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SEP 29 2003

UMATILLA COUNTY BOARD OF COMMISSIONERS OF UMATILLA COUNTY
RECORDS

STATE OF OREGON

In the Matter of Amending)	
Ordinance No. 83-04, codified)	ORDINANCE NO. 2003-14
in Chapter 152, County Land)	
Development Ordinance, to)	
Amend Aggregate Resource)	
Overlay Zone)	

WHEREAS the Board of Commissioners has ordained Ordinance No. 83-04, adopting the County Land Development Ordinance, and codified as Chapter 152 of the Umatilla County Code of Ordinances;

WHEREAS the Oregon Department of Transportation has requested that the provisions of the Aggregate Resource Overlay Zone be amended to comply with OAR 660-023-0180;

WHEREAS it is also desirous to allow for the processing of on-site aggregate as part of the overlay zone, rather than require a separate conditional use permit for such activity;

WHEREAS the Umatilla County Planning Commission held a public hearing on August 28, 2003 to review the proposed amendment and recommended that the Board of Commissioners adopt the amendment;

WHEREAS the Board of Commissioners held a public hearing on September 22, 2003, to consider the proposed amendment, and voted for the approval of the amendment.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains that §§152.003, 152.485, 152.486, 152.487, and 152.488 of the County Land Development Ordinance, No. 83-04, passed May 9, 1984, be amended to read as follows (changes italicized):

§152.003 DEFINITIONS.

Portland cement concrete located within the operating permit areas.

PROCESSING. Processing relating to aggregate operations, includes, but is not limited to, crushing, washing, milling and screening as well as the batching and blending of mineral aggregate into asphalt and

**AR RESOURCE AGGREGATE
OVERLAY ZONE**

§152.485 PURPOSE.

The purpose of the AR Aggregate Resource Overlay Zone is to allow for the utilization of known aggregate resources in a manner that is consistent with the County Comprehensive Plan and allows the greatest flexibility to aggregate producers. The overlay zone is to provide for alternatives for the extraction *and processing* of aggregate resources where there will be a minimum of conflicts between existing uses, without requiring a public hearing for each use.

§152.486 APPLICABILITY.

The AR Overlay Zone may apply to an area where aggregate extraction *and processing* is to occur upon the request of a landowner or the county to the Planning Commission. Upon receipt of a request for an AR Overlay, the Planning Commission shall hold a public hearing within 40 days pursuant to §152.771 if the AR Overlay is an appropriate overlay for the area requested. *The AR Overlay Zone does not allow processing of aggregate extracted at another site. Processing of aggregate from another site may be permitted with a Conditional Use Permit.*

**§152.487 CRITERIA FOR
ESTABLISHING AR OVERLAY ZONE.**

(A) At the public hearing the Planning Commission shall determine if the following criteria can be met:

(1) The proposed overlay would be compatible with the Comprehensive Plan;

(2) There is sufficient information supplied by the applicant to show that there exists quantities of aggregate material that would warrant the overlay;

(3) The proposed overlay is located at least 1,000 feet from properties zoned for residential use or designated on the Comprehensive Plan for residential;

(4) Adequate screening, either natural or man-made, is available for protecting the site from surrounding land uses.

(5) *The site complies with Oregon Administrative Rules (OAR) 660-023-0180.*

(B) If the Planning Commission finds that the proposed site meets all of the above criteria, it shall approve the AR Overlay.

§152.488 MINING REQUIREMENTS.

(A) All work done in an AR Overlay Zone shall conform to the requirements of the *Department of Geology and Mineral Industries* or its successor, or the applicable state statutes.

(B) In addition to those requirements, an aggregate operation shall comply with the following standards:

(1) For each operation conducted in an AR Overlay Zone the applicant shall provide the Planning Department with a copy of the reclamation plan that is to be submitted under the county's reclamation ordinance;

(2) Extraction and sedimentation ponds shall not be allowed *within* 25 feet of a public road *or within* 100 feet from a dwelling, unless the extraction is into an area that

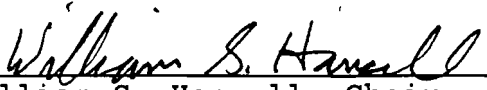
is above the grade of the road, then extraction may occur to the property line;

(3) Processing equipment shall not be operated within 500 feet of an existing dwelling at the time of the application of the overlay zone. Dwellings built after an AR Overlay Zone is applied shall not be used when computing this setback.

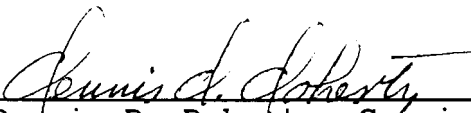
(4) All access roads shall be arranged in such a manner as to minimize traffic danger, nuisance to surrounding properties and eliminate dust.

DATED this 22nd day of September, 2003.

UMATILLA COUNTY BOARD OF COMMISSIONERS



William S. Hansell, Chair



Dennis D. Doherty, Commissioner



Emile M. Holeman, Commissioner



ATTEST:
OFFICE OF COUNTY RECORDS



Records Officer

