

ORDINANCE NO. ~~371-0~~

**AN ORDINANCE AMENDING ORDINANCE NO. 271, PROVIDING CHANGES  
IN THE ZONING ORDINANCE.**

**WHEREAS**, Pursuant to Section 12.050 of the City Zoning Ordinance a public hearing was held on March 9, 1982 at which the Common Council made the following findings:

1. Revisions to the Comprehensive Plan will result in a thorough revision of all implementing ordinances.
2. There is a need to conserve and protect known mineral and aggregate resources for present and future generations.
3. There is a need to promote healthy and visually attractive environments, and to reduce conflicts between different land uses.
4. There is a need to plan and implement strategies to reclaim mineral and aggregate land for other uses which comply with the City's Comprehensive Plan.
5. There is a need to provide regulations in accordance with LCDC Statewide Planning Goals and other applicable state, federal, and local laws.
6. Certain conflicts between aggregate resource utilization and other land uses, and between present utilization and long-term land conservation, can result from a lack of explicit guidelines on aggregate resource utilization.
7. The changes as shown in the attached pages, referred to as Exhibit "A", will resolve the aforementioned concerns and are consistent with the City's recently revised Comprehensive Plan.
8. Exhibit "A" has been reviewed and recommended by the Troutdale Planning Commission.
9. Exhibit "A" is consistent with the remaining portions of the Zoning Ordinance text.
10. There has been opportunity for citizen review and comment.
11. The changes are in the public interest.

**NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE, THAT:**

The Zoning Ordinance text be changed as shown in the attached Exhibit "A".

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 23 DAY OF  
March, 1982.

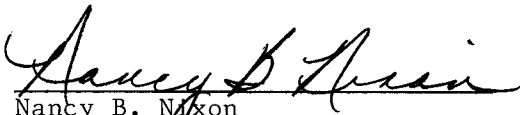
YEAS 5

NAYS 0

  
Robert M. Sturges, MAYOR

Date Signed: 3-24-82

ATTEST:

  
Nancy B. Nixon  
FINANCE DIRECTOR/CITY RECORDER

**ZONING ORDINANCE AMENDMENT - DEFINITIONS**

**1) MINING:**

The removal of minerals, whether extracted from land or water, by any method, including but not limited to shoveling, blasting, scooping, and dredging.

**2) MINERAL:**

Any and all mineral products, metallic and non-metallic, solid, liquid or gaseous, and mineral waters of all kinds extracted for commercial, industrial or construction use from natural deposits.

**3) AGGREGATE RESOURCE:**

Any and all rock, sand, gravel, or other earth product extracted for commercial, industrial or construction use from natural deposits.

**4) GEOTHERMAL RESOURCES:**

Shall have the meaning contained in ORS 522.005.

**5) RECLAMATION PLAN:**

Shall have the meaning contained in ORS 517.750 and OAR 632-30-025 (Department of Geology and Mineral Industries).

10.070 **AGGREGATE RESOURCE DISTRICT**

10.071 **PURPOSE**

The purposes of the "Aggregate Resource" district are to promote the public health, safety and general welfare, all in accordance with ORS 215, ORS 517, and 522, LCDC Statewide Planning Goals #5 and #6, and the City's Comprehensive Plan. The regulation of uses within this district are designed to:

- .01 Recognize mineral and aggregate resource extraction as a land use influenced largely by the location of the natural resource and the location of the market;
- .02 Provide maximum flexibility for location of the extraction process within a variety of underlying zones, while at the same time minimizing potentially adverse effects on the public and property surrounding the extraction site;
- .03 Recognize the potential for future changes in the character of the area in which the extraction site may be located, and allow for periodic modification of restrictions which may be placed upon the extraction operations in recognition of these changes; and
- .04 Recognize mineral and aggregate extraction as a temporary use dependent to a large degree upon market conditions and resource size, and that reclamation and the potential for future use of the land for other activities must also be considered.

10.071 **FINDINGS:**

- .01 There is a need to conserve and protect known mineral and aggregate resources for present and future generations;
- .02 There is a need to promote healthy and visually attractive environments, and to reduce conflicts between different land uses;
- .03 There is a need to plan and implement strategies to reclaim mineral and aggregate land for other uses which comply with the City's Comprehensive Plan;
- .04 There is a need to provide regulations in accordance with LCDC Statewide Planning Goals and other applicable state, federal, and local laws.

10.072 **LAND USE**

No building, structure or land shall be used and no building or

structure shall be hereafter erected, altered or enlarged in this district, except for the following uses:

- .01 Any use permitted in the underlying district;
- .02 Extraction of mineral or aggregate resource including the storage, stockpiling, distribution, and sale thereof;
- .03 Installation and operation of plants or apparatus for rock crushing and cement treatment of minerals excavated at the site including screening, blending, washing, loading, and conveying of materials;
- .04 Mining and processing of geothermal resources;
- .05 Structures and facilities for the repair, maintenance, and storage of equipment or supplies, offices spaces or watchman, as are reasonably necessary for the conduct of the proposed use.

10.073 **CRITERIA FOR APPROVAL**

The approval authority shall find that:

- .01 An economic deposit of the mineral resource proposed to be extracted exists;
- .02 There is a proposed reclamation plan which is in conformance with the Comprehensive Plan and the underlying district;
- .03 Adverse impacts on the surrounding areas with regard to the following have been, or can be mitigated:
  - a) Access and traffic;
  - b) Screening, landscaping, lighting, and visual appearance;
  - c) Air, water, and noise pollution;
  - d) Insurance and liability;
  - e) Excavation depths, lateral support, and slopes;
  - f) Blasting and other vibration causing actions;
  - g) Safety and security;
  - h) Phasing program; and
  - i) Reclamation.
- .04 The proposed operations will not result in the creation of a geologic hazard to surrounding properties, such as through slumping, sliding, or drainage modifications, and have been

certified by a registered soils or mining engineer, or engineering geologist as meeting this requirement;

- .05 Setbacks for the proposed operations are appropriate for the nature of the use and the area where the use is to be conducted;
- .06 Conditional or preliminary approval for all phases of the proposed operation, including reclamation, has been received from all governmental agencies having jurisdiction over mineral extraction, and the applicable requirements in ORS 517 and ORS 522 have been complied with.

10.074 **ADDITIONAL CONDITIONS**

The Planning Commission may attach additional conditions as to setbacks, screening, off-street parking and unloading, construction standards and maintenance, and landscaping, which may be deemed necessary to protect the public health, safety and welfare, the adjacent property owners and the public interest.

10.075 **RESTRICTIONS**

- .01 Setbacks. The minimum setback shall be the setbacks required in the underlying district unless the Planning Commission determines that greater setbacks are necessary to protect the health, safety and general welfare;
- .02 Water pollution. Contamination or impairment of the ground water table, streams, rivers or tributary bodies thereto shall not be permitted as a result of the extraction or processing activities. All operations and related activities shall be subject to the applicable laws, rules and regulations of the Department of Environmental Quality;
- .03 Air pollution control. Control of air, dust, odors and other pollutants shall be subject to the laws, rules and regulations of the Department of Environmental Quality;
- .04 Excavation. Excavation made to a water-producing depth creating lakes and ponds shall be deep enough to prevent stagnation and development of an insect breeding area or back filled with a material that will not impair the ground water quality;
- .05 Control of operation time. Operation times shall be limited from 7:00 a.m. to 6:00 p.m., except for such activities as office operations, machinery repair and equipment upkeep. However, in time of public or private emergency, as determined by the City Council, the operating time limits shall be waived;
- .06 Access roads. All access to the site shall be by route approved by the Planning Commission;

- .07 Screening. Screen planting, masonry walls, or fencing shall be provided to screen objectionable views where possible within 5 months after extraction activities commence. Views to be screened include but not limited to garbage and trash collection stations, truck loading areas, stock piles, washings and loading equipment;
- .08 Off street parking. Off street parking and loading shall be provided as required in section 10.020;
- .09 Design Review. Proposed land uses within this district shall be reviewed by the Design Review Board for their approval;
- .10 Underlying District. Other restrictions and limitations shall be as required in the underlying district;
- .11 Reclamation Plan. This plan shall be consistent with the City's land use planning policies. The plan shall be prepared at a scale of not less than one inch to 400 feet, with topographic contour intervals of not less than five feet.