

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.

818.03 GENERAL APPLICATION REQUIREMENTS

An application for a permit for surface mining shall contain 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.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- 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.
- D. Site plan drawn at a scale no smaller than one inch to 600 feet showing:
 - 1. Property boundaries;
 - 2. Location of all bodies of water, wetlands, roads, railroads, and utility facilities within or adjacent to the property;
 - 3. Contour intervals;
 - 4. Locations of buildings and other structures;
 - 5. Location of all access roads, parking;
 - 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
- E. The present use of the property and the planned subsequent beneficial use.
- F. The starting date of the mining and expected life of the mining operation.
- G. A description of each mineral to be mined and the estimated quantity to be extracted.
- H. A description of the mining methods and types of equipment to be used.
- I. The characterization of the ground and surface water based on available wells, drill logs, springs, and surface drainages within one mile of the proposed mining operation.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- J. 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.
- K. An erosion control plan detailing ground cover plantings and other methods of controlling erosion of surfaces affected by the mining.
- L. 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.
- N. Identification of the backfilling techniques, recontouring, topsoil replacement, seedbed preparation, mulching, fertilizing, selection of plant species, seeding, or planting rates and schedules.
- O. The procedures for the salvage, storage, and replacement of topsoil or acceptable replacement.
- P. Identification of the procedures for the stable storage of overburden which includes a description of the pre-mine topography, method of emplacement, height of lifts, final height, slope configuration, and vegetative cover.

818.04 GENERAL OPERATION REQUIREMENTS AND STANDARDS

All surface mining shall meet the following operational requirements and standards:

- A. Access: An onsite access or service road used for mining shall be dust free at all points within 300 feet of a public road or dwelling off the property being mined. If the mining is the primary cause of traffic on an unpaved public road, that road shall be dust free at all points within 300 feet of dwellings 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 screening shall be 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 a mining operation which is audible off the site shall not exceed the maximum permitted by the State Department of Environmental Quality. 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 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.
- F. Toxic Materials: Toxic materials shall be handled in a manner which prevents environmental degradation and insures the safety and health of persons involved in the mining and reclamation operations and the general public, and complies with the requirements of affected state and federal agencies.
- G. Setbacks: Excavation shall be away from the property line a distance adequate to maintain a fence on the property line and such additional distance as is necessary to allow a normal safe angle of repose during operations, assure lateral support of adjacent property, and provide the slopes identified in the reclamation plan for the depth of final excavation. Other provisions to assure protection of public and adjacent property from steep banks, deep holes, or other hazards during the mining and reclamation phases shall be required as necessary.
- In addition, 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.

- I. Reclamation Plan: Reclamation shall be effected in accordance with a reclamation plan approved by the State Department of Geology and Mineral Industries 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]