

## SECTION 400 – NATURAL RESOURCE DISTRICTS

### 404. MINERAL RESOURCE DISTRICT (MR)

[Last Amended 5/24/12; Ord. 872]

#### 404.01 Purpose.

The purpose of the MR District is to provide for the development and utilization of identified deposits of mineral aggregate resource materials on land which is not identified for urban or rural residential use on the Comprehensive Plan; to provide for the exploration for, and the subsequent extraction and development of; identified deposits of geothermal resources and oil, gas and other hydrocarbon resources produced in liquid and gaseous form; to establish siting criteria and operating standards for mineral resources that minimize present and future on-site and off-site land use and environmental conflicts; and to provide for the timely and satisfactory reclamation of land used for mineral resource activity.

#### 404.02 Permitted Uses - MR-1.

In the MR-1 District, the following uses shall be permitted:

- A. Quarry or mining operations for the extraction of rock, clay, soil, sand and gravel;
- B. Exploration for oil, natural gas or geothermal resources;
- C. Rock crushing, washing or screening;
- D. Stockpiling of rock or earth products in conjunction with the operation of the mineral resource business on-site;
- E. Portable concrete batching or portable hot-mix batching plants;
- F. A dwelling for the owner, in conjunction with a permitted use as established by subsections 404.02 (I) and 404.02 (J);
- G. A dwelling and accessory structures for a caretaker or watchman in conjunction with the operation of a mineral resource business;
- H. Storage of heavy equipment in conjunction with the operation of the mineral resource business on-site;
- I. Farm uses;
- J. Propagation and harvesting of a forest product; and
- K. Manufacture and storage of brick and tile.

#### **404.03 Permitted Uses - MR-2.**

In the MR-2 District, the following uses shall be permitted:

- A. Quarry or mining operations for the extraction of rock, clay, soil, sand and gravel;
- B. Exploration for oil, natural gas or geothermal resources;
- C. Rock crushing, washing or screening;
- D. Stockpiling of rock or earth products in conjunction with the operation of the mineral resources business on-site;
- E. A dwelling for the owner, in conjunction with a permitted use as established by subsections 404.03(H) and 404.03 (I);
- F. A dwelling and accessory structures for the caretaker or watchman in conjunction with the operation of a mineral resource business;
- G. Storage of heavy equipment in conjunction with the operation of the mineral resource business on-site;
- H. Farm uses;
- I. Propagation and harvesting of a forest product; and
- J. Manufacture and storage of brick and tile.

#### **404.04 Conditional Uses.**

In the MR District, pursuant to the Type B application procedure set forth in Section 1301, and subject to the conditional use review criteria listed in Section 1202, and any other applicable criteria established by this Ordinance, the following uses may be allowed conditionally:

- A. Manufacture and storage of concrete and aggregate products such as preformed steps, beams, fences, vaults and similar products, provided that the aggregate needs are supplied from the same site where storage and manufacturing takes place;
- B. Extraction and development of oil, natural gas or geothermal resources, subject to the requirements of subsection 404.10;
- C. Coal and precious metals extraction, processing and stockpiling from the same site where extraction takes place;
- D. Any structure necessary and appurtenant to the above uses;
- E. Permanent concrete batching or hot-mix batching plants;
- F. The following additional use may be allowed conditionally in the MR-2 Districts.
  - 1. Portable concrete batching or portable hot-mix batching plants.

- G. Parks or playgrounds owned and operated by a governmental agency or a nonprofit community organization, subject to Section 1101, Site Design Review. [Added 5/28/97, Ord. 630]
- H. Commercial storage and distribution of explosives and related materials. [Added 6/14/01, Ord. 701]

**404.05 Prohibited Uses.**

Uses of land and water not specifically mentioned in this section are prohibited in the MR District. In order to preserve MR lands for mineral resource uses, residential subdivisions shall be prohibited; however, land divisions for purposes of conveyance of mineral resource operations shall be permitted.

**404.06 Standards and Limitations.**

In the MR District, the following standards and limitations shall apply:

- A. The minimum parcel size for a permitted or conditional use shall be five (5) acres.
- B. The maximum building height of any residential structure shall be thirty-five (35) feet and the maximum height of all other structures shall be sixty (60) feet.
- C. The minimum setbacks for all yards of a residential dwelling in the MR District shall be thirty (30) feet.

**404.07 Operating Standards.**

All mineral resource operations, either permitted or allowed by conditional use, shall conform to the following standards:

- A. Operating setbacks.
  - 1. Extraction shall not be conducted within twenty-five (25) feet of any non-mineral resource zoning district boundary; and shall not be conducted closer than five hundred (500) feet from any dwelling existing at the time of adoption of this Ordinance. [Amended 12/05/02; Ord. 720]
  - 2. Processing activities shall not be conducted within five hundred (500) feet of any LDR., VLDR or AF-10 zoning district boundary; or within two hundred fifty (250) feet of any other zoning district boundary. In no case shall processing and other processing-related activities be conducted closer than five hundred (500) feet from any dwelling existing at the time of adoption of this Ordinance.

- B. Screening.

Adequate screening with indigenous planting shall be preserved or established to block the view at the site from any public road, residential zoning district and from any existing dwelling located within one thousand (1000) feet of the site prior to establishment of the MR District. Existing trees and other natural vegetation shall be preserved and maintained at the perimeter of the site to provide screening. This landscaping, fencing for safety purposes, berms or other similar devices shall be submitted as a site plan for Commission approval.

- C. Environmental Standards.

1. All excavation, including blasting, processing, maintenance and truck traffic shall be conducted in a manner that minimizes the adverse effect to persons and activities on adjoining property due to noise, dust, odor, vibration or surface water pollution or erosion.
2. Any mining operation shall not exceed Department of Environmental Quality noise emission, air contamination and water quality standards. Additionally, appropriate federal environmental quality permits shall be obtained for each site.
3. Excavation which results in ponding shall be deep enough to prevent stagnation and development of mosquito-breeding areas or shall be backfilled with a material that will not impair groundwater quality.

D. Roadways.

In the MR District for all mineral resource sites approved by the Board, all access to a mineral resource site shall be by a route or routes approved by the Board and shall be constructed and maintained in such a manner as to eliminate, as far as practical, noise or dust which adversely affects persons living in the vicinity, or crops or livestock being raised in the vicinity.

E. Site Operation and Safety.

All excavation, processing and stockpiling of mineral resources shall take place under conditions which will provide for the reclamation of the site for future uses and will protect the safety of the public.

1. Blasting shall be restricted to the hours of 7:00 A.M. to 6:00 P.M. Monday through Saturday. No blasting shall occur on Sundays or holidays. In the event the operator cannot comply with this restriction due to unforeseen circumstances, the operator may exceed the limitations set forth above; provided that in no event shall the owner or operator blast outside the restrictions set forth above more than four (4) times in and one (1) calendar year..
2. Prior to a blasting operation, the operator shall be responsible for notifying adjacent property owners as to the date and approximate time of the blasting activity.

F. Land Reclamation.

1. Any parcel or site used as a mineral resource site for which a reclamation plan is required by the Department of Geology and Mineral Industries (DOGAMI) shall be reclaimed in accordance with the site operation and reclamation plan on file with and approved by the County.
2. The approved reclamation plan shall be implemented in accordance with a schedule contained therein showing the planned order and sequence of said reclamation.
3. The approved reclamation plan shall require all excavations to be backfilled, contoured or terraced or put to a use shown on the reclamation plan which is compatible with the final depth and slopes within the excavation site.
4. The approved reclamation plan shall require topsoil to be saved and stored in such a manner as to prevent erosion, and that said topsoil shall be replaced to at least the

depth of the original overburden, or to a depth adequate to achieve the approved reclamation use.

5. The approved reclamation plan may, in the County's discretion, provide for reclamation of portions of the site prior to total exhaustion of the resource found on the site.

G. Performance Agreement.

Pursuant to the requirements of this section and any conditions imposed hereunder, the applicant shall enter into a performance agreement with the County, using the applicant's performance agreement with DOGAMI as a minimum standard. Should the Board find that the DOGAMI performance agreement for a specific site is inadequate, the Board shall modify it accordingly.

**404.08 Application for Zone Change to MR District.**

In addition to the Type C Application procedure set forth in Section 1301, and subject to the amendment review criteria listed in Section 1207, application for an MR zone shall contain:

- A. The documentation, as applicable, required for any application for a site design review as set forth in Section 1101;
- B. Plans showing the location, area, dimensions, acreage and legal description of the parcel to be developed or used, together with north point, scale, date of application, and all intended uses, including estimates of the total volume of the resource to be mined and initial contours for the proposed site.
- C. Provisions for landscaping and screen-planting of all parts of the site;
- D. Provisions for preventing the collection and stagnation of water at all stages of the operation;
- E. Plans, profiles and cross-sections of all access roads; and
- F. Plans for the reclamation of the site.
- G. All plans prepared and submitted shall be prepared at a scale no smaller than one (1) inch to two hundred (200) feet, with five (5) foot contours, and such information shall be furnished for a distance beyond the site sufficient to determine the impact of the operation on adjacent and surrounding lands.

**404.09 MR Zone Change Criteria.**

Approval of a zone change to the MR District shall be based upon satisfactory compliance with the requirements set forth in Oregon Administrative Rule OAR 660-023-180. [Modified 5/24/12, Ord. 872]

**404.10 Oil, Natural Gas and Geothermal Exploration and Extraction.**

The purpose of this subsection shall be to provide for the exploration and extraction of oil, natural gas and geothermal resources and to establish criteria to assure that such activities have a minimal impact on land use activities permitted under this Ordinance.

The term exploration includes both non-surface and surface disturbance activities, such as sonar sightings and test drilling, necessary to locate potential resource sites.

The term extraction includes any excavation made for producing oil, natural gas and/or geothermal resources and also includes activities and structures ancillary to the extraction operation including, but not limited to, pumping facilities, storage tanks, pipelines, waste ponds and equipment sheds.

A. Application Procedure - Exploration Permit.

1. An application for the exploration of oil, natural gas and/or geothermal resources shall be prepared on an approved form available from the Department of Planning and Development. The applicant shall provide all information required under this section and any additional information deemed necessary by the Director.
2. An application for the exploration of oil, natural gas and/or geothermal resources shall be made by the mineral property owner or the lessee of the property, if the application also bears the signature of the mineral property owner.
3. The following information shall be included with the application for an exploration permit:
  - (a) A surface plat of the property to be explored;
  - (b) The approximate location of exploration points on the surface plat;
  - (c) A description of the type of equipment to be used during the exploration process; and
  - (d) Anticipated time frame for exploration.
4. For zoning districts in which exploration is allowed as a permitted use, the application shall be reviewed pursuant to the Type A application procedure set forth in Section 1301.
5. For zoning districts in which exploration is allowed as a conditional use, the application shall be reviewed pursuant to the Type B application procedure set forth in Section 1301 and the conditional use review criteria listed in Section 1202.
6. The application for an exploration permit shall be reviewed for compliance with the following criteria for approval:
  - (a) The parcel lies within appropriate zoning districts;
  - (b) The applicant has submitted all information required under this subsection;
  - (c) DOGAMI has issued an exploration permit for the operation (not required for seismic exploration);

- (d) The applicant has posted a performance bond, if required by the Director or the Road Department; and
  - (e) The applicant has demonstrated that the proposed location and method of exploration will have a minimal impact on adjacent land use activities.
7. If the applicant proposed to drill an exploration well, it shall be sited according to the set back standards outlined in subsection 404.10 (D)(1).
  8. If the Director determines that the applicant has satisfied the criteria noted above, the Director shall issue a one hundred twenty (120) day exploration permit. The Director may establish conditions of approval deemed necessary to carry out the intent of this Ordinance.
  9. At the discretion of the Director, the applicant may be required to file a performance bond to provide for the repair of any County roads which may be damaged or diminished in quality due to exploration activities. The amount of the performance bond shall be determined by the Road Department.
  10. Upon expiration of the exploration permit, all equipment and materials associated with the exploration operation shall be removed from the site and the site shall be reclaimed in accordance with DOGAMI standards. If the exploration is successful, the applicant may apply for an extraction permit.

**B. Application Procedure - Extraction Permit**

1. An application for the extraction of oil, natural gas and/or geothermal resources shall be processed as a conditional use permit pursuant to the type B application procedure set forth in Section 1301.
2. An application for the extraction of oil, natural gas and/or geothermal resources shall be made by the mineral property owner or the lessee of the property, if the application also bears the signature of the mineral property owner.
3. The following information shall be included with the conditional use permit application:
  - (a) An 8 ½ x 14 inch reproducible site plan which identifies the property under the applicant's control. The site plan shall include:
    - i. The location of areas proposed for extraction, materials storage and transmission;
    - ii. The location of all existing and proposed structures within five hundred (500) feet of the extraction site;
    - iii. The location of all existing and proposed roads to the property and extraction site; and
    - iv. The location of all wells and springs within five hundred (500) feet of the proposed extraction site.

- (b) Evidence of application to the Department of Geology and Mineral Industries for a permit to site and operate an oil, natural gas and/or geothermal extraction facility.
- (c) A reclamation plan which complies with the minimum standards promulgated and administered by DOGAMI.
- (d) A generalized project development timetable.
- (e) A generalized geologic and engineering presentation with sufficient data to indicate the presence of a viable resource.

C. Review Criteria.

The approval of a conditional use permit allowing the extraction of oil, natural gas and/or geothermal resources shall be based upon compliance with the conditional use review criteria listed in Section 1202 and the following criteria that:

- 1. That evidence is presented to demonstrate the presence of oil, natural gas and/or geothermal resources of sufficient quantity and quality to justify the extraction;
- 2. That the applicant has filed for an extraction permit from DOGAMI and all test and waste discharge operations have been filed with the Department of Environmental Quality (DEQ).
- 3. That the site development plan is designed to retain the maximum amount of productive resource land;
- 4. That the site development plan is designed to prevent disruption of irrigation and natural drainage patterns;
- 5. That access roads and other public facilities are adequate to support the extraction activity; and
- 6. That the extraction activity will be compatible with adjacent land uses.

D. Operating Standards.

- 1. The following minimum standards shall be observed in the siting of all exploration and extraction wells:
 

Outer boundary of parcel	100 feet
Surface waterway or well	250 feet
Public road	100 feet
Existing residence	500 feet
- 2. All equipment storage shall be set back a minimum of two hundred (200) feet from any existing dwelling or fifty (50) feet from any other boundary of the parcel.
- 3. All work in preparation of the site for drilling shall be conducted between the hours of 7 a.m. and 7 p.m.

4. Delivery or removal of equipment or materials shall be limited to the hours between 7 a.m. and 7 p.m., except in a case of emergency.
5. Unattended well sites shall be enclosed with a six (6) foot chain link fence with a locked gate.
6. All extraction operations shall be in compliance with state and federal standards on noise, vibrations and emissions.
7. Off-street parking shall be provided at a ratio of three (3) spaces per well site.
8. Light rays shall be directed or shielded to confine direct rays to the site.
9. The drilling site and access roads to the site shall be treated to reduce dust and mud.
10. Drilling may occur on a twenty four (24) hour basis if all of the above standards have been met.

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