

82-405

FOR THE COUNTY OF YAMHILL

SEP 1 11 37 AM '82

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

CHARLES STERN
COUNTY CLERK
DEPUTY

In the Matter of an Amendment to)
the Yamhill County Comprehensive)
Plan, 1974, Ordinance No. 62, as)
Amended by Ordinance Nos. 203,)
206, 233 and 234 Establishing)
Revised Goals and Policies Rela-)
ting to Mineral Resources,)
Superceding Prior Goals and)
Policies.)

ORDINANCE NO. 301

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON, (the Board), on the 1st day of September, 1982, sat for the transaction of County business, Commissioners Ted Lopuszynski, Colin Armstrong and Robin Hamblet being present.

WHEREAS, the Board enacted the Yamhill County Comprehensive Plan, Ordinance No. 62, 1974, on the 25th day of September, 1974; and

WHEREAS, said Comprehensive Plan was amended and revised by Ordinance Nos. 203, 206, 233 and 234 (the Plan), and the Plan as amended and revised was acknowledged by the Land Conservation and Development Commission as being in compliance with the State-wide planning goals on June 5, 1980; and

WHEREAS, as part of Yamhill County's plan update process, review of plan policies relating to Mineral Resources was commenced on December 3, 1980 by the appointment of a Yamhill County Mineral Aggregate Task Force, which Task Force reported their recommendations on June 18, 1981; and

WHEREAS, said Task Force report was reviewed by the County Planning Advisory Committees and the County Planning Commission; and

WHEREAS, said review established the need for further citizen input and on October 21, 1981 a Mineral Resource Committee was established, which Committee issued their majority and minority report on January 6, 1982; and

WHEREAS, said report was considered by the Yamhill County Planning Commission on March 18, 1982, April 1, 1982, April 15, 1982, May 20, 1982, June 3, 1982, June 17, 1982, July 1, 1982 and on July 15, 1982, said Commission recommended the amendment of the Plan as set forth in the record before the Board; and

WHEREAS, the Board met on August 11, 1982, August 18, 1982 and August 25, 1982, to receive public testimony, review the reports of the Mineral Resource Committee and the Mineral Aggregate Task Force, review the record and consider the recommendation of the Planning Commission; and

WHEREAS, the record establishes that mineral aggregate resources are a vital element in the construction of roads, dams, homes, buildings, etc. and that the cost of mineral aggregate resources is directly related to the proximity of the resource to the ultimate user, thereby making mineral aggregate resources an important resource to the citizens of the County, which importance is set forth by the amendments to the Plan provided for in this Ordinance; and

WHEREAS, the record establishes that the greatest danger to continued utilization of mineral aggregate resources comes from the encroachment of urban and rural residential uses, which as in the example of the Muhs Quarry result in pressure upon the quarry operator to restrict or cease his extraction activities; which danger is alleviated by the amendments provided for in this Ordinance recognizing the separation of the two uses and minimizing future conflicts; and

WHEREAS, the record establishes that mineral aggregate resources often occur on lands which are also agricultural or forestry resource lands, requiring a balancing of competing resource uses, which balancing is provided for with the policy criteria in this Ordinance, and with the reclamation policy in this Ordinance; and

WHEREAS, LCDC has amended Statewide Goal #5 since the acknowledgement of the Plan, which amendment requires a conflict resolution policy for resolving conflicts between competing resource uses, which conflict resolution policy is contained within this Ordinance; and

WHEREAS, based upon the record the Board has determined that this Ordinance complies with the applicable Statewide goals by providing a means of conflict resolution, reclamation policy, and protection of the mineral/aggregate resource from rural and urban uses; NOW, THEREFORE,

THE BOARD OF COMMISSIONERS FOR YAMHILL COUNTY ORDAINS AS FOLLOWS:

SECTION 1. The text, goals and policies attached hereto as Exhibits "A" and "B" which by this reference are made a part hereof, are hereby adopted by the Board and made a part of the Plan. The text, goals and policies as set forth in Exhibits "A" and "B" shall be in place of and supercede the existing text, goals and policies of the Plan relating to Mineral Resources.

SECTION 2. This ordinance shall be effective upon passage hereof.

APPROVED and Adopted this 1st day of September, 1982, at McMinnville, Oregon.

ATTEST:

CHARLES STERN
County Clerk

by: Elaine Pearcey
Elaine Pearcey, Deputy

YAMHILL COUNTY BOARD OF COMMISSIONERS

Ted Lopuszynski
Chairman TED LOPUSZYNSKI

Robin J. Hamblet
Commissioner ROBIN J. HAMBLET

Colin Armstrong
Commissioner COLIN ARMSTRONG

APPROVED AS TO FORM :

for by: Daryl S. Garrettson
DARYL S. GARRETTSON
County Counsel

EXHIBIT "A"
Textual Amendments to the
Yamhill County Comprehensive Plan, 1974

MINERAL RESOURCES

Mineral and aggregate resources are important considerations in the resource management program of Yamhill County. The chief commercial mineral resources consist of clay, sand, gravel and stone. Since the status of other mineral resources besides rock derivatives is yet unknown, mineral aggregate resources are the primary consideration in the County's mineral resource management program at this time. Future mining exploration may reveal other underground assets, such as natural gas--now in production in Columbia County, or geothermal, coal, nickel and other heavy minerals.

Aggregate materials are a finite resource essential to building and construction in Yamhill County. Most of the material is used in public and private road construction, and as concrete for residential, industrial, commercial and public building projects. As urban and rural development continues, there will be an increased demand for aggregate materials within the County and throughout the region.

Geographic location of the rock resources is significant, since usable and economically minable rock does not occur everywhere. Good quality aggregate has only been found in the few areas where it is revealed by geologic conditions. It is composed of hard volcanic rocks--basalt and andesite, which occur in the form of river sand and gravels, intrusive bedrocks, and basaltic caps. The most significant sand and gravel deposits are found along the Willamette River, with other gravel sites occurring along the South Yamhill River in the Sheridan-Ballston area.

The most critical stone sources are found in the intrusive basalts in the Northwest portion of the County; and in the basalt caps of Chehalem and Parrett Mountains, the Red Hills of Dundee

and the Amity-Eola Hills. In these areas, rock material is exposed or near enough to the surface to be economically extracted. As shown on the quarry sites map of Yamhill County, the majority of existing quarries are found in these areas.

In addition to these sites, a number of small quarries--many of which are either dormant or operated only intermittently--are located in the foothills of the Coast Range, from Pike to Grand Ronde Agency. The aggregate forms from this area are generally of lower quality since the material is predominantly marine sediments, softer and less durable in most applications. While the County contains several square miles of good quality basalt, a very small portion is presently tapped. Most of the quarries are surrounded by agricultural and forestry uses. Quarries are most commonly overlain by Class III and IV agricultural soils; however, the overburden is ordinarily thin enough to permit economic aggregate extraction.

Aggregate extraction as a land-based resource activity is a vital land use issue. One of the most difficult problems associated with aggregate operations is their conflict with urban and rural development interests. Often new homes are built near existing quarry operations and complaints of noise, unsightliness, truck traffic and other environmental concerns occur. This may result in court action taken against the quarry operator to limit or stop aggregate production from the site. Presently, the greatest potential for land use conflict in Yamhill County is on natural resource lands where there is a strong interest in developing rural residential homesites.

Conflicts can also occur between competing resource activities on a property. In some areas, aggregate resources may occur on prime farm or forest lands. The mining of the rock resource could result in the loss of important crop production on these properties. Where this is the case, careful consideration of the relative importance of the competing uses must be made.

One of the main purposes of land use planning is to separate conflicting land use activities. Aggregate must be considered and treated as an important resource. To help assure the continued availability of aggregate resources, sites must be protected from present and future conflicting uses. Conversely, established urban and rural development interests must also be protected from the adverse impact of quarry operations.

The Yamhill Comprehensive Plan emphasizes urban lands as the chief development areas in the county. Beyond urban growth boundaries, the reverse is true. On rural lands emphasis is given

to resource management. Non-resource development interests are considered intrusions. The exception to this principle is where rural areas are identified on the Comprehensive Plan for future residential, commercial and public facilities development. Where areas of recognized urban-type development occur, care must be exercised in the location and operation of nearby quarry sites. It is important to develop procedures to avoid conflicts.

Generally, the best method for protecting future aggregate resource availability is to apply the Comprehensive Plan designations of Agriculture/Forestry, Heavy Industrial or Quarry to aggregate sites. Moreover, a mineral extraction zone should be placed on appropriate existing sites to minimize interference with their operations. In doing so it is understood that basic performance and siting standards for quarry operations are included in the County's Mineral Resource zone.

The lands along the Willamette River containing aggregate resources are of special concern. State Willamette River Greenway Goal 15 requires the County to review all extraction operations to assure consistency with the interests of the Greenway program. Presently, the County Zoning Ordinance controls operations through a conditional use permit procedure, such as the review of dredging operations in the channel. Dredging review is specified in the County's Floodplain Ordinance.

A negative aspect of quarry operation is improper reclamation which results in hazards such as steep cliffs or deep water, found especially in abandoned quarry sites. Often rock material has been mined with no thought to environmental protection or rehabilitation of the site.

In 1971 State law authorized the issuance of surface mining permits by DOGAMI. At that time, DOGAMI made surveys of each mining area, and issued permits if over 2500 cubic yards of material were anticipated to be extracted per year. A performance bond and a reclamation plan were required. Limited exemptions from reclamation were issued to many operators if they had prior mining activity or if they had a valid contract signed prior to July 1, 1971. The purpose of the DOGAMI surface mining permit is to assure that surface land is reclaimed and that operators are bonded; local input concerning the reclamation plan may be offered. Legislative changes in 1981 make surface mining permits required for activities that affect one acre or where more than 5,000 cubic yards is mined in one calendar year. Regardless of past exemption status, expansion activity fitting the above now requires a reclamation plan. In coordination with the DOGAMI permit, Yamhill County has required that reclamation plans be

submitted with each zone change request to MR. Reasonable, workable reclamation plans will help minimize adverse community attitude about quarries, while resulting in safe and reusable parcels in the future.

As the need arises, it will be necessary to review applications for new sites. Specific site evaluation criteria will be developed for such review. The geologic map of the County will show the general resource potential areas. From this site criteria can then be used to evaluate proposals for Plan-designations of Quarry and zone changes to the Mineral Resource (MR) zone.

More extensive use of the County's MR zone must include some minimum safeguards. It is necessary to adopt standards for mine and quarry operations, site design, setbacks and environmental protection as part of the MR zone. These standards help minimize conflicts with existing and future adjacent uses. Limitations on setbacks and land uses may also be applied to adjacent lands to avoid future conflicts with extraction operations and maximize resource utilization.

EXHIBIT "B"
Textual Amendments to the
Yamhill County Comprehensive Plan, 1974 and to
Revised Goals and Policies, Ordinance 206, 1979

MINERAL RESOURCES

Mining activity in Yamhill County has historically and almost exclusively focused on extraction of aggregate construction materials. The County's known commercial mineral resources are of rock derivatives, such as sand, gravel, clay and stone, and form the backbone of the County's present mineral industries. In response to the determined quest for new energy and mineral sources, inspection of the County's as-yet undiscovered mineral potential is quietly but earnestly underway. While discovery of heavy non-aggregates such as coal, nickel and certain other minerals is not anticipated, they are not ruled out. Meanwhile exploration for the more probable resources is gaining momentum.

Oil and natural gas mining right leases are being obtained by industrial interests; this activity is most pronounced on private lands in the Chehalem Mountains and on Parrett Mountain. The Bureau of Land Management is leasing its lands in Yamhill County for mining resource exploration. To what degree natural gas will become an important energy source is still unknown. Geothermal capability may exist in the County's underlying volcanic structure, possibly along the Coast Range.

It is therefore the goal of Yamhill County:

To protect mineral deposits from urban encroachment, provided that such deposits are not located on land identified for urban and rural residential development by the Comprehensive Plan and Plan Map; to ensure that all extraction of mineral resources takes place under conditions which foster compatibility with existing surrounding land uses; and to provide for the restoration of extraction sites for future agriculture, open space, recreational or other appropriate uses.

Mineral Aggregate

Yamhill County's construction aggregate resources are finite. Sand and gravel bars no longer replenish themselves as quickly as before. Urban development has encroached upon some existing and potential quarry sites. In recognition of this, state law passed in 1969 stated that counties should consider zoning "lands that are, can or should be utilized for sources or processing of mineral aggregates."⁴⁶ Statewide Land Use Goal 5 furthers this concept by requiring that local jurisdictions inventory the location, quantity and quality of mineral and aggregate resources. The inventory is a base from which a program is developed to "protect....natural resources for future generations."^{46a}

While the mineral aggregate resource is essential to meet construction needs, extraction and processing activities may become a nuisance if located close to residential development. Abandoned quarry sites can leave scarred land, which when left untreated, is poorly suited for other land uses.

The following policy is adopted to complement the County's mineral resource goal:

Mineral and aggregate resources will be recognized as a nonrenewable resource important to the growth and development of the County and of the surrounding region.

Quarries operate throughout the County. As sites are depleted, new extraction sites will be needed. The availability and cost of rock materials will depend on both the operation of existing and on new extraction and processing sites. Therefore, a clear public need exists to identify and protect aggregate resource lands for present and future use.

In an effort to assure continued availability of aggregate resources, the following policy is adopted:

Yamhill County will continue to cooperate with state and federal agencies within the region to identify lands that are, can or should be utilized for sources or processing of mineral aggregates; will determine present and future needs; and will formulate and implement necessary measures for the protection of such sources or sites; and sites that are found to be compatible with the Plan goals will be recognized through appropriate plan designations and zone districts on the Plan and Zone Maps.

As has been pointed out by the hearings on the County quarry site inventory, a great potential for land use conflict in Yamhill County exists between aggregate extraction and nearby urban or rural residential development and some specialized agricultural enterprises. MR zones must carry safeguards. Adoption of standards for mine operation, site design, setbacks and environmental protection will be a necessary part of the MR zone. These standards will help eliminate conflicts with existing and future adjacent uses.

Special problems are presented by dormant quarries in or adjacent to developing urban and rural residential areas when operators seek to renew extraction activities. A court injunction declaring the operation a nuisance can effectively force its closure. Recognizing both the positive importance of the resource; and the negative nuisance threat to the neighbors, site operation conditions will be established for quarries in residential areas. The revised zoning ordinance will differentiate between sites for extraction only and sites for both extraction and processing; it will regulate the operations accordingly. Zoning regulations will also require substantial setbacks, appropriate screen planting, and other measures which would make rock extraction and processing as compatible as possible with rural or urban development.

⁴⁶Oregon Revised Statutes, Ch. 215, Sec. 055(2).

^{46a}Oregon Revised Statutes, Ch. 197.225.

Because Yamhill County recognizes the potential for incompatible uses, the following policies are adopted:

Areas designated by the Comprehensive Plan for urban and rural residential development or other conflicting uses will continue to be protected from incompatible mining activities through appropriate zoning and review measures.

Areas designated by the Comprehensive Plan for mineral resources will continue to be protected from incompatible urban and rural residential development and other conflicting uses through appropriate zoning and review measures. If such development is approved, adequate setbacks and use limitations will be applied to the development to minimize conflicts with adjacent future mining operations.

Because sometimes the conflict is between the use of alternate resources on the same site, the following policy is adopted:

Where a property has been identified as having important mineral and aggregate resources and is identified as farm or forest land in the Comprehensive Plan, and conflicts exist between competing uses, consideration of the economic, social, environmental and energy consequences shall be a part of the aggregate site designation and zoning process.

One type of resource conflict occurs on lands along the Willamette River containing aggregate resources. State Willamette River Greenway law requires County review of all extraction operations within the Greenway to assure consistency with Greenway interests, review for proposed aggregate extraction operations is established under the County's Zoning Ordinance No. 83, as amended. Review of dredging operations in the river's channel is under the County's Floodplain Ordinance, both through conditional use and permitted use procedures.

Finally, in conjunction with Countywide concern about water quality, the following two policies are adopted:

All requests for operation within any stream bed will require the approval of appropriate governmental agencies.

Operating standards adopted for mineral resource sites will be designed to the greatest extent possible to protect air and water quality, soil resources and natural vegetation from deterioration or irreparable environmental damage.

Geothermal, Natural Gas, Petroleum and Coal.

As has been previously discussed, exploration for heavy metals and minerals is coming to Oregon, and to Yamhill County. This exploration will be on a scale new to the landscape and County residents. Neither the state nor the County is prepared for the potential dislocations of heavy mining activities; and provision for major expansion of mining activities has not yet been made.

Until now, the state has been relatively isolated from concentrated energy exploration. An awakening awareness in mineral excavation on state lands has generated interest in developing legislation addressing the siting of these enterprises, their regulation and their eventual reclamation.

At this time, the Yamhill County MR zoning regulates mineral aggregate resources as permitted uses, but other mining activities are designated conditional uses. Listed as conditional uses are petroleum and natural gas extraction; precious metal extraction, processing and stockpiling; coal extraction, processing and stockpiling; and storage of products manufactured on the site from the extracted material.

⁴⁷Oregon, Revised Statutes, Ch. 517, Sect. 750-900

It is a second goal of Yamhill County:

To ensure that irreparable environmental damage or the creation of safety hazards does not result from mining, quarrying or extractive activities; and to ensure that reclamation of mining, quarrying and extraction sites is accomplished according to an approved reclamation plan.

To implement this goal, the following two policies are adopted:

All requests for mining, quarrying and extractive operations will be required to prepare and submit detailed plans of the site operation and plans for reclamation to ensure proper continued operation and final closure of the development. Approval of the request may occur only after the posting of all necessary performance bonds and submittal of all applicable plans.

Yamhill County will cooperate with state regulatory agencies in support of the reclamation or restoration of all lands subject to mining, quarrying and extractive activities; and assurance will be required at the outset of the development by the posting of adequate performance bonds.

The Mined Land Reclamation Act⁴⁷ provides some assurance that mined lands will be restored for other uses. In coordination with state law, Yamhill County requires submission of a reclamation plan with each aggregate extraction permit application. Successful reclamation of depleted mining sites helps minimize adverse community attitudes about rock quarries, while resulting in safe and reusable land. Additional regulatory measures to supplement State legislation may be adopted at the County level.

Other than conditional use provisions, no overall guidance for major new mining activities has been developed. Nor do standards and specific regulations for each of the possible mined materials exist. Current reclamation laws have been written to deal primarily with quarry and sand and gravel operations, and are considered inadequate for heavy mining operations.

Yamhill County will follow with interest any state activity regarding heavy mining. County regulations will be established in conjunction with what the State of Oregon enacts and also with local concerns in mind.