. "Potential sites" are sites for which information about the location, quality, and quantity of a
23 resource site is not adequate to allow a determination of significance (Goal 5 Process Flow Chart
24 designation of "1B");
25 2. "Not significant sites" are sites for which information about the location, quality, and quantity of a
26 resource site shows that the site is not a significant resource (Goal 5 Process Flow Chart designa-

tion of "1A");

3. "Protected sites" are significant resource sites which are identified through the Goal 5 process as resources that the county will protect from conflicting uses (Goal 5 Process Flow Chart designations "2A," "3A," and "3C"); and

4. "Not protected sites" are significant resource sites for which the decision of the ESEE analysis is to not protect the resource from conflicting uses (Goal 5 Process Flow Chart designation of "3B").

C. A resource site may include all or portions of a parcel, and may include contiguous parcels in different ownerships.

~~D. [B During County initiated Comprehensive Plan updates, the County will utilize information made available from other sources regarding the location, quality and quantity of mineral and aggregate resources when that information is verified by such qualified professionals as certified engineering geologists and recognized testing laboratories]~~ For sites on the "potential sites" inventory, the county shall review available information about aggregate and mineral resources, and if the information on location, quantity, and quality is adequate, determine if the site is significant. Initiation of this process shall occur either:

1. As part of the next scheduled periodic review; or

2. When a record owner or the authorized agent of the record owner submits information concerning the significance of a resource site and applies for a comprehensive plan amendment.

~~E. [G Determination that a particular mineral and aggregate resource site is both "Important" and should be included in the plan inventory is to be based upon the site's proven ability to yield more than 25,000 cubic yards of resource]~~ The county will judge the significance of mineral and aggregate resources on a case by case basis, under the standards and procedures in LCDC's Goal 5 interpretive rules.

~~F. [D. "Important" sites should be reviewed using the Statewide Planning Goal 5 "Economic, Social, Environmental, and Energy analysis" (ESEE) procedure as outlined in OAR 660-16-000 through 660-16-025 and only those sites receiving a "2A", "3A", or "3C" designation should be considered for conditional use approval for mineral and aggregate extraction.]~~ For each site determined to be significant,

1 the county shall complete the remainder of the Goal 5 process of identifying conflicting uses, analyz-
2 ing the Economic, Social, Environmental, and Energy (ESEE) consequences of the conflicting use(s),
3 and designating a level of protection from conflicting uses. If the final decision concerning the site is
4 to preserve fully or partially protect the resource from conflicting uses, the county shall zone the site
5 and the designated ESEE impact area with the Protected Aggregate and Mineral Resources Overlay
6 Zoning Subdistrict (PAM).

7 ~~[E. In between scheduled plan updates, additional sites may be added to the plan inventory of "Important"~~
8 ~~sites and receive an ESEE designation by means of the standard plan amendment process initiated by~~
9 ~~the owner of the resource.]~~

10 G. Mining and the associated processing of aggregate and mineral materials, in excess of the limited
11 exemptions in Subsection H below, may only be allowed at sites included on the "protected sites"
12 inventory. Approval of a mining operation at a "protected site" shall be reviewed as a conditional use.
13 The general conditional use provisions regarding time limits, conditions, restrictions, and approval cri-
14 teria, (MCC .7110(C), .7110(E), .7115, .7120, .7122, and .7125, October, 1994), shall not apply.

15 H. Exemptions

16 1. The following activities are exempt from the approval requirements and development standards of
17 this policy:

18 (a) Mining auxiliary to forest practices.

19 (b) Lawful mining operating under a DOGAMI "Grant of Total Exemption" on (the effective date
20 of the Ordinance) on property owned or controlled by the operator. Abandonment, restoration,
21 or alteration of this use shall be in compliance with the non-conforming use provisions of
22 MCC .8805 and .8810.

23 2. Mining less than 1,000 cubic yards of material in conjunction with mining an area of less than one
24 acre is exempt from the approval requirements and development standards of this policy. However,
25 the mining activity shall require approval of a Hillside and Erosion Control permit and any other
26 permits as may be required in any overlay subdistrict.

1 3. Mining a quantity and area in excess of 2 above, but less than 5,000 cubic yards of material or dis-
2 turbing less than one acre of land within a period of 12 consecutive months until mining affects
3 five or more acres is exempt from the approval requirements and development standards of this
4 policy which require review by and issuance of an operating permit from DOGAMI. However,
5 mining at this level of activity shall:

6 (a) Be on a "protected site" as determined by, and subject to restrictions warranted by, the Goal 5
7 process;

8 (b) Be approved as a mining conditional use; and

9 (c) Obtain approval of a Hillside and Erosion Control Permit in conjunction with the mining con-
10 ditional use approval. The Hillside and Erosion Control permit shall be required in place of all
11 references in the plan and code to obtaining a DOGAMI operating permit in recognition that
12 this level of mining activity is exempted by DOGAMI rules for such a permit.

13 I. To approve surface mining at a site zoned Exclusive Farm Use (EFU) the county shall find, as part of
14 the conditional use approval criteria, that the proposed activity:

15 1. Will not force a significant change in accepted farm or forest practices on surrounding lands devot-
16 ed to farm or forest use; and

17 2. Will not significantly increase the cost of accepted farm or forest practices on lands devoted to
18 farm or forest use.

19 J. To approve surface mining at a site zoned Commercial Forest Use (CFU), the county shall find, as part
20 of the conditional use approval criteria, that:

21 1. The proposed mining will not force a significant change in, or significantly increase the cost of,
22 accepted farming or forest practices on agriculture or forest lands;

23 2. The proposed mining will not significantly increase fire hazard or significantly increase fire sup-
24 pression costs or significantly increase risks to fire suppression personnel; and

25 3. A written statement recognizing the rights of adjacent and nearby property owners to conduct
26 accepted forest practices has been recorded with the property deed in accordance with OAR 660-

1 06-025 (1994).

2 K. The county shall not independently apply the Protected Aggregate and Mineral Resources Overlay
3 Subdistrict (PAM) to land within another county, or within a city or its urban growth boundary. The
4 county shall encourage protection of significant sites through cooperative agreements with another
5 county or a city where the resource or its impact area extends across jurisdictional boundaries.

6 L. The county shall require increased setbacks, insulation, screening, or similar measures as conditions of
7 approval for any new conflicting use within an impact area surrounding an aggregate or mineral
8 resource site when such measures are necessary to resolve conflicts identified in a site-specific Goal 5
9 analysis.

10 M. The county shall impose conditions on surface mining when necessary to lessen conflicts identified as
11 part of a site-specific Goal 5 analysis. Where such conditions conflict with criteria and standards in
12 the Protected Aggregate and Mineral Resources Overlay, the conditions developed through the Goal 5
13 process shall control.

14 N. Based upon the Goal 5 ESEE analysis and the existing base zoning district, the county shall determine
15 the appropriate post-mining use of the site.

16 O. The county recognizes the jurisdiction of the Department of Geology and Mineral Industries (DOGA-
17 MI) over mined land reclamation pursuant to ORS 517.750 to 517.900 (1994) and the rules adopted
18 thereunder.

19 P. Unless specifically determined on a case by case basis, it shall be the policy of the county, that
20 DOGAMI delay its final decision on approval of a reclamation plan and issuance of an operating per-
21 mit until the county decides all comprehensive plan amendments and/or conditional use approvals. It
22 is also the policy of Multnomah County to participate in and cooperate with DOGAMI in their review
23 of a permit application to that agency.

24 Q. No surface mining or processing activity, as defined by the zoning ordinance, shall begin without land
25 use approval from the county, and approval of a reclamation plan and issuance of an operating permit
26 by DOGAMI and Department of Environmental Quality.

1 R. When the aggregate or mineral site has been reclaimed, the county may rezone land to remove the
2 Protected Aggregate and Mineral Resources Overlay Subdistrict (PAM) without revising the ESEE
3 Analysis for the site. Rezoning shall not relieve requirements on the part of the owner or operator to
4 reclaim the site in accordance with ORS 517.750 through 517.900 and the rules adopted thereunder.

5 ~~[F. The Zoning Code should include provisions for:~~

- 6 ~~1. Mineral and aggregate extraction, processing, and distribution as a special conditional use with~~
7 ~~performance oriented criteria of approval for those sites receiving a "2A", "3A", or "3C" designa-~~
8 ~~tion as part of the ESEE analysis.]~~
- 9 ~~2. Associated processing and distribution activities as a conditional use that must meet all conditional~~
10 ~~use requirements if the site is not a "2A", "3A", or "3C" resource location.~~
- 11 ~~3. The exemption of small scale and farm and forest practice extraction sites from conditional use~~
12 ~~review.~~
- 13 ~~4. The establishment of extraction and rehabilitation standards for mineral and aggregate resources in~~
14 ~~compliance with DOGAMI regulations as applicable.~~
- 15 ~~5. Protection of natural resources.~~
- 16 ~~6. A standard setback buffer between "noise sensitive" land uses and extraction activities.~~
 - 17 ~~(a). The location of proposed extraction activities should be setback from existing "noise sensitive"~~
18 ~~uses.~~
 - 19 ~~(b). The location of "noise sensitive" land uses should be setback from both existing mining activi-~~
20 ~~ties and designated ESEE "2A", "3A", and "3C" resource site boundaries.~~
 - 21 ~~(c). Some reduction in the setback buffers may be appropriate if the "noise sensitive" land use~~
22 ~~property owner agrees to record a non remonstrance deed restriction agreeing to the reduced~~
23 ~~distance.]~~

1 Section III. Repeal of certain Zoning Code subsections.

2 The following subsections of Multnomah County Code Chapter 11.15 regarding setbacks between
3 land uses and mining operations are repealed:

4 .2016(F); .2058(G); .2096(K); .2138(F); .2218(F); .2258(F); .2360(H); .2480(I); .2692(K);
5 .2834(J); .2844(J); .2854(J); .2864(J); .2874(J); .2884(J); .2894(I); and .7025(H).

6

7 Section IV. Amendment of Zoning Code.

8 Multnomah County Code Chapter 11.15 is amended to read as follows:

9

10 **Classification of Districts, Zoning Map & References to Other Sections**

11 **11.15.1005 Districts**

12 The County of Multnomah, outside incorporated cities, is hereby divided into the following districts:

13 * * *

14 (B) Special Districts:

15 * * *

16 SPA - Special Plan Area District

17 PAM - Protected Aggregate and Mineral District

18 * * *

19

20 **Protected Aggregate and Mineral Resources PAM**

21 **11.15.6750 Purposes**

22 The purposes of the Protected Aggregate and Mineral Resources Overlay Subdistrict are:

23 (A) To provide a mechanism to identify and, where appropriate, protect significant aggregate and min-
24 eral resource sites;

25 (B) To allow surface mining subject to uniform operating standards; and

26 (C) To regulate conflicts with surface mining activities.

1

2 **11.15.6755 Area Affected**

3 This subsection shall apply to those lands designated PAM on the Multnomah County Zoning Map.
4 On the Zoning Map shall also be a reference to the relevant site-specific Comprehensive Plan docu-
5 ments.

6

7 Exemption activities as described in MCC .6760(A) and (B) are allowed in all districts, not only those
8 designated PAM.

9

10 **11.15.6760 Exemptions**

11 (A) The following activities are exempt from the requirements of MCC .6750 through .6795 and .7305
12 through .7335. Operators or land owners have the burden of qualifying for any exemption.

13 (1) Mining on forest lands auxiliary to forestry operations occurring in compliance with the Forest
14 Practices Act as administered by the Oregon Department of Forestry.

15 (2) Lawful mining operating under a DOGAMI "Grant of Total Exemption" on (the effective date
16 of the Ordinance) on property owned or controlled by the operator. Abandonment, restoration,
17 or alteration of this use shall be in compliance with the non-conforming use provisions of
18 MCC .8805 and .8810.

19 (B) Mining less than 1,000 cubic yards of material in conjunction with mining an area of less than one
20 acre is exempt from the requirements of MCC .6750 through .6795 and .7305 through .7335, but
21 shall require the approval of a Hillside and Erosion Control Permit and any other permits as may
22 be required in any overlay subdistrict.

23 (C) Mining a quantity in excess of (B), but mining less than 5,000 cubic yards of material or disturbing
24 less than one acre of land within a period of 12 consecutive months until mining affects five or
25 more acres is exempt from the requirement in MCC .7325 and .7331 to obtain a DOGAMI operat-
26 ing permit. However, mining at this level of activity shall:

- (1) Be on a "protected site" as determined by, and subject to restrictions warranted by, the Goal 5 process;
- (2) Be approved as a mining conditional use pursuant to the provisions and requirements of MCC .7305 through .7335; and
- (3) Obtain approval of a Hillside and Erosion Control Permit in conjunction with the mining conditional use approval. The Hillside and Erosion Control permit shall be required in place of all references in the plan and MCC 11.15 to obtaining a DOGAMI operating permit in recognition that this level of mining activity is exempted by DOGAMI rules for such a permit.

11.15.6765 Definitions

As used in this subdistrict and MCC .7305 through .7335, unless otherwise noted, the following words and their derivations shall have the following meanings:

- (A) *Conflicting Use* – A use authorized in the underlying zone which, if allowed, could adversely affect operations at a protected aggregate and mineral resource site. As used in this subsection, a *conflicting use* is also another inventoried significant Goal 5 resource located on or adjacent to a protected aggregate or mineral site if that resource could force a change in mining or processing at the site.
- (B) *Dust Sensitive Use* – A *conflicting use* which is primarily used for habitation. Residential structures, churches, hospitals, schools, public libraries, and campgrounds are considered dust sensitive uses during their period of use. Forest uses and farm uses are not *dust sensitive uses* unless determined through the *Goal 5 process*.
- (C) *ESEE Analysis* – The analysis of Economic, Social, Environmental and Energy consequences of allowing mining at a *significant site*, and allowing *conflicting uses* to displace mining at a *significant site*. The *ESEE analysis* is the basis for determining the level of protection to be given the resource.

- (D) Extraction Area – The area of a *protected* aggregate and mineral resource site in which mining and associated processing is permitted.
- (E) Goal 5 Process – The planning process required by Oregon Administrative Rules Chapter 660, Division 16. The *Goal 5 process* involves identifying resource sites, determining their significance, identifying conflicting uses, analyzing the economic, social, environmental and energy consequences of *conflicting uses*, determining the level of protection given to a resource site, and implementing a program to protect *significant sites*.
- (F) Impact Area – The area where uses may occur that could adversely affect the resource site or be adversely affected by use of the resource site.
- (G) Mining – The excavation of sand, aggregate (gravel), clay, rock, or other similar surface or subsurface resources. Mining does not include:
- (1) Excavations conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstructing or maintaining access roads.
 - (2) Excavation or grading conducted in the process of farm or cemetery operations.
 - (3) Excavation or grading conducted within a road right-of-way or other easement for the primary purpose of road construction, reconstruction or maintenance, or
 - (4) Removal, for compensation, of materials resulting from on-site construction for which a development permit and a construction time schedule have been approved by the county.
- (H) Noise Sensitive Use – A *conflicting use* which is primarily used for habitation. Residential structures, churches, hospitals, schools, public libraries, and campgrounds are considered *noise sensitive uses* during their period of use. Forest uses and farm uses are not *noise sensitive uses* unless determined through the *Goal 5 process*.
- (I) PAM Overlay Subdistrict – A special purpose zoning designation for the purposes of MCC .6750 that is placed on a zoning map over a base zoning district (ie. CFU). The provisions of the PAM subdistrict shall apply to land uses as specified, notwithstanding the provisions of the underlying zone district.

1 (J) Processing – The washing, crushing, screening, and handling of aggregate and mineral resources.
2 Batching and blending of asphalt or portland cement concrete are included in the definition of pro-
3 cessing.

4 (K) Protected Site – Significant resource sites which are identified through the Goal 5 Process as
5 resources that the county will protect from conflicting uses. The special district designation
6 Protected Aggregate and Mineral Resources (PAM) shall only be applied to protected sites.

7 (L) Restrictive Covenant – An enforceable promise, given by the owner of a parcel whose use and
8 enjoyment of that parcel may be restricted in some fashion by mining occurring on another parcel,
9 not to object to the terms of a permit issued by a local government, state agency or federal agency.
10 The restrictive covenant shall be recorded in the real property records of the county, shall run with
11 the land, and is binding upon the heirs and successors of the parties. The covenant shall state that
12 obligations imposed by the covenant shall be released when the site has been mined and reclama-
13 tion has been completed.

14 (M) Significant Site – A site containing either significant aggregate resources or significant mineral
15 resources. The county will judge the significance of mineral and aggregate resources on a case by
16 case basis, under the standards and procedures in LCDC's Goal 5 interpretive rules.

18 **11.15.6770 PAM Overlay Special Subdistricts**

19 The Protected Aggregate and Mineral Resource Subdistrict (PAM) comprises two areas, the Extraction
20 Area (PAM-EA) and the Impact Area (PAM-IA).

21 (A) The Extraction Area shall be applied to the portion of protected sites where mining and associated
22 processing is to occur. The Extraction Area may consist of one or more parcels or portions of
23 parcels, and may be applied to contiguous properties under different ownership. The Extraction
24 Area boundary may be modified through the Goal 5 process to reduce conflicts with conflicting
25 uses existing when the overlay is applied. The Extraction Area shall be shown on the zoning map
26 with the designation PAM-EA.

(B) The *Impact Area* shall be applied to parcels or portions of parcels adjacent to the *Extraction Area* and within the *Impact Area* deemed appropriate through the *Goal 5 process*. The *Impact Area* shall be shown on the zoning map with the designation PAM-IA.

11.15.6775 Procedure For Applying The PAM Subdistrict

(A) A PAM subdistrict shall be established by amendment of the Comprehensive Framework Plan and Zoning Map. The relevant factors for the establishment of the subdistrict are within the Oregon Administrative Rules Chapter 660, Division 16; Comprehensive Plan Policy 16-B; MCC 11.05.290(1) and (2); and the applicable provisions of MCC 11.15.8205 through .8295. The factors in MCC 11.15.8230(D) and (E) shall not apply.

(B) Under the applicable provisions of OAR Chapter 660, Division 16 and Comprehensive Plan Policy 16-B and based upon the analysis of information about the location, quality, and quantity of the aggregate and mineral resource, the county shall make the following determinations regarding the inventory status of the resource site and, if appropriate, continuation of the *Goal 5 process*:

(1) If the information about the location, quality, and quantity of a resource site is not adequate to allow a determination of significance, the site shall be placed on a plan inventory of "potential sites" and shall remain on that inventory until information is available to determine whether or not the site is *significant*, or

(2) If the resource site does not meet the definition of a *significant site*, the site shall be placed on a plan inventory of "not significant sites", or

(3) If the resource site meets the definition of a *significant site*, the *Goal 5 process* shall be continued.

(C) Under the applicable provisions of OAR Chapter 660, Division 16 and Comprehensive Plan Policy 16-B and based upon the *ESEE analysis*, the county shall determine the amount of protection to be given each *significant site*. Each determination shall be incorporated into the comprehensive plan, and shall be reflected on the zoning maps. One of the following determinations shall be made:

1 (1) Protect the site fully and allow surface mining as a conditional use. The county shall place the
2 site on the *Protected Sites* inventory, apply the Protected Aggregate and Mineral Resources
3 Subdistrict, specify the planned use of the site following reclamation, and prohibit the estab-
4 lishment of *conflicting uses* within the *Extraction Area* and the *Impact Area*. Conditional use
5 approval of surface mining shall be pursuant to MCC .7305 through .7335 and shall not be
6 subject to the conditional use provisions of MCC .7110(C), .7110(E), .7115, .7120, and .7125.

7 (2) Balance protection of the site and conflicting uses, allow surface mining as a conditional use.
8 The county shall place the site on the *Protected Sites* inventory, apply the Protected
9 Aggregate and Mineral Resources Subdistrict, specify the planned use of the site following
10 reclamation, and identify which uses in the underlying zone are allowed outright, allowed
11 conditionally, or prohibited. Conditional use approval of surface mining shall be pursuant to
12 any site-specific requirements developed through the *Goal 5 process* and MCC .7305 through
13 .7335. Review criteria and conditions shall not include the conditional use provisions of
14 MCC .7110(C), .7110(E), .7115, .7120, and .7125. Site-specific requirements developed
15 through the *Goal 5 process*, MCC .6780, and .6785 shall govern development of *conflicting*
16 *uses*.

17 (3) Allow *conflicting uses* fully and do not allow surface mining except as exempted in MCC
18 .6760. The county shall then place the site on the "Not Protected Sites" inventory in accor-
19 dance with Framework Plan Policy 16-B, not apply the Protected Aggregate and Mineral
20 Resource Subdistrict, and not protect the site from *conflicting uses*.

22 **11.15.6780 Extraction Area (PAM-EA) - Allowed Uses**

23 Notwithstanding the use provisions of the underlying district, the following use provisions shall apply
24 in the PAM-EA Subdistrict:

25 (A) Primary Uses, Uses Permitted Outright, Uses Permitted Under Prescribed Conditions, and
26 Conditional Uses allowed in the underlying district may be permitted subject to the underlying dis-

1 strict provisions and criteria of approval, except as provided for in this subsection.

2 (1) Uses identified through the Goal 5 process to be prohibited within the Extraction Area shall
3 not be permitted.

4 (2) Noise or dust sensitive uses not prohibited in (1) may be permitted under the conditional use
5 procedural provisions of MCC .7105 through .7140 when found by the Hearing Authority to
6 satisfy the approval criteria of MCC .6790 and the approval criteria of the underlying district.

7 (3) Conflicting uses required by the Goal 5 process to be conditionally approved may be permit-
8 ted under the procedural provisions of MCC .7105 through .7140 when found by the Hearing
9 Authority to satisfy the approval criteria of MCC .6790 and the approval criteria of the under-
10 lying district.

11 (B) The following uses may be permitted subject to a finding by the Hearing Authority that all stan-
12 dards adopted as part of the Goal 5 process and the provisions of MCC .7305 through .7335 are
13 met. Review by the Hearing Authority shall be under the procedural provisions of MCC .7105,
14 .7107, .7110(A), .7110(B), .7110(D), .7130 and .7135.

15 (1) Mining;

16 (2) Processing, except the batching or blending of aggregate and mineral materials into asphalt
17 concrete within two miles of a planted commercial vineyard existing on the date of condition-
18 al use approval;

19 (3) Stockpiling of aggregate and mineral materials;

20 (4) Sale of mineral products excavated and processed on-site;

21 (5) Storage of equipment or vehicles used in on-site mining or processing;

22 (6) Buildings, structures, and activities necessary and accessory to mining or reclaiming aggre-
23 gate or mineral resources.

1 **11.15.6785 Impact Area (PAM-IA) - Allowed Uses**

2 Notwithstanding the use provisions of the underlying district, the following use provisions shall apply
3 in the PAM-IA Subdistrict. Primary Uses, Uses Permitted Outright, Uses Permitted Under Prescribed
4 Conditions, and Conditional Uses allowed in the underlying district may be permitted subject to the
5 underlying district provisions and criteria of approval, except as follows:

6 (A) Uses identified through the Goal 5 process to be prohibited within the Impact Area shall not be
7 permitted;

8 (B) Noise or dust sensitive uses not prohibited in (A) may be permitted under the conditional use pro-
9 cedural provisions of MCC .7105 through .7140 when found by the Hearing Authority to satisfy
10 the approval criteria of MCC .6790 and the approval criteria of the underlying district; and

11 (C) Conflicting uses required by the Goal 5 process to be conditionally approved may be permitted
12 under the procedural provisions of MCC .7105 through .7140 when found by the Hearing
13 Authority to satisfy the approval criteria of MCC .6790 and the approval criteria of the underlying
14 district.

15
16 **11.15.6790 Use Approval Criteria**

17 (A) In acting to approve a Conditional Use subject to these provisions, the Hearing Authority shall find
18 that:

19 (1) The proposed use will not interfere with or cause an adverse impact on lawfully established
20 and lawfully operating mining operations;

21 (2) The proposed use will not cause or threaten to cause the mining operation to violate any
22 applicable standards of this chapter, or the terms of a state agency permit. The applicant for a
23 new noise sensitive use shall submit an analysis prepared by an engineer or other qualified
24 person, showing that applicable DEQ noise control standards are met or can be met by a
25 specified date by the nearby mining operation; and

26 (3) Any setbacks or other requirements imposed through the Goal 5 process have been met, or

1 can be met by a specified date.

2 **(B) Approval Conditions.**

3 (1) Compliance with the use approval criteria may be satisfied through the imposition of clear
4 and objective conditions of approval.

5 (2) Approval of any conflicting use in the extraction area or impact area shall be conditioned
6 upon execution of a restrictive covenant in favor of the mining operator. The restrictive
7 covenant shall incorporate all approval conditions, and an agreement not to object to the con-
8 duct of lawful operations conducted at the nearby surface mine.

10 **11.15.6795 Termination of the Protected Aggregate and Mineral Resources Subdistrict**

11 When the aggregate or mineral site has been reclaimed, the county may rezone land to remove the
12 Protected Aggregate and Mineral Resources Overlay Subdistrict (PAM) without revising the ESEE
13 Analysis for the site. Rezoning shall not relieve requirements on the part of the owner or operator to
14 reclaim the site in accordance with ORS 517.750 through 517.900 and the rules adopted thereunder.

16 * * *

18 **Conditional Uses CU**

19 **11.15.7105 Purposes**

20 Conditional uses as specified in a district or described herein, because of their public convenience,
21 necessity, unique nature, or their effect on the Comprehensive Plan, may be permitted as specified in
22 the district or described herein, provided that any such conditional use would not be detrimental to the
23 adjoining properties or to the purpose and intent of the Comprehensive Plan.

25 Certain conditional use provisions of time limits, conditions, restrictions, and approval criteria shall not
26 apply to Mineral Extraction conditional uses.

1

2 **11.15.7107 Mineral Extraction Exemptions from Standards**

3 Mineral Extraction conditional uses are exempted from the provisions of MCC .7110(C), .7110(E),
4 .7115, .7120, .7122, and .7125.

5

6 **11.15.7110 General Provisions**

7 (A) Application for approval of a Conditional Use shall be made in the manner provided in MCC
8 .8205 through .8280.

9 (B) The Approval Authority shall hold a public hearing on each application for a Conditional Use,
10 modification thereof, time extension or reinstatement of a revoked permit.

11 (C) ~~[Except as provided in MCC .7330, t]~~ The approval of a Conditional Use shall expire two years
12 from the date of issuance of the Board Order in the matter, or two years from the date of final reso-
13 lution of subsequent appeals, unless:

14 (1) The project is completed as approved, or

15 (2) The Approval Authority establishes an expiration date in excess of the two year period, or

16 (3) The Planning Director determines that substantial construction or development has taken
17 place. That determination shall be processed as follows:

18 (a) Application shall be made on appropriate forms and filed with the Director at least 30
19 days prior to the expiration date.

20 (b) The Director shall issue a written decision on the application within 20 days of filing.
21 That decision shall be based on findings that:

22 (i) Final Design Review approval has been granted under MCC .7845 on the total pro-
23 ject; and

24 (ii) At least ten percent of the dollar cost of the total project value has been expended for
25 construction or development authorized under a sanitation, building or other develop-
26 ment permit. Project value shall be as determined by MCC .9025(A) or .9027(A).

(c) Notice of the Planning Director decision shall be mailed to all parties as defined in MCC .8225.

(d) The decision of the Planning Director shall become final at the close of business on the tenth day following mailed notice unless a party files a written notice of appeal. Such notice of appeal and the decision shall be subject to the provisions of MCC .8290 and .8295.

(D) A Conditional Use permit shall be issued only for the specific use or uses, together with the limitations or conditions as determined by the Approval Authority. Any change of use or modification of limitations or conditions shall be subject to approval authority approval after a public hearing.

(E) The findings and conclusions made by the approval authority and the conditions, modifications or restrictions of approval, if any, shall specifically address the relationships between the proposal and the approval criteria listed in MCC .7120 and in the district provisions.

11.15.7115 Conditions and Restrictions

~~[Except as provided for Mineral Extraction and Processing activities approved under MCC .7305 through .7325 and .7332 through .7335, t]~~ The approval authority may attach conditions and restrictions to any conditional use approved. Conditions and restrictions may include a definite time limit, a specific limitation of use, landscaping requirements, off-street parking, performance standards, performance bonds, and any other reasonable conditions, restrictions or safeguards that would uphold the purpose and intent of this Chapter and mitigate any adverse effect upon the adjoining properties which may result by reason of the conditional use allowed.

11.15.7120 Conditional Use Approval Criteria

(A) A Conditional Use shall be governed by the approval criteria listed in the district under which the conditional use is allowed. If no such criteria are provided, the approval criteria listed in this section shall apply. In approving a Conditional Use listed in this section, the approval authority shall

find that the proposal:

- (1) Is consistent with the character of the area;
- (2) Will not adversely affect natural resources;
- (3) Will not conflict with farm or forest uses in the area;
- (4) Will not require public services other than those existing or programmed for the area;
- (5) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;
- (6) Will not create hazardous conditions; and
- (7) Will satisfy the applicable policies of the Comprehensive Plan.

~~[(B) Except for off site stockpiling, subpart (A) of this subsection shall not apply to applications for mineral extraction and processing activities. Proposals for mineral extraction and processing shall satisfy the criteria of MCC .7325.]~~

* * *

Mineral Extraction CU

11.15.7305 Definitions

As used in this section, the words and their derivations defined in MCC .6765 shall have the meanings given therein.

~~[(A) Mining means the removal of minerals or aggregate material, whether extracted from land or water, by any method, including but not limited to shoveling, blasting, scooping, and dredging.~~

~~[(B) Minerals include any and all solid mineral products, metallic and non metallic, extracted for commercial, industrial or construction use from natural deposits.~~

~~[(C) Aggregate material includes crushed or uncrushed gravel, crushed stone, or sand from natural deposits.~~

~~[(D) Reclamation Plan shall have the meaning contained in ORS 517.750.~~

~~(E) Noise Sensitive Uses include dwellings, schools, public parks, churches, hospitals, public libraries, offices or other similar uses determined to be noise sensitive uses by the Department of Environmental Quality.~~

~~(F) Dust Sensitive Uses include dwellings, schools, public parks, churches, hospitals, public libraries, offices, food service or other similar uses determined to be dust sensitive uses by the Department of Environmental Quality.~~

~~(G) ESEE is an abbreviation for the "Economic, Social, Environmental, and Energy" analysis procedure for Goal 5 resources described in OAR 660-16-000 through 660-16-025 and which is adopted as a part of the Comprehensive Plan.]~~

11.15.7310 Board Findings

(A) There is a need to conserve and protect known mineral and aggregate resources for present and future generations.

(B) There is a need to plan and make allowances for interim, transitional, and secondary use utilization of mineral and aggregate resource extraction areas.

(C) There is a need to promote healthy and visually attractive environments, and to reduce conflicts between different land uses.

(D) There is a need to provide regulations in accordance with LCDC Statewide Planning Goals.

11.15.7315 Purposes

The purposes of the Mineral Extraction section are to promote the public health, safety and general welfare[, through the protection of mineral and aggregate resources [all] in accordance with ~~[ORS 215, ORS 517, and 522,~~] LCDC Statewide Planning Goal #5, and the Multnomah County Comprehensive Plan. The regulations ~~[of uses within this district]~~ are designed to:

(A) Recognize mineral and aggregate resource extraction as a land use influenced largely by the location of the natural resource and the location of the market;

- (B) Provide maximum flexibility for location of the extraction process within a variety of underlying zones, while at the same time minimizing potentially adverse effects on the public and property surrounding the extraction site;
- (C) Recognize mineral and aggregate resource sites which receive an ESEE designation for protection of "2A", "3A", or "3C" as being appropriate for extraction operations when in compliance with MCC .7325 – .7332; and
- (D) Recognize mineral extraction as a temporary use dependent to a large degree upon market conditions and resource size and that reclamation and the potential for future use of the land for other activities must also be considered.

[~~11.15.7320~~ Uses

- ~~(A) Extraction of materials including the storage, stockpiling, distribution, and sale thereof;~~
- ~~(B) Installation and operation of plants or apparatus for rock crushing and cement treatment of minerals excavated at the site for which the Conditional Use is being requested, including screening, blending, washing, loading, and conveying of materials.~~
- ~~(C) Mining and processing of geothermal resources.~~
- ~~(D) Activities utilizing the extracted minerals such as mixing or batching plants, or manufacturing the extracted minerals into finished products.~~
- ~~(E) Structures, facilities and mobile homes for the repair, maintenance, and storage of equipment or supplies, office spaces or watchmen, as are reasonably necessary for the conduct of the proposed use.]~~

11.15.7322 Exceptions

Exempted from the requirements of this section are those mineral extraction sites and activities as given in MCC .6760. ~~[which:~~

- ~~(A) If zoned EFU, produce less than 1,000 cubic yards of material and affect less than one acre, or~~

- ~~(B) Produce less than 5,000 cubic yards of material and affect less than one acre in any consecutive 12 month period, and which over time affect less than a total of five acres, or~~
- ~~(C) Produce materials which are used by the owner or tenant for construction and maintenance of on-site access roads, and farming or forest practices.]~~

11.15.7325 Criteria for Approval

The approval authority shall find that:

- (A) The site is ~~[designated "2A", "3A", or "3C" through an ESEE analysis]~~ included on the inventory of protected aggregate and mineral resource sites in the Comprehensive Plan.
- (B) There is a proposed reclamation plan which will allow the property to be utilized as provided in ~~[as envisioned by]~~ the Comprehensive Plan and the underlying district.
- (C) ~~[The following general operation requirements and standards have been, or will be met:]~~ The applicant has shown that the standards of this section, or site-specific requirements adopted as part of a comprehensive plan amendment, can or will be met by a specified date.
- (1) Access and traffic.
- (a) Prior to any surface mining activity, all on-site roads used in the mining operation and all roads from the site to a public right-of-way shall be designed and constructed to accommodate the vehicles and equipment which will use them.
- (b) All on-site and private access roads shall be paved or adequately maintained to minimize dust and mud generation within 100 feet of a public right-of-way or 250 feet of a *dust sensitive* land use.
- (c) No material which creates a safety or maintenance problem shall be tracked or discharged in any manner onto any public right-of-way.
- (d) The applicant shall submit all traffic information and traffic management plans required in any site-specific Comprehensive Plan Program. The County Engineer shall review the submitted plans and shall certify, based on findings relating to the Multnomah County

Rules for Street Standards, that the roads appropriately identified in the Plan:

(i) Are adequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity, or

(ii) If the roads are inadequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity that:

• The applicant has committed to finance installation of the necessary improvements under the provisions of 02.200(a) or (b) of the Multnomah County Rules for Street Standards, and

• A program has been developed for the numbers and weight of trucks from the site that can safely be accommodated at specific levels of road improvement. Based upon those findings, the Hearing Authority may attach related conditions and restrictions to the conditional use approval.

(e [d]) If there are no traffic management requirements in the site-specific Comprehensive Plan Program requirements, [F] the applicant shall identify the most commonly used routes of travel from the site, [and t] The County Engineer shall certify, based on findings relating to the Multnomah County Rules for Street Standards, that the applicant has identified the appropriate roads, and those roads:

(i) Are adequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity, or

(ii) If the roads [A] are inadequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity that:

• The applicant has submitted a traffic management plan that is sufficient for the County Engineer to make relevant findings regarding necessary road improvements;

• [-but t] The applicant has committed to finance installation of the necessary improvements under the provisions of 02.200(a) or (b) of the Multnomah

1 County Rules for Street Standards; and

- 2 • A program has been developed for the numbers and weight of trucks from the
3 site that can safely be accommodated at specific levels of road improvement.
4 Based upon those findings, the Hearing Authority may attach related conditions
5 and restrictions to the conditional use approval.

6 (2) Screening, landscaping and visual appearance.

- 7 (a) All existing vegetation and topographic features which would provide screening and
8 which are within 100 ~~[50]~~ feet of the boundary of the proposed area of extraction shall be
9 preserved.

- 10 (b) If the site-specific Goal 5 analysis determines that existing ~~[natural]~~ vegetation and
11 topography is ~~[found to be]~~ insufficient to obscure ~~[views of]~~ the site from key viewing
12 areas and corridors, then measures as identified in the Goal 5 analysis to reduce or elimi-
13 nate conflicts shall be implemented. [the site shall be screened with] Methods of screen-
14 ing may include landscape berms, hedges, trees, walls, fences or similar features. Any [R]
15 required screening shall be in place prior to commencement of the extraction activities.

- 16 (c) The Approval Authority shall grant exceptions to the screening requirements ~~[only upon~~
17 ~~finding that]~~ if:

- 18 (i) The proposed extraction area is not visible from any ~~[dwelling, school, public park,~~
19 ~~church, hospital, public library, or publicly maintained road]~~ key viewing areas and
20 corridors identified in (b) above, or

- 21 (ii) Screening will be ineffective because of the topographic location of the site with
22 respect to surrounding properties, or

- 23 (iii) The area is part of the completed portion of a reclamation plan.

24 (3) Signing.

25 Signing shall be controlled by the standards of MCC .7932(A)-(D), except that only one sign
26 for each point of access to each differently named improved street may be allowed for any

operation not in a GC, EC, LM, GM, HM, C-2, M-4, M-3, M-2, and M-1 district.

(4) If no {H} hours and days of operation are contained in the site-specific Comprehensive Plan Program, the following shall apply: [.]

(a) Operating hours shall be allowed from 7:00 am to 6:00 pm. No operation shall be allowed on Sundays or on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.

(b) ~~[(a) The Approval Authority may allow alternative hours on sites for which the ESEE analysis has identified other potential operating time periods;]~~ Blasting shall be restricted to the hours of 9:00 am to 5:00 pm. No blasting shall be allowed on Saturdays, Sundays or on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.

(c) ~~[(b)]~~ Short-term exceptions to the hours and days of operation may be approved pursuant to the provisions of MCC .8705.

(5) Air, water, and noise quality.

(a) ~~[The discharge of airborne contaminants and dust created by the extraction operation shall comply with the air quality standards established by the Department of Environmental Quality.]~~ The applicant shall obtain and comply with the standards of all applicable emission discharge permits from the Department of Environmental Quality. Copies of all required permits shall be provided to the county prior to beginning mining.

(b) ~~[Sedimentation and erosion resulting from the extraction operation shall comply with the standards established by the Department of Environmental Quality.]~~ The applicant shall obtain and comply with the standards of all applicable waste water discharge permits from the Department of Environmental Quality. Copies of all required permits shall be provided to the county prior to beginning mining.

(c) Sound generated by an operation shall comply with the noise control standards of the Department of Environmental Quality. Compliance with the standards can be demonstrat-

ed by the report of a certified engineer. Methods to control and minimize the effects of sound generated by the operation on ~~[off-site locations]~~ noise sensitive uses existing or approved (valid action or administrative decision) on the date of application may include, but not be limited to, the installation of earth berms, equipment location, limitations on the hours of operation, and relocation of access roads.

(6) Fish and wildlife protection.

~~[(a)] Fish and wildlife habitat, water bodies, streams, and wetlands [identified by] inventoried in the Comprehensive Plan [or recognized as significant by an ESEE analysis, or found to be significant during project review] shall be protected [to the maximum possible] according to the program contained in the Comprehensive Plan. [Where appropriate, such habitat may be mitigated by such enhancement measures as the provision of additional feed and cover for wildlife or fish stream habitat.~~

~~(b) The extent of the operation's impact on and the importance of the fish and wildlife values present shall be determined in consultation with the State Department of Fish and Wildlife.~~

~~(c) Streamside riparian vegetation shall be retained for all streams not a part of direct extraction activities.]~~

(7) Setbacks.

(a) For mineral and aggregate processing activities:

(i) 200 feet to a property line, or

(ii) 400 feet to a *noise and dust sensitive* land use existing or approved (valid action or administrative decision) on the date of application ~~[February 20, 1990];~~

(b) For access roads and residences located on the same parcel as the mining or processing activity, setbacks shall be as required by the underlying district; and

(c) For mineral extraction and all other activities:

(i) 100 ~~[50]~~ feet to a property line, or

(ii) 400 [250] feet to a noise and sensitive land use existing or approved (valid action or administrative decision) on the date of application [February 20, 1990].

(8) Reclaimed Topography.

All final reclaimed surfaces shall be stabilized by sloping, benching, or other ground control methods. Reclaimed surfaces shall blend into the natural landforms of the immediately surrounding terrain. These reclamation standards shall not apply where the Approval Authority finds that the standards conflict with the reclamation plan provided in the Comprehensive Plan or where DOGAMI finds that the standards are less restrictive than DOGAMI reclamation standards.

~~(9) Blasting shall be restricted to the hours of 9:00 am to 5:00 pm, Monday through Saturday.]~~

(2 [40]) Safety and security.

Safety and security measures, including fencing, gates, signing, lighting, or similar measures, shall be provided to prevent public trespass to identified hazardous areas such as steep slopes, water impoundments, or other similar hazard where it is found that such trespass is probable and not otherwise preventable.

(10 [41]) Phasing program.

All phases of an extraction operation shall be reclaimed before beginning the next, except where the Approval Authority or DOGAMI finds that the different phases cannot be operated and reclaimed separately.

(11 [42]) Reclamation Schedule.

The reclamation plan shall include a timetable for continually reclaiming the land. The timetable shall provide for beginning reclamation within twelve (12) months after extraction activity ceases on any segment of the mined area and for completing reclamation within three (3) years after all mining ceases, except where the Approval Authority or DOGAMI finds that these time standards cannot be met.

(D) The proposed operations will not result in the creation of a geologic hazard to surrounding properties, such as through slumping, sliding, or drainage modifications, and have been certified by a registered soils or mining engineer, or engineering geologist as meeting this requirement.

(E) Proposed blasting activities will not adversely affect the quality or quantity of groundwater within wells in the vicinity of the operation.

(F) ~~[Conditional or preliminary approval for all phases of the proposed operation, including reclamation, has been received from all governmental agencies having jurisdiction over mineral extraction, and the applicable requirements in ORS 517 and ORS 522 have been complied with.]~~

If the site is zoned Exclusive Farm Use (EFU), the proposed operations:

(1) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(2) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

(G) If the site is zoned Commercial Forest Use (CFU):

(1) The proposed operations will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;

(2) The proposed operations will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

(3) A written statement recognizing the rights of adjacent and nearby property owners to conduct accepted forest practices has been recorded with the property deed in accordance with OAR 660-06-025 (1994).

~~[(G) The Approval Authority may establish a program for periodic monitoring and reporting.]~~

~~11.15.7328~~ Operation Limitations

~~On sites with an ESEE analysis designation of "3C" the Approval Authority may place restrictions on extraction activities found to impact other Statewide Planning Goal 5 resources, noise sensitive uses,~~

1 ~~and other conflicting uses identified in the ESEE analysis. Restrictions may include limitations on the~~
2 ~~operating season and size or location of extraction activity, among others. Restrictions shall be site~~
3 ~~specific and directly related to the findings of the ESEE analysis and shall consider the need to balance~~
4 ~~the importance of the competing resources and conflicting uses against the mineral and aggregate~~
5 ~~resource.]~~

6
7 **[11.15.7329 Off Site Stockpiling and Processing**

8 ~~Stockpiling, processing, and distribution activities listed in MCC .7320, related to but not including~~
9 ~~extraction, may be approved by the Approval Authority under the procedural provisions of MCC .7110~~
10 ~~through .7120 on sites other than ESEE designated "2A", "3A", and "3C" resource locations upon a~~
11 ~~finding that the applicable standards of MCC .7325 are satisfied.]~~

12
13 **[11.15.7330 Time Limit**

14 ~~A Conditional Use permit hereunder shall be valid for a maximum of five years from date of final~~
15 ~~approval. The Approval Authority may allow a time limit of a maximum of ten years on sites for which~~
16 ~~the ESEE analysis has identified a longer potential time limit. The applicant may apply for renewal not~~
17 ~~less than 90 days prior to the expiration of such permit. The renewal application may be denied,~~
18 ~~approved subject to previous conditions, or approved subject to new conditions in light of the follow-~~
19 ~~ing factors, among others:~~

20 ~~(A) Previous impacts of the use upon surrounding lands and activities;~~

21 ~~(B) Changes in technology and activities of the operation which will impact the surrounding lands and~~
22 ~~activities, and~~

23 ~~(C) Compliance with MCC .7325 and conditions of approval.]~~
24
25
26

1 **11.15.7331 Site Reclamation**

2 (A) No mining shall begin without the operator providing the county a copy of a DOGAMI operating
3 permit and approved reclamation permit or exemption certificate.

4 (B) When approving an application under this section the county shall determine the post-mining use
5 of the property. The determination of post-mining use shall be coordinated with DOGAMI to
6 ensure technical feasibility. The designated post-mining use shall conform to the Comprehensive
7 Plan.

8

9 **11.15.7332 Monitoring**

10 The Planning Director shall periodically monitor all extraction operations. The beginning dates and fre-
11 quency of monitoring shall be determined by the Approval Authority based upon any such requirement
12 in the Comprehensive Plan Program and upon the number and type of noise and dust sensitive land
13 uses, and other Goal 5 resources identified in the ESEE Analysis. If the Director determines that an
14 extraction operation is not in compliance with MCC .7325 or site-specific requirements of the
15 Comprehensive Plan Program, such enforcement proceedings deemed appropriate by the Multnomah
16 County Legal Counsel shall be instituted to require compliance.

17

18 **11.15.7335 Existing Operations**

19 All mineral extraction uses that have been approved under MCC .5575, .5580, and .7305 through
20 .7335, prior to July 26, 1979, shall continue to comply with the [following requirements:] zoning stan-
21 dards and conditions of approval imposed at the time of approval.

22 ~~[(A) No production from an open pit or the removal of sand or gravel shall leave a slope exceeding one~~
23 ~~foot horizontal for one foot vertical.~~

24 ~~(B) No mining, quarrying, excavating or processing of material shall be permitted closer than 100 feet~~
25 ~~from the boundaries of a Natural Resource, Rural, Residential, Office or Commercial district.~~

26 ~~(C) Properties to be used for surface mining shall be enclosed on the boundaries by a sight obscuring~~

1 ~~fence, except for reasonable areas of access and egress, as designated by the approval authority.~~

2 ~~(D) No permanent structure, such as rock crusher, washer or sorter, shall be located closer than 500~~
3 ~~feet from any district boundary.~~

4 ~~(E) Any conditions of operation imposed as a result of previous zoning controls or regulations shall~~
5 ~~continue.]~~

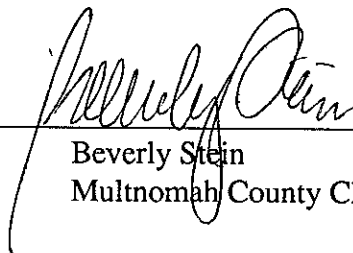
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7 Section V. Adoption.

8 ADOPTED THIS 3rd day of November, 1994, being the date of its Fourth
9 reading before the Board of County Commissioners of Multnomah County.



17
18
19

By



Beverly Stein
Multnomah County Chair

20 REVIEWED:

21 JOHN DUBAY, CHIEF ASSISTANT COUNTY COUNSEL
22 for MULTNOMAH COUNTY, OREGON

23 By

