

BEFORE THE BOARD OF COUNTY COMMISSIONERS

MULTNOMAH COUNTY, OREGON

Ordinance No. 85

An ordinance amending Ordinance No. 100 by deleting subsection 5.412(v) and subsection 5.430; amending subsection 5.413; and adding subsection 7.5402 to provide for mineral extraction and related uses.

Multnomah County ordains as follows:

Section 1. Policy.

- A. The Board of County Commissioners of Multnomah County, Oregon recognizing that the zoning ordinance is in need of periodic revision and amendment to improve the zoning ordinance, and in the interest of public health, safety and general welfare of Multnomah County citizens, the Board does hereby determine the necessity of amending the zoning ordinance as hereinafter more particularly described.
- B. The Board further determines and takes public notice that the Planning Commission of Multnomah County, Oregon has initiated and proposed this change, and has recommended to the Board of County Commissioners that this be enacted.

Section 2. Amendment.

Subsection 5.412(v), subsection 5.430 and subsection 5.413 of Ordinance No. 100 is amended by deleting subsection 5.412(v) which reads:

"(v) Surface mining or rock crusher."

and subsection 5.430 which reads:

"5.430 Surface mining or rock crushing shall meet the following requirements:

- (a) No production from an open pit or the removal of sand or gravel shall leave a slope exceeding one (1) foot horizontal for one (1) foot vertical.
- (b) No mining, quarrying, excavating or processing of material shall be permitted closer than one hundred (100) feet from the boundaries of a Residential or Commercial district.
- (c) Properties to be used for surface mining shall be enclosed on the boundaries by a sight obscuring fence, except for reasonable areas of access and egress, as designated by the Board of Adjustment.
- (d) No permanent structure, such as rock crusher, washer or sorter, shall be located closer than five hundred (500) feet from any district boundary.

by adding to subsection 5.413 subsections (i), (j) and (k) to read:

- (i) Rock crushing and processing.
- (j) Concrete or asphalt batching plants.
- (k) Concrete products manufacturing.

and by adding subsection 7.5402 to read:

7.5402 Mineral Extraction.

- (A) Mining of sand, gravel, rock and earthen minerals.

- (1) Mining shall mean the removal of all minerals, whether extracted from land or water, by any method, including but not limited to shoveling, blasting, scooping and dredging. The definition of mining shall also include the filling of sites for protection from flood or dumping sites from dredging operations.
- (2) Minerals shall mean soil, coal, clay, stone, sand, gravel, metallic ore and any other solid material or substance excavated for commercial, industrial or construction use from natural deposits situated within or upon lands in the unincorporated areas of Multnomah County.
- (3) Allowed Uses.
 - (a) Excavation of minerals including the storage, stock piling, distribution and sale thereof.
 - (b) The installation and operation of plants or apparatus for rock crushing and cement treatment of base minerals, including screening, blending, washing, loading and conveying of such minerals.
- (4) Secondary Uses Requiring Special Approval. Secondary activities utilizing the extracted minerals such as mixing or batching plants or manufacturing the extracted minerals into finished products, may be permitted providing the Planning Commission makes a

finding that such secondary use is appropriate for the area. In making such determination, the Planning Commission shall consider the environmental impact such plant will have on the surrounding area.

- (5) Buildings. The following buildings may be constructed upon the land as are reasonably necessary for the conduct of the permitted uses.
 1. Shops, garages and warehouses for the repair, maintenance and storage of equipment or supplies.
 2. Office space.
 3. Not more than two single family dwelling units for employees.
- (6) Location Requirements. The uses as provided by subsection A.3 and 4 may be permitted in any district where the Planning Commission finds that an economic deposit of a mineral resource exists.
- (7) Minimum Site Size Requirement. Minimum site size shall be at least two (2) acres unless otherwise approved by the Planning Commission.
- (8) Minimum Setback. The Planning Commission shall impose setback requirements appropriate for the nature of the use and the area where the use is to be conducted.

- (9) Signs. Signs shall meet the following requirements:
- (a) Not more than two identification signs per lot.
 - (b) Shall not be electrically illuminated.
 - (c) Maximum area on one side shall not exceed eight (8) square feet.
 - (d) Shall not exceed a height of six (6) feet above the natural grade at the sign location.
 - (e) Signs in a commercial or manufacturing district shall conform to the sign requirements of that district.
- (10) Other Requirements. The Planning Commission may impose additional conditions, restrictions or requirements as it deems necessary, taking into consideration the following:
- (a) Access and traffic;
 - (b) Screening, landscaping and lighting;
 - (c) Signing;
 - (d) Reclamation;
 - (e) Hours of operation;
 - (f) Erosion control;
 - (g) Air, water and noise pollution control;
 - (h) Setbacks and buffers;
 - (i) Insurance;
 - (j) Architectural design of structures;
 - (k) Excavation depths and slopes; and
 - (l) Phasing Program.

(11) Other Approvals. Before the Planning Commission may consider an application for any mineral extraction, the applicant must show that conditional approval has been received from all governmental agencies having jurisdiction over mineral extraction. Each application shall be accompanied by completed forms as required by ORS 517.750 to 517.900.

- (B) 1. All surface mining uses that have previously been approved pursuant to Sections 5.412(v) and 5.430, may continue to operate without the necessity of conforming to the requirements of this Ordinance, provided, however, that the previously approved uses continue to comply with the following requirements:
- (a) No production from an open pit or the removal of sand or gravel shall leave a slope exceeding one (1) foot horizontal for one (1) foot vertical.
 - (b) No mining, quarrying, excavating or processing of material shall be permitted closer than one hundred (100) feet from the boundaries of a Residential or Commercial district.
 - (c) Properties to be used for surface mining shall be enclosed on the boundaries by a sight obscuring fence, except for reasonable areas

of access and egress, as designated by the Board of Adjustment.

(d) No permanent structure, such as rock crusher, washer or sorter, shall be located closer than five hundred (500) feet from any district boundary.

(B) 2. All new applications for surface mining shall be required to conform to Section 7.5402.

Section 4. Adoption.

This ordinance, being necessary for the health, safety and welfare of the people of Multnomah County, shall take effect on the thirtieth day after its adoption pursuant to Section 5.50 of the Charter of Multnomah County.

ADOPTED this 19th day of December, 1974, being the date of its Second reading before the Board of County Commissioners of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

By M James Sloan
Chairman