

SECTION 10.0700

MINERAL AND AGGREGATE RESOURCE EXTRACTION

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General

10.0701 Resource Utilization Permits for Mineral and Aggregate Resource Extraction

- A. No surface mining operation for mineral or aggregate resources requiring an operating permit, as provided in ORS 517.790, or expansion of any such existing operation, may be undertaken prior to issuance of a development permit for resource utilization. For purposes of this section, expansion shall mean lateral expansion consequential to surface mining into land surfaces previously not affected by surface mining. Land surfaces affected by surface mining shall be considered to be those areas disturbed by excavation or other means during any stage of mineral or aggregate production, or the covering of any land surface by surface mining refuse.
- B. An application for a development permit for resource utilization shall be processed under a Type III procedure.

10.0702 Required Information for Review Purposes

A development permit for resource utilization shall be required for establishment or expansion of a mineral or aggregate resource extraction operation, as provided in **Section 10.0711**. In preparing an application for a permit, the following materials shall be submitted:

- A. Design Review data as specified in **Article 7**;
- B. A reclamation plan, prepared in conformance with requirements of the State Department of Geology and Mineral Industries.
- C. Narrative materials addressing the criteria of **Section 10.0711** and containing, in addition, a description of conflicting uses identified in connection with the operation and an analysis of the economic, social, environmental, and energy consequences of carrying out resource extraction as proposed.
- D. Additional data which may be required by the Manager for the purpose of evaluating the impacts of the proposed development on adjacent properties, public facilities, and existing natural features.

Standards

10.0710 Standards for Mineral and Aggregate Resource Extraction

- A. A strip of land at the existing topographical level, and not less than 15 feet in width, shall be retained around the perimeter of that portion of the site for which a reclamation plan has been prepared in conformance with requirements of the State Department of Geology and Mineral Industries. When any portion of the perimeter strip lies within 500 feet of a public street right-of-way or property which is not under the ownership of the applicant, that portion of the perimeter strip shall be landscaped in accordance with **Section 9.0110**.
- B. Principal access to the site shall be from principal arterials, major arterials, and minor arterial streets wherever possible. Direct access to the site from neighborhood collectors, local streets, and cul-de-sacs shall not be permitted.
- C. Fencing shall be placed on the site to prevent unauthorized access to open pit areas. Such fencing shall be of chain-link type, no less than 6 feet in height.
- D. Conformance with all applicable standards of the State Department of Geology and Mineral Industries for Mined Land Reclamation Permits shall be demonstrated.

10.0711 Development Permit Requirements for Resource Utilization

A development permit application for resource utilization shall be accompanied by a reclamation plan prepared in conformance with requirements of the State Department of Geology and Mineral Industries for surface mining operations. In acting to approve issuance of the development permit, the hearing body may attach conditions as necessary to mitigate adverse impacts associated with operation of the surface mine. A development permit for resource utilization shall be issued only upon finding compliance with the following criteria:

- A. The proposed development will be adequately screened from adjacent properties and rights-of-way, and will not impose adverse impacts on public facilities or sites listed in the Inventory of Significant Natural Resources and Open Spaces; or that adequate measures will be implemented to mitigate identified adverse impacts.
- B. Mineral or aggregate resources to be extracted are shown to be present in sufficient quantities and are of sufficient importance to the development of the community so as to outweigh identified adverse impacts.
- C. Appropriate provisions have been made for reclamation of the site, in conformance with requirements of the State Department of Geology and Mineral Industries.