

818 SURFACE MINING

818.01 — PURPOSE

~~Section 818 is adopted to~~

- ~~A. Provide that the usefulness, productivity and scenic values of all lands and water resources affected by surface mining operations within this County shall receive the greatest practical degree of protection during mining and through reclamation necessary for their intended subsequent use in cooperation with State programs; and~~
- ~~B. Assure that land affected by surface mining and reclaimed in a plan, approved by the State Department of Geology and Mineral Industries or Oregon Division of State Lands, in consultation with the County, minimizes any adverse impact on mined land on the livability, value and appropriate development of the affected land and adjacent property.~~

818.02 — APPLICABILITY

- ~~A. Section 818 applies to surface mining regulated by this Ordinance. A technical mining and reclamation permit may also be required from the Oregon Department of Geology and Mineral Industries or Oregon Division of State Lands, in consultation with the County.~~
- ~~B. Section 818 does not apply to operations within a road right-of-way or other easement for the purpose of construction, reconstruction, or maintenance.~~
- ~~C. Section 818 does not apply to excavations of sand, gravel, clay, rock, or other similar materials by a landowner or tenant for the purpose of construction, reconstruction, or maintenance of access roads, excavation or grading in the process of farming, forestry or cemetery operations, or other onsite construction unless more than 5,000 cubic yards of such materials are removed from the property for compensation. More than 5,000 cubic yards of such materials may be removed from the property for compensation when the construction activities are authorized by a building permit.~~

818.013 SUBMITTAL GENERAL APPLICATION REQUIREMENTS

~~In addition to the submittal requirements identified in Subsections 1203.02 and 1307.07(C), aAn application for a permit for surface mining shall includecontain the following information and whatever additional information necessary to adequately describe and evaluate the proposed operation;. Where required information is already available on an Oregon Department of Geology and Mineral Industries mined land reclamation permit application, a duplicate copy may be submitted to satisfy these general application requirements.~~

- ~~A. Name and address of the applicant, and the name and address of the landowner,~~

~~the owner of the surface estate, the operator and any parent corporation of the operator. If the applicant does not own the land on which the mining is to take place, the following shall be required:~~

- ~~1. Written consent of the owner of that land for the mining to take place there;~~
- ~~2. Written acknowledgment of the owner's obligation to see that the land is reclaimed after the mining ceases;~~

~~B. Legal description of the property to be mined.~~

~~C. Vertical aerial photograph of the property, to a scale of at least one inch to 400 feet, accurately representing the condition of the property at the time the application is made.~~

AD. Site plan, drawn ~~to a~~ at a scale ~~of not less than~~ of not less than one inch ~~equal to~~ equal to 600 feet, showing:

1. Lot lines, dimensions, and area of the subject ~~Property boundaries;~~
2. Location of all bodies of water, wetlands, roads, railroads, and utility facilities within or adjacent to the subject property;
3. Contour lines with intervals identified;
4. Locations and dimensions of existing and proposed ~~buildings and other~~ structures;
5. Location of existing and proposed ~~all driveways access roads, and~~ parking areas;
6. The boundaries of the mining site;
7. Areas for excavation;
8. Areas for processing and stockpiling;
9. Areas for settling ponds and washing plants; ~~and~~

BE. A description of t~~The present use of the~~ subject ~~property and the planned subsequent beneficial use;~~

CF. ~~The starting date of the mining and expected life of the mining operation;~~

DG. A description of each mineral to be mined and the estimated quantity to be extracted;

EH. A description of the mining methods and types of equipment to be used;

FI. The characterization of the ground~~water~~ and surface water based on available wells, drill logs, springs, and surface drainages within one mile of the proposed mining operation~~;~~.

GF. A surface water management plan to provide protection against contamination of ground-water and discharge of sediments into adjacent waterways. This plan must include provisions for settling ponds, diversion dikes, and channels, or other facilities as may be required~~;~~.

HK. An erosion control plan detailing ground cover plantings and other methods of controlling erosion of surfaces affected by the mining~~;~~.

IL. The procedures to control the discharge of contaminants and the disposal of mining refuse~~;~~.

~~M. Applications for non-aggregate mining shall include the following additional information if applicable:~~

- ~~1. Details of measures taken to conserve the quantity and quality of affected aquifers.~~
- ~~2. A description of any toxic or radioactive materials known to be present in the ore, spoil, tailings, overburden or any other material involved in the mining operation, and their approximate concentrations.~~
- ~~3. A description of how the toxic or radioactive materials described above will be handled during mining and reclamation.~~
- ~~4. Environmental baseline information as may be required by the County. A copy of any such information prepared for any other agency shall be furnished the county.~~

JN. ~~For reclamation, i~~dentification of ~~the~~ backfilling techniques, re~~_~~contouring, topsoil replacement, seedbed preparation, mulching, fertilizing, selection of plant species, seeding, ~~or~~ planting rates and schedules, and planned subsequent beneficial use of mined areas.

KO. The procedures for the salvage, storage, and replacement of topsoil or acceptable ~~alternativereplacement~~~~;~~.

LP. Identification of the procedures for the stable storage of overburden, ~~including which includes~~ a description of the pre-mine topography, method of emplacement, height of lifts, final height, slope configuration, and vegetative cover~~;~~ and

M. Applications for non-aggregate mining shall include the following additional information if applicable:

1. Details of measures taken to conserve the quantity and quality of affected aquifers;
2. A description of any toxic or radioactive materials known to be present in the ore, spoil, tailings, overburden, or any other material involved in the mining operation, and their approximate concentrations; and
3. A description of how any toxic or radioactive materials will be handled during mining and reclamation.

818.024 ~~GENERAL OPERATION REQUIREMENTS AND~~ STANDARDS

~~All~~ Surface mining shall comply with~~meet~~ the following ~~operational requirements and~~ standards:

- A. Access: An on-site access or service road used for mining shall be dust free at all points within 300 feet of an off-site~~public~~ road or off-site~~dwelling-off the property being mined~~. If the mining is the primary cause of traffic on an unpaved off-site~~public~~ road, that road shall be dust free at all points within 300 feet of off-site~~dwelling-off the property being mined~~.
- B. Screening: Screening of the mining site may be required to obscure the view or minimize dust or other annoyance ~~from adjoining property and adjacent public roads. Unless otherwise approved, the~~ If screening is required, it shall be done pursuant to Subsection 1009.04 along the boundary of the property on which the site is located and may be accomplished by one or more of the following:
 1. ~~A sight-obscuring fence or wall;~~
 2. ~~A landscaped berm or preservation of natural slope;~~
 3. ~~Use of native vegetation, or plants and trees with demonstrated ability to thrive under the anticipated conditions.~~
- C. Noise: Sound created by ~~the~~ mining operation ~~and which is~~ audible off the ~~subject property~~site shall not exceed the maximum permitted by the ~~Oregon State~~ Department of Environmental Quality (DEQ). Various methods of sound control may be required, such as installation of earth berms, strategic location of stockpiles, and limiting hours of operation.
- D. Air Quality: The discharge of contaminants created by the mining operation shall not exceed the DEQ air quality standards ~~for the State Department of Environmental Quality~~.
- E. ~~Erosion Control~~: ~~Sedimentation or erosion resulting from the mining operation shall not adversely affect the quality of any body of water, as determined on the basis of standards established by the State Department of Environmental Quality and the State Department of Geology and Mineral Industries. Erosion resulting~~

~~from the mining operation shall be contained within the permit area.~~

~~EF. Toxic Materials:~~ Toxic materials shall be handled in a manner ~~that~~^{which} prevents environmental degradation, ~~and ensures~~^{insures} the safety and health of persons involved in the mining and reclamation operations and the general public, and complies with the requirements of ~~applicable~~^{affected} state and federal agencies.

~~FG. Protection of Adjacent Land~~^{Setbacks}: Excavation shall be away from the ~~lot~~^{property} line a distance adequate to maintain a fence on the ~~lot~~^{property} line and such additional distance as is necessary to allow a normal safe angle of repose during operations, ~~ensure~~^{assure} lateral support of adjacent ~~lots~~^{property and public rights-of-way}, and provide the slopes identified in the reclamation plan for the depth of final excavation. Other provisions to ~~ensure~~^{assure} protection of ~~public and~~^{adjacent} ~~lots~~^{property and public rights-of-way} from steep banks, deep holes, or other hazards during the mining and reclamation phases shall be required as necessary. In addition, ~~the distance between the excavation and~~^{setbacks from} rivers, streams, lakes, and other bodies of water shall be adequate to maintain bank integrity and streamside vegetation. ~~These setbacks shall be identified in the reclamation plan.~~

~~H. Parking:~~ Vehicular parking off public roads shall be available for employees, customers and visitors at the mining site.

~~GI. Reclamation Plan:~~ Reclamation shall be ~~done~~^{effected} in accordance with a reclamation plan approved by the ~~Oregon~~^{State} Department of Geology and Mineral Industries, ~~and the subsequent beneficial use of mined areas shall comply with this Ordinance and or the Oregon Division of State Lands under Subsection 818.05.~~

~~J. Inspection/Violations:~~ If the County has reason to believe that a surface mining permit is being violated or that a surface mining operation is being conducted without a valid permit, it may inspect such surface mining areas without prior notice.

~~818.05 — RECLAMATION PLAN REQUIREMENTS AND STANDARDS~~

~~A plan for reclaiming land affected by surface mining, approved by the State Department of Geology and Mineral Industries or Oregon Division of State Lands, in consultation with the County, shall minimize any adverse impact of mined land on the livability, value, and appropriate development of the affected land and adjacent property. This plan shall include the reclamation information required in processing applications before State agencies.~~

[Amended by Ord. ZDO-248, 10/13/14]