

IN THE COUNTY COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF WASCO

FILED WASCO CTY

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IN THE MATTER OF AN AMENDMENT)
TO THE LAND USE AND DEVELOPMENT)
ORDINANCE AND COMPREHENSIVE)
PLAN FOR WASCO COUNTY, OREGON)

KAREN L. LEE
COUNTY CLERK

ORDINANCE

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Court being present; and

IT APPEARING TO THE COURT: That on February 3, 1982, the Wasco County Court unanimously passed and adopted a Comprehensive Plan and implementing ordinances for the Wasco County Planning and Economic Development Office;

IT FURTHER APPEARING TO THE COURT: That on August 25, 1983, the Land Conservation and Development Commission (LCDC) reviewed the Wasco County Comprehensive Plan and found Wasco County to be in compliance with the Statewide Land Use Planning Goals, with the exception of certain subareas identified as Seven Mile Hill and Rancho Rajneesh. On July 20, 1984, LCDC again reviewed the Comprehensive Plan for the Seven Mile Hill area, and found the Plan and Map changes to be in compliance with Statewide Land Use Planning Goals; and

IT FURTHER APPEARING TO THE COURT: That on October 21, 1992, at 6:00 p.m., in the Wasco County Courthouse, The Dalles, Oregon, the Wasco County Citizen

Advisory Group met jointly with the Wasco County Planning Commission and held a public workshop on the proposed legislative amendments to the Mineral and Aggregate Section of the Comprehensive Plan, and new Mineral Resource Section of the Land Use and Development Ordinance; and

IT FURTHER APPEARING TO THE COURT: That on Monday, December 14, 1992, the Wasco County Planning Commission held a public hearing, considered the recommendation of the Wasco County Citizen's Advisory Group, and made a recommendation for the Wasco County Court to adopt the aforementioned proposed legislative changes to the Wasco County Land Use and Development Ordinance and Wasco County Comprehensive Plan as amended.

IT FURTHER APPEARING TO THE COURT: That on February 3, 1993, at 10:00 a.m., in the County Courtroom of the Wasco County Courthouse, The Dalles, Oregon, this Court met to conduct a legislative public hearing on the above matter as the members of the Court were determined to be qualified to hear the matter;

IT FURTHER APPEARING TO THE COURT: That the Court took notice of the record of the Planning Commission, heard the Staff report and received all testimony and evidence from the parties and then continued the hearing until March 3, 1993, at 10:00 a.m. in the County Courtroom of the Wasco County Courthouse, The Dalles, Oregon; and

IT FURTHER APPEARING TO THE COURT: That on March 3, 1993, at 10:00 a.m. in the County Courtroom of the Wasco County Courthouse, The Dalles, Oregon, the Court reconvened and received all testimony and evidence from the parties and then closed the hearing for further comment. The Court then announced it would deliberate, and based upon the evidence and findings of fact the County Court, being fully apprised in the premises;

NOW, THEREFORE, THE WASCO COUNTY COURT ORDAINS AS FOLLOWS: The Wasco County Comprehensive Plan and Land Use and Development Ordinance be amended, as proposed by the Wasco County Planning and Economic Development Office and amended by the Wasco County Citizen Advisory Group and Planning Commission, to include a Mineral and Resource Overlay portion of Chapter 3 of the Wasco County Land Use and Development Ordinance, and Goal 5 of the Wasco County Comprehensive Plan (Attachments A and B).

EMERGENCY CLAUSE: Insomuch as this ordinance amendment is necessary for the immediate preservation of health, safety and welfare, an emergency is hereby declared to exist and this Ordinance amendment shall be in full force and effect immediately upon its adoption by the County Court.

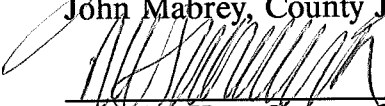
Regularly passed and adopted by a unanimous vote of the County Court of the County of Wasco, State of Oregon.

DATED this 17th day of March, 1993.

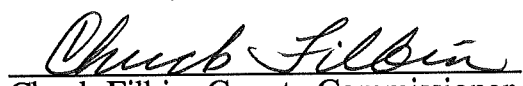
WASCO COUNTY COURT



John Mabrey, County Judge

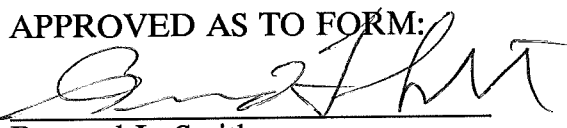


Scott McKay, County Commissioner



Chuck Filbin, County Commissioner

APPROVED AS TO FORM:



Bernard L. Smith
Wasco County District Attorney

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MINERAL AND AGGREGATE RESOURCES

GENERAL INFORMATION

Wasco County has few economically important mineral deposits. Some limited mining activity has occurred in the past. There are no active mineral mines in Wasco County. Most of the county is underlain with recent basalt flows which precludes the possibility of extensive mineral resources. The highest potential for minerals would be in the older geologic formations, found in other parts of Oregon or bordering counties. The primary minerals found in Wasco County are discussed below.

Bauxite: Evidence suggests that there may be some potential low grade bauxite found in the Columbia River basalt group but no investigations have been undertaken in the County.

Copper and Lead: These minerals have been mined in the Ashwood-Oregon King Mine located in Jefferson County to the south. Some deposits may occur in the County.

Mercury and Molybdenum: No economically important deposits are located within the County.

Semi-precious Gems: These are attractive to "rock hounds", rather than for their mineral value. The highest concentrations of these stones are indicated on Figure 11.

Perlite: Mining was undertaken south of Maupin near the Deschutes River between 1945 and 1950. High quality acoustic and insulating tile was produced for a number of years from this perlite. It became unprofitable to mine at this location and the operation was discontinued. A large deposit still exists in the area and may become important in the future.

Volcanic Tuffs: The Rainbow Rock Quarry, about five miles south of Pine Grove, has produced brightly colored and banded tuff since 1949. Rock of similar appearance has been uncovered but not developed on a nearby flat east of the quarry. Tuffs are utilized for decorative building stone and ceramic art.

Peat: According to the U.S. Geological Survey, Mineral and Water Resources of Oregon, 1969, there are widely scattered minor deposits of peat in the Cascade region of the County and coal in the southeastern region. They have never been mined commercially.

The Ka-Nee-Ta Stone Quarry: On the Warm Springs Indian Reservation. This quarry produces rough pieces of rhyolite. The stone is multi-colored and valuable for decoration. Other stone quarries include the Indian Candy, and Sorenson Quarry.

Quarry Rock: Quarry rock increases in importance as the more desirable deposits become depleted. Transportation costs are high so that quarries must be located within reasonable distance of urban areas or construction sites. While Wasco County has ample reserves of

good quality crushing rock, those reserves are not always located conveniently with respect to present markets or proposed projects. The best rock for crushing generally is Columbia River basalt.

INVENTORY

Wasco County's cumulative demand projection for all aggregate material by the year 1995 was between four and six million tons.¹ Total resources as inventoried in that document are 6.3 million tons. The demand projection was based on a per capita average.

Available information was sufficient to identify 135 resources sites in Wasco County. A study done in 1976 by Montagne and Associates, Wasco County Aggregate Sites and Aggregate Demand Analysis (1976), provided the basis for this information. However additional information requested by and received by the County for these sites seldom revealed site-specific location and never indicated quality of the material. Location and quality information should be augmented whenever a use is proposed within the proximity of a mapped site. Reclamation permits issued through the Oregon Department of Geology and Mineral Industries (DOGAMI) provided an additional source of information for mineral sites. During 1990-1991 additional information, to supplement the 1976 survey information, was gathered from individual owner/operators and from the DOGAMI Mined Information Layer (MLR) database to provide the County a more thorough and accurate record of sites in the County (Appendix A).

Available information was not sufficient to determine the specific location, quality and quantity for the majority of the 135 mineral sites identified. Most every source contained only general locational information. Quantity information was sometimes available, quality information was nearly always lacking. All Wasco County sites listed in the County Inventory and DOGAMI Mined Information Layer (MLR) database shall be incorporated into the County inventory and designated "Potential Sites" until further information is available to determine whether or not the site is significant.

APPLICATION OF THE GOAL 5 PROCESS FOR MINERAL RESOURCES

Potential Conflicting Use in Zone Categories Applicable to Mineral Resource Sites:

All except one currently inventoried resource sites fall into three resource zones employed by the County: A-1, Agriculture; FF, Farm - Forest; F-2, Forest. One site

¹ Wasco County Aggregate Site and Aggregate Demand Analysis (1976) Montagne and Associates.

is in an Industrial zone (Sun Pit). Conflicting uses are generally those which, if allowed to locate within the specific site identified, would render the resource unrecoverable and those activities on surrounding lands which affects or is affected by aggregate operation. Most of the conflicting uses are structural improvements which commit the site to another use. Other less intensive uses such as recreation facilities, public parks and playgrounds, and golf courses which are conditional uses in some zones may conflict because, once established, they tend to diminish the value of the resource. Some competing uses, such as water impoundments or power generation facilities, may be determined to be of sufficient importance as to preempt the mineral resource value.

Specific potentially conflicting uses contained within the A-1, FF, and F-2 zones are;

<u>Zone</u>	<u>Permitted Uses</u>	<u>Conditional uses</u>
A-1	Farm dwelling Utility facility (public)	-Additional Farm Dwelling -Nonfarm dwelling -Commercial activities in conjunction -Private recreation facilities -Churches -Schools -Public parks and playgrounds -Golf courses -Utility facilities (commercial) -Personal use airport -Home occupations -Solid waste disposal site
FF	Permitted uses in the FF zone are the same as A-1 except for the following addition: -Boarding horses for profit	-Conflicting uses in the FF zone are the same as A-1 except for the following addition: Kennels
F-2	Utility Facilities (public)	Forest-Farm Dwelling

Economic, Social, Environmental and Energy Consequences of Conserving Mineral Resources

1. Economic Consequences: Aggregate is a crucial resource for nearly all types of structural development. As a basic building material, its relative abundance can exert either a positive or negative influence on the development of a local economy. It provides the building blocks for development, and the removal, transport and use provides jobs upon which a substantial part of the economy depends.

To protect mineral resource sites through the resolution of conflicts between mineral extraction and other competing uses (as identified) will help ensure a strong

economic future. The economic consequences of not protecting mineral sites could be costly to the local economy through increased costs for basic building materials.

The negative economic consequences of applying regulations generally places a burden on the individuals which may be inconvenienced in their building plans.

Social Consequences: The consequence of protecting mineral resource sites is necessary in order for public and private construction projects. The characteristics of sand and gravel operations may be a nuisance in that they do contribute to noise, dust, and visual blight.

The negative social consequence of applying regulations is similar to the negative economic consequences in that the same individuals may be inconvenienced in their building plans.

Environmental Consequences: The importance of any mining activity lies within its economic value and the relative scarcity of the resource. State agencies regulate mining activities and require that reclamation plans be submitted prior to permit approval. Reclamation plans provide for productive uses of property following a mining operation and can include recreational features such as lakes and wildlife habitats.

Because the natural environment will, of necessity, be disturbed by mining, the protection of mineral resource sites may not result in positive environmental consequences (mineral extraction is temporary in nature). Farming, forestry and recreation can and do occur before and after a mining operation. In case of important mineral resource sites, the positive economic and social benefits must be weighed against the environmental consequences.

Energy Consequence: Because of transportation costs, the deposits nearest to developing areas are, of necessity, the best ones in order to remain economically viable. As a result, the energy consequence of protecting the best mineral resource site (those close to construction areas) is entirely positive.

Conclusion: In Wasco County decisions to protect aggregate sites for Goal 5 will be on a site by site basis. The consequences of establishing requirements which limit conflicting uses in identified mineral resource sites should prove to be of substantial benefit to the economic, social, and energy systems within which we live. As long as provision for reviewing extenuating circumstances is included, the limitation of conflicting uses within identified mineral resources sites is warranted.

A Program to Conserve Mineral Resource Sites

The program to conserve significant mineral resource sites is designed to limit some conflicting uses and prohibit others through the use of an overlay zone. The overlay will ensure that most structural development will not preempt the use of a needed mineral resource.

Based on a site specific ESEE analysis, the County shall make a determination on the level of protection to be afforded each significant site. The County shall make one of the following determinations:

1. Protect the site fully and allow mining. To implement this decision the county shall apply the Mineral and Aggregate Overlay zone. Development of the significant site shall be governed by the standards in Section 3.835 of the Wasco County Land Use and Development Ordinance. As part of the final decision, the County shall adopt site-specific policies prohibiting the establishment of conflicting uses within the Impact Area.
2. Allow conflicting uses, do not allow surface mining. To implement this decision the county shall not apply the Mineral and Aggregate Overlay zone. The significant site will not be afforded protection from conflicting uses, and surface mining shall not be permitted.
3. Balance protection of the significant site and conflicting uses, allow surface mining. To implement this decision the county shall apply the Mineral and Aggregate Overlay zone, and identify which uses in the underlying zone will be allowed, allowed conditionally, or prohibited. Development of the significant site shall be governed by the standards in Section 3.835 of the Wasco County Land Use and Development Ordinance and any other site-specific requirements designed to avoid or mitigate the consequences of conflicting uses and adopted as part of the final decision. Development of conflicting uses within the Impact Area shall be regulated by Section 3.845 of the Wasco County Land Use and Development Ordinance and any other site-specific requirements designed to avoid or mitigate impacts on the resource site and adopted as part of the final decision.

Any uses not mentioned below will be allowed as specified in the Land Use and Development Ordinance.

Under the Mineral Resource Overlay, the following uses, by zone, will be prohibited:

<u>Zone</u>	<u>Prohibited use</u>
F-2	-Single-family dwelling

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<u>Zone</u>	<u>Prohibited use</u>
A-1	<ul style="list-style-type: none">-Churches-Second farm dwelling-Schools-Additional farm dwellings-Nonfarm dwellings
FF	<ul style="list-style-type: none">-Churches-Second farm dwelling-Schools-Additional farm dwellings-Nonfarm dwellings

The following uses, by zone, will require a conditional use permit.

<u>Zone</u>	<u>Conditional Use</u>
F-2	<ul style="list-style-type: none">-Public recreational facilities-Water impoundments-Private recreation facilities
A-1	<ul style="list-style-type: none">-Public utility facilities-Solid waste disposal site-Water impoundments-Commercial activities in conjunction with farm use-Private recreation facilities-Public parks and playgrounds-Golf courses-Commercial utility facilities-Personal use airport-Boarding horses for profit-Farm Dwellings
FF	<ul style="list-style-type: none">-Placement of power generation facilities-Kennels-Public utility facilities-water impoundments-Commercial activities in conjunction with farm use-Public parks and playgrounds-Golf courses-Commercial utility facilities-Personal use airport-Boarding horses for profit-Private recreation facilities-Solid waste disposal sites-Farm Dwelling

P93-0135 (40)

All sites in which the information is not adequate to identify as significant shall be classified as "Potential Sites" until case by case significance review determines otherwise. The status of "Potential Sites" should be resolved. Alternatively, if the status of the "Potential Sites" is resolved, and determined to be not significant, then a conditional use permit can be pursued.

MINERAL RESOURCES

POLICY 1

Protect and utilize appropriately the mineral and aggregate resources of Wasco County, and minimize conflict between surface mining and surrounding land uses.

IMPLEMENTATION

- A. The development of new rock and aggregate resource sites shall be consistent with the State Planning Goal 5 and Oregon Administrative Rules Chapter 660, Division 16 process to balance conflicts between mining operations and new and existing surrounding conflicting uses.
- B. Sites identified as significant aggregate resource sites shall not support interim or permanent uses which may jeopardize the future availability of the resource.
- C. Mining and processing of gravel and mineral materials may only be allowed at sites included on the "Other Site" inventory or "Significant Sites" inventory.
 - a. Mining at sites on the "Other Sites" inventory may be allowed by a conditional use permit.
 - b. Mining at sites on the "Significant Sites" inventory may only be permitted in accordance with the Mineral Resources Overlay.
- D. For each site determined to be significant, the County shall complete the remainder of the County Goal 5 process identifying conflicting uses, analyzing the ESEE consequences of the conflicting use(s), and designating a level of protection from conflicting uses. If the final decision concerning the site is to preserve fully or partially protect the resource from conflicting uses, the County shall zone the site with the Mineral Resources Overlay.

POLICY 2

The County shall maintain an inventory of mineral and aggregate resource sites. The comprehensive plan inventory shall consist of three parts:

- a. An inventory of "Significant Sites" identified through the Goal 5 process as important resources that will be protected from conflicting uses;
- b. An inventory of "Potential Sites" for which sufficient information concerning the location, quality, and quantity of a resource site is not adequate to allow the County to make a determination of significance;
- c. An inventory of "Other Sites" for which available information demonstrates that the site is not a significant resource to be protected.

IMPLEMENTATION

A. The significance of non-aggregate mineral resources shall be judged on a case-by-case basis, taking into account information concerning the commercial or industrial use of the resource, as well as the relative quality and relative abundance of the resource within at least the County.

B. The scope of an existing or "grandfathered" aggregate operation shall be established by:

- a. authorization by a County land use approval; or
- b. the extent of the area disturbed by mining on the date that the mining operation became a non-conforming use.

C. Sites on the "Other Sites" inventory shall not be protected from conflicting uses.

D. For sites on the "Potential Sites" inventory, the County shall review available information about mineral and aggregate resources, and if the information is sufficient, determine the site to be significant when one of the following conditions exist:

- a. As part of the next scheduled Periodic Review;
- b. When a landowner or operator submits information concerning the potential significance of a resource site and requests a Comprehensive Plan amendment;

c. When resolution of the status of a potential resource site is necessary to advance another planning objective.

E. In order to approve surface mining at a site zoned for exclusive farm or forestry use, the County shall find, as part of the ESEE analysis, that the proposed activity will not: 1) force a significant change in, or significantly increase the cost of, accepted farming or forestry practices on surrounding lands, and 2) will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

F. The County may establish and impose conditions on operation of a surface mine when deemed necessary as a result of a site-specific Goal 5 analysis. Where such conditions conflict with criteria and standards in the Mineral and Aggregate Resources Overlay, the conditions developed through the Goal 5 analysis shall control.

G. No surface mining or processing activity, as defined by the zoning ordinance, shall commence without land use approval from the County, and approval of a reclamation plan and issuance of an operating permit by DOGAMI.

H. Aggregate sites shall be subordinate to the landscape setting as seen from travel corridors when such travel corridors have been determined to be significant by the ESEE analysis.

POLICY 3

New mineral and aggregate sites shall not be allowed within the quarter mile boundary of either the John Day or Deschutes Rivers.

POLICY 4

All aggregate operations within the Columbia River Gorge National Scenic Area shall be operated in compliance with the Management Plan for the National Scenic Area and its implementing ordinance.

APPENDIX A

WASCO COUNTY AGGREGATE INVENTORY LIST

by Inventory Number

Key ● = Map in Aggregate File
NSA = National Scenic Area

<u>Inventory Number</u>	<u>Map/Tax Lot #/Zone</u>	<u>Owner Name/Address</u>
1.	Mosier	
2.	2N11-11:2800/FF40/NSA	ODOT (Gove)
3.	2N11-11:200/FF40/NSA● 2N11-2:1300	ODOT (Mosier Pit) (Mosier Pit) This site is in the Mosier UGB, and is listed here as reference only)
4.	2N11-1D:200A-1 State Road	Hood River Sand & Gravel 2630 Old Columbia River Drive Hood River, OR 97031
5.	2N11:3500/F-2	
6.	2N11:6001/F-2	Mosier Creek Dev 1234 P.O. Box 6039 Bellevue, WA 98008
7.	2N12-19:600/F-2	Tony Heldstab 2175 Mosier Creek Road Mosier, OR 97040
8.	2N12:9155/F-2	Mosier Creek Dev 1234 P.O. Box 6039 Bellevue, WA 98008
9.	No Sheet	
10.	Chenoweth Air Park	(County?)
11.	2N13-19:100/F-F	Floyd Marsh P.O. Box 2 The Dalles, OR 97058
12.	2N13-19:800/A-1	W.R. & Margaret Pentecost 4900 Seven Mile Road The Dalles, OR 97058

13. 2N12-24:12500/A-1 Jim Ellett
5693 Chenoweth Road
The Dalles, OR 97058

<u>Inventory Number</u>	<u>Map/Tax Lot #/Zone</u>	<u>Owner Name/Address</u>
14.	2N12-16D:1700/RR-5	William Ringlbauer 2244 Dell Vista Drive The Dalles, OR 97058
15.	Mayer State Park	
16.	2N13-17:1801/F-F	U.S. Forest Service 902 Wasco Ave., Ste. 200 Hood River, OR 97031
17.	2N13-20:1000	Wayne & Jana Webb P.O. Box 692 The Dalles, OR 97058
18.	Goosebery Springs	State of Oregon
19.	Goosebery Springs	State of Oregon
20.	Dalles Dam	State of Oregon
21.	2N13-20:600/M-2	Sun Pit Munsen Paving & Excavating 1022 W 9th St. The Dalles, OR 97058
22.	2N15:700/A-1 (verify) (Celilo)	State of Oregon
23.	15 Mile Road	County
24.	2N14-25:ROW/A-1	
25.	2N14:1000/A-1	Jacob Kaser 4550 Fifteen Mile Road The Dalles, OR 97058
26.	2N14:2700/A-1	Donna E. et. al. Ashbrook P.O. Box 158 Dufur, OR 97021
27.	2N14-33:400/A-1	Judith F. et. al. Bayley 6331 SW Radcliff St. Portland, OR 97219

<u>Inventory Number</u>	<u>Map/Tax Lot #/Zone</u>	<u>Owner Name/Address</u>
28.	2N14-33:3000/A-1	C. Gard Fulton 3775 Fifteen Mile Road The Dalles, OR 97058
29.	1N14:400/A-1	Forest J. Hay 609 E 9th St. The Dalles, OR 97058
30.	1N14:3600/A-1	Elmer & Janet Wilson 2000 US 197 The Dalles, OR 97058
31.	1N14:3300/A-1	(County owned) William & Sheli Markman 4785 Eight Mile Road The Dalles, OR 97058
32.	1N15:3700/A-1	William & Carmen Eddins 1515 E 21st The Dalles, OR 97058
33.	1N14:6600/(6700?)/A-1	Cliff Baker (County?)
34.	1S13-1:	County- May Pit
35.	1S14:3100/A-1	Miller Ranch Co. 1 NW Greenwood Ave. Bend, OR 97701
36.	1S14:3401/A-1 (Boyd)	Paul & Velma Limmeroth 2520 Ward Road The Dalles, OR 97058
37.	1S14-18:100/A-1	Miller Ranch Co. 1 NW Greenwood Ave. Bend, OR 97701
38.	1S14:3600/A-1	Mary Sylvester 3813 Faith Home Rd. Ceres, Calif. 95307
39.	1S14-20	Dufur
40.	2S13:100/A-1	William Neal 62883 U.S. Hwy 197 Dufur, OR 97021
41.	2S13-35:5200/A-1	ODOT Tygh Ridge 33-025-4

Salem, OR 97310

42. 3S13:100/A-1 William & Masil Hulse
P.O. Box 427
Dufur, OR 97021

<u>Inventory Number</u>	<u>Map/Tax Lot #/Zone</u>	<u>Owner Name/Address</u>
43.	3S13:2500/A-1	Paul & Velma Limmeroth 2520 Ward Road The Dalles, OR 97058
44.	3S13:2500/A-1	Paul & Velma Limmeroth 2520 Ward Road The Dalles, OR 97058
45.	3S13:3400/A-1	Irl Jr. & Orlena Davis 45 N Eagle Pt. Rd. Tygh Valley, OR 97063
46.	3S13-33:3500/A-1	Robert & Meredith Lindell P.O. Box 217 Tygh Valley, OR 97063
47.	2N11:7600/F-2	Berniece & Morris Schmidt 2855 Mosier Creek Rd. Mosier, OR 97040
48.	2N12:9139/F-2	Mosier Creek Dev 1234 P.O. Box 6039 Bellevue, WA 98008
49.	2N13-31:600/RR	Whispering Pines Ranch Corp. 612 Liberty The Dalles, OR 97058
50.	1N11:900/F-2	Ketchum Ranch Inc. 6282 Chenowith Road W The Dalles, OR 97058
51.	1N13:4490/A-1	John & Betty Skirving 2013 W Scenic Drive The Dalles, OR 97058
52.	1N13:5300/A-1	Milton & June Martin 3560 Three Mile Road The Dalles, OR 97058
53.	1N13-25:2991●/A-1	Arthur V. Braun

P.O. Box 498
The Dalles, OR 97058

54. 1N15-28:2700/A-1 Eldon F. et. al. Emerson
6124 Roberts Market Rd.
The Dalles, OR 97058

Inventory
Number Map/Tax Lot #/Zone Owner Name/Address

55. 1S15:402/A-1 James Q. Johnson
6352 Roberts Market Rd.
The Dalles, OR 97058

56. 1S15:1400/A-1 Iva J. Kortge
338 W 21st
The Dalles, OR 97058

57. 1S15:1900/A-1 Frederick & Peggy Clausen
Rt. 2, Box 4
Dufur, OR 97021

58. 2S14:1600/A-1 Martin & Beverly Underhill
P.O. Box 266
Dufur, OR 97021

59. 2S14:1800/A-1 Martin & Beverly Underhill
P.O. Box 266
Dufur, OR 97021

60. 2S14:2000/A-1 Robert & Nancy Hamme1
62250 Tygh Ridge Road
Tygh Valley, OR 97063

61. 1N15-21:2100/A-1 William & Barbara Hamme1
7075 Fifteen Mile Road
The Dalles, OR 97058

62. 1N15:2100/A-1 William & Barbara Hamme1
7075 Fifteen Mile Road
The Dalles, OR 97058

63. 1N15-20:2700/A-1 Eldon F. et. al. Emerson
6124 Roberts Market Rd.
The Dalles, OR 97058

64. 1S14:4900/A-1 Lucie Underhill Life Estate
85429 Easton Canyon Road
Dufur, OR 97021

64. 1S14:4900/A-1 Clara O'Brien
2867 Breckenridge NW
Salem, OR 97304

65. 1S14-31:5600/A-1 W.C. Hanna Estate
 US Nat'l Bank Trust Dept.
 P.O. Box 3168
 Portland, OR 97208

<u>Inventory Number</u>	<u>Map/Tax Lot #/Zone</u>	<u>Owner Name/Address</u>
66.	1S14:1900/A-1	Daniel Bolton P.O. Box 731 Dufur, OR 97021
67.	No Sheet	
68.	2N12-4/5:	(County?)
69.	No Sheet	
70.	2S12-12:3000/A-1	Sharon L. Sorensen Rt. 1, Box 180 Dufur, OR 97021
71.	2S12-23:5700/A-1	Underhill, Martin & Beverly P.O. Box 266 Dufur, OR 97021
72.	3S12-3:~/A-1 (SE 1/4)	Wasco County 511 Washington Street The Dalles, OR 97058
73.	3S12-25:3700/A-1	Russell & Wanda Sinclair Rt. 1, Box 79 Tygh Valley, OR 97063
74.	2S13-32:4900/A-1	Keith & Mary Smith 60538 Dufur Gap Rd. Dufur, OR 97021
75.	4S13-12:6800/A-1	Fred & Maxine Ashley
76.	3S13-31:4000/A-1	Robert T. Justensen Betty Nelson P.O. Box 96 Grass Valley, OR 97029
77.	4S13-10:~/A-1	(County)
78.	4S12-17:5000/A-1 (formerly Cody Logging)	Keith & Kathleen Obermaier P.O. Box 3497 Pojaque

Santa Fe, NM 87501

79. 4S13-31:10800/A-1 Erma C. Gutzler
Rt. 1, Box 120
Maupin, OR 97037

Inventory
Number Map/Tax Lot #/Zone Owner Name/Address

80. 5S12-2:400/A-1 Lora M. Hachler
Rt. 1, Box 408
Maupin, OR 97037

81. 5S12-4:800/A-1 Wasco County
511 Washington Street
The Dalles, OR 97058

82. 5S12-12:2100/A-1 (County?)
Milton & Mae McCorkle
Life Estate
Rt. 1, Box 412
Maupin, OR 97037

83. 5S13-6:1400/A-1 Eugene H. Walters
Rt. 1, Box 86
Maupin, OR 97037

84. 5S13-28:5200/A-1 Lyle & Lorraine Gabel
Rt 1, Box 110
Maupin, OR 97037

85. 5S12-35:5400/A-1 Allan & Christina Blake
Rt. 1, Box 60A
Maupin, OR 97037

86. 5S11-35:4802/A-1 Wasco County

87. 6S11-9:~/A-1 Woodside

101. ?Port of The Dalles Possibly Port of The Dalles

102. ?Interpretive Center Site

150. 4S14-33:~/A-1 Connolly

151. 4S14-25:2400/A-1 Connolly Land & Livestock Inc.
412 W 4th St.
The Dalles, OR 97058

152. 4S15-30:800/A-1 Lee & Ruth Lindley

Box 64
Maupin, OR 97037

153. 4S15-30:1200/A-1 U.S.A.
%Bureau of Land Management

<u>Inventory Number</u>	<u>Map/Tax Lot #/Zone</u>	<u>Owner Name/Address</u>
154.	5S16-20:2200/A-1	(County lease) Lonny & Pamela Brown 18233 W Wintergreen Ln. Bremerton, WA 98312
155.	5S16-32:3300/A-1	Janis Lee Snodgrass %Lonny D. & Pamela A. Brown 18233 W Wintergreen Lane Bremerton, WA 98312
156.	5S16-32:2401/A-1	Warnock Ranches, Inc. Rt. 1, Box 16 Baker, OR 97814
157.	6S16-5:106/A-1	Warnock Ranches, Inc. Rt. 1, Box 16 Baker, OR 97814
158.	6S16-5:106/A-1	Warnock Ranches, Inc. Rt. 1, Box 16 Baker, OR 97814
159.	6S16-21:101/A-1	ODOT Bakeoven Quarry 33-051-4
160.	7S17-31:1990/A-1	Richard & Betty Baker P.O. Box 136 Antelope, OR 97001
161.	8S17-4:692/A-1	(County owned) Donald & Marjorie Gomes P.O. Box 70 Antelope, OR 97001
162.	8S17-14:1500/A-1	Wilton & Francis Dickson 604 NE Loucks Road Madras, OR 97741
163.	8S16-36:3400/A-1	McNamee Ranches P.O. Box 50 Antelope, OR 97001

164.	8S17-35:2100/A-1	Herbert & Faye McKay P.O. Box 5 Antelope, OR 97001
165.	8S18-34:800/A-1	Washington Corp. P.O. Box 3027 Pasco, WA 99302

<u>Inventory Number</u>	<u>Map/Tax Lot #/Zone</u>	<u>Owner Name/Address</u>
166.	8S19-31:1900/A-1	U.S.A. %Bureau of Land Management
167.	8S14-13:101/A-1	Ned Darling 5618 SE Taylor Portland, OR 97215
168.	8S14-21:1900/A-1	Bureau of Land Management
169.	7S14-32:3000/A-1	Ned Darling 5618 SE Taylor Portland, OR 97215
200.	4S14-33:3800/A-1	U.S.A. %Bureau of Land Management
201.	5S14-35:4400/A-1	ODOT- Maupin Pit 33-036-4
202.	6S14-11:100/A-1	Criterion Interest Inc. 122 E Stonewall Charlotte, NC 28202-1889
203.	7S14-12:1200/A-1	ODOT-Criterion - 33-038-4
204.	6S17-3:500/A-1	ODOT-33-049-4
205.	5S17-16:~/A-1 (SE 1/4)	State Highway Department
206.	6S17-19:1800/A-1	ODOT-33-050-4
207.		
208.	7S16-6:1000/A-1	ODOT-Identifier-33-053-4
209.	7S15-22:1600/A-1	ODOT-33-059-4
210.	8S15-15:1700/A-1	Charles & Betty Johnson Gateway Star Rt. Box 465 Madras, OR 97741 (State Highway?)

211.	8S15-22:1701/A-1	Charles & Betty Johnson Gateway Star Rt. Box 465 Madras, OR 97741
212.	8S15-27/28:1701/A-1	Charles & Betty Johnson Gateway Star Rt. Box 465 Madras, OR 97741

<u>Inventory Number</u>	<u>Map/Tax Lot #/Zone</u>	<u>Owner Name/Address</u>
213.	8S15-26:2900/A-1	John A. Priday Gateway Star Rt. Box B461 Madras, OR 97741
214.	7S17-20:2000/A-1	ODOT-Shaniko-33-062-4
215.	8S18-6:501/A-1	ODOT-33-064-4
216.	8S18-4:400/A-1	ODOT-33-065-4
217.	5S12-33:7200 added 3-93	Richard Dodge
218.	4S12E-7,8,17:1900 added 3-91	Metzentine Quarry Dan Van Vactor

<3C:\WP51\KAREN\ROCKPIT.INV
 Revised 5-91 (from response to Co. questionnaire
 Revised 2-92 (from original inventory sheets)>
 Revised 3-93

Wasco County Aggregate Inventory List

ODOT Sites

<u>Inventory Number</u>	<u>Map/Tax Lot #/Zone</u>	<u>Owner Name</u>	<u>Source Number</u>
?	2N11-2:900/	Oregon Dept. of Trans.(ODOT) (Rock Creek Quarry)	33-002-4
?	2N13-20:800/	ODOT (Shooting Range Quarry)	33-007-4
?	2N13-20 & 21:500/	ODOT	33-008-4
?	1S14-20:3700/	ODOT (Boyd Quarry)	33-021-4
?	3S13-33:4100/	ODOT (Butler Canyon Quarry)	33-028-4
?	5S14-6:200/	ODOT (Maupin Maintenance Yard)	33-032-4
?	6S14-11:900/	ODOT	33-037-4
?	7S15-29:2100/	ODOT (Filler Pit)	33-039-4
?	8S15E-15: /	ODOT	33-040-4
?	8S15E-22:2800/	ODOT (Cow Canyon Quarry)	33-041-4
?	5S11E-36:5300?/	ODOT (Pine Grove Quarry)	33-045-4
?	5S12E-30:200/	ODOT	33-046-4
?	6S12E-2:300/	ODOT (Paquet Gulch Quarry)	33-048-4

SECTION 3.800
Mineral Resources Overlay

- 3.800 Purpose
- 3.805 Definitions
- 3.810 Application of Overlay Zone
- 3.815 Procedure for Applying Overlay Zone
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- 3.825 Pre-Existing and Nonconforming Uses
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- 3.850 Designation of Overlay Zone
- 3.855 Termination of Overlay Zone

CHAPTER 3.800 MINERAL AND AGGREGATE OVERLAY

SECTION 3.800 Purpose

The purpose and intent of the Mineral and Aggregate Overlay Zone is:

1. To allow the development and use of mineral and aggregate resources;
2. To provide uniform standards for extraction and processing of mineral and aggregate resources;
3. To balance conflicts between mining operations and new and existing surrounding conflicting uses;
4. To ensure the rehabilitation and restoration of mining sites; and
5. To protect mineral and aggregate resources for future use consistent with Comprehensive Plan goals and policies and Statewide Planning Goal 5.

SECTION 3.805 Definitions

Conflicting Use - As used under OAR 660-16-005, a conflicting use is a use which if allowed, could negatively impact a County resource site. Where conflicting uses have been identified, Goal 5 resource sites may impact those uses. These impacts must be considered in analyzing the economic, social, environmental and energy consequences (ESEE).

It is the responsibility of the County to identify conflicts within significant Goal 5 resource sites. This is done primarily by examining the uses allowed in the underlying zoning districts in which the resource site is located. For purposes of this Chapter, another Goal 5 resource located on or adjacent to a significant site may be considered a conflicting use if that resource could be adversely affected by mining or processing activities, or force a change in mining or processing at the site.

ESEE Analysis - Refers to the County's response to the requirements in OAR 660-16-005 and 660-16-010 which direct local jurisdictions to analyze the Economic, Social, Environmental and Energy (ESEE) consequences of (a) allowing mining on a significant site, and (b) allowing conflicting uses to displace mining on a significant site.

The ESEE analysis is part of the County Process.

It is the function of the ESEE analysis to resolve conflicts between the significant mineral and aggregate site(s) and any other

identified conflicting uses, including those occurring as a result of any other applicable provisions in the Comprehensive Plan and this ordinance.

The ESEE analysis documents the County's decision to prohibit, restrict or fully allow conflicting uses on or near the inventoried resource site(s).

The COUNTY PROCESS:

A. Shall identify the resource site's Extraction and Impact Areas as defined in Section 3.810 of this Chapter; and

B. May describe site-specific development standards, including, but not limited to, setbacks, screening, road grading, and other requirements to protect and resolve conflicts with the inventoried resource site(s).

The COUNTY PROCESS is referred to in this ordinance by reference under several subsections.

Extraction Area - The area within which mineral and aggregate extraction, processing and storage may take place under the provision of this Chapter.

Impact Area - An area surrounding the extraction area within which sensitive uses are limited or regulated.

Mineral and Aggregate - Includes soil, select fill, coal, clay, stone, sand, gravel, aggregate, pumice, cinders, metallic ore, and any other inorganic solid excavated from a natural deposit in the earth for commercial, industrial or construction use.

Mining - The excavation of sand, gravel, clay, rock, or other similar surface or subsurface resources. Mining does not include: a) excavations conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstructing or maintaining access roads, b) excavation or grading conducted in the process of farm or cemetery operations, c) excavation or grading conducted within a road right-of-way or other easement for the primary purpose of road construction, reconstruction or maintenance, or d) removal, for compensation, of materials resulting from onsite construction for which a development permit and construction time schedule have been approved by the County.

Noise or Dust Sensitive Use - A conflicting use which is primarily used for habitation. Residential structures, churches, hospitals, schools, public libraries, and campgrounds are considered noise or dust sensitive uses during their period of use. Forest uses and farm uses are not noise or dust sensitive uses unless determined through the County process to the effect that they satisfy this definition in more than an incidental manner.

Processing - Includes, but is not limited to, extraction, washing, crushing, milling, screening, handling, conveying, batching and blending into asphalt or portland cement, and transportation of mineral and aggregate materials.

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

Screened Uses - (a) Noise sensitive uses or other uses determined to be conflicting uses through the County process, and (b) scenic viewpoints or other areas designated as significant Goal 5 resources.

Sensitive Use - A use or structure considered sensitive to dust, odor, vibration and/or noise, such as a residence, school, park, or hospital. Industrial, agricultural and forestry activities are not sensitive uses unless the activity includes an accessory residential use.

Significant Resource Site - Includes resource sites which meet or exceed location, quality and quantity criteria set forth under Section 3.815 of this Chapter and are so designated by the County through a legislative or quasi-judicial process.

Site Plan - The site plan shall include surveys, maps, diagrams, narratives and other materials as may be necessary to describe the placement of and use of all improvements, equipment, fixtures, mitigation measures, landscaping and vehicles on site.

SECTION 3.810 Application of Overlay Zone

The provisions of this Chapter shall apply to all lands designated Significant Mineral and Aggregate Overlay. Nothing in this Chapter shall constitute a waiver or suspension of the provisions of any underlying zone or concurrent overlay. Any conflicts between the provisions of the Chapter and the provisions of other chapters of this Ordinance, Comprehensive Plan Goals and Policies and the Statewide Planning Goals shall be resolved through the County process.

Only sites deemed significant resource sites shall be zoned Mineral and Aggregate Overlay. Mining and processing activities at sites not zoned Mineral and Aggregate Overlay may be allowed after conditional use approval under the

criteria of Chapter 5 of WCLUDO. All sites which have not been evaluated for significance shall be classified "Potential Sites" on the County inventory until information is available to determine if the site is significant or not significant.

The Mineral and Aggregate Overlay consists of two distinct areas: the Extraction area and the Impact area.

- A. Extraction Area. The Mineral and Aggregate Extraction Area shall be applied to any site which has been identified as a significant resource. The area may consist of one or more tax lots or portion(s) of single tax lots, and may be applied to contiguous properties under different ownership. The size of the Extraction Area shall be determined by the ESEE, but there shall be a minimum distance of 750' between any existing Sensitive Use to the extraction area boundary on the effective date of this ordinance.

This distance may be decreased through the ESEE analysis prior to application of the Overlay, based on the type of mineral or aggregate resource to be extracted as well as physical features of the area. However, in no case shall the Extraction Area boundary be less than 100 feet from the Sensitive Use.

- B. Impact Area. The Mineral and Aggregate Impact Area shall be applied to properties or portions of properties adjacent to and immediately surrounding an Extraction Area. The width of the Impact Area shall be determined through the ESEE analysis prior to application of the Overlay designation, based on the type of mineral or aggregate resource to be extracted as well as physical features of the area. The minimum width of the impact area shall be 750' from the Extraction Area boundary unless findings developed through the County process can show justification for an change.

SECTION 3.815 Procedure for Applying the Overlay Zone

- A. Determination of Significant Site. The County shall analyze available information relating to the location, quality and quantity of mineral and aggregate deposits. Information to demonstrate the significance of a resource shall include:

1. A survey map, or other legal description that identifies the location and perimeter of the mineral and aggregate resource; and

2. Information demonstrating that the resource meets or can meet two of the following minimum requirements:

- a) Abrasion: Loss of not more than 35% by weight;
- b) Oregon Air Degradation: Loss of not more than 35% by weight;
- c) Sodium Sulphate Soundness: Not more than 17% by weight.

Information may consist of laboratory test data or the determination of a certified, licensed or registered geologist, or other qualified person; and

3. Information demonstrating that the quantity of the resource indicates at least 250,000 cubic yards of reserve.

B. Other mineral resources. Significance of non-aggregate resources shall be determined on a case-by-case basis after consultation with DOGAMI.

C. Based on the analysis of information relating to the location, quality and quantity of the mineral and aggregate resource, the county shall determine the status of the resource site. Each site considered by the County shall be placed in one of three categories based on the following criteria:

- 1. If the resource site meets the definition of a significant site, the county shall include the site on an inventory of "Significant Sites", or
- 2. If information is not available to determine whether or not the resource site meets the definition of a significant site, the County shall include the site on an inventory of "Potential Sites." Sites shall remain on the "Potential Sites" inventory until such time as information is available to determine whether or not the site is significant; or
- 3. If the resource site does not meet the definition of a significant site, the county shall include the site on an inventory of "Non-significant Sites'.

D. Identify Impact Area. For each significant site, the Impact Area shall be identified and mapped. The Impact Area shall include the Extraction Area.

E. Identify Conflicting Uses. For each significant site, conflicting uses shall be identified. The identification of

conflicting uses shall include uses in existence at the time of review, as well as the potential conflicting uses. Identification of potential conflicting uses shall be accomplished by analyzing the uses allowed in the underlying zone(s).

F. Analysis of ESEE consequences. For each significant site where conflicting uses have been identified, an ESEE analysis shall be performed.

1. The ESEE analysis shall determine the relative value of use of the mineral or aggregate resource site as compared to existing or potential conflicting uses.

2. The ESEE analysis shall be limited to uses identified pursuant to subsection E. of this section, and County resources.

3. The ESEE analysis shall consider opportunities to avoid and mitigate conflicts. The analysis shall examine:

a. The consequences of allowing conflicting uses fully, notwithstanding the possible effects on mining;

b. The consequences of allowing mining fully, notwithstanding the possible effects on conflicting uses;

c. The consequences of protecting conflicting County resources, and permitted conflicting uses within the zone.

SECTION 3.820 Exemptions

The following activities at significant sites are exempt from the development standards of Section 3.853. Operators or land owners have the burden of qualifying for any exemption.

A. Pre-existing or nonconforming use.

B. Mining less than 1000 cubic yards of material or excavation preparatory to mining of a surface area of less than one acre.

C. Excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of on-site access roads or grading operations conducted in the process of farming.

- D. Excavation or grading operations conducted in the process of farming, forestry or cemetery operations.
- E. On-site road construction or other on-site construction or nonsurface impacts of underground mines conducted by a landowner or tenant on the landowner or tenant's property.

SECTION 3.825 Pre-Existing and Nonconforming Uses

Mineral and aggregate sites which have a valid County or Department of Geology and Mineral Industries permit on the effective date of this Chapter shall be considered pre-existing sites. Pre-existing sites may continue to operate under the conditions of approval unless the conditions are removed or modified through the County process.

Expansion of a mineral and aggregate activity on a pre-existing site beyond the boundaries of the surface mining area covered by the County permit, or any activity requiring a new or amended County permit, shall require compliance with Section 3.835 - Development Standards.

Within an Extraction Area, existing mining activities that do not conform to the standards of Section 3.830 Permitted Uses - Extraction Area, may continue as nonconforming uses existing on the date the Mineral and Aggregate Overlay zone is applied to the property.

The use of any building, structure, or land lawfully established within the Mineral and Aggregate Resource Overlay Impact Area prior to the application of the overlay to the property may continue. Expansion of the size or use of the structure or activity shall comply with Section 3.845 - Impact Area Uses and Standards.

SECTION 3.830 Permitted Uses - Extraction Areas

The following uses may be permitted in the Extraction Area subject to Site Plan approval in accordance with Section 3.840:

- A. Any permitted use allowed in the underlying zone, may be allowed subject to the underlying zone criteria and as otherwise authorized through the ESEE analysis.
- B. Conditional uses shall be reviewed against the approval criteria of Section 3.845.
- C. Mining or extraction of rock, clay, soil, sand, gravel, or other mineral or aggregate material.

D. Stockpiling and storage of mineral and aggregate materials.

E. Processing of:

1. Materials, including crushing, washing, milling, screening, sizing, or batching of portland cement; and
2. Batching or blending of mineral and aggregate into asphaltic concrete, except within 2 miles of a planted commercial vineyard.

F. Buildings (not including residences), structures and equipment directly related to the above permitted aggregate uses.

G. Storage of transportation equipment or storage of machinery or equipment used in conjunction with the on-site mineral and aggregate activity.

H. Sale of products extracted and processed on-site from a mineral and aggregate operation.

SECTION 3.835 Development Standards - Extraction Area

A development plan shall be submitted to the Wasco County Planning Department for any permitted activity allowed in Section 3.830. The following requirements apply to mining and processing unless other standards are adopted in the County process. Such standards shall be clearly identified in the ESEE analysis. The applicant shall demonstrate that the following standards or site specific replacement standards adopted in the County process, are met or can be met by a specified date.

A. Screening

1. Mining Activities to be Screened.

a. All excavated areas except areas where reclamation is being performed, internal on-site roads existing of the effective date of this ordinance, new roads approved as part of the site plan review, material excavated to create berms, and material excavated to change the level of the mine site to an elevation which provides natural screening;

b. All processing equipment;

c. All equipment stored on the site.

2. Types of Screening.

a. Natural Screening. Existing vegetation or other landscape features which are located within 50 feet of the boundary of the site, and which screen the view of mining activities from screened uses, shall be preserved and maintained.

b. Supplied Screening. Supplied vegetative screening is screening that does not exist at the time of the site plan review. Plantings used in supplied screening shall not be required to exceed a density of alternating rows of conifer trees six feet on center and a height of six feet at the commencement of mining. Supplied earthen screening shall consist of berms covered with earth and stabilized with ground cover.

B. Access

1. On-site roads used in mining, and access from the extraction site to a public road shall be designed and constructed to accommodate mining vehicles and equipment, and shall meet the following standards.

a. All access roads intersecting a paved county road or state highway shall be paved thirty feet from the paved county road or state highway unless the applicant demonstrates that other specified methods of dust control will effectively eliminate dust rising from access roads;

b. All on-site roads within the Extraction Area, and access roads, shall be constructed and maintained in a manner so that all applicable DEQ standards for vehicular noise control and ambient air quality are met or can be met by a specified date;

c. All on-site roads within the Extraction Area, and access roads, shall be paved at all points within 250 feet of a noise or dust sensitive use existing on the effective date of this ordinance.

2. Improvements to substandard public roads outside of the Extraction Area may only be required as necessary to comply with a road improvement program adopted as part of transportation element of the Comprehensive Plan. Payment for public road improvements shall not be a condition of approval for mining at significant sites.

3. Improvement fees in lieu of improvements of public roads, county roads and state highways may be required when the Planning Director or hearings body, in consultation with the appropriate road authority, determines that the increased traffic on the roads resulting from the surface mining activity will damage the road sufficiently to warrant off-site improvement. If the fee in lieu of improvements is required, the amount of the fee shall reflect the applicant's pro-rata share of the actual total cost of the capital expenditure of the road construction or reconstruction project necessitated by and benefiting the surface mining operation. Discounts for taxes and fees already paid for such improvements, such as road taxes for vehicles and for property already dedicated or improved, shall be applied.

4. An effective vehicular barrier or gate shall be required at all access points to the site.

C. Hours of Operation

1. Drilling and blasting shall be restricted to the hours of 9:00 am to 5:00 pm, Monday through Friday. No blasting or drilling shall occur on Saturdays, Sundays, or any specified legal holiday.

2. Mineral and aggregate extraction, processing and equipment operation within 750' or as established by the ESEE analysis of any Sensitive Use existing of the effective date of this ordinance is restricted to the hours of 7:00 am to 6:00 pm, Monday through Friday. All other sites are limited to daylight hours Monday through Saturday. No operation shall occur on Sundays or recognized legal holidays.

D. Environmental Standards

1. DEQ Standards. Mineral and aggregate extraction, processing and other operations shall conform to all the applicable environmental standards of the County and applicable DEQ air quality and emissions standards. The applicant shall provide a copy of an approved DEQ permit(s) prior to commencement of the operation.

E. Equipment Removal. All surface mining equipment, machinery, vehicles, buildings and related structures accessory to the mineral and aggregate activity shall be removed from the site within 30 days of completion of all mining, processing and reclamation, except for structures which are permitted uses in the underlying zone.

F. Performance Agreement

1. The operator of a mineral and aggregate site shall keep applicable DOGAMI permits or exemption certificates in effect.

2. The mining operator shall carry a Comprehensive General Liability policy covering mining, processing and incidental activities during the term of operation and reclamation, with an occurrence limit of at least \$1,000,000.00.

G. Significant Resource Area Protection. Conflicts between inventoried mineral and aggregate resource sites and significant fish and wildlife habitat, riparian areas and wetlands, significant scenic viewpoints or vistas, and ecologically and scientifically significant natural areas protected by the Significant Resource Areas Overlay Zone in accordance with Section 3.910 (Natural Areas Overlay) and 3.770 (Cultural, Historical and Archeological Overlay) of this Ordinance and identified on the Significant Resource Areas Map, shall be balanced as determined by the program and as determined by the County process.

H. Site Reclamation.

1. No mining shall commence without providing the County a copy of a DOGAMI operating permit, approved reclamation plan, or exemption certificate.

2. A reclamation plan shall be submitted concurrently with the development plan required in Section 3.835. The reclamation plan shall include a schedule showing the planned order and sequence of reclamation, shall assure that the site will be restored or rehabilitated for the land uses specified in the underlying zone including subsequent beneficial uses identified through the County process.

3. The County shall coordinate with DOGAMI to ensure compatibility between DOGAMI and the County. When notified by DOGAMI that an operator has applied for approval of a reclamation plan and issuance of an operating permit, the County shall, in turn, notify DOGAMI if local site plan approval is required.

a. If site plan approval is required, the County shall require that DOGAMI delay final action on the application for approval of the reclamation plan and issuance of the operating permit until after site plan approval has been granted.

b. If site plan approval is not required, the County shall notify DOGAMI that no land use approval is required, and the County will review the proposed reclamation plan during DOGAMI's notice and comment period.

I. Water Management

1. All surface water shall be managed to provide protection against sediment discharge into streams, rivers and lakes. Existing natural drainage on the site shall not be changed in a manner which interferes with drainage patterns on adjoining property, or which drains waste materials or waste water onto adjoining property or perennial streams. Where the mineral and aggregate operation abuts a lake, river, or perennial stream, all existing vegetation within 100 feet of the mean high water mark shall be retained unless otherwise authorized in accordance with the ESEE analysis and the development plan.

2. All water required for the mineral and aggregate operation, including dust control, landscaping and processing of material, shall be managed: (a) in a manner which meets all applicable DEQ water quality standards and DOGAMI requirements, or (b) shall be legally available and appropriated for such use. The applicant shall provide written documentation of water rights from the State Department of Water Resources and/or local water district prior to the commencement of any site operation.

J. Flood Plain. Any extraction Area located wholly or in part in a Flood Hazard Area shall receive approval in accordance with Chapter 22 of this Ordinance prior to any site operation.

K. Compliance with Special Conditions. The applicant shall demonstrate that all special conditions or requirements adopted as part of the County process have been satisfied or will be satisfied by a specified date.

L. Security. Fencing of site boundaries shall be required on the boundary between a significant site and a parcel zoned to allow dwellings as an outright permitted use. Fencing shall be a cyclone type fence, shall be earth tone color, and shall be a minimum of six feet high.

SECTION 3.840 Application Process

Final development plan approval is required prior to the beginning of any mineral and aggregate activity listed in Section 3.825 (A), and before any expansion of a pre-existing or nonconforming site. The applicant shall provide the following at the time of application:

A. A site plan demonstrating that the development standards required in Section 3.835 can be met, and any requirements adopted as part of the County process, including:

1. Screening and Fencing;
2. Access;
3. Hours of Operation;
4. Environmental Standards;
5. Equipment Removal;
6. Performance Agreement;
7. Significant Resource Area Protection;
8. Site Reclamation;
9. Water Management; and
10. Flood Plain.

B. A map or diagram showing the location and setbacks of all proposed mineral and aggregate activities and operations and the location and distance to all Sensitive Uses within the Impact Area.

C. The County shall approve, conditionally approve, or deny a site plan based on the ability of the site plan to conform to the standards of Section 3.835 and any other requirements adopted as part of the County process.

D. If the County determines that the site plan is substantially different from the proposal approved in the County process, the application shall be denied or conditioned to comply with the decision adopted as part of the County process, or the applicant may choose to apply for a Comprehensive Plan amendment whereby the original decision reached through the County process will be reexamined based on the revised site plan.

Section 3.845 Impact Area - Uses and Standards

A. Any permitted use allowed in the underlying zone may be allowed in the Impact Area subject to the underlying zone criteria and as otherwise authorized by the County process.

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(40)

B. Uses allowed Conditionally.

1. Any conditional use in the underlying zone(s) which are not noise sensitive uses or conflicting uses shall be reviewed as conditional uses subject to the underlying zone criteria.

2. Noise sensitive uses and conflicting uses shall be reviewed as conditional uses subject to criteria D, Approval Criteria.

C. Prohibited Uses. Uses identified through the County process as incompatible with mining shall not be permitted within the Impact Area.

D. Review Criteria. To approve uses allowed conditionally in the Impact Area the applicant must demonstrate compliance with the following criteria:

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

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

3. Any setbacks or other requirements imposed through the County process have been met or can be met by a specified date.

E. Approval Conditions.

1. Compliance with subsection D of this section may be satisfied through the imposition of clear and objective conditions of approval.

2. Approval of any conflicting use in the impact area shall be conditioned upon execution of a restrictive covenant in favor of the mining operator. The restrictive covenant shall incorporate all approval conditions and an agreement not to object to the conduct of lawful operations conducted at the nearby surface mine.

F. Waiver of Remonstrance and Indemnity.

1. The owner of a proposed new Sensitive Use shall sign and record in the County Deed Records an Aggregate Operation Easement, Waiver of Remonstrance and Indemnity which shall declare that the applicant and his successors or heirs will not now or in the future complain about the allowed surface mining activities on the adjacent surface mining site.

2. The Aggregate Operations Easement and Waiver of Remonstrance and Indemnity shall run with the land, until such time as the site is exhausted and the site is reclaimed in accordance with the approved reclamation plan or the operator releases these restrictions, easements or waivers or remonstrance and indemnity.

3. It shall be a requirement of the mineral and aggregate operator to release any restrictions, easements or waivers of remonstrance and indemnity.

SECTION 3.850 Designation of Overlay Zone

The Mineral and Aggregate Overlay Zone may be applied through the initial legislative planning process, the plan update process, or through individual application for a Comprehensive Plan amendment and zone change. The boundary of the Overlay Zone shall be all property contained in the Mineral and Aggregate Extraction Area and Mineral and Aggregate Impact Area.

SECTION 3.855 Termination of Mineral and Aggregate Overlay Zone

The Mineral and Aggregate Overlay Zone designation shall be removed by the owner or the County through the Zone Change process when:

- A. The owner of the Mineral and Aggregate resource site submits evidence showing a significant resource no longer exists on the site; and
- B. The mineral and aggregate resource site has been reclaimed in accordance with the approved reclamation plan; and
- C. The operator has caused to be released any operation easements, restrictions or waivers of remonstrance and indemnity relating to the application of this Ordinance.

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