ARTICLE 8. SUPPLEMENTARY PROVISIONS

SECTION 8.010 – AUTHORIZATION OF SIMILAR USES

The Planning Director or the Planning Commission may permit in a particular zone a use not listed in this ordinance, provided the use is of the same general type as the uses permitted in a zone of this ordinance.
SECTION 8.020 ACCESS

A. Except as modified in this section, every lot shall abut a street, other than an alley, for at least 25 feet.

B. In the EFU and R-C zones, a lot may abut upon a private easement for a width of at least 25 feet provided that the Planning Director or the Planning Commission grants approval upon making a finding that the private easement is of adequate width, alignment, grade, and restricted length to afford the same degree of public safety as a public street and that unusual circumstances make extension of the public street system impractical.
SECTION 8.030 CLEAR VISION AREAS

A. In all zones, a clear-vision area shall be maintained on the corners of all property at the intersection of two roads, a road and a driveway, or a road and a railroad. A clear-vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding three and one-half feet (3½) in height, measured from the established road center line grade, except for authorized road signs and cyclone or other open construction fences which permit clear vision through the triangular area. Trees may be located in this area as long as all branches and foliage are removed to a height of eight (8) feet above the grade.

B. A clear-vision area shall consist of a triangular area, two sides of which are lot lines intersecting at the corner of the lot, and the third side of which is a line across the corner of the lot joining the non-intersection ends of the other two sides. For purposes of this section, lot lines shall be considered to be the edge of the right-of-way.

C. Any side of the triangular clear-vision area adjacent to a road, railroad, or access drive to a parking area shall be at least 30 feet. Any side of the clear-vision area adjacent to a residential driveway shall be at least 15 feet.
SECTION 8.040 – OUTDOOR LIGHTING STANDARDS

All outdoor lighting, including for accessory facilities and the lighting of commercial signs, shall comply with the following:

A. Any outdoor light shall be shielded to illuminate downward.

B. The outdoor light source (bulb or element) shall not be visible at or beyond the property line.

C. Outdoor lights shall not exceed the height limit of the zone where the light will be located.

D. Structures over 50 feet in height shall not be lighted unless required to be lighted by the Federal Aviation Administration (F.A.A.). Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.
SECTION 8.050 – SIGN REGULATIONS

The following regulations shall apply to any sign erected, moved, or altered after adoption of this Ordinance. Official traffic control signs and instruments of the state, county, or municipality are exempt from all provisions of this Section.

A. All outdoor advertising signs shall be in compliance with the provision of ORS Chapter 377 when applicable.

B. No outdoor advertising sign permitted by ORS 377 shall be erected within 100 feet of a residential dwelling without written consent of the owner and/or occupant of said dwelling.

C. No sign shall be placed in a manner that will interfere with visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.

D. No sign shall cause glare, distraction or other driving hazards, or by position, shape, color or other characteristic be similar to any traffic signal.

E. Light from a sign shall be directed away from roads and adjacent parcels. The light source shall be shielded to illuminate downward and the light source shall not be visible beyond the property line or parcel on which the sign is located. No sign may incorporate a bare incandescent bulb with wattage exceeding 20 watts, except as a shielded indirect light source. Illuminated signs require an electrical permit.

F. Sign structures may be placed within the required setbacks from property lines provided they comply with the vision clearance standards of Section 8.030, but may not be placed within or overhang a dedicated right-of-way unless a permit approving the location has been issued by the Oregon Department of Transportation or County Road Master.

G. No sign may be situated in a manner that results in the blanketing of an existing sign.

H. Prohibited Signs-The following types of signs are allowed in commercial, industrial and service community zones, but are prohibited in all other zones:

1. Moving or flashing signs or signs which incorporate video or fiber optic displays or other mediums that display changing or moving text or images.

2. Anchored balloon or other inflatable signs.

3. Roof-mounted signs.

I. Sign Size Standards

Sign area shall be calculated based on the overall dimensions of all panels that display messages. When the sign message is not mounted on a panel, the sign area shall be calculated by drawing a regular geometric shape around the message area. For signs that are incorporated into murals, awnings and similar architectural features, only the portion of the sign considered to contain a message will be calculated as sign area. Signs shall meet the following size standards:

1. Free-standing signs shall not exceed 35 feet or the height limit of the zone, whichever is less.
2. Signs mounted above an entrance to a building shall have a minimum ground clearance of eight feet.

3. Building-mounted signs shall not extend more than one foot above the exterior wall of the building.

4. Temporary signs that are 32 square feet or smaller are permitted in any zone.

5. In the Exclusive Farm Use zone, one or more signs with a combined total area not exceeding 32 square feet are permitted on any tract. No more than one free-standing sign is permitted per parcel.

6. In the Airport Development, Limited Industrial and General Industrial zones, one or more signs with a combined total area not exceeding 300 square feet are permitted on any parcel. No individual sign shall exceed 150 square feet in area. No more than one free-standing sign is permitted per parcel.

7. In all other zones not specified in subsection 6, one or more signs with a combined total area not exceeding eight square feet are permitted on any parcel.
SECTION 8.060 – GENERAL PROVISIONS REGARDING ACCESSORY USES

An accessory use shall comply with all requirements for a principal use, except as this ordinance specifically allows to the contrary, and shall comply with the following limitations:

A. A side yard or rear yard may be reduced to three feet for an accessory structure erected more than 65 feet from a street other than an alley, provided the structure is detached from other buildings by five feet or more and does not exceed a height of one story nor an area of 450 square feet.

B. Boats and trailers, travel trailers, pickup campers or coaches, motorized dwellings, and similar recreation equipment may be stored but not occupied on a lot as an accessory use to a dwelling in any zone provided that:

1. In an R-C and the R-R zone, parking or storage in a front yard or in a side yard abutting a street other than an alley shall be permitted only on a driveway.

2. Parking or storage shall be at least three (3) feet from an interior side lot line.
SECTION 8.070 – PROJECTIONS FROM BUILDINGS

Architectural features such as cornices, eaves, canopies, sun shades, gutters, chimneys, and flues shall not project more than three feet into a required yard.
SECTION 8.080 – GENERAL EXCEPTIONS TO LOT SIZE REQUIREMENTS

If a lot or the aggregate of contiguous lots held in a single ownership, as recorded in the office of the County Clerk at the time of the passage of this ordinance, has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone, provided that, if there is an area deficiency, residential use shall be limited to a single-family dwelling.
SECTION 8.090 – GENERAL EXCEPTIONS TO YARD REQUIREMENTS

The following exceptions to yard requirements are authorized for a lot in any zone:

A. If there are buildings on both abutting lots which are within 100 feet of the intervening lot, and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.

B. If there is a building on one abutting lot which is within 100 feet of the lot, and this building has a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth one-half way between the depth of the front yard of the abutting lot and the required front yard depth.
SECTION 8.100 – OFF-STREET PARKING REQUIREMENTS

At the time of construction, reconstruction, or enlargement of a structure, or at the time a use is changed in any zone, off-street parking spaces shall be provided as required in accordance with standards required below:

A. NUMBER OF PARKING SPACES REQUIRED

1. The minimum number of parking spaces required for various uses is shown in this section. Square feet specifications refer to the floor area of the building containing the use. In addition to these requirements, one space is required per employee working on the premises during the largest anticipated shift at peak season, including proprietors.

<table>
<thead>
<tr>
<th>USE</th>
<th>NUMBER OF SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>2 spaces per dwelling unit</td>
</tr>
<tr>
<td>Visitor-oriented Accommodations</td>
<td>1 space per guest unit</td>
</tr>
<tr>
<td>Nursing Home, Hospital</td>
<td>1 space per 3 beds</td>
</tr>
<tr>
<td>Retail store, general merchandise</td>
<td>1 space per 200 square feet</td>
</tr>
<tr>
<td>Retail store, bulk merchandise</td>
<td>1 space per 400 square feet</td>
</tr>
<tr>
<td>Eating and drinking establishment</td>
<td>1 space per 2 seats</td>
</tr>
<tr>
<td>Office, medical</td>
<td>1 space per 200 square feet</td>
</tr>
<tr>
<td>Office, financial and other businesses</td>
<td>1 space per 400 square feet</td>
</tr>
<tr>
<td>Industrial or manufacturing use</td>
<td>2 spaces</td>
</tr>
<tr>
<td>Public Assembly, church, meeting hall</td>
<td>1 space per 2 seats</td>
</tr>
<tr>
<td>Public Assembly, school</td>
<td>1 space per 4 feet of bleacher seating in gymnasium or ball field, whichever is greater</td>
</tr>
</tbody>
</table>

2. Parking requirements for uses not specified in (A) shall be based on the listed use that is most similar to the proposed use. If no use listed in (A) is similar to the proposed use, the applicant shall submit a parking study that includes an estimate of the parking demand based on recommendations of the Institute of Traffic Engineers or similar data.

3. Accessible (ADA) parking spaces shall be provided in accordance with current state Structural Specialty Code and ODOT adopted standards.

4. In the event several uses occupy a single structure or parcel of land, the number of required spaces shall be the total of the requirements for all of the uses.

5. Uses that require more than ten parking spaces shall include an area designated for bicycle parking, with bike racks that will accommodate at least one bicycle for each ten vehicle parking spaces. The bicycle parking area may be in the same location as the vehicle parking spaces or may be located closer to the building entrance or use.

B. LOCATION OF OFF-STREET PARKING

1. Required parking spaces for residential uses shall be located on the same lot or parcel as the dwelling unit, but shall not be located in the front setback except within an approved driveway.

2. Parking spaces for non-residential uses may be located on a different lot or parcel than the use they will serve, subject to compliance with the following:
a. The parking area shall be within 500 feet, measured in a straight line, from the primary entrance of the building or use the parking area will serve.

b. The lot or parcel where the parking area will be located shall be in the same zone as the use that the parking area will serve, or may be in a different zone provided the use that the parking area will serve is permitted in that zone. Parking areas shall not be located in a zone that does not allow the use that the parking area will serve.

c. If the lot or parcel where the parking will be provided is under different ownership than the parcel on which the proposed use will be located, evidence shall be submitted that a written agreement, lease or contract authorizing the parking has been recorded in the County deed records. The contract shall specify the area that may be used for parking and contain provisions outlining responsibility for maintenance. The contract may not be terminated unless alternative parking in compliance with the requirements of this section is provided or the use that required the parking no longer exists.

d. Accessible (ADA) parking spaces may not be located off-site.

3. Parking spaces shall not be located in a clear-vision area or within an area that is required to be landscaped.

4. Parking within a public right-of-way is prohibited unless written approval from the County Road Master is submitted.

C. GENERAL STANDARDS

1. Joint Use of Facilities. The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by shared use of the same parking or loading spaces, provided the owners or operators of the uses, structures or parcels attest that their operations and parking needs do not overlap at any point of time. Shared parking spaces that are not on the same lot or parcel as all of the uses that will utilize the spaces shall meet the locational requirements of Section B.

2. Use of Parking Facilities. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business.

3. The minimum size of each parking space shall be 9’ x 15’.

4. All run-off generated by the parking area shall be collected and retained on-site. A drainage plan shall be submitted as part of a proposal for any parking area that will have an impervious surface and more than five spaces.

5. Any lighting used to illuminate off-street parking areas shall be arranged so that it will not project light rays directly upon any adjoining property in a residential zone.

6. Except for single-family and duplex dwellings, groups of more than three (3) parking spaces shall be so located and served by a driveway such that their use will require no backing movements or other maneuvering within a road or right-of-way other than an alley.
7. Areas used for parking and maneuvering of vehicles shall have a durable and dustless surface maintained adequately for all weather use, but not necessarily paved.

8. Except for parking to serve residential uses, parking and loading areas within residential zones or adjacent to residential uses shall be designed to minimize the disturbance of residents.

9. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

10. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. Service drives providing for two-way traffic shall be at least 20 feet in width if less than 500 feet in length, or 26 feet in width if more than 500 feet in length. The number of service drives shall be limited to the minimum that will accommodate and serve the traffic anticipated. Service drives shall be clearly and permanently marked and defined through the use of rails, fences, walls or other barriers or markers. Service drives to drive-in establishments shall be designed to avoid backing movements or other maneuvering within a road right-of-way, or stacking of vehicles within the right-of-way.

11. Service drives to parking areas shall have a minimum vision clearance area formed by the intersection of the driveway edge with the road right-of-way line and a straight line joining side lines through points thirty (30) feet from their intersection.

12. Parking areas adjacent to a property line shall be contained by a curb or bumper rail placed to prevent a motor vehicle from extending over an adjacent property line or into a road right-of-way.

13. Any parking area containing more than five spaces that will be located adjacent to a road shall include a landscaped strip at least five feet in width between the parking area and the property line abutting the road.
SECTION 8.110 – STREAM SETBACK REQUIREMENTS

All dwelling units and accessory structures shall be set back 100 feet from streams as identified on Sensitive Fish Species Map (Section 15 of Comprehensive Plan) to protect riparian habitat.
SECTION 8.120 – MANUFACTURED HOME CRITERIA

A. The manufactured home shall have been constructed after June 15, 1976, and meet the construction requirements of the Oregon Manufactured Home Law in effect at time of construction.

B. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.

C. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade.

D. The manufactured home shall have a pitched roof, which shall have a slope which is a nominal 3 feet in height for each 12 feet in width.

E. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential buildings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.
SECTION 8.130 – STANDARDS FOR USES IN EFU ZONE

A. FARM DWELLING STANDARDS

1. Dwellings customarily provided in conjunction with farm use as defined in ORS Chapter 215.203(2) must meet one of the following tests:

   a. **Test 1 – Minimum Size.** A dwelling may be considered customarily provided in conjunction with farm use if:

      (1) The parcel on which the dwelling will be located is at least 160 acres; and

      (2) The subject tract is currently employed for farm use, as defined in ORS 215.203, where the day-to-day activities on the subject land are principally directed to the farm use of the land; and

      (3) Except as permitted in ORS 215.283(1)(p)(1999 Edition), there is no other dwelling on the subject tract; and

      (4) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

      (5) The parcel is not considered high-value farmland.

   b. **Test 2 – Actual Income.** A dwelling may be considered customarily provided in conjunction with farm use if:

      (1) On a tract not defined as high-value farmland, the subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years the lower of the following:

         (a) At least $40,000 (1994 dollars) in gross annual income from the sale of farm products; or

         (b) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the County with gross annual sales of $10,000 or more according to the 1992 Census of Agriculture, Oregon; or

      (2) On a tract defined as high-value farmland, the subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced at least $80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years; and

      (3) Except as permitted in ORS 215.283, there is no other dwelling on the subject tract; and
(4) The dwelling will be occupied by the person or persons who produced the commodities which grossed the income; and in determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

c. **Test 3 – Production Capability.** On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

(1) The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least $10,000 in annual gross sales that are located within a study area that includes all tracts wholly or partially within one mile from the perimeter of the subject tract; and

(2) The subject tract is capable of producing at least the median level of annual gross sales of County indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in Subsection (1) of this section; and

(3) The subject tract is currently employed for a farm use, as defined in ORS 215.203, at a level capable of producing the annual gross sales required in Subsection (2) of this section; and

(4) the subject lot or parcel on which the dwelling is proposed is not less than 20 acres; and

(5) Except as permitted in ORS 215.283(1)(p) (1999 Edition) there is no other dwelling on the subject tract; and

(6) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

(7) If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required in Subsection (3) of this section; and

(8) In order to identify the commercial farm or ranch tracts to be used in subsection (1) of this section, the gross sales capability of each tract in the study area including the subject tract must be determined using the gross sales figures prepared by the county pursuant to subsection (3) of this section as follows:

(a) Identify the study area. This includes all the land in the tracts wholly or partially within one mile of the perimeter of the subject tract;

(b) Determine for each tract in the study area the number of acres in every land classification from the County Assessor’s data;

(c) Determine the potential earning capability for each tract by multiplying the number of acres in each land class by the gross sales per acre for each land class provided by the Commission pursuant to subsection (9) below. Add these to obtain the potential earning capability for each tract;

(d) Identify those tracts capable of grossing at least $10,000 based on data generated in subsection (c) above; and
(e) Determine the median size and median gross sales capability for those tracts capable of generating at least $10,000 in annual gross sales to use in subsections (2) and (3) above.

(9) The information utilized in addressing the criteria in Subsection (a) and (b) of this section will be provided in a technical memorandum utilizing formulas detailed in Chapter 660, Division 33. The technical memorandum is incorporated by reference herein and of this section will be provided in a technical memorandum utilizing formulas detailed in Oregon Administrative Rules will be appended to this Code as an Appendix.
SECTION 8.140 – SITE PLAN REVIEW

A. PURPOSE

The purpose of site plan review is to provide for administrative review of the design of certain developments and improvements in order to promote functional, safe, innovative and attractive site development that is compatible with the natural and man-made environment and is consistent with applicable requirements of this Ordinance.

B. PROCEDURE:

1. The requirements of this Section apply when site plan review is required for a use that is administratively or conditionally permitted in a zone. The requirements apply to new development; a change in use of an existing building; the addition of outdoor uses not previously reviewed, such as storage or parking; or an addition to an existing building of more than 500 square feet.

2. An application for site plan approval will be processed under the Administrative Review procedures of Section 11.090 unless it is submitted concurrently with an application that requires a higher level of review.

3. No building permit shall be issued until the site plan has been approved in accordance with this section and no certificate of occupancy shall be issued unless the development complies with the approved site plan and all conditions of approval.

4. Approval of a site plan shall be valid for two (2) years from the date of final approval. An extension may be granted by the Planning Director, for good cause, based upon a written request from the applicant made prior to the expiration of the original two year approval period. Notice of a decision to grant an extension shall be provided in accordance with Section 11.140. If construction is commenced by issuance of an approved building permit or the issuance of a development permit including for a mining operation, the site plan development permit shall stay in full force and effect. If not, the site plan approval shall expire.

5. Site Plan Review Committee-Approval Authority:

The Planning Director, County Building Official, Road Master and any fire district with jurisdiction over the property shall constitute the site plan review committee. This committee shall have the authority to review the tentative site plan for compliance with the requirements of this Ordinance, state and federal regulations, and may recommend that the application be modified, approved, approved with conditions, or denied.

6. An approved site plan may be amended through the same procedure as in the initial approval of such site plan; except, that minor alterations or modification to a previously approved site plan may be approved by the Planning Director; provided that, in the judgment of the Planning Director, such modifications or alterations do not represent deviations of a substantial nature.

C. APPLICATION REQUIREMENTS

An application for site plan review must include 3 copies of a tentative plan that includes the information listed below. Additional information may be required if requested by the Site Plan Review
Committee. The tentative plan must be clearly and legibly drawn on white paper to a standard engineer's scale (i.e., 1" = 100', 1" = 400' etc.). The scale used shall be large enough so that all required information is clearly legible. Separate sheets may be submitted showing different facets of the site plan, such as landscaping, parking, drainage, etc. The tentative plan must contain the following:

1. The words “Tentative Site Plan”, the property owner’s name, the township, range, section, and tax lot number of the property, the date, a north point, and the scale of the plan.

2. Lot dimensions and orientation.

3. The location, size and purpose of all existing and proposed easements.

4. The location of any proposed fire protection system, hydrants or water supply available for fighting fire.

5. Location and dimensions of all existing and proposed buildings and structures, with distances between buildings and setbacks from property lines clearly shown.

6. The location of all buildings and other development on abutting parcels that is within ten feet of the subject property.

7. Existing and proposed walls and fences; location, height and materials.

8. Off street parking and loading facilities, in accordance with Section 8.100, including:
   a. Location, dimensions and methods of improvement of all driveways and parking areas.
   b. Number of spaces and internal circulation pattern.
   c. Access: Pedestrian, vehicular, service; and the location of all points of ingress and egress.
   d. Loading: Location, dimensions, number of spaces, internal circulation and access from public right of way.

9. In addition to standards set forth by this ordinance, Section 8.050 Applicable Sign Codes, the following sign limitations shall apply:
   a. For any use permitted by this section, the total area of all signs shall not exceed 200 square feet, no free-standing sign shall exceed 80 square feet and a height of 20 feet, no sign exceeding 50 square feet of area and 6 feet in height shall be located upon the roof of any building, no sign shall exceed 15 percent of the area of the wall it is attached to, no sign shall be closer than 20 feet to a principal highway or major County road, no sign shall flash or move or be illuminated between the hours of 11:00 p.m. and 7:00 a.m., nor located in such a manner as to face directly, shine or reflect glare onto a lot, except as approved by the Planning Director.

10. **Lighting:** General nature, location and hooding devices (not including interior building lighting). All exterior lighting sources are to be shielded to illuminate downward and the light source shall not be visible beyond the property boundary in accordance with the standards in Section 8.040.
D. THE LOCATION, DIMENSIONS AND METHODS OF IMPROVEMENT for all property to be dedicated to general public purposes or to public utilities.

E. DETAILED PLAN for any required or proposed landscaping that shall clearly illustrate:
   1. Plants and tree species, their initial sizes and other proposed landscaping materials.
   2. The location and dimensions of all areas to be devoted to landscaping, and location of any automatic sprinkler systems.

F. OUTDOOR STORAGE AND ACTIVITIES, IF PERMITTED IN THE ZONE: Type, location and height of screening devices.

G. TOPOGRAPHIC INFORMATION for any area with slopes exceeding 10 percent. Contour intervals shall be ten feet or smaller.

H. DRAINAGE PLAN, or evidence that stormwater runoff will be accommodated by an existing storm drainage system.

I. IDENTIFICATION OF PROPOSED TRASH STORAGE LOCATIONS, including proposed enclosure design construction and access for pickup purposes.

J. LOCATION OF ALL EXISTING AND PROPOSED UTILITIES and septic systems on or abutting the property.

K. ELEVATION DRAWINGS showing the exterior appearance of all proposed buildings.

L. APPROVAL STANDARDS:

   The Site Plan Review Committee shall review the tentative site plan for compliance with the following standards:

   1. All provisions of this zoning ordinance and other applicable regulations are compiled with.

   2. Elements of the site plan are arranged so that:
      a. Traffic congestion is avoided.
      b. Pedestrian and vehicular safety and welfare are protected.
      c. Significant features and public amenities are preserved and maintained.
      d. Surface drainage systems are designed so as not to adversely affect neighboring properties, roads, or surface and subsurface water quality.
      e. Structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, etc.), loading and parking and similar accessory areas shall be buffered or screened to minimize adverse impact on neighboring properties.
M. THE DEVELOPMENT WILL NOT RESULT IN TRAFFIC VOLUMES THAT WILL REDUCE THE PERFORMANCE STANDARD of a transportation facility below the minimum acceptable level identified in the Transportation System Plan (LOS C). This standard may be met through a condition of approval requiring improvements to the transportation facility.

N. THE DEVELOPMENT WILL NOT ADVERSELY AFFECT AGRICULTURAL OR FORESTRY USES.

O. CONDITIONS OF APPROVAL

1. In granting approval of a site plan, the County may impose conditions of approval deemed necessary to comply with the requirements of this Ordinance.

2. Installation of sprinklers or fire-fighting water supplies may be required when recommended by the appropriate fire protection agency.

P. A SURVEY MAY BE REQUIRED if there is a question about the location of a property line, easement or other feature.

Q. A BONDING AGREEMENT MAY BE REQUIRED to assure that conditions attached in granting approval of a site plan are met.
SECTION 8.150 – STANDARDS FOR MINING OPERATIONS

A. STATEMENT OF PURPOSE

The purpose of this Section is:

1. To identify and protect significant sand, gravel, rock, stone and related aggregate resources to ensure the continued availability of aggregates at reasonable costs for the overall development of Gilliam County;

2. To coordinate the development and utilization of significant aggregate resources with other land uses to minimize conflicts;

3. To establish standards of development and operation for significant aggregate resource extraction and processing sites;

4. To prohibit the use of land in the Significant Resource Overlay (SR) zone for uses incompatible with the extraction and processing of significant aggregate;

5. To provide for the agricultural use of land in the SR Overlay prior to the development of extraction and processing activities; and

6. To provide for the reclamation, rehabilitation and beneficial final use of aggregate resource sites in a manner compatible with the surrounding land use pattern.

B. DEFINITIONS

As used in this Section:

1. “Aggregate Resources” means naturally occurring concentrations of stone, rock, sand and gravel, decomposed granite, lime, cinders, and other naturally occurring solid materials commonly used in construction and road building.

2. “Conflicting Use” means a use or activity that is subject to land use regulations and that would interfere with, or be adversely affected by mining or processing activities at a significant mineral or aggregate site, as specified in OAR 660-023-0180(5) (b) and OAR 660-023-0180 (7).

3. “Development Permit” means a permit approved by the decision maker and issued by the Director granting authority to the permittee to initiate some or all aspects of mining of aggregate at the site specified in the permit. The definition does not include a text amendment to the Comprehensive Plan whereby the Plan is amended to include the site in any category described Article.

4. “ESEE analysis” means the consideration and balancing of the positive and negative economic, social, environmental and energy consequences of a decision to allow, limit, or prohibit a conflicting use, following the process in OAR 660-023-0040. Based on the results of the ESEE analysis, the decision maker determines a level of protection for the resource and adopts Comprehensive Plan provisions and regulations to achieve the designated level of protection.

5. “ESEE consequences” are the positive and negative economic, social, environmental and energy (ESEE) affects that could result from a decision to allow, limit, or prohibit a conflicting use.
6. “Existing site” means a significant aggregate site that is lawfully operating, or is included in the aggregate inventory in the Comprehensive Plan on September 1, 1996.

7. “Expansion area” means resource proposed aggregate mining area contiguous to an existing site in which mining approval is being sought under this Article.

8. “Farmland” means land planned and zoned for exclusive farm use pursuant to Goal 3 and OAR 660-033.

9. “Future potential use” means a use that is not adopted or approved at the time an application under this Article is deemed complete by the Director.

10. “Goal 5 process” means the planning process for mineral and aggregate resources identified in OAR 660-023-0180. Depending on the circumstances the process may include, but is not limited to, one or more of the following: the identification of resource sites; the determination of site significance; the identification of conflicting uses; the identification of measures to minimize conflicts; analysis of ESEE consequences; and adoption of a program to protect the resource. The term does not include a determination to issue a development permit, even if part of the Goal 5 process as described in this Article is considered.

11. “Goal 5 protection” means those conditions and terms imposed on the mining of a site determined to be significant under Section 8.180 and that has completed the Goal 5 process as set forth in Section 8.260 and has been added to the Comprehensive Plan.

12. “Impact area” means a geographic area within which conflicting uses could adversely affect a significant Goal 5 resource.

13. “Inventory” is a survey, map, or description of one or more resource sites that is prepared by a local government, state or federal agency, private citizen, or other organization and that includes information about the resource values and features associated with such sites. As a verb, “inventory” means to collect, prepare, compile, or refine information about one or more resource sites (see resource list).

14. “Minimize a conflict” means to reduce an identified conflict to a level that is no longer significant. For those types of conflicts addressed by local, state, or federal standards (such as the Department of Environmental Quality standards for noise and dust levels) to “minimize a conflict” means to ensure conformance to the applicable standard.

15. “Mining” means the extraction and processing of aggregate resources, in the manner provided below:

   (a) The term includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads.

   (b) The term does not include excavations of sand, gravel, clay, or rock or other similar materials by a landowner or tenant on the landowner or tenant’s property for the primary purpose of
reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or non-surface impacts of underground mines.

(c) The term includes: stockpiling and movement of aggregate materials, and the operations or activities necessary to abandon a mining area.

16. “Mining area” means the geographic area containing an identified significant aggregate site within which some or all aspects of mining are permitted. The mining area may consist of one or more properties or portions of properties, and may include two or more contiguous properties under different ownership. The mining area does not include undisturbed buffer areas or areas on a property where mining is not authorized.

17. “Noise or Dust sensitive use” means a conflicting use that is primarily used for year round habitation. Residences, churches, hospitals, schools, public libraries, and campgrounds are considered noise or dust sensitive uses during their period of use. A forest or farm use is not noise or dust sensitive uses unless the use is so:

(a) Defined in state law, or

(b) Determined based on analysis and findings adopted through the Goal 5 planning process.

18. “Operator” includes owner.

19. “Processing” means the activities described in ORS 517.750 (11). Processing includes, but is not limited to crushing, washing, milling and screening, as well as the batching and blending of mineral aggregate into asphalt or Portland cement concrete within the operating permit area.

20. “Program or program to achieve the goal” is a plan or course of proceedings and action to prohibit, limit, or allow uses that conflict with significant Goal 5 aggregate resources adopted as part of the Comprehensive Plan and Land Development Code (e.g., zoning standards, easements, cluster developments, preferential assessments, or acquisition of land or development rights.

21. “Protect” means to adopt land use regulations for a significant aggregate site in order to authorize mining of the site and to limit or prohibit new conflicting uses within the impact area of the site.

22. “Resource site” or “site”, for the purposes of completing the Goal 5 process under this Article, is a particular area where resources are located. A site may consist of one or more properties or portions of properties, and may include two or more contiguous properties under different ownership.

23. “Resource list” means a list that includes the descriptions, maps, and other information about significant Goal 5 aggregate resources with Gilliam County and is adopted by the County as part of its Comprehensive Plan or as a land use regulation.

24. “Significant site” means a site listed on one of the Comprehensive Plan significant aggregate inventories.
25. “Thickness of aggregate layer” means the depth of the water-lain deposit of sand, stones, and pebbles of sand-sized fraction or larger, minus the depth of the topsoil and non-aggregate overburden.

C. REVIEW REQUIRED

Proposals for new or expanded operations for mining, crushing, stockpiling or processing of aggregate or other mineral resources may be approved by the Planning Director under the Administrative Review procedures in Section 11.090 unless a higher level of review is required by the regulations of the zone where the property is located. “Expanded operation” means the commencement of methods or processing measures not previously approved, such as blasting or asphalt batching, or the expansion of a previously approved operation to an area beyond the original site approved for mining, processing and stockpiling.

D. APPLICATION FOR A DEVELOPMENT PERMIT AUTHORIZING MINING OF AGGREGATE

1. A person may apply for a development permit authorizing mining of aggregate as set forth in this section. The issuance of the development permit authorizing the initiation of mining is subject to the Administrative Review procedures in Section 11.090 unless a higher level of review is required by the regulations of the zone where the property is located.

2. One-step process. A single application shall be required which shall consist of:
   a. if a site is already on Appendix C of the Gilliam County Comprehensive Plan, a request for a development permit, which if authorized to be issued, shall result in an authorization to initiate some or all aspects of mining pursuant to this Chapter; or

3. If the site is not on the inventory of the Gilliam County Comprehensive Plan, a request for:
   a. An amendment to the Comprehensive Plan text, and, if required under this Article, an amendment to the Land Development Ordinance Zoning Map; and
   b. A development permit, which if authorized, shall authorize the initiation of some or all aspects of mining pursuant to this Section.

E. CONTENTS - THE APPLICATION SHALL CONTAIN:

1. The information required by Article 11, Sections 11.030 and 11.040;
2. Information regarding the location, quality, and quantity of the aggregate resource;
3. A conceptual site reclamation plan;
4. A traffic impact assessment within one mile of the entrance to the mining area;
5. An indication of whether the applicant intends to haul material to another authorized site for processing, and if so, a proposal for hauling;
6. Proposals to minimize any conflicts with existing uses preliminarily identified by the applicant within a 1,500-foot impact area; and

7. A site development plan as described in subsection (D) of this section.

F. SITE DEVELOPMENT PLAN.

The applicant shall submit the information and materials set forth in this subsection to the Director as part of the application for a development permit authorizing the mining of aggregate resources. An application for site plan approval will be processed under the Administrative Review procedures of Section 11.090 unless it is submitted concurrently with an application that requires a higher level of review.

1. The name and address of the extraction operator, property owner, and applicant, if different from the mining operator or property owner.

2. The location (township, range, section, tax-lot[s]) and size of the resource site.

3. An aerial photograph of the resource site that was photographed less than 12 months prior to submission of the application. Older photographs may be submitted if accompanied by a signed declaration by the applicant stating that no substantial changes have occurred.


5. Measures, if any, required by federal and state agencies to meet applicable environmental quality standards and minimize impacts on fish and wildlife habitat.

6. Proposed final use as shown in the Department of Geology and Mineral Industries (DOGAMI) reclamation plan.

7. A reclamation plan approved by Oregon Department of Geology and Mineral Industries (DOGAMI) which results in the proposed final use or Oregon Division of State Lands (DSL) conditions of operation.

8. A surface water management plan as required by DOGAMI or DEQ.

9. Past and present use of the land, including agricultural and forest resource uses.

10. Types and location of vegetative screening to be used.

11. Types, location, and sizes of equipment to be used.

12. The full extent and nature of the operation, such as blasting, crushing, or asphaltic compounding.

13. A reproducible map at a scale of 1 inch equals 400 feet, unless a different scale is approved by the Director, which depicts the general land area within a one-mile radius and identifies:

   (a) The property under the applicant’s control;

   (b) The land areas proposed for extraction, processing and storage of topsoil or aggregate;
(c) Location of all uses within 1500 feet of the resource site boundaries;

(d) Location of on-site haul roads and proposed access point(s);

(e) Location and names of all structures, roads, railroads and utility facilities within 1500 feet of the resource site;

(f) Required setback areas;

(g) Identification of soil types in the resource site, if available; if not available, identification of the soil types adjoining the resource site; and

(h) Phasing of mining activity, if applicable.

14. Proposed months, days and hours of mining operation.

15. The resource site owner or authorized agent of the owner shall file a truck route plan with the County Roadmaster indicating all proposed haul routes for any equipment used in the preparation, exploration, or mining of the site, including proposals to haul material to another authorized site for processing. The truck route plan shall also include a proposal for the rehabilitation and restoration of any county roads, or any local access roads, which may be damaged or diminished in quality due to the conducting of such preparation, exploration, or mining activities.

16. Evidence that:

(a) The County Roadmaster has approved a truck haul plan including all routing, paving and access to the resource site and to and from any other approved site if material is hauled to the other site for processing; and

(b) The County Roadmaster has made a finding that the development will not have significant adverse impacts on the quality of county roads, or local access roads in the area, or

(c) Verification that a performance security meeting the requirements of this Section has been filed or is not needed.

17. Other pertinent information for all proposed mining and associated uses.
SECTION 8.160 – GOAL 5 PROCESS; GENERALLY

A. THE GOAL 5 PROCESS IS SET FORTH IN SECTION 8.170 OF THE ZONE CODE.

The process involves following the steps set forth in this section to determine whether and under what conditions aggregate extraction and processing may occur:

1. **STEP 1** - Determine adequacy of information provided in the application with regard to the location, quality, and quantity of the aggregate resource;

2. **STEP 2** - Determine site significance and classification;

3. **STEP 3** - Identify impact area and all conflicts with existing uses;

4. **STEP 4** - Determine whether conflicts can be minimized;

5. **STEP 5** - Analyze ESEE consequences if significant conflicts cannot be minimized;

6. **STEP 6** - Approve the mining of the aggregate resource;

7. **STEP 7** - Determine the post-mining use;

8. **STEP 8** - Identify conflicts from new conflicting uses;

9. **STEP 9** - Analyze ESEE consequences and decide whether to allow new conflicting uses; and

10. **STEP 10** - Adopt final decision and implementing amendments to the Comprehensive Plan and Land Development Ordinance.

B. Except as provided in 8.260 (A)(1) (a), the decision maker must complete the Goal 5 process within 180 days after an application filed under this Section is deemed complete under Section 8.170.

C. The decision maker is not required to follow strictly the order of the process as set forth in Section 8.190, so long as such review or determination does not significantly adversely affect the outcome of the Goal 5 process.
SECTION 8.170 – STEP 1 GOAL 5 PROCESS

A. **STEP 1** - The first step in the Goal 5 aggregate process requires the Director to determine whether an application filed under this Section may be deemed complete under Section 11.040 and this section.

B. **THE DIRECTOR SHALL DEEM AN APPLICATION FILED UNDER THIS SECTION COMPLETE IF THE APPLICATION CONTAINS:**

1. The information required by 8.150;

2. A description of the quality of the resource, including a statement of compliance with federal, state or local standards issued by a certified lab according to the following applicable methods:
   a. Resistance to Abrasion (AASHTO Designation T96, ASTM Designation C 131, OSHD Test Method 211)
   b. Sodium Sulfate Soundness (OSHD Test Method 206)
   c. Oregon Air Degradation (OSHD Test Method 208) or
   d. Other test appropriate for the type of resource.

3. A conceptual site reclamation plan;

4. A traffic impact assessment within one mile of the entrance to the mining area pursuant to Section 8.190(B)(b);

5. Proposals to minimize any conflicts with existing uses preliminarily identified by the applicant within a 1,500-foot impact area; and

6. A site development plan as described in Section 8.150.

C. **INFORMATION ON LOCATION, QUANTITY, AND QUALITY MUST BE RELIABLE INFORMATION, SUCH AS:**

1. An engineer’s or geologist’s report; or

2. Drill results, including depth.

D. **IF APPLICATION IS DEEMED COMPLETE — GO TO STEP 2.** If the Director deems the application complete, the Director shall next determine whether the site is significant pursuant to Section 8.180.

E. **IF APPLICATION IS NOT DEEMED COMPLETE** - If the Director determines that the application is not complete for the sole reason that the applicant is unable to provide information adequate to make the determination required by subsection (B) (2) of this section, the Director shall:

1. Return the application to the applicant.
SECTION 8.180 – STEP 2 DETERMINE SITE SIGNIFICANCE AND CLASSIFICATION

A. **STEP 2** — The Director shall determine whether an aggregate resource site is a significant or a non-significant site pursuant to this section.

B. **AN AGGREGATE RESOURCE SITE SHALL BE SIGNIFICANT** if adequate information regarding the location, quality, and quantity of the resource demonstrates that the site meets the following criteria:

1. A representative set of samples of aggregate material in the deposit on the site meets Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and sodium sulfate soundness; and

2. The estimated amount of material is more than 333,333 thousand cubic yards or 500,000 tons; or

3. The aggregate site was listed on an inventory of significant aggregate sites in the Comprehensive Plan on September 1, 1996.

C. **NOTWITHSTANDING SUBSECTIONS (1) THROUGH (3) OF THIS SECTION, and except for an expansion area of an existing site if the operator of the existing site had an enforceable property interest in the expansion area on March 1, 1996, an aggregate site is not significant if the following criteria apply:**

1. More than 35 percent of the proposed mining area consists of soil classified as Class I on Natural Resource Conservation Service (NRCS) maps on June 11, 2004; or

2. More than 35 percent of the proposed mining area consists of soil classified as Class II or a combination of Class II and Class I or Unique soil on NRCS maps available on June 11, 2004, unless the average thickness of the aggregate layer within the mining area exceeds 17 feet; or

3. More than 35 percent of the proposed mining area consists of soil classified as a combination of Class II and Class I or Unique soil on NRCS maps available on September 1, 1996, and the average width of the aggregate layer within the mining area is less than 17 feet.

D. **NOTWITHSTANDING SECTION C ABOVE, a local government may also determine that an aggregate resource on farmland is significant if subsections (1) and (2) of this section apply or if subsection (3) of this section applies;**

1. The quantity of material proposed to be mined from the site is estimated to be 500,000 tons of aggregate material or less; and

2. Not more than 35 percent of the proposed mining area consists of soil

   a. Classified as Class I on Natural Resource and Conservation Service (NRCS) maps available on June 11, 2004; or

   b. Classified as Class II, or a combination of Class II and Class I or Unique soil, on NRCS maps available on June 11, 2004, unless the average thickness of the aggregate layer within the mining area exceeds the amounts specified in subsection (2) above; or
3. A local land use permit that allows mining on the site was issued prior to April 3, 2003, and the permit is in effect at the time of the significance determination.

E. **IF SIGNIFICANT SITE — GO TO STEP 3.** If the Director determines that the site is a significant site under this section, the Director shall proceed to Section 8.190.
SECTION 8.190 – STEP 3 - IDENTIFY IMPACT AREA AND ALL CONFLICTS WITH EXISTING USES

A. **STEP 3A** - Identify an impact area and known conflicts within it. The Director shall:

1. Identify an impact area for the purpose of identifying conflicts with proposed mining and processing activities.

   a. The impact area shall be large enough to include uses listed in subsection (B) of this section and shall be limited to 1,500 feet from the boundaries of the proposed mining area, except where factual information is adequate to indicate significant potential conflicts beyond this distance.

   b. For a proposed expansion of an existing site, the impact area shall be measured from the perimeter of the proposed expansion area rather than the boundaries of the existing site and shall not include the existing site.

2. Prepare a map showing the impact area and proposed mining area; and

3. Identify known conflicting uses.

4. Prepare a staff report containing the determinations made under Section 8.170 and 8.180, and subsection (A) of this section along with any supporting findings; and

5. Set the matter before the decision maker to complete the Goal 5 process. The decision maker may approve, modify, or deny any determination of the Director required by Section 8.180, or this subsection. If the decision maker modifies or denies a determination made by the Director which is required under those provisions, the decision maker shall make a new determination consistent with those provisions before completing the Goal 5 process.

B. **STEP 3B** - Identify all conflicts from existing and approved uses in the impact area.

1. The decision maker shall identify all existing or approved land uses within the impact area that will be adversely affected by proposed mining.

2. The decision maker shall also specify conflicts from existing or approved uses that are able to be reasonably predicted.

3. For purposes of this subsection, “approved land uses” are dwellings allowed by a residential zone on existing platted lots and other uses for which conditional or final approvals have been granted by Gilliam County.

4. The consideration of conflicts that could be caused by the mining of a significant aggregate site shall be limited to:

   (a) Conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e.g., houses and schools) that is sensitive to such discharges;
(b) Potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site, unless a greater distance is necessary to include the intersection with the nearest arterial identified in the Transportation Plan.

(1) Conflicts with local roads shall be determined based on clear and objective standards regarding sight distances, road capacity, cross section elements, horizontal and vertical alignment, and similar items in the Transportation Plan and County Code.

(2) Standards for trucks associated with the mining operation shall be equivalent to standards for other trucks of equivalent size, weight, and capacity which haul other materials;

(3) Safety conflicts with existing public airports due to bird attractions i.e. open water impoundments specified under OAR 660-013;

(4) Conflicts with other Goal 5 resource sites within the impact area that are shown on an acknowledged list of significant resources and for which the requirements of Goal 5 have been completed at the time the Plan amendment is initiated; and

(5) Conflicts with agricultural practices.

(6) Other conflicts for which consideration is necessary in order to carry out ordinances that supersede Oregon Department of Geology and Mineral Industries (DOGAMI) regulations pursuant to ORS 517.780.

C. **STEP 3C** – For an aggregate site on farmland that is determined to be significant under Section 8.180

D. **THE REQUIREMENTS OF SECTION 8.210 AND 8.250 ARE NOT APPLICABLE** - Except for Section 8.190 (B)(f), the requirements of Section 8.210, and 8.250 are not applicable. Instead the decision maker shall determine whether mining is permitted by a conditional use permit.

E. **IF THERE ARE CONFLICTS - GO TO STEP 4.** If the decision maker identifies conflicts, the decision maker shall proceed as set forth in Section 8.200.

F. **IF THERE ARE NO CONFLICTS - GO TO STEP 6.** If the decision maker identifies no conflicts, the decision maker shall proceed as set forth in Section 8.220.

G. **IF THE DECISION MAKER FINDS THAT THE APPLICATION IS CONSISTENT WITH STEP 3C, PROCEED TO STEP 10.**
SECTION 8.200 – STEP 4 - DETERMINE WHETHER CONFLICTS CAN BE MINIMIZED

A. **STEP 4 - DETERMINE WHETHER CONFLICTS CAN BE MINIMIZED.** The decision maker shall determine whether the conflicts identified pursuant to Section 8.190 can be minimized by reasonable and practicable measures. Such measures shall be clear and objective.

1. **If conflicts cannot be minimized; go to STEP 5.** If the decision maker finds that all the conflicts identified by the decision maker cannot be minimized by reasonable and practicable measures, the decision maker shall proceed as set forth in Section 8.210.

2. **If conflict can be minimized; go to STEP 6.** If the decision maker finds that all the conflicts identified by the decision maker can be minimized, the decision maker shall identify the reasonable and practicable measures that would minimize the conflicts. The decision maker shall next proceed as set forth in Section 8.220.

B. **IN MAKING THE DETERMINATION** whether proposed measures would minimize conflicts with agricultural practices, the decision maker shall consider only the requirements of ORS 215.296.

C. **RECORDING A WAIVER OF REMONSTRANCE INCOMPLIANCE WITH SECTION 11.130,** is evidence that a conflict has been minimized under Section 8.200, or resolved under Section 8.210 or 8.250.
SECTION 8.210 – STEP 5 - ANALYZE ESEE CONSEQUENCES IF SIGNIFICANT CONFLICTS CAN NOT BE MINIMIZED

A. **STEP 5 - Identify and resolve conflicts through ESEE analysis.** Limited to any conflicts identified in Section 8.190 that could not be minimized, the decision maker shall determine the ESEE consequences of either protecting the resource by allowing mining without or with limitations, or not protecting the resource and prohibit mining. The determination shall be based on weighing the identified ESEE consequences, with consideration of the following:

1. The degree of adverse effect on existing land uses within the impact area;

2. Reasonable and practicable measures that could be taken to reduce the identified adverse effects; and

3. The probable duration of the mining operation and the proposed post-mining use of the site.

B) **IF THE SITE SHOULD BE PROTECTED AND MINING AUTHORIZED - GO TO STEP 6.** If, based on the ESEE analysis required under this section, the decision maker determines that the site should be given Goal 5 protections and mining should be approved with or without limitations, the decision maker shall proceed as set forth in Section 8.220.

C. **RECORDING A WAIVER OF REMONSTRANCE IN COMPLIANCE WITH SECTION 11.130(E),** is evidence that a conflict has been minimized under Section 8.200, or resolved under Section 8.210.
SECTION 8.220 – STEP 6 - APPROVE THE MINING OF THE AGGREGATE RESOURCE

(A) **STEP 6 — APPROVE THE MINING.** The decision maker shall protect the resource site and approve an application for mining if:

1. No conflicts were identified under Section 8.190, or

2. All identified conflicts with a significant aggregate resource site are minimized pursuant to Section 8.200, or

3. Based on an ESEE analysis, conducted pursuant to Section 8.210, mining is permitted with or without limitations.

B. **GO TO STEP 7.** After the decision maker approves an aggregate site for mining of aggregate, the decision maker shall proceed as set forth in Section 8.230.
SECTION 8.230 – STEP 7 - DETERMINE THE POST-MINING USE OF SITE

A. **STEP 7 — POST-MINING USE AND RECLAMATION.** At the time the determination under Section 8.220 is made, the decision maker shall:

1. Determine the post-mining use of the site.

2. Proceed as set forth in Section 8.240 (STEP 8).

B. **FOR SIGNIFICANT AGGREGATE SITES ON CLASS I, II SOILS AND UNIQUE FARMLAND,** the post-mining use shall be limited to farm uses under ORS 215.203, uses listed under ORS 215.283 (1), and fish and wildlife habitat uses, including wetland mitigation banking.

C. **THE COUNTY AND APPLICANT SHALL COORDINATE WITH DOGAMI** regarding the regulation and reclamation of aggregate sites, except where exempt under ORS 517.780.
SECTION 8.240 – STEP 8 - IDENTIFY CONFLICTS FROM POTENTIAL FUTURE USES

A. **STEP 8 - DETERMINE ALL CONFLICTS FROM POTENTIAL FUTURE USES IN THE IMPACT AREA.** The decision maker shall:

1. Identify future potential uses which, if allowed, would conflict with the proposed mining;

2. Identify predicted conflicts from those future potential uses.

B. The consideration of future potential uses shall be limited to those land uses that, if approved, would be allowed outright in the underlying zoning district.

C. **GO TO STEP 9.** The decision maker shall next proceed as set forth in Section 8.250.
SECTION 8.250 – STEP 9 - ANALYZE ESEE CONSEQUENCES AND DETERMINE WHETHER TO ALLOW A FUTURE POTENTIAL USE

STEP 9 - Analyze future potential uses and determine whether to allow the use.

A.  **THE DECISION MAKER SHALL DETERMINE WHETHER TO ALLOW, LIMIT, OR PREVENT A FUTURE POTENTIAL** use identified in Section 8.240. To make this determination, the decision maker shall apply the standard ESEE process set forth in OAR 660-023-0040 and 660-023-0050.

B.  **RECORDING A WAIVER OF REMONSTRANCE IN COMPLIANCE WITH SECTION 11.130** (E), is evidence that a conflict has been minimized under Section 8.200, or resolved under Section 8.210 or Section 8.250.

C.  **GO TO STEP 10**. The decision maker shall next proceed as set forth in the applicable provisions of Section 8.260.
SECTION 8.260 – STEP 10 - ADOPT FINAL DECISION AND IMPLEMENTING AMENDMENTS

A. **STEP 10A - AMEND THE COMP PLAN TO CARRY OUT THE DECISION.** The decision maker shall implement the determinations made under this Article by amending the Comprehensive Plan as set forth in paragraphs (1) of this subsection.

1. **Inventories.** The decision maker shall amend the appropriate appendices following Article 10 (Land Development Ordinance) to include the site on an inventory and to include any supporting analyses pursuant to this paragraph.

   a. If the decision maker, based on location, quality, and quantity information determines that an aggregate resource is significant, the decision maker shall amend the County’s Inventory of Significant Sites.

   b. If the decision maker, based on the criteria of 8.180D, determines that an aggregate resource is significant, the decision maker shall amend the County’s Inventory of Significant Sites.

2. **If the decision maker makes a determination approving mining** under subsections (A) (1) (a), the amendments set forth in the Comprehensive Plan shall include:

   a. A program to protect the resource;

   b. Identified measures to minimize conflicts and any special condition, and regulations. Such measures, conditions, and regulations shall be clear and objective; and

   c. The approved post-mining use.

B. **STEP 10B - AMEND THE ZONING MAP TO APPLY THE SIGNIFICANT OVERLAY ZONE.** If the decision maker makes a determination approving mining under subsections (A)(1)(a) the decision maker shall amend the Land Development Code Zoning Map:

   1. **To show the mining area.** The extraction area shall be applied to significant sites where mining is permitted by the Comprehensive Plan. The mining area boundary as set forth in an application may be modified through the Goal 5 process to reduce conflicts with uses existing within the impact area.

   2. **To show the impact area.** The size of the impact area may be increased or decreased through application of the Goal 5 process.

   3. **To apply a Significant Overlay Zone** to the impact area for sites receiving protection pursuant to Goal 5.
SECTION 8.27 – MARIJUANA BUSINESSES

A. PURPOSE & INTENT - This section describes the requirements for establishing marijuana businesses, including all medical and recreational marijuana production, processing, wholesaling, and retail uses in Gilliam County. The purpose of this section is to:

- Establish reasonable time, manner and place requirements for new business that produce, process, wholesale or retail marijuana.
- Provide clear and objective standards for marijuana businesses.
- Minimize conflict with other permitted uses in underlying zones.
- Protect resources identified in the Gilliam County Comprehensive Plan.
- Protect the public health, safety, and general welfare of the citizens of the County.

B. APPLICABILITY - In construing this section, related provisions of state law and administrative rule provide relevant context. These regulations shall not apply to:

- Personal use of marijuana.
- Any Marijuana Business, structure or building legally established prior to the adoption of the provisions in this section.
- Any marijuana retailer that applied for a registration with the Oregon Health Authority and has subsequently obtained full, unconditional approval prior to the adoption of this article.

The alteration, expansion or replacement of a Marijuana Business will be subject to this section.

Notwithstanding ORS chapters 195, 196, 197 and 215, the following are not permitted uses:

1. More than five marijuana businesses established on the same parcel. A single business may maintain more than one (1) type of license or permit on the subject parcel.
2. New dwellings used in conjunction with a marijuana crop.
3. A farm stand, as described in ORS 215.283(1)(o), used in conjunction with a marijuana crop.
4. A commercial activity, as described in ORS 215.283(2)(a), carried on in conjunction with a marijuana crop.
5. Marijuana production, processing, wholesaling and retailing are not permitted in conjunction with a winery, home occupation, Bed and Breakfast Inn or lodging / commercial residential use.

C. DEFINITIONS

Marijuana Processing - The processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or extracts, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority; excludes packaging or labeling.
Marijuana Production / Grow - The manufacture, planting, cultivation, growing, trimming, harvesting, or drying of marijuana, includes packaging or labeling, provided that the marijuana producer is licensed by the Oregon Liquor Control Commission, or registered with the Oregon Health Authority and is a “person designated to produce marijuana by a registry identification cardholder.”

1. Outdoor Production means producing marijuana:
   (a) In an expanse of open or cleared ground; or
   (b) In a greenhouse, hoop house or similar non-rigid structure that does not utilize any artificial lighting on mature marijuana plants, including but not limited to electrical lighting sources.

2. Indoor Production means producing marijuana in any manner:
   (a) Utilizing artificial lighting on mature marijuana plants; or
   (b) Other than “outdoor production,” as that is defined in this section.

Marijuana Retailing - The sale of marijuana items to a consumer, provided that the marijuana retailer is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.

Marijuana Wholesaling - The purchase of marijuana items for resale to a person other than a consumer, provided that the marijuana wholesaler is licensed by the Oregon Liquor Control Commission.

D. USE TABLE & PROCEDURES - Table 1 below identifies the marijuana uses permitted as specified for each of the different zones, subject to the type of review and regulations.

As used in the Table “A” means the use is an Administrative Land Use Decision and allowed outright subject to the permitting and development standards set forth in the applicable Articles of this Ordinance.

As used in the Table “C” means the use is a Conditional Use subject to approval criteria contained in Article 7; as either a Type I or Type II review.

As used in the Table “P” means the use is prohibited; including new agriculture dwellings to support the commercial growing of marijuana, farm stands to sell marijuana products, and commercial activities in conjunction with marijuana on EFU.

Table 1. Summary of Use Table for Marijuana Businesses

<table>
<thead>
<tr>
<th>Zone</th>
<th>Production / Grow</th>
<th>Processing</th>
<th>Retailing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport Development (A-D)</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Exclusive Farm Use (EFU)</td>
<td>A</td>
<td>A</td>
<td>P</td>
</tr>
<tr>
<td>Rural Unincorporated Community (R-C)</td>
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<tr>
<td>Recreational Residential (R-R)</td>
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<tr>
<td>Zone</td>
<td>Production / Grow</td>
<td>Processing</td>
<td>Retailing</td>
</tr>
<tr>
<td>------------------------------------------</td>
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</tr>
<tr>
<td>Limited Industrial (M-L)</td>
<td>A / C ²</td>
<td>C</td>
<td>C</td>
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<tr>
<td>General Industrial (M-G)</td>
<td>A / C ²</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Intermodal-Industrial (I-M)</td>
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<td>P</td>
</tr>
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<td>Rural Residential (R-10)</td>
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**Combining Zone**

<table>
<thead>
<tr>
<th>Zone</th>
<th>Production / Grow</th>
<th>Processing</th>
<th>Retailing</th>
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<tbody>
<tr>
<td>Flood Hazard (FH)</td>
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<tr>
<td>Geological Hazard (GH)</td>
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<tr>
<td>Significant Resource Combining (SR)</td>
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<tr>
<td>Airport Overlay (AO)</td>
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</table>

1. *Processing products and floor area subject to ORS 215.283(1)(r) or Section 4.020.C.8 of this Ordinance as amended.*
2. *Indoor production is permitted; outdoor production is allowed conditionally.*
*Wholesaling, specific to products grown off-site, is prohibited.

**E. MARIJUANA BUSINESS STANDARDS**

In addition to the standards below, a Marijuana Business referenced in Table 1 above shall be subject to the respective standards contained in Article 4 (Use Zones) and/or Article 7 (Conditional Use Criteria) of this Ordinance.

*When conditions herein imposed are less restrictive than comparative provisions imposed by any other provision of this Ordinance by resolution of State Law or State Administration regulations, then the more restrictive conditions shall govern.*

1. **Minimum Yard Depth & Setbacks (EFU Zone)** - Outdoor marijuana canopies, buildings and structures used for indoor or outdoor marijuana production, and buildings and structures used for marijuana processing in the EFU zones shall be located at least 25-feet from any property line or a greater distance of 50’ from an existing dwelling situated on neighboring property. The distance shall be measured using a straight-line extending horizontally from the nearest part of the canopy area or building or structure used for marijuana production or marijuana processing to the point nearest to any property line.

Marijuana production or processing on resource zones shall be located a minimum of 1,000 feet from a public elementary or secondary school or a private or parochial elementary or secondary...
school, and a minimum of 500 feet from a public park. The measurement shall be made using a straight line extending horizontally from the closest point anywhere on the property line of the subject property to the closest property line of the affected property.

2. **Access** – The subject property shall have frontage on, or direct access from, a constructed public, county, or state road, and take access on a road or easement serving the subject property. Road access to the marijuana business shall meet current county road standards and shall be adequately maintained and remain clear of obstructions.

3. **Security Cameras** - If security cameras are used, they shall be directed to record only the subject property and public rights-of-way, except as required to comply with licensing requirements of the Oregon Liquor Control Commission or registration requirements of the Oregon Health Authority.

4. **Lighting** - Lighting shall be regulated as follows:

   a. Light cast by light fixtures (i.e., artificial lighting) inside any structure or building used for marijuana production or processing shall use adequate light barriers to ensure article lighting is not visible from adjacent properties. Example of light barriers include: light depravation greenhouses or similar technologies, fully shielded and directional lights, retractable shade clothes, not-transparent building materials, and landscaping or other natural features.
   
   b. Outdoor marijuana grow lights shall not be illuminated during the period commencing 30 minutes before sunset and ending 30 minutes after sunrise the following day.
   
   c. Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall be downcast, shielded and hooded, and not spill onto adjacent lots.

5. **Fences, walls or other barriers**

   a. Shall be limited in area by being located no more than 20-feet in any direction from the outer extent of all areas used for Marijuana Business activities, including but not limited to buildings, structures, outdoor marijuana canopies, and areas used for off-street parking, loading, and storage.
   
   b. Development standards of that zone and state agencies as required shall apply (e.g., height and vision clearance).

6. **Water** - The applicant shall submit proof of a legal water source for the proposed marijuana production or marijuana processing. Proof could include, but is not limited to, a copy of a water right that serves the proposed use or a letter from the irrigation district, water provider or the Watermaster.

7. **Odor** – An indoor marijuana facility shall be equipped with a carbon or charcoal filtration system for odor control.

   a. The system shall consist of one or more fans and filters.
   
   b. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) sufficient to scrub or purge the facility total interior air volume, minus sealed grow rooms and non cannabis areas like offices, once per hour.
c. The filter(s) shall be rated for the required CFM.
d. The filtration system shall be maintained in working order and shall be in use.
e. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the charcoal filtration system otherwise required.

F. MARIJUANA RETAILING - Marijuana retailing shall be subject to the following standards and criteria:

1. **Hours & Window Service** - A marijuana retailer may only sell to consumers between the hours of 8:00 a.m. and 8:00 p.m. and may only permit consumers to be present in the building space occupied by the marijuana retailer between the hours of 8:00 a.m. and 8 p.m. The use shall not have a walk-up window or drive-thru window service.

2. **Odor** – An indoor marijuana facility shall be equipped with a carbon or charcoal filtration system for odor control.
   
a. The system shall consist of one or more fans and filters.
b. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) sufficient to scrub or purge the facility total interior air volume, minus sealed grow rooms and non cannabis areas like offices, once per hour.
c. The filter(s) shall be rated for the required CFM.
d. The filtration system shall be maintained in working order and shall be in use.
e. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the charcoal filtration system otherwise required.

3. **Co-Location of Related Activities and Uses** - Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.

4. **Minimum Separation Distances** - A Marijuana Retail Business shall be located a minimum of 1,000 feet from:
   
a. A public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.020, including associated property and parking lot;
b. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including associated property and parking lot;
c. Other marijuana retailer of the same type (e.g., recreational or medical).
d. A Marijuana Retail Business shall be located a minimum of 500 feet from a public park.

The measurement shall be made using a straight line extending horizontally from the closest point anywhere on the property line of the Marijuana Business property to the closest property line of the affected property.