

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS
2 FOR MULTNOMAH COUNTY, OREGON
3 ORDINANCE NO. 827
4

5 An Ordinance amending MCC 11.15 to clarify the regulation of mining conditional use permits
6 approved under time limit provisions previously deleted from the zoning code, in partial fulfillment of
7 Periodic Review Work Program tasks required to bring Multnomah County's land use program into
8 compliance with Statewide Planning Goal 5, and declaring an emergency.

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

10 Multnomah County Ordains as follows:
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12 Section I. Findings.

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

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

19 (C) On November 3, 1994 the Board of County Commissioners adopted Ordinance 804 which
20 amended the county zoning code (MCC 11.15) to provide clear standards to protect mining operations
21 from future conflicts while providing for standards applicable to mining that will reduce the impacts of
22 mining on surrounding land uses.

23 (D) A part of those code amendments was the elimination of a time limit standard for future
24 mining conditional use permit approvals (MCC 11.15.7330 "Time Limit" was deleted). The purpose of
25 this ordinance is to clarify the status of those conditional use permits approved under those time limit
26 provisions that are no longer in the code and allow for the currently unexpired permit to mine aggregate

1 site #4, (Angell Brothers) to remain in effect until unresolved Goal 5 issues raised by LCDC are com-
2 pleted for the site and there is time for the property owner/operator to apply for, and the county to per-
3 form, conditional use review under the new standards before the permit expires.

4 (E) On July 10, 1995 the Planning Commission held a public hearing. A hearing before the
5 Board of County Commissioners followed on August 10, 1995. At each of the hearings all
6 interested persons were given an opportunity to appear and be heard.

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8 Section II. Amendment of Zoning Code.

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

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11 **Mineral Extraction CU**

12 * * *

13 **11.15.7335 Existing Operations**

14 (A) All mineral extraction uses that have been approved without a time limit under MCC .5575,
15 .5580, and .7305 through .7335, prior to July 26, 1979, shall continue to comply with the zoning
16 standards and conditions of approval imposed at the time of approval.

17 (B) Mineral extraction conditional use permits approved with a time limit under MCC .7305
18 through .7335, during the time period July 26, 1979 to December 2, 1994, shall be subject to the
19 zoning standards and conditions of approval imposed at the time of approval, including the
20 specified expiration date, except those permits that were valid on December 2, 1994 shall expire
21 two years after the Land Conservation and Development Commission has issued a Periodic
22 Review final order regarding the county's Statewide Planning Goal 5 analysis of Mineral and
23 Aggregate Inventory Site #4 (Angell Brothers).

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1 Section V. Adoption.

2 This ordinance, being necessary for the health, safety, and general welfare of the people of
3 Multnomah County, an emergency is declared and the ordinance shall take effect upon its execution by
4 the County Chair, pursuant to section 5.50 of the Charter of Multnomah County.

5 ADOPTED THIS 10th day of August, 1995, being the date of its first
6 reading before the Board of County Commissioners of Multnomah County.

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By Beverly Stein
Beverly Stein
Multnomah County Chair

18 REVIEWED:

19 JOHN DUBAY, CHIEF ASSISTANT COUNTY COUNSEL
20 for MULTNOMAH COUNTY, OREGON

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By John L. DuBay
John L. DuBay