PUBLIC MEETING NOTICE
FOR THE
WASHINGTON COUNTY PLANNING COMMISSION
HILLSBORO CIVIC CENTER - SHIRLEY HUFFMAN AUDITORIUM
150 EAST MAIN STREET, HILLSBORO, OR 97123

WEDNESDAY, AUGUST 2, 2017  PUBLIC MEETING  1:30 PM

Prior to scheduled public hearing items, the Planning Commission schedules time to receive briefings from county staff as work session items. These briefings provide the Planning Commission an opportunity to conduct informal communications with each other, review the agenda, and identify questions they may ask before taking action on the agenda items during the public meeting. No public testimony is taken on work session items.

Following work session briefings, the Planning Commission considers items published in their agenda, including scheduled public hearing items and consideration of minutes. The public is welcome to speak during the public hearing portions of the meeting. The public may also speak on any item not on the agenda during the Oral Communications section of the agenda.

Upon request, the county will endeavor to arrange provision of the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. If you need a sign language interpreter, assistive listening device, or a language interpreter, please call 503-846-3519 (or 7-1-1 for Telecommunications Relay Service) by 5:00 p.m. on the Monday preceding the meeting date.

[Signature]
Andy Back
Planning and Development Services Division Manager
The Planning Commission welcomes your attendance at the Public Meeting. If you wish to speak on a public hearing agenda item or during Oral Communications, please feel free to do so. Time is generally limited to five minutes for individuals and 10 minutes for an authorized representative of a Citizen Participation Organization (CPO). The Chair may adjust the actual time limits. However, in fairness to others, we respectfully ask your cooperation on the following:

Please follow sign-in procedures located on the table by the entrance to the auditorium.

- When your name is announced, please be seated at the table in front and state your name and home or business address for the record.
- Groups or organizations wishing to make a presentation are asked to designate one spokesperson in the interest of time and to avoid repetition.
- When more than one citizen is heard on any matter, please avoid repetition in your comments. Careful attention to the previous speakers’ remarks will be helpful in this regard.
- If you plan to present written testimony at the hearing, please bring 15 copies for distribution to Commission members and staff.

### PUBLIC MEETING DATES

<table>
<thead>
<tr>
<th>BOARD OF COMMISSIONERS WORK SESSIONS</th>
<th>PLANNING COMMISSION MEETINGS</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:30 a.m. 1st and 3rd Tuesdays</td>
<td>1:30 p.m. 1st Wednesday</td>
</tr>
<tr>
<td>2:00 p.m. 4th Tuesday</td>
<td>6:30 p.m. 3rd Wednesday</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BOARD OF COMMISSIONERS MEETINGS</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 a.m. 1st and 3rd Tuesdays</td>
</tr>
<tr>
<td>6:30 p.m. 4th Tuesday</td>
</tr>
</tbody>
</table>

*Note: Occasionally it may be necessary to cancel or add a meeting date.*
PUBLIC MEETINGS BEFORE THE PLANNING COMMISSION
HILLSBORO CIVIC CENTER
SHIRLEY HUFFMAN AUDITORIUM

WEDNESDAY AUGUST 2, 2017 1:30 PM

AGENDA

CHAIR: A. RICHARD VIAL
VICE-CHAIR: JEFF PETRILLO
COMMISSIONERS: ED BARTHOLEY, IAN BEATY, TEGAN ENLOE, DEBORAH LOCKWOOD,
ANTHONY MILLS, ERIC URSTADT, AND MATT WELLNER

PUBLIC MEETING (SHIRLEY HUFFMAN AUDITORIUM)

1. CALL TO ORDER

2. ROLL CALL

3. DIRECTOR’S REPORT

4. WORK SESSION
   a. 2017 Long Range Planning Proposed Ordinances
      o Ordinance No. 826 – Wireless Facilities

5. ORAL COMMUNICATIONS (Limited to items not on the agenda)

6. PUBLIC HEARING
   a. Ordinance No. 823: Retirement Housing – An Ordinance Amending the Community
      Development Code Relating to Retirement Housing Communities

   b. Ordinance No. 824: Quarries – An Ordinance Amending the Community Development Code
      Relating to Mineral and Aggregate Mining and Processing in the Exclusive Forest and
      Conservation District

7. CONSIDERATION OF MINUTES
   • July 5, 2017

8. ADJOURN
WASHINGTON COUNTY PLANNING COMMISSION
MINUTES OF WEDNESDAY, JULY 5, 2017

ALL PUBLIC MEETINGS ARE RECORDED

1. CALL TO ORDER: 1:30 P.M. Shirley Huffman Auditorium

The meeting was called to order by acting Chair Petrillo.

2. ROLL CALL


Staff present: Andy Back, Theresa Cherniak, John Floyd, and Susan Aguilar, Long Range Planning (LRP); Jacquilyn Saito-Moore, County Counsel.

3. DIRECTOR’S REPORT

Andy Back, Manager for the Planning and Development Services, provided the PC with updates:

- Al Boesel retired from the Current Planning group after 20 years with the County.
- Future PC meetings:
  - July 19 – Work session on Quarries ordinance, Jossy Plan Amendment and Ordinance No. 822 – Omnibus ordinance.
  - August 2 – Hearings on the Ordinance No. 823 – Retirement Communities, and Ordinance No. 824 – Quarries (Process and Standards for non-significant quarries). Possible work sessions on future ordinances.
  - August 15 – Hearings on two ordinances including the Wireless Facilities and Rightsizing the Parking Code ordinances.
  - September 6 – Hearings on Housekeeping ordinance and two potential UPAA (Urban Planning Area Agreements) ordinances including the cities of Hillsboro and King City.

4. WORK SESSION

None
5. ORAL COMMUNICATIONS

None

6. CONSIDERATION OF MINUTES

None

7. Public Hearing

a. Ordinance No. 821 – Sherwood UPAA
Theresa Cherniak, principal planner for the Community Planning group provided a PowerPoint presentation regarding Ordinance No. 821 - Sherwood UPAA. Staff provided an overview and background on Urban Planning Area Agreements (UPAA) in Washington County, and the ordinance under consideration.

Staff provided key provisions and summary of the ordinance, which included the following:
- Updating the map in Exhibit A to reflect boundary changes and the adoption of urban and rural reserves
- Adding a new section to address concept planning in the Urban Reserve Areas
- Minor updates throughout the UPAA, including notification requirements, address implementation of comprehensive plans for urban reserves, and provide greater flexibility in future amendments to the UPAA.

Staff identified engrossments that originated from work on similar agreements with other cities. The following were proposed:
- Add language to clarify the intent of the Urbanization Forum
- Match terms in the UPAA and attached map
- Refine language regarding annexation

Recommendation
- Recommend engrossment of Ordinance No. 821 to the Board of Commissioners (Board) to include proposed amendments as shown in Attachment A.

Written Testimony received in support of Ordinance No. 821
Written testimony included comments from the following parties:
- Letter received July 3, 2017 from the City of Sherwood.

Discussion
- Questions regarding state or regional requirements regarding UPAAs.
- Questions regarding continuation of County planning responsibility in the Urban Reserves.
- Questions regarding the difference between Conceptual and Comprehensive Planning.
Final Vote
Commissioner Wellner moved to recommend engrossment of Ordinance No. 821 to the Board to include the proposed amendments as shown in Attachment A of the staff report. Commissioner Bartholemy seconded motion. **Vote: 6-0. Motion passes.**

<table>
<thead>
<tr>
<th>Commissioner</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bartholemy</td>
<td>Yes</td>
</tr>
<tr>
<td>Beaty</td>
<td>Yes</td>
</tr>
<tr>
<td>Enloe</td>
<td>Yes</td>
</tr>
<tr>
<td>Lockwood</td>
<td>Absent</td>
</tr>
<tr>
<td>Mills</td>
<td>Yes</td>
</tr>
<tr>
<td>Petrillo</td>
<td>Yes</td>
</tr>
<tr>
<td>Urstadt</td>
<td>Absent</td>
</tr>
<tr>
<td>Vial</td>
<td>Absent</td>
</tr>
<tr>
<td>Wellner</td>
<td>Yes</td>
</tr>
</tbody>
</table>

8. **ADJOURN: 7:15 P.M.**

There being no further business to come before the Planning Commission, the meeting was adjourned.

A. Richard Vial
Chairman, Washington County Planning Commission

Andrew Singelakis
Secretary, Washington County Planning Commission

Minutes approved this _________ day of ______________________________, 2017

Submitted by Long Range Planning
July 26, 2017

To: Washington County Planning Commission
From: Andy Back, Manager
Planning and Development Services

Subject: PROPOSED LAND USE ORDINANCE NO. 823 - An Ordinance Amending the Community Development Code Relating to Retirement Housing Communities

STAFF REPORT

For the August 2, 2017 Planning Commission Hearing
(The public hearing will begin no sooner than 1:30 p.m.)

I. STAFF RECOMMENDATION

Conduct the public hearing; recommend approval of Ordinance No. 823 to the Board of Commissioners (Board).

II. OVERVIEW

Ordinance No. 823 proposes amendments to the Community Development Code (CDC) related to retirement housing communities and locations that such developments may be permitted. The proposed amendments allow development of retirement housing communities with a continuum of care, from independent living to assisted care, in more land use districts. The proposed amendments will also offer more flexibility in community design of senior housing, including provisions allowing for kitchenettes and shared bathroom facilities.

Ordinance No. 823 originated from a recommendation in the Aloha-Reedville Study and Livable Community Plan to revise and update Group Care standards in CDC Section 430 – Special Use Standards, and was included as a Tier 1 Task in the 2017 Long Range Planning Work Program. The proposed amendments to retirement housing community standards were also informed by inquiries from the Sisters of St. Mary of Oregon about potentially developing a retirement housing community on their property.
III. BACKGROUND

The Federal Fair Housing Act prohibits discrimination in the sale, rental and financing of housing, as well as in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (presence of children under the age of 18 in a household) and disability. The law applies to individuals, businesses, governmental entities, nonprofits and other groups.

Governmental entities that receive federal housing or community development funds are required to affirmatively further fair housing, which includes identifying local public and private sector impediments to housing choice and developing a plan to address them over time. The Federal Department of Housing and Urban Development (HUD) issued its Final Rule regarding Affirmatively Furthering Fair Housing (AFFH) on July 16, 2015. The Final Rule clarifies government obligations to affirmatively further fair housing, and provides guidelines and data to assist in achieving these goals. AFFH also emphasizes the need to address fair housing barriers in local codes and regulations, including zoning regulations and development codes.

During work on the Aloha-Reedville Study and Livable Community Plan, staff reviewed best practice recommendations from the Fair Housing Council of Oregon to remove regulatory barriers that could impede fair housing access and development. An initial review of existing CDC regulations highlighted the need to remove potential barriers to the provision of affordable and special needs housing. The final report for the Aloha-Reedville Study included a recommendation to update the CDC to better conform with Fair Housing Council recommendations, in particular, Section 413 (Parking and Loading), Section 430 (Special Use Standards), and Section 435 (Variances and Hardship Relief).

Special Needs housing in the County is primarily regulated in the CDC through the Group Care regulations. Group care includes Convalescent (Nursing) Home (CDC Section 430.53.1), Home for Aged (Retirement Home) (Section 430-53.4), Resident Care Facility (Section 430-53.5), and Retirement Housing Community (Section 430-53.7). The Special Use Standards for Group Care (Section 430-53) were first adopted in 1983 and revised in 1986 (via Ordinance Nos. 279, 293, and 308). Subsequent non-substantive updates have occurred, with a more substantive change occurring in 2000 with the addition of the Retirement Housing Community to the list of allowed Group Care Uses (added via Ordinance No. 537). With the exception of this addition, the CDC descriptions for all of the other Group Care types are substantially the same as first adopted. Amendments and updates to Section 430-53 are needed at this time to ensure consistency with state law, federal Fair Housing law, and recommendations from the Fair Housing Council of Oregon.

Ordinance No. 823 proposes to update Group Care standards for Retirement Housing Communities, amending the existing definition and expanding locations where this type of development is a permitted use. Updates to other Group Care types are planned for the 2018 ordinance season, subject to Board approval of the Work Program.
Retirement Housing Need and Current Regulations

According to 2014 American Community Survey 5-year estimates, nearly 30 percent of Washington County’s population is 50 years of age or older and 11 percent of the population is over 65. The population over age 60 is also the fastest-growing population in Washington County. Today’s seniors remain active as they age, therefore, provision of housing that includes a range of options that can serve residents as they move through life stages will be necessary.

Retirement housing communities that offer a range of services and support can help residents remain connected to friends and neighbors and close to familiar services. Surveys conducted by the AARP\(^1\) indicate that the majority of seniors would prefer to remain in their local community as they age. A majority of AARP survey respondents assert that remaining close to friends and community amenities is important to their quality of life. Research published in the Journal of Housing for the Elderly\(^2\) indicates that residents in local continuing care retirement communities demonstrate better health outcomes than residents who move long distances, and other research suggests that residents engaged in activities such as those encouraged in many retirement communities are associated with better health-related quality of life.\(^3\)

Facilities that offer a variety of residential options and a continuum of care and services are often referred to as continuing care retirement communities or retirement housing communities. Licensed senior housing, including retirement housing, is regulated through the Oregon Department of Human Services. Senior facilities that provide skilled nursing care are subject to additional federal regulation. These regulations include guidelines for building requirements and physical design, as well as staffing and supervision requirements.\(^4\)

Washington County CDC currently considers most types of assisted living and supportive housing to be a type of Group Care (Section 430-53). Communities that provide a continuum of care for seniors have been inconsistently classified in Washington County development applications, and are not clearly permitted uses in some land use districts in the CDC.

The County’s Group Care (CDC Section 430-53) regulations begin with the following statement: *Community based care is divided into medical and nonmedical care. Group care homes, residential care facilities, and halfway houses provide care and training to small groups of more than five (5) people living together in a homelike setting. The clients and staff function as a single housekeeping unit and, act in many ways as a family providing support, care and


\(^4\) [https://www.oregon.gov/DHS/PROVIDERS-PARTNERS/LICENSING/CBC/Pages/licensing.aspx](https://www.oregon.gov/DHS/PROVIDERS-PARTNERS/LICENSING/CBC/Pages/licensing.aspx)
[http://www.dhs.state.or.us/policy/spd/rules/411_054.pdf](http://www.dhs.state.or.us/policy/spd/rules/411_054.pdf)
[http://www.dhs.state.or.us/policy/spd/rules/411_057.pdf](http://www.dhs.state.or.us/policy/spd/rules/411_057.pdf)
[https://www.dhs.state.or.us/policy/spd/rules/411_087.pdf](https://www.dhs.state.or.us/policy/spd/rules/411_087.pdf)
The goal of these facilities is the integration of their clients into society. Other types of group care include facilities for day-care, convalescent (nursing) homes, and retirement housing communities.

The types of Group Care related to seniors currently allowed by the CDC in most Residential and Institutional land use designations (typically through a Type III procedure) include:

- **Section 430-53.1 Convalescent (Nursing) Homes** “…for the care of children, the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for surgical care or institutions for the care and treatment of mental illness, alcoholism or narcotics…”

- **Section 430-53.4 Home for Aged (Retirement Home)** “…for the care of individuals who are not in need of hospital or nursing care but who are in need of assistance with everyday activities of living, in a protected environment…”

- **Section 430-53.5 Resident Care Facility** “…licensed or certified by the state and operated with twenty-four (24) hour supervision for the purpose of providing planned treatment and/or care for the aged, convalescent, mentally handicapped or retarded, and remedial service clientele and/or victims of domestic violence and their children, as a single housekeeping unit…”

None of these types of Group Care clearly allow both independent living (in attached or detached housing units) for senior residents who do not require assistance with daily activities, as well as housing for seniors who require increasing levels of care and assistance as they age.

Retirement Housing Communities (Section 430-53.7) is the only type of Group Care that explicitly allows both independent and assisted living options with a variety of supportive services. Retirement Housing Communities, however, are currently only allowed in Transit Oriented (TO) Districts, where the use and location are specified in a Community Plan and permitted by an Area of Special Concern.

- **Section 430-53.7 defines a Retirement Housing Community as** “…a residential community for citizens age fifty-five (55) years and older that includes a variety of housing options and services…”, including independent living, assisted living, and residential care facility “…licensed or certified by the state and operated with twenty-four (24) hour supervision for the purpose of providing planned treatment and/or care for the aged or convalescent…”

**Retirement Housing Communities in Unincorporated Washington County**

Previous developments in unincorporated Washington County that include a range of living options and accessory services for seniors seem to have been processed somewhat inconsistently. It has not necessarily been clear to staff or the development community which CDC section these developments should be reviewed under. The Touchmark Heights development (Casefile 06-228-D(R)/SU/PLA), approved in 2006, was approved as a Residential Planned Development, with a Special Use approval for an accessory fitness club. A staff memo dated 5/17/06 suggests
that the development should be considered a Retirement Community, but the 8/17/06 Staff Report states that the 55+ development is simply an age-restricted residential community, not a retirement village, assisted living, or retirement home.

The 2011 development application for the Plaza at Bethany Village (Casefile 11-176-M/SU/SU/D(R)/D/D/D/D/P) includes an expansion of the existing Laurel Parc memory care facility. The expansion, which adds 26 additional independent living units, 20 assisted living units, and 22 memory care units to the existing development, was processed as a Type III Special Use Group Care Facility under 430-53.4 Home for the Aged (Retirement Home).

The 2015 development application for Cornell Road Senior Living Center (Casefile 15-275-SU/D/DHA/AMP/PD), including 116-118 assisted living and memory care beds (but no independent living units) was processed as a Type III Special Use Group Care Facility under 430-53.5, Resident Care Facility.

In 2016, a pre-application meeting was held with the Sisters of St. Mary, who own land designated INST and R-15 in the Aloha area and are interested in providing a range of housing options for seniors. They are particularly interested in providing a range of care options, including independent living, to complement the existing Maryville care facility providing long-term and memory care on the same campus (allowed as a Residential Care Facility in INST and R-15). LUT staff advised that they could not do the type of development they envisioned in these two land use districts and under existing regulations. Subsequent to the meeting, they asked that the County review its existing regulations to allow for this type of continuum of care. This task was included in the 2017 Long Range Planning Work Program adopted by the Board.

**Ordinance Notification**

Ordinance No. 823 and an accompanying summary were mailed to citizen participation organizations (CPOs) and interested parties on July 7, 2017. A display advertisement regarding the proposed ordinance was published in the *The Oregonian* newspaper on July 14, 2017. Individual Notice 2017-04 describing proposed Ordinance No. 823 was mailed to 327 people on the General Notification List on July 14, 2017. A copy of this notice was also mailed to the Planning Commission at that time.

**IV. ANALYSIS**

Ordinance No. 823 addresses issues regarding the limited locations where the CDC expressly permits a retirement community, uncertainty as to which regulations and review path a retirement community would fall under, and the need for clarification in existing CDC language regarding retirement communities. As proposed, Ordinance No. 823 provides for consistent classification and review of senior housing developments that provide a continuum of care, and allows existing applicable state and federal regulations to establish requirements for licensing, staffing and supervision, and building design. These changes may help increase certainty for developers and expand the range of housing options for older Washington County residents.
When considering the appropriate way to address these issues, staff researched how other jurisdictions addressed retirement communities. A review of development codes in other jurisdictions indicates that some development codes (including codes for Clackamas County, Beaverton, and Hillsboro) define residential care and/or congregate housing facilities much more broadly than Washington County’s CDC. Retirement housing communities in Beaverton and Hillsboro are simply considered a type of residential care.

Staff considered this approach; however, broadening the definition of Residential Care Facilities would have required addressing potential impacts of onsite supportive care/treatment for a more diverse resident population. The CDC definition of residential care facilities includes state licensing, 24 hour supervision, and planned treatment. This definition did not include options for a full the continuum of care envisioned for retirement communities.

Since the CDC already includes a use that explicitly allows a range of housing types and care options for seniors, staff is recommending that updating the existing definition of Retirement Housing Community and expanding locations where this is a permitted use would be the preferred way to expand potential housing options for seniors at this time. A more detailed review and updates to other Group Care types are planned for the 2018 ordinance season.

*Proposed Ordinance: Permitted Locations*

Currently, Retirement Communities are only permitted in TO Districts, if the use and location are specified in a Community Plan and permitted by an Area of Special Concern. This effectively means that Retirement Housing Communities are only permitted in one specific location in the Cedar Hills/Cedar Mill area. The definition and allowed locations for Retirement Housing Community adopted through Ordinance No. 537 was developed as part of a negotiation between Washington County and Touchmark Living Centers regarding a proposed retirement community in the Peterkort “Woods” Master Plan Area. The Cedar Hills/Cedar Mill Community Plan includes additional provisions for allowable Retirement Housing Communities in Area of Special Concern No. 17 (which remain applicable in that location).

The CDC also includes additional requirements for Retirement Housing Communities in TO districts in Section 375-7 (Development Limitations for Permitted Uses in Transit Oriented Districts [32.a.-d.]). These additional provisions are intended to encourage Retirement Housing Communities that enhance the transit friendly and pedestrian oriented development envisioned in Transit Oriented Districts, and will remain applicable in these districts.

Figure 1 on the following page shows the current location where a Retirement Housing Community is a permitted use.
**Figure 1**

Current Retirement Housing Location

- Purple: Current TO retirement housing allowed use
- Chop: Cedar Hills/Cedar Mill
- White: Other CPO
- Gray: City

1:30,000 Scale

The information on this map was derived from several databases and care was taken in its creation. Washington County cannot accept any responsibility for errors that may occur. Washington County makes no warranty of any kind, expressed or implied, regarding the information on this map.
Most other types of Group Care are permitted in most Residential (R-6 and higher), Institutional, and mixed-use designations through a Type II or III procedure. Staff proposes adding Retirement Housing Community as another type of Group Care permitted through a Type II or III procedure in these same districts. Table 1, below, shows the proposed locations where retirement housing communities would be allowed, in comparison to other types of residential uses and Group Care.

**Table 1 - Comparison of Proposed Permitted Uses by Land Use District**

<table>
<thead>
<tr>
<th>Urban Land Use Districts</th>
<th>Attached Dwellings</th>
<th>Planned Developments</th>
<th>USES IN SECTION 430-53 GROUP CARE</th>
<th>PROPOSED Retirement Housing Community</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>430-53.1</td>
<td>430-53.4</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>430-53.5</td>
<td>430-53.7</td>
</tr>
<tr>
<td><strong>RESIDENTIAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-5</td>
<td>III</td>
<td>III</td>
<td>III</td>
<td>II</td>
</tr>
<tr>
<td>R-6</td>
<td>II</td>
<td>II</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>R-9</td>
<td>II</td>
<td>II</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>R-15</td>
<td>II</td>
<td>II</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>R-24</td>
<td>II</td>
<td>II</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>R-25+</td>
<td>II</td>
<td>II</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>TO: R9-12</td>
<td>II/N</td>
<td>II</td>
<td>II</td>
<td>II</td>
</tr>
<tr>
<td>TO: R12-18</td>
<td>II/N</td>
<td>II</td>
<td>II</td>
<td>II</td>
</tr>
<tr>
<td>TO: R18-24</td>
<td>II*</td>
<td>II</td>
<td>II</td>
<td>II</td>
</tr>
<tr>
<td>TO: R24-40</td>
<td>II</td>
<td>II</td>
<td>II</td>
<td>II or III</td>
</tr>
<tr>
<td>TO: R40-80</td>
<td>II</td>
<td>II</td>
<td>II</td>
<td>II</td>
</tr>
<tr>
<td>TO: R80-120</td>
<td>II</td>
<td>II</td>
<td>II</td>
<td>II</td>
</tr>
<tr>
<td>R-6 NB</td>
<td>II</td>
<td>II or III</td>
<td>II</td>
<td>II</td>
</tr>
<tr>
<td>R-9 NB</td>
<td>II</td>
<td>II or III</td>
<td>II</td>
<td>II</td>
</tr>
<tr>
<td>R-15 NB</td>
<td>II</td>
<td>II or III</td>
<td>III</td>
<td>II</td>
</tr>
<tr>
<td>R-24 NB</td>
<td>II</td>
<td>II or III</td>
<td>III</td>
<td>II</td>
</tr>
<tr>
<td>R-25+ NB</td>
<td>II</td>
<td>II or III</td>
<td>III</td>
<td>II</td>
</tr>
<tr>
<td><strong>COMMERCIAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NC</td>
<td>II*</td>
<td>II</td>
<td>II</td>
<td>II</td>
</tr>
<tr>
<td>OC</td>
<td>III*</td>
<td>III*</td>
<td>II</td>
<td>II</td>
</tr>
<tr>
<td>CBD</td>
<td>II*</td>
<td>II</td>
<td>II</td>
<td>II</td>
</tr>
<tr>
<td>GC</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NCC-NB</td>
<td>II*</td>
<td>II or III</td>
<td>II</td>
<td>II</td>
</tr>
<tr>
<td>NCMU-NB</td>
<td>II*</td>
<td>II or III</td>
<td>II</td>
<td>II</td>
</tr>
<tr>
<td>TO: RC</td>
<td>II</td>
<td>II*</td>
<td>II</td>
<td>II</td>
</tr>
<tr>
<td>TO: BUS</td>
<td>II</td>
<td>II*</td>
<td>II</td>
<td>II</td>
</tr>
</tbody>
</table>
Tables 2 and 3 (attached) show current permitting requirements for similar residential uses by land use district, and provide a comparison between current and proposed locations for retirement housing communities. Figure 2 on the following page illustrates the land use districts where Retirement Housing Community is proposed as an allowed use. This will significantly increase potential locations for future development of retirement housing communities, allowing more residents to remain in their communities as they age.

**Potential Impacts**

Retirement housing communities serving a range of residents and offering services and care that are accessory to the primary residential use are not anticipated to have significantly greater impacts on the surrounding community than existing permitted uses. Residential districts allow attached dwellings, planned developments, and Special Use Group Care facilities (including Convalescent Home, Home for Aged, and Resident Care Facility) through Type II or Type III processes under the current CDC. Accessory uses and structures that primarily serve residents are also currently allowed in most residential districts.

Institutional (INST) designations currently allow Special Use Group Care facilities through a Type III process. Allowing retirement housing communities in these districts may allow additional housing options for locations that already include some level of assisted care facility. The proposal of the Sisters of St. Mary to develop independent senior housing to complement the existing Maryville care facility is one such example.

Retirement housing communities may include a more varied mix of housing types and accessory uses within one development, but are not expected to result in significant community impacts in any of these land use designations. It is possible that lower rates of car ownership and greater reliance on transit and pedestrian travel may result in lower traffic impacts when compared to other types of residential development.
Figure 2

The information on this map was derived from several databases and care was taken in its creation. Washington County cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties for this product. However, notification of any errors will be appreciated.

Washington County - Planning and Development Services

Proposed areas where Retirement Housing Community would be an allowed use

- Type II
- Type II or III

Legend:
- UGB
- Cities
- County

Scale: 1:130,000
**Proposed Ordinance: Applicable Licensing and Supervision Requirements**

Licensed senior housing, including retirement housing, is regulated through the Oregon Department of Human Services. Senior facilities that provide skilled nursing care are subject to additional federal regulation. These regulations include staffing and supervision requirements that apply to licensed housing facilities. In order to avoid contradicting or duplicating state and/or federal requirements, and avoid the necessity to update Washington County’s CDC when state and/or federal regulations are updated, the proposed ordinance defers to existing applicable regulations for licensing, supervision, and staffing requirements.

**Proposed Ordinance: Building Requirements and Physical Design**

Licensed senior housing, including retirement housing, is regulated through the Oregon Department of Human Services. Senior facilities that provide skilled nursing care are subject to additional federal regulation. These regulations include building requirements and physical design guidelines that address many specifics, such as minimum square footage per resident, access to bedrooms, bathroom and kitchen facilities, and other details. Existing guidelines stipulate circumstances in which common bathroom and kitchen facilities may be provided in addition to, or in lieu of, in-unit facilities. In order to avoid contradicting or duplicating state and/or federal requirements, and avoid the necessity to update Washington County’s CDC when state and/or federal regulations are updated, the proposed ordinance defers to existing applicable regulations regarding building requirements and physical design.

**Summary of Proposed Changes**

Ordinance No. 823 proposes to amend the Community Development Code (CDC) to update the definition of retirement housing communities to allow more flexibility in community design of senior housing, and to allow the development of retirement housing communities that offer a continuum of care in more land use districts. Specifically, the ordinance:

- Allows Retirement Housing Communities through a Type II or Type III procedure in areas designated R-9, R-15, R-24, R-25+, CBD, INST, TO, R-9 NB, R-15 NB, R-24 NB, and R-25+ NB.
- Amends Section 430-53.7 (Retirement Housing Community) to defer to state and federal standards for applicable licensing and supervision requirements.
- Amends Section 430-53.7 (Retirement Housing Community) to allow for kitchenettes and shared bathrooms if those facilities meet all state and federal requirements.

**List of Attachments**

The following attachments identified in this staff report are provided:

Attachment A: Table 2 - Comparison of Current Permitting Requirements between Residential Dwellings and Group Care by Land Use Districts

Attachment B: Table 3 - Comparison of Current and Proposed Locations for Retirement Housing Communities by Land Use Districts
<table>
<thead>
<tr>
<th>Urban Land Use Districts</th>
<th>Attached Dwellings</th>
<th>Planned Developments</th>
<th>USES IN SECTION 430-53 GROUP CARE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Convalescent Homes</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>430-53.1</td>
</tr>
<tr>
<td><strong>Residential</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-5</td>
<td>III</td>
<td>III</td>
<td>III</td>
</tr>
<tr>
<td>R-6</td>
<td>II</td>
<td>II</td>
<td>III</td>
</tr>
<tr>
<td>R-9</td>
<td>II</td>
<td>II</td>
<td>III</td>
</tr>
<tr>
<td>R-15</td>
<td>II</td>
<td>II</td>
<td>III</td>
</tr>
<tr>
<td>R-24</td>
<td>II</td>
<td>II</td>
<td>III</td>
</tr>
<tr>
<td>R-25+</td>
<td>II</td>
<td>II</td>
<td>III</td>
</tr>
<tr>
<td>TO: R9-12</td>
<td>II/N</td>
<td>II</td>
<td>II</td>
</tr>
<tr>
<td>TO: R12-18</td>
<td>II/N</td>
<td>II</td>
<td>II</td>
</tr>
<tr>
<td>TO: R18-24</td>
<td>II*</td>
<td>II</td>
<td>II</td>
</tr>
<tr>
<td>TO: R24-40</td>
<td>II</td>
<td>II</td>
<td>II</td>
</tr>
<tr>
<td>TO: R40-80</td>
<td>II</td>
<td>II</td>
<td>II</td>
</tr>
<tr>
<td>TO: R80-120</td>
<td>II</td>
<td>II</td>
<td>II</td>
</tr>
<tr>
<td>R-6 NB</td>
<td>II</td>
<td>II or III</td>
<td>II</td>
</tr>
<tr>
<td>R-9 NB</td>
<td>II</td>
<td>II or III</td>
<td>II</td>
</tr>
<tr>
<td>R-15 NB</td>
<td>II</td>
<td>II or III</td>
<td>III</td>
</tr>
<tr>
<td>R-24 NB</td>
<td>II</td>
<td>II or III</td>
<td>III</td>
</tr>
<tr>
<td>R-25+ NB</td>
<td>II</td>
<td>II or III</td>
<td>III</td>
</tr>
<tr>
<td><strong>COMMERCIAL</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NC</td>
<td>II*</td>
<td>II</td>
<td></td>
</tr>
<tr>
<td>OC</td>
<td>III*</td>
<td>III*</td>
<td></td>
</tr>
<tr>
<td>CBD</td>
<td>II*</td>
<td>II</td>
<td>II</td>
</tr>
<tr>
<td>GC</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NCC-NB</td>
<td>II*</td>
<td>II or III</td>
<td></td>
</tr>
<tr>
<td>NCMU-NB</td>
<td>II*</td>
<td>II or III</td>
<td></td>
</tr>
<tr>
<td>TO: RC</td>
<td>II</td>
<td>II*</td>
<td>II</td>
</tr>
<tr>
<td>TO: BUS</td>
<td>II</td>
<td>II*</td>
<td>II</td>
</tr>
<tr>
<td><strong>INSTITUTION</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>INST</td>
<td></td>
<td></td>
<td>III</td>
</tr>
<tr>
<td>INST-NB</td>
<td></td>
<td></td>
<td>III</td>
</tr>
<tr>
<td><strong>INDUSTRIAL &amp; EMPLOYMENT</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IND</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TO: EMP</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* with certain limitations

Type II Use
Type III Use
Prohibited Use
Table 3 Comparison of Current and Proposed Locations for Retirement Housing Communities by Land Use Districts

<table>
<thead>
<tr>
<th>Urban Land Use Districts</th>
<th>USES IN SECTION 430-53 GROUP CARE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Retirement Housing Community CURRENTLY ALLOWED</td>
</tr>
<tr>
<td></td>
<td>CDC Section</td>
</tr>
<tr>
<td>Residential</td>
<td>R-5</td>
</tr>
<tr>
<td></td>
<td>R-6</td>
</tr>
<tr>
<td></td>
<td>R-9</td>
</tr>
<tr>
<td></td>
<td>R-15</td>
</tr>
<tr>
<td></td>
<td>R-24</td>
</tr>
<tr>
<td></td>
<td>R-25+</td>
</tr>
<tr>
<td></td>
<td>TO: R9-12</td>
</tr>
<tr>
<td></td>
<td>TO: R12-18</td>
</tr>
<tr>
<td></td>
<td>TO: R18-24</td>
</tr>
<tr>
<td></td>
<td>TO: R24-40</td>
</tr>
<tr>
<td></td>
<td>TO: R40-80</td>
</tr>
<tr>
<td></td>
<td>TO: R80-120</td>
</tr>
<tr>
<td></td>
<td>R-6 NB</td>
</tr>
<tr>
<td></td>
<td>R-9 NB</td>
</tr>
<tr>
<td></td>
<td>R-15 NB</td>
</tr>
<tr>
<td></td>
<td>R-24 NB</td>
</tr>
<tr>
<td></td>
<td>R-25+ NB</td>
</tr>
<tr>
<td>Commercial</td>
<td>NC</td>
</tr>
<tr>
<td></td>
<td>OC</td>
</tr>
<tr>
<td></td>
<td>CBD</td>
</tr>
<tr>
<td></td>
<td>GC</td>
</tr>
<tr>
<td></td>
<td>NCC-NB</td>
</tr>
<tr>
<td></td>
<td>NCMU-NB</td>
</tr>
<tr>
<td></td>
<td>TO: RC</td>
</tr>
<tr>
<td></td>
<td>TO: BUS</td>
</tr>
<tr>
<td>Institution</td>
<td>INST</td>
</tr>
<tr>
<td></td>
<td>INST-NB</td>
</tr>
<tr>
<td>Industrial &amp; Employment</td>
<td>IND</td>
</tr>
<tr>
<td></td>
<td>TO: EMP</td>
</tr>
</tbody>
</table>

* with certain limitations

Type II Use
Type III Use
Prohibited Use
July 26, 2017

To: Washington County Planning Commission

From: Andy Back, Manager
Planning and Development Services

Subject: PROPOSED LAND USE ORDINANCE NO. 824 - An Ordinance Amending the Community Development Code to Allow Special Use Mineral and Aggregate Quarries in the Exclusive Forest and Conservation District

STAFF REPORT

For the August 2, 2017 Planning Commission Hearing
(The public hearing will begin no sooner than 1:30 p.m.)

I. STAFF RECOMMENDATION

Conduct the public hearing; recommend approval of Ordinance No. 824 to the Board of Commissioners (Board).

II. OVERVIEW

Ordinance No. 824 proposes adoption of Community Development Code (CDC) standards to allow Special Use (SU) mineral and aggregate quarries in the Exclusive Forest and Conservation (EFC) district. The ordinance is part of efforts to increase access to local mineral and aggregate sources for construction, upkeep and repair of roads and other transportation facilities throughout the county.

This report includes information on current quarry regulations, summaries of stakeholder input as context for the current proposal, and discusses elements of the proposed ordinance.
III. BACKGROUND

A local supply of mineral and aggregate material is essential to all construction projects, and particularly for road-related improvements, maintenance and repair driven by regional infrastructure projects and economic growth.

Today, the County’s mineral/aggregate standards address only quarry sites that meet basic state quality and quantity thresholds for qualification and protection as natural resources, including an aggregate tonnage minimum of 2 million. These will be called “significant quarries” for the purposes of this report. Existing County standards for these quarries were created in 1983 when the CDC was first adopted to replace prior zoning ordinances.\(^1\)

Consistent with state provisions, a complex two-step review process applies to new or expanded significant quarries, requiring applicants to:

1. Obtain approval for a legislative Plan Amendment (Type IV) to add overlays of the new quarry site as a protected natural resource under Statewide Planning Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources), and to identify bordering lands where uses that might impact quarry operations may be restricted; and

2. Obtain approval for a land use application to permit operation of the quarry.

Ordinance No. 824 responds to concerns raised by Washington County Engineering and Construction Services (ECS), the Oregon Department of Transportation (ODOT), and owners of viable aggregate operations that can’t be approved through existing CDC standards because they fall short of the 2 million ton aggregate threshold. They indicate that:

- The county appears to be lacking in potential sites that could meet thresholds for approval as new significant quarries; and
- Existing significant quarries, alone, may not adequately meet the needs of regional road and bridge improvement projects that are underway or planned.

This ordinance has been proposed within the Work Program for several years, formerly a Tier 2 task, but elevated to Tier 1 this year given growing concerns about aggregate availability.

The current ordinance is the first of two potential phases intended to respond to the above concerns and increase access to needed materials. It proposes adoption of SU standards by which the County could allow quarries that, though they wouldn’t qualify as significant, could still provide useful alternative sources of mineral/aggregate. These quarries will be called “SU quarries” for the purposes of this report, and if approved will be allowable only in the Exclusive Forest and Conservation (EFC) land use district.

A potential Phase 2 is intended for 2018, to analyze existing County standards for significant quarries in relation to current state law and propose related updates. A second phase may also provide opportunity to make improvements to the new SU standards based on what is learned.

---

\(^1\) Ordinance No. 279
from their application to specific cases, and as considered practical based on the continued evaluation of state provisions.

Ordinance Notification

Ordinance No. 824 and an accompanying summary were mailed June 30, 2017 to community participation organizations (CPOs) and interested parties. A display advertisement regarding the proposed ordinance was published July 14, 2017 in The Oregonian newspaper. Individual Notice 2017-05 describing proposed Ordinance No. 824 was mailed July 14, 2017 to 327 people on the General Notification List. A copy of this notice was also mailed to the Planning Commission at that time.

IV. ANALYSIS

Important Considerations

A number of challenges are inherent to development of mineral/aggregate standards, mostly due to competing concerns: the need to increase access to aggregate materials through allowance of quarries in new locations, and the difficulty of ensuring that their locations and operations will be compatible with surrounding natural environments and uses, especially residential.

An analysis of aggregate mining in Oregon led by the Institute for Natural Resources\(^2\) notes:

Predictions of aggregate demand are poorly constrained due to the limited information regarding actual demand... While the data distribution is less than ideal, projected [yearly] aggregate demand ranges from 60 million to 90 million tons by 2040... an average annual demand of 52 million tons... with over 50% of this demand needed to meet the demands of the urbanizing Willamette River Basin.

A 2007 Governor’s policy briefing on Aggregate Resources in Oregon states:

Ensuring economic development in Oregon and maintaining adequate public transportation infrastructure are primary issues for the Governor and the state... A balanced approach consistent with state and federal laws directed towards protecting resources and water quality while recognizing the needs of local communities and regions is necessary to have a stable source of quality aggregate for public and private projects.\(^3\)

The Oregon Department of Geology and Mineral Industries (DOGAMI) explains:

Oregon’s mineral resources are vital to economic growth. In recent years, the annual production of mines has averaged over $275 million. Every Oregon community benefits directly from reliable sources of aggregate... and secondary products such as concrete and asphalt. Developing aggregate resources near urban areas, where the demand for these materials are the greatest, can be controversial. It can also significantly reduce the overall

---

\(^2\) Preliminary Summary of Aggregate Mining in Oregon with emphasis in the Willamette River Basin (2005), http://ir.library.oregonstate.edu/xmlui/bitstream/handle/1957/13914/PreliminarySummaryofAggregateMininginOregonwithemphasisintheWillametteRiverBasinInstituteforNatural.pdf?sequence=1

cost of many construction projects, including taxpayer costs of public projects, by eliminating costly transportation.\(^4\)

The state’s informational document, Planning for Aggregate: A Guide to Land Use Planning for Aggregate Resources in Oregon,\(^5\) notes, “…Odds of an aggregate mining decision being appealed have been much higher than for most other types of land use,” and explains that by far, most appeals of these decisions are by neighbors or other concerned citizens. The guide further notes that, of aggregate mining cases from the 1990s, about two-thirds of LUBA's decisions went against mining, and Court of Appeals decisions ran against aggregate mining by about 2 - 1.

Litigation and related delays or denials can clearly impact the ability to increase aggregate mining opportunities. Standards that take a balanced approach to community concerns and potential impacts, practical needs of mine operators, and good interagency coordination, as reflected in Attachment A, may help to reduce the incidence of litigation.

**Stakeholder Input**

During development of draft SU standards, staff gathered perspectives from an array of stakeholders who are knowledgeable about and/or affected by mineral and aggregate operations. Staff met with:

- Washington County Rural Roads Operations and Maintenance Advisory committee (RROMAC)
- Several longtime quarry operators
- Two people interested in pursuing SU quarry approval for a site that can’t quite meet the aggregate minimum for significant quarries
- Four residents who live near existing quarries
- District Forester for the Oregon Department of Forestry
- Stimson Lumber representative
- Mineral resources engineer from Weyerhaeuser
- Staff from other counties, DLCD, ODOT, DEQ and DOGAMI

Additionally, development of this ordinance was described on the Land Use & Transportation website, where a comment box was provided. To date, no comments have been received from citizens in response to the web information or notices listed on Page 3 of this report.

---

\(^4\) http://www.oregongeology.org/sub/portoff/portoffice.htm

\(^5\) Guide prepared by the Oregon Department of Transportation (ODOT) and the Department of Land Conservation and Development (DLCD)
The following summary of information gathered during development of this ordinance is provided to demonstrate the types of issues and concerns surrounding potential expansion of the County’s quarry allowances and to help educate the Planning Commission and Board on this complex topic.

**RROMAC**

Many RROMAC members shared the viewpoint that access to aggregate is insufficient in Washington County. Several reported that demand has not been adequately addressed for some time, and this issue has been brought forward to the Board for a number of years. They added that locations to obtain aggregate are not well dispersed geographically, and consequently, heavy aggregate must be hauled over long distances from the quarry to road improvement/development sites. They explained that long distance hauling accelerates roadway deterioration, causing maintenance concerns for the County, and that the supplier’s added costs for fuel and vehicle upkeep can cause aggregate price increases. RROMAC members also stated that inherent conflicts exist between mineral/aggregate operations and nearby residential uses. Some members also shared an opinion that existing County review processes for mineral and aggregate operations seem overly complex, and some questioned the need for comprehensive periodic reviews that are required to ensure ongoing compliance with regulations.

**Quarry Operators**

One quarry operator noted that Baker Rock at Cooper Mountain, and quarries in Columbia County are currently the key suppliers for work requiring aggregate within Washington County. He pointed out that approved operational sites with quality material are in short supply in the central/western part of the county where Highway 26 improvements could benefit from their proximity. He has worked from several sites throughout the county, and is interested in potential to mine aggregate from central northern EFC land above Banks, north of Highway 26. He noted that sites there don’t meet the 2 million ton minimum for significant quarries, but that quality of rock is high. He would like to see Washington County allow SU quarries, especially in centrally located areas with known haul routes.

Based on his experience with existing quarries, he shared some dissatisfaction with existing County standards that apply to significant quarries and a desire for their simplification (potentially to be considered in 2018), including setback requirements and the lack of alternatives to mitigate mining and processing noise.

Partners in a small quarry which has very limited ability to extract rock from their site were interviewed. Their operation is currently subject to the 5000 cubic yard annual cap that a DOGAMI Exclusion Certificate applies. For many years the two have sought a way to gain County approval for more extensive mining at their site, located on central northern EFC land – the same area noted for good aggregate by the previous interviewee. Their 40-acre site is reported to have quality aggregate, but just 1.66 million tons, falling short of the current 2 million ton minimum for consideration as a significant quarry. They believe that adoption of County SU quarry provisions could provide a path to operation of their quarry at a scale that would pencil out financially for them, and also facilitate public and private road and development work in western Washington County. They added with respect to quarries in general existing setback requirements for crushing can to be too restrictive on sites of less than
40 acres. They agreed with another quarry operator that standards should allow for noise mitigation through measures other than setback distance, such as site design that maximizes use of naturally occurring buffers, elevation, or strategic placement of stockpiles to form berms.

Additionally, staff met with the vice president of a high-producing significant quarry in the Cooper Mountain area, and the owner of a smaller quarry recently reopened near North Plains. Neither believed that aggregate supply in the county is lacking, that the current demand will be sustained, nor are current prices high. Regarding supply, they pointed out 35 to about 150 additional acres adjoining the Cooper Mountain site where approval for expansion of the existing significant quarry will be sought. Currently, they plan to request approval for a legislative plan amendment in 2018 (step one of the two-part approval process for significant quarries). Regarding demand, they expect that it will drop significantly when large scale Nike and Intel projects, currently utilizing a sizable share of local aggregate, are completed.

Both are somewhat opposed to adoption of standards to allow smaller quarries through an SU process. Based on the points expressed above, they don’t agree that the need exists, and they feel that all mineral/aggregate operations should be subject to the same review requirements. They agree with other interviewees that existing quarries can provide both high and low quality aggregate, and that it may be easier to expand existing quarries than to develop new ones. They suggested that if adopted, however, SU quarries should be limited to 2 million tons maximum rock extraction over the life of the operation. This was based on a concern that once approved, deposits of aggregate exceeding 2 million tons, and potentially of high quality, might be discovered at an SU quarry site. Without a cap, they suggested that such quarries might avoid the stringent two-part approval process applicable to a significant quarry but still operate like one. In any case, both underscore the importance of good communications with neighbors and proactive mitigation for community concerns to the extent practicable.

Timber Companies
Staff met with a representative from Stimson Lumber, who indicated that adopting measures for potential approval of SU quarries could be a benefit, as long as the quarries make economic sense and don’t impact forest use. He noted that the primary demand appears to be for high-grade rock, but differing in opinion from one of the quarry operators interviewed, he made a case for standards that would allow approval of SU quarries even when lacking in rock that meets quality specifications of the state. While it couldn’t be used for road or construction purposes, he suggested, lower quality aggregate could serve other purposes such as those of the nursery/landscaping industry – perhaps exceeding the quality of subpar rock deposits found amongst high-quality aggregate at existing sites.

Additionally, staff met with a mineral resources engineer from Weyerhaeuser, responsible for the area between Castle Rock in Washington and Coos Bay in Oregon, working on development of quarries both for forestry operations and for lease to third party commercial operators. She explained that Weyerhaeuser owns mineral rights in Washington County and they have performed geologic analyses and due diligence on sites throughout the county. From her perspective, expansion of commercial mineral/aggregate operations in the county is not
worthwhile based on geology, poor site access (distance, steep and winding rural roads), and absence of rock in terms of both quantity and quality.

She noted a high level of public opposition to any form of mining and emphasized that relations with neighbors are important from the start, and that their concerns should be heard and mitigated to the extent possible. Most potential impacts can be mitigated or negotiated with nearby property owners, she said, but the most difficult issue is truck traffic along haul routes and related impacts to roads. She suggested that rural road infrastructure, and whether it can handle the weight and number of haul trucks, is a key consideration, and also noted that Weyerhaeuser gives (and requires lessees to give) trip priority to forestry traffic over aggregate hauling. She added that vineyard/winery operators have particular concerns about dust, odor, and potential operational conflicts with events.

Residents
Staff met with a resident of the Helvetia area, located in northeastern Washington County south of existing significant quarries. Most nearby quarries are defunct, related to aluminum production, but amounts of aggregate are said to be present within other quarries that are currently not operational or minimally operational. He discussed the importance of ensuring protections for neighbors, especially regarding noise management, particularly in open countryside where noise may travel farther than in built areas or those areas with significant terrain. He also stressed the importance of environmental protections, noting the presence of native fish in nearby streams, and aquifers that supply well water to residents of the area, are susceptible to serious impacts from quarry operations. He requested that in its development and revision of mineral/aggregate standards, the County be mindful of potential for impacts to aquifers, and then roads, in order of priority.

Additionally staff met with three Cooper Mountain residents who are neighbors to a high-producing quarry. They agreed that a need for additional aggregate to supply road building and repair does exist, but shared a number of important considerations. Regarding noise, one resident explained that impacts are not equal for all residents living near the quarry. Depending on the type of rock beneath a home’s footprint, some homes may experience little impact, others more. Their top concerns were about potential impacts to wells, the environment (especially streams and other water resources), and roads. The residents also discussed traffic impacts, reporting that daily trips of hauling trucks can exceed 900, with potential to create a great deal of mud and dust. They emphasized that good methods for keeping local access roads clean and functional are key, such as sweepers, wheel washers, and steel plates now used by the mine nearest them and by some other operators locally.

Public Agencies
Staff also sought input from other counties, and communicated with DLCD, ODOT, DEQ and DOGAMI. Potential stream sedimentation along haul routes was a prime concern raised by ODF, and generated interagency discussions between County staff, ODF, DEQ, and DOGAMI in the interest of developing standards that support related work of partner agencies.
As described in more detail later in this report, to the extent feasible, standards in Attachment A acknowledge key considerations shared in above conversations, including provisions relating to wells; traffic, noise and related hours of operation; road damage/maintenance; stream sedimentation; and more.

**Existing Provisions for Mineral and Aggregate Operations**

The County’s existing mineral/aggregate standards address only large quarry sites meeting minimum quantity and quality specifications of the state for determination as “significant” natural resources – significant quarries. When quarries are approved as significant, they are protected under Statewide Planning Goal 5, “Open Spaces, Scenic and Historic Resources, and Natural Resources,” from surrounding land uses. Differing from other resources protected by Goal 5, however, aggregate resources are not intended to be preserved. Rather protections apply to the use – the ability to mine/extract rock, until such time as the resource is depleted and the site must be “reclaimed.” This means that the site must be restored to a state that would accommodate uses commonly allowed in the underlying district.

Consistent with state provisions, existing County standards require identification of significant quarries on the County’s Comprehensive Plan (Plan) through a Type IV legislative plan amendment, along with identification of bordering lands where uses that might impact quarry operations may be restricted. The process involves significant analysis and discretion. Lawful quarries predating 1983 County standards, as well as bordering restricted lands, were included on the Plan automatically. A complex two-step review process applies to new or expanded significant quarries, requiring applicants to:

1. Obtain approval for a legislative Plan Amendment (Type IV) to add overlays of the new quarry site and bordering restricted lands to the County’s Plan (Mineral and Aggregate Overlay Districts A and B, respectively); and

2. Obtain approval for a land use application to permit operation of the quarry.

State rules for new significant quarries in the Willamette Valley apply minimum quality standards and generally call for over 2 million tons of mineral/aggregate per site in order to be considered significant. To provide an idea of scale, at 20 tons per truck, 2 million tons of rock would total 100,000 truckloads. Although truck capacity varies from about 13 tons to almost 53, many rock operations advertise 20-ton truckloads for purposes of estimating.

Considering that quarries elsewhere in Oregon need a supply exceeding only 500,000 tons to be deemed significant, operations of a similar scale in Washington County might prove useful to the region as alternative aggregate sources despite lack of a “significant” status. Existing CDC standards don’t provide for approval of these lesser quarries, but state rules particular to forest lands allow the County to adopt standards for their review through a different process than used for significant quarries – the conditional use process (discussed below).

---

6 Rules allow a local jurisdiction to adopt a lower threshold, which may be considered as part of potential 2018 updates to the CDC standards for significant quarries.
Proposed Standards for EFC Mineral and Aggregate Operations that are not Significant Quarries

This ordinance proposes Special Use standards (Attachment A) to allow mineral/aggregate operations, only in the EFC district, that don’t meet the basic tonnage minimum set by the state for significant quarries in the Willamette Valley. Proposed Type III SU provisions are consistent with Statewide Planning Goal 4 [Forest Lands – OAR 660-006-0025(4)(g)], which allows aggregate mining in forest zones as a conditional use, subject to evidence of compatibility with surrounding uses and findings that the operation will not significantly elevate fire risk, the expense of fire suppression, or the cost of nearby farm/forest operations.

In its guide for land use planning, the Oregon Department of Land Conservation and Development (DLCD) describes a conditional use as:

A use that may [emphasis added] be allowed if it meets prescribed conditions in the zoning ordinance or additional conditions set forth by the decision-making body. These are subject to discretionary criteria and a local government may deny the land use... A conditional use permit allows the local government to (1) determine whether the proposed use is appropriate for the site and neighborhood, and (2) attach conditions to an approval to assist in reducing the impact of the proposed use on the surrounding area... Typically, the criteria will provide that the proposal...have a minimal adverse impact on abutting properties and the surrounding area compared to the impact of development that is permitted outright...[and] preserve assets of particular interest to the community... 7

Consistent with the 2007 Governor’s policy on Aggregate Resources in Oregon, proposed standards of CDC Section 430-130 (Special Mineral/Aggregate Mining and/or Processing in the EFC District, or SU quarry for the purposes of this report) seek to provide a path for review and potential approval of smaller quarries that can’t meet requirements for treatment as “significant” under the current CDC – through a balanced approach aimed at recognizing the needs of local communities and regions, and protecting the environment and water quality.

Proposed CDC Section 430-130 closely follows the state’s description of a “conditional use” (CU), above, which allows the County a high level of discretion in determining whether or not the use is appropriate for a particular location, whether or not to approve it, and if so, what standards/conditions of approval are needed to minimize off-site impacts and preserve assets of community interest. This high level of discretion is consistent with the Type III review process, and treatment of other uses within the CDC that require a similar level of discretion. Proposed amendments to CDC Section 342-4 (Exclusive Forest and Conservation District/EFC) therefore reflect the new proposed SU quarry as an allowed use subject to a Type III review.

Many of the proposed SU standards were adapted from existing County standards for significant quarries, standards found elsewhere in the CDC, and from mineral/aggregate provisions of other counties, especially the Linn County Code (noted within the state’s “Planning for Aggregate” guide as a good example). Others were drafted in response to particular concerns raised by staff.

---

of various County divisions and partner agencies, quarry operators, mineral/aggregate and timber specialists, and residents living near existing quarries. Some simple amendments are intended only to make distinctions between standards that are unique to either significant or SU quarries.

Approval Criteria
Proposed CDC Section 430-130.3 lays out basic approval criteria for an SU quarry, including evidence of an aggregate supply less than or equal to 2 million tons. It also lists uses that may be allowed at an SU quarry (Type III), which closely follow provisions of the County’s existing standards for significant quarries. They include extraction, crushing, washing, screening, sale and stockpiling of materials; equipment/machinery storage; an office or shop; and batching/blending of mineral/aggregate, which requires a separate permit. Potential for approval of an on-site dwelling is reflected in the prior Section (430-130.2), but since a dwelling may be allowed in the EFC district with or without a quarry operation, subject to other CDC Sections that require only a Type I or II review, this use does not require Type III review.

Submittal Requirements and Standards
Requirements of proposed CDC Sections 430-130.4 and 430-130.5 lay out submittal requirements and standards for an SU quarry. These requirements are also largely drawn from existing County standards for significant quarries, with some adaptations. These apply criteria intended to allow the reviewer sufficient information to consider potential for impacts to off-site uses, including information on:

- Nearby wells;
- Roads and bridges that make up proposed haul routes; and
- Locations of natural water areas in the vicinity and along haul routes [to aid the County in ensuring their protection pursuant to CDC Sections 421 (Flood Plains and Drainage Hazard Areas) and 422 (Significant Natural Resources], and to facilitate related protections applied through partner agencies].

Proposed CDC Sections 430-130.4 and 430-130.5 also provide requirements for:

- Setbacks;
- Buffering;
- Access;
- Parking;
- Road maintenance;
- Hours that various quarry activities may occur (primarily intended to manage noise); and
- Other provisions intended to prevent or mitigate impacts to surrounding uses, livability, transportation facilities and the environment.

At the same time, these standards attempt to provide some flexibility in requirements such as setbacks, buffering, and operational hours deemed important by various quarry operators interviewed. Also borrowed from existing CDC standards for significant quarries, and consistent with CDC provisions for other Type III Special uses with high potential for off-site impacts,
proposed standards require subsequent periodic reviews of SU quarries to ensure ongoing compliance with applicable criteria (see proposed Section 430-130.5 G). These include a review six months after initial approval and reviews every five years thereafter.

Despite similarities, proposed SU standards differ from existing standards that the County applies to significant quarries in several ways. Key differences are highlighted in the table below.

<table>
<thead>
<tr>
<th>Significant Quarry</th>
<th>Special Use (SU) Quarry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowed in all rural districts except R-COM; Allowed in urban districts FD-20, FD-10, IND</td>
<td>Allowed only in EFC [based on OAR660-006-0025(4)(g)]</td>
</tr>
<tr>
<td>Aggregate supply must exceed 2 million tons</td>
<td>Aggregate supply: 2 million ton maximum</td>
</tr>
<tr>
<td>Legislative plan amendment (Type IV – most discretionary) to identify site as Goal 5 Significant Natural Resource</td>
<td>No plan amendment required (not protected as Goal 5 resource)</td>
</tr>
<tr>
<td>Afforded some protections from impacts of nearby off-site uses</td>
<td>Protection of nearby off-site uses from quarry operations is key</td>
</tr>
<tr>
<td>Land use review (after plan amendment) type – Most districts: II (assumed appropriate/allowed); EFU/AF-20 (farm): III</td>
<td>Land use review type – III: (high discretion; may or may not be found appropriate/approved)</td>
</tr>
</tbody>
</table>

Statewide Planning Goal 4 (Forest Lands – OAR 660-006-0025(4)(g), allows the County to permit SU quarries in the EFC district through a conditional use process as proposed, subject to evidence of compatibility with surrounding uses. The standards have been designed within a conditional use framework intended to increase opportunity for aggregate extraction while providing protections for citizens and the environment, consistent with state policy on aggregate and typical procedures for highly discretionary County decisions.

**Summary of Proposed Changes**

Ordinance No. 824 proposes to amend the CDC to accommodate Type III Special Use review of quarries in the EFC district that don’t meet state thresholds for review, identification, and protection as significant mineral/aggregate resource sites. The ordinance:

- Provides a Type III Special Use (SU) process for conditional approval of Special Mineral/Aggregate Mining and/or Processing in the EFC District (SU quarries) on EFC sites where aggregate material does not meet state thresholds for protection as a “significant” (Goal 5) resource, as allowed by state law and similar to practices of other Oregon counties.
- Limits SU quarries to 2 million tons of aggregate supply over the life of the operation.
Provides minor clarifications to distinguish new CDC provisions for SU quarries from existing provisions that apply to quarries that are considered “significant” (Goal 5) resources.

Requires that the SU quarry not significantly elevate fire risk or the expense of fire suppression on surrounding lands, or the cost of nearby farm/forest operations.

Applies other approval criteria and conditions intended to determine compatibility with nearby land uses; and to protect surrounding lands, natural resources, and transportation improvements from impacts of the SU quarry.

Proposed amendments affect the following Comprehensive Plan Elements:

**Rural Natural Resource Plan**
- Policy 7 – Mineral and Aggregate Resources
- Appendix A: Glossary - Mineral and Aggregate Resources

**Community Development Code**
- Section 110 – Transition To Development Code
- Section 203 – Processing Type I, II And III Development Actions
- Section 300 – Introduction
- Section 342 – Exclusive Forest and Conservation District (EFC)
- Section 379 – Mineral And Aggregate Overlay District
- Section 430 – Special Use Standards

*List of Attachments*
Attachment A: Proposed standards (Exhibits 1 and 2 of Ord. No. 824)
Sections of the COMMUNITY DEVELOPMENT CODE are amended to reflect the following:

1. **SECTION 110 – TRANSITION TO DEVELOPMENT CODE**

   **110-3**  
   Transition Provisions for Approval Granted Under Article III of the 1973 Community Development Ordinance and Article VI, Subdivision and Partitioning

   ***

   **110-3.5** Notwithstanding any other provision, except as specified for particular uses by other Sections of this code, conditional use permits shall continue to be valid for a period of five (5) years from the dates set forth in 110-3.1, except for home occupations which shall be valid for one (1) year. Holders of conditional use permits may seek a development permit if the use is permitted, or continue beyond expiration as a nonconforming use. Nonconforming conditional uses shall continue to be subject to all conditions imposed at the time of approval. This provision shall not apply to the Mineral and Aggregate Overlay District, which shall be governed by Section 379.

   ***

2. **SECTION 203 – PROCESSING TYPE I, II AND III DEVELOPMENT ACTIONS**

   **203-4** Application

   ***

   **203-4.2** A complete application is one which contains the information required to address the relevant standards of this Code and the applicable standards and requirements of the Comprehensive Plan as specified by this Code. It shall consist of the following:

   ***

   E. A site plan of the property illustrating the property boundaries, proposed and existing: structures and improvements, easements, driveways, water and sewer lines, septic tanks and drain fields, and all drainage courses and structures within two hundred fifty (250) feet of a drainage course…

   **203-5** Application Submittal and Acceptance

   ***

   **203-5.3** Except as provided in Sections 203-5.6 and 203-5.7, after the application is deemed complete consistent with the requirements of ORS 215.427, the Review Authority shall take final action on Type II and III applications for development, including resolution of appeals within:

   A. One hundred twenty (120) days for applications inside the UGB and mineral aggregate extraction; and
3. SECTION 300 – INTRODUCTION

Article III of the Washington County Community Development Code consists of the primary and overlay districts which apply to the unincorporated areas of Washington County. These districts are provided to implement the goals and policies of the Comprehensive Plan. In addition to the standards listed in each District, all development is subject to all other applicable provisions of this Code, including Article IV, Development Standards; Article V, Public Facilities; and Article VI, Land Divisions. Additionally, all development is subject to the applicable requirements and standards of the Community Plans, the Rural/Natural Resource Plan, and the Transportation Plan listed below.

In addition to the standards of the land use districts, all development, including land divisions, shall comply with the following applicable standards and requirements of the Community Plans, the Rural/Natural Resource Plan, and the Transportation Plan:

300-1.1 Community Plan provisions:

***

E. Mineral and Aggregate Resource Designations (District A and B designations);

300-1.2 Rural/Natural Resource Plan Provisions:

***

C. Mineral and Aggregate Resource Designations (District A and B designations);

4. SECTION 342 – EXCLUSIVE FOREST AND CONSERVATION DISTRICT (EFC)

342-1 Intent and Purpose

The Exclusive Forest and Conservation District is intended to provide for forest uses and to provide for the continued use of lands for renewable forest resource production, retention of water resources, recreation, agriculture and other related or compatible uses, as set forth in Statewide Planning Goal 4, OAR 660-006 and ORS 215.

The purpose of this District is to encourage forestry as the dominant use of such lands, to conserve and manage efficiently the forest resources of the county and to prohibit uses of land which are not compatible with the management and development of forest resources, in order to minimize the potential for damage from
fire, pollution, soil erosion and conflict caused by development. This District is suited for application to forest land as well as associated scenic lands, recreation land, wildlife habitat or other sensitive land forms or watershed areas.

The EFC District is provided to meet Oregon statutory requirements for forest lands. Forest practices in the EFC district that are protected from local regulation are not subject to the requirements of this Section.

For all permitted uses, the property owner shall sign and record an agreement form, in the Department of Assessment & Taxation, Recording Division, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act. In this district, site development and all new buildings, including accessory buildings, in this District shall comply with the Fire Structure Siting and Fire Safety Standards of Section 428.

***

342-3 Uses Permitted Through a Type II Procedure

The uses listed in Section 342-3.1 and 342-3.2 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 342-3.3.

***

342-3.2 Permitted Uses which are subject to Section 342-3.3

***

W. Mining and processing of aggregate and other mineral and subsurface resources on a site that is designated with a District A overlay on the Rural/Natural Resource Plan – subject to CDC Section 379.

342-3.3 The proposed use will not:

A. Force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; nor

B. Significantly increase fire hazard or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel.
342-4 Uses Which May be Permitted Through a Type III Procedure

The uses listed in Section 342-4.1 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 342-4.2.

342-4.1 Uses which may be allowed:

***

D. Mining and processing of:

(1) Oil, gas, or other subsurface resources, as defined in ORS Ch. 520, and not otherwise permitted by Section 342-3.1 C. or Section 342-3.1 G.;

(2) Minerals and aggregate in the EFC District, subject to Section 430-130 (Special Mineral/Aggregate Mining and/or Processing in the EFC District), on a site that does not meet the minimum quantity threshold under OAR 660-023-0180(3)(a) that applies to significant aggregate resource sites in the Willamette Valley.

***

342-4.2 Required findings:

A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; and

B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

5. SECTION 379 – MINERAL AND AGGREGATE OVERLAY DISTRICT

379-1 Intent and Purpose

379-1.1 The purpose of the Mineral and Aggregate Overlay District is to protect significant mineral and aggregate resources for future use, to provide for the development and utilization of resources currently needed for economic development consistent with the requirements of LCDC statewide Goal 5 and to regulate resource extraction and processing activities to balance their impact on existing adjacent land uses.

Section 379 does not apply to Special Mineral/Aggregate Mining and/or Processing in the EFC District, addressed under Sections 342-4.1 D.(2) and 430-130.
6. SECTION 430 – SPECIAL USE STANDARDS

430-130 Special Mineral/Aggregate Mining and/or Processing in the EFC District

Special Mineral/Aggregate Mining and/or Processing may be approved in the EFC district on a site that does not meet the minimum quantity threshold under OAR 660-023-0180(3)(a) that applies to significant aggregate resource sites in the Willamette Valley.

Section 430-130 provides associated standards intended to protect against undesirable impacts to neighboring properties and to ensure site reclamation for future reuse in a manner compatible with surrounding uses and consistent with provisions of the EFC district.

Standards and protections of CDC Section 379 and Statewide Planning Goal 5 that relate to significant mineral/aggregate resources do not apply to this use.

430-130.1 Exclusions

A land use permit is not required for mining operations meeting exclusion/exemption provisions outlined in OAR 632-030 and ORS 517. An exclusion certificate, issued by the Oregon Department of Geology and Mineral Industries (DOGAMI), is required for mining activity that removes less than five thousand (5000) cubic yards and affects less than one (1) acre of land within a twelve (12)-month period. Operators of mineral and aggregate operations who do not have a land use permit may be asked to provide evidence of an exclusion certificate. DOGAMI operating permits and County land use approval are required for mining activities that don’t meet exclusion requirements noted above.

430-130.2 The following may be permitted through a Type I or II procedure, depending on and subject to criteria under Sections 342-2.8 or 342-3.1 D.:

One (1) detached dwelling unit for a caretaker or watchman and associated residential accessory structures, subject to the Fire Structure Siting and Fire Safety Standards of Section 428.

430-130.3 The following may be permitted through a Type III procedure:

A. Special Mineral/Aggregate Mining and/or Processing in the EFC District (including mining or quarrying operations for the extraction of rock, clay, soil, sand, gravel or other minerals) subject to the following:

(1) Evidence from a certified geologist, mining engineer or qualified engineering testing firm verifying that mineral and aggregate supply within the subject site totals two (2) million tons or less:
(2) Aggregate supply may, but is not required to, meet minimum Oregon Department of Transportation (ODOT) specifications for base rock air degradation, abrasion, and soundness;

(3) In all cases, mining shall be limited to two (2) million tons of aggregate material over the duration of the operation when approved under a permit for Special Mineral/Aggregate Mining and/or Processing in the EFC District;

(4) Through review and approval of a permit under 430-130.3 A., the following may be allowed:

(a) Crushing, washing and screening of mineral and aggregate materials;

(b) Stockpiling of mineral and aggregate materials and earth products;

(c) Storage of equipment or machinery and supplies necessary for mineral and aggregate extraction or processing;

(d) Sale of products produced from a mineral and aggregate extraction and processing operation; and

(e) An office, shop or other accessory structure used for the management and maintenance of mineral and aggregate extraction and processing equipment.

B. On a Special Mineral/Aggregate Mining and/or Processing site in the EFC district, but requiring review and approval as an additional land use action, the following may be allowed:

(1) Batching and/or blending of mineral and aggregate (batch plant), subject to evidence that no planted vineyard is present within a two (2)-mile radius (ORS 215.301). Batch plants approved on or before October 3, 1989 and renewals of existing batch plant approvals are exempt from this limitation.

Site development and all new buildings, including accessory buildings, allowed through 430-130.3 shall comply with the Fire Structure Siting and Fire Safety Standards of Section 428.

430-130.4 An applicant shall submit plans for Special Mineral/Aggregate Mining and/or Processing in the EFC District that demonstrate compliance with plan requirements of CDC Sections 203-4.2 E., 403 and 404 and the following standards. Plans shall be prepared by a combination of certified professionals qualified to address plan requirements below (such as engineers including mining engineers, engineering testing firms, surveyors, geologists, and surveyors). Where the following standards exceed those of Sections 203-4.2 E., 403 and 404, the following standards shall prevail:
A. Plan details illustrating subject property boundaries, existing and proposed features onsite and within one thousand (1000) feet of the site, including but not limited to, dwellings, structures and other improvements, easements, driveways, water and sewer lines, wells, septic tanks and drain fields, flood plains and drainage hazard areas subject to Section 421 and all other drainage courses/streams/water areas, and significant natural resources identified by the Rural/Natural Resource Plan and Section 422, and information required under 430-130.4 B. through H., below.

B. Minimum Setbacks (except as increased by required compliance with Forest Structure Siting and Fire Safety Standards of Section 428)

(1) For mineral and aggregate extraction

   (a) One hundred (100) feet from the subject site boundary, except as follows:

   (i) Five hundred (500) feet from the nearest existing offsite noise sensitive use (see definition under Section 106-139);

   (ii) Reduction of setbacks specified above may be considered as necessary to accommodate slope, geology, or other conditions of the site or vicinity. Consideration of the reduction shall be based on evidence that the proposed lesser setback is the minimum necessary, will not increase safety risks, and will not increase noise impacts to neighboring noise sensitive uses;

   (iii) When abutting another approved quarry site, no setback is required from the common boundary line within the extraction area.

(2) For processing of mineral and aggregate materials

   (a) One hundred (100) feet from exterior property lines, except as follows:

   (i) Seven hundred fifty (750) feet from the nearest existing offsite noise sensitive use;

   (ii) For any batch plant, two (2) miles from the nearest planted vineyard (ORS 215.301).

(3) Office, shop or other accessory structure serving the Special Mineral/Aggregate Mining and/or Processing operation

   (a) Fifty (50) feet from exterior property lines;

   (b) One hundred (100) feet from the nearest existing offsite noise sensitive use.
(4) Detached dwelling unit or manufactured dwelling and related residential accessory structures for a caretaker or security guard: Subject to setbacks as required by CDC Section 342-7.2

(5) Storage of operational or non-operational equipment for the production and/or processing of mineral and aggregate materials
   
   (a) Fifty (50) feet from exterior property lines;
   
   (b) One hundred (100) feet from the nearest existing offsite noise sensitive use.

(6) Storage of overburden to be saved for reclamation uses may be allowed within setbacks, subject to conformance with a reclamation plan approved by DOGAMI (See 430-130.4 H. below)

(7) All Special Mineral/Aggregate Mining and Processing, and associated improvements or activities, shall maintain a setback of at least one hundred (100) feet from significant natural resources and riparian corridors. Where setback requirements of other applicable CDC Sections, departments or agencies exceed this, the larger requirement shall apply.

C. Maximum Height: For all structures except mineral and aggregate processing equipment, thirty-five (35) feet.

D. Maximum Sign Area: Thirty-five (35) square feet per entrance.

E. Screening and Fencing

   (1) Screening and buffering shall be provided to screen the view of the site and all related equipment from any public road, any neighboring land use district other than EFC, AF-20 or EFU, and any existing noise sensitive use located within one thousand (1000) feet of the site as follows:

      (a) The appropriate screening and buffering type in Section 411 shall be determined by the Review Authority. For the purpose of determining the appropriate type, mineral and aggregate extraction shall be considered an industrial use; and

      (b) Indigenous plantings shall be preserved or established to contribute toward required screening and buffering wherever possible.

   (2) Fencing shall be required to eliminate any safety hazards that Special Mineral/Aggregate Mining and/or Processing uses may create for adjacent land uses. When fencing is required to eliminate a safety hazard, it shall be of cyclone type, a minimum of six (6) feet high. The location of fencing to eliminate a safety hazard shall be determined by the Review Authority, and the Review Authority may determine that material, height, and/or
design exceeding minimum specifications is required to address particular concerns.

F. Access

(1) Plans and plan notes shall show the haul route within the site and between the site and the nearest paved public highway, including but not limited to:

(a) Identification as to public or private ownerships for all roads and bridges along the route. For any that are private, evidence of recorded easement rights in favor of the subject property is required;

(b) Width and surface material of existing and proposed roadways, with provisions for maintenance as described in Section 430-130.5 D.(2);

(c) Locations of all bridges and their weight restrictions;

(d) Locations of any water areas (including but not limited to rivers, creeks, streams) within two hundred fifty (250) feet of the route, and proposed sedimentation controls to protect them. Haul route sedimentation plans may be subject to review and approval by other agencies (including but not limited to DOGAMI or Department of Environmental Quality as part of their review);

(e) Locations of any Significant Natural Resource areas identified on the Rural/Natural Resource Plan within two hundred fifty (250) feet of the route; and

(f) Compliance with Section 428-4.5, Fire Safety Design Standards for Roads and Driveways.

(2) Plans are subject to review by the County Operations and Traffic Engineering Divisions to determine whether roads and bridges within haul routes are adequate to support hauling as proposed, and conditions related to associated maintenance and/or repair needs. (See additional requirements under Section 501-9).

G. Sufficient onsite parking/storage areas, or evidence of alternate Code-compliant off-road storage, for all hauling vehicles and trailers. (See Section 413 for parking standards).

H. Site Reclamation

A copy of the site reclamation plan, required as part of the application for a surface mining operating permit from Oregon Department of Geology and Mineral Industries (DOGAMI), shall be submitted. The plan shall demonstrate that the site will be reclaimed for land uses specified in the EFC district other than mining. The plan shall be prepared by the applicant or the applicant’s agent and approved by the State of Oregon Department of Geology and Mineral
Industries pursuant to ORS 517 and the standards and procedures contained in OAR 632-030 or 035, whichever is applicable. If the reclamation plan is not approved by DOGAMI prior to submission of the land use application to Washington County, the applicant shall include in the land use application a preliminary version of the plan, and shall provide Washington County with evidence of DOGAMI’s plan approval prior to operation of the Special Mineral/Aggregate Mining and/or Processing use.

DOGAMI reclamation plan requirements generally call for the following at minimum, on a stamped survey, prepared by a professional land surveyor on a topographic base map (consult DOGAMI for complete specifications):

(1) Tax lot number(s);

(2) Permit boundary;

(3) Location of plant, office, and maintenance facilities;

(4) Locations of all intermittent water courses, perennial streams, springs, wetlands, and wells;

(5) Present mine areas and future mining blocks;

(6) Areas for topsoil and overburden storage or spoil locations, including berms;

(7) Location of all proposed access roads;

(8) All property lines within five hundred (500) feet of the permit boundary;

(9) Location of processing and stockpile areas, plus visual and sound berms or screens;

(10) Setbacks from property lines, streams;

(11) Utility poles, gas line rights-of-way; and

(12) Storage location of chemicals and petroleum products.

430-130.5 Special Mineral/Aggregate Mining and/or Processing in the EFC District shall be subject to the following:

A. Hours of Operation

(1) General business operations, including hauling:

   (a) Limited to 7 a.m. to 7 p.m. Monday through Sunday, except as indicated in 430-130.5 A.(1)(b) through (5), below;
(b) Not permitted on Sunday if a noise sensitive use exists within one thousand (1000) feet of the property boundary;

(c) Not permitted on the following holidays:

   (i) January 1;
   (ii) Memorial Day;
   (iii) July 4;
   (iv) Labor Day;
   (v) Thanksgiving Day;
   (vi) December 25.

(2) Extraction and processing work, including but not limited to ripping, drilling, crushing, and batching, but excluding blasting:

   (a) Limited to 7 a.m. to 7 p.m. Monday through Friday;
   (b) Not permitted on Saturday, Sunday, or holidays listed under 430-130.5 A.(1)(c).

(3) Blasting:

   (a) Limited to 9 a.m. to 6 p.m. Monday through Friday;
   (b) Not permitted on Saturday, Sunday, or holidays listed under 430-130.5 A.(1)(c);

(4) The Review Authority may grant exceptions to the restrictions under 430-130.5 A.(1) through (3) via a Type II procedure pursuant to the following:

   (a) There are no noise sensitive uses located within one thousand (1000) feet of the mining site; or
   (b) If noise sensitive uses are located within one thousand (1000) feet of the mining site, the increased activity will not exceed noise standards established by the Department of Environmental Quality; or
   (c) In the case of blasting, the operator shall be responsible for notifying noise sensitive uses within one thousand (1000) feet by first class mail which is mailed at least ninety-six (96) hours prior to the date and approximate time of the blasting activity for which the operator receives an exception.
(5) The Review Authority may grant exceptions to the restrictions under 430-130.5 A.(1) through (3) via a Type I procedure when additional hours of operation are needed to accommodate increased production to alleviate a public emergency. A public emergency includes damage to a public road/structure that requires significant amounts of aggregate for repair or rebuilding.

B. Environmental Standards

(1) Special Mineral/Aggregate Mining and/or Processing in the EFC District shall conform to the applicable standards as set forth in Section 423 Environmental Performance Standards; and

(2) The applicant shall submit a report from a certified geologist, engineer or hydrologist examining the potential impact of mineral and aggregate resources on groundwater supplies and wells in the surrounding area.

C. Safety Standards

(1) All buildings, structures, and equipment associated with Special Mineral/Aggregate Mining and/or Processing shall be maintained in a manner that assures they will not become hazardous; and

(2) Access to all Special Mineral/Aggregate Mining/Processing sites shall be gated and locked when not in operation.

D. Other

(1) The applicant must provide evidence and findings demonstrating that:

(a) The proposed use will be compatible with and have minimal impact on the livability and allowable development/use of nearby property;

(b) A septic system or other means of sewage management will be provided that is acceptable to the Washington County Department of Health & Human Services. Approved septic/sewage management shall be available onsite prior to commencement of mining operations;

(c) Rights have been obtained for an adequate supply of potable water from an approved water source if needed for the use;

(d) The site is not located within a mapped geologic hazard area unless it is demonstrated that the proposal can be designed and engineered to comply with accepted hazard mitigation requirements;

(e) The site is not located within a mapped 100-year flood plain or drainage hazard area unless it is demonstrated that the proposal can be designed and engineered to comply with Section 421; and
(f) The proposal will not have a significant adverse impact on sensitive fish or wildlife habitat. See CDC Section 422 if site development/operation will occur within two hundred fifty (250) feet of a Significant Natural Resource identified on the Rural/Natural Resource Plan.

(2) The Special Mineral/Aggregate Mining and/or Processing site operator shall ensure that:

(a) All private access roads from the site to public highways, roads or streets are paved or graveled. If graveled, the site operator shall grade and oil access roads as needed during the period from June to September to minimize dust;

(b) If access from a Special Mineral/Aggregate Mining and/or Processing site uses graveled public highways, roads or streets, the site operator shall grade and oil these roadways regularly to the extent needed to minimize impacts on adjacent land uses.

(3) A land use permit does not constitute authorization to proceed without required approval of other agencies, including but not limited to DOGAMI and the Department of Environmental Quality (DEQ). It is the applicant’s responsibility to obtain other necessary permits and approvals.

E. Performance Agreement

(1) The operator of a Special Mineral/Aggregate Mining and/or Processing site shall provide the County sufficient evidence on an annual basis that the operator has in full force and effect the bond or security deposit required by ORS 517.810 to assure conformance with the state-required reclamation plan.

(2) A Special Mineral/Aggregate Mining or Processing operation shall at all times carry commercial general liability insurance in dollar amounts of at least one (1) million per occurrence, two (2) million aggregate, and five (5) million excess coverage, or industry standard (whichever is higher). The policy shall be renewed annually with proof of such submitted annually to the Current Planning Section.

(3) Failure to maintain compliance with (1) and (2), above, shall constitute a violation of the permit for Special Mineral/Aggregate Mining and/or Processing in the EFC District.

F. Initiation of Mining

(1) The operator shall initiate mining approved under a permit issued pursuant to Section 430-130 within two (2) years of the date the land use permit is
issued, unless an application for an extension is approved pursuant to Section 201-5.

(2) When mining approved via Section 430-130 has not been initiated within the time period set forth in Subsection (1), above, no mining may be initiated unless a new land use application has been submitted and approved.

G. Periodic Review and Enforcement

(1) Six (6)-Month Review (Type II)

(a) Within six (6) months of commencing a Special Mineral/Aggregate Mining/Processing operation, the operator shall submit appropriate evidence, prepared by qualified personnel, documenting that the operation conforms to the standards contained in Section 430-130 and other applicable standards imposed by the Review Authority.

(b) Should the documentation required by (1)(a), above, fail to establish that the operation conforms to the applicable standards, the operator shall be given sixty (60) days in which to make necessary modifications. Should the operator fail to make the necessary modifications within the allotted sixty (60) day period, the Planning Director shall begin revocation proceedings as outlined in Section 201-7.

(2) Five (5)-Year Reviews (Type II)

(a) In addition to the review required in Section 430-130.5 G.(1), above, any permit issued for Special Mineral/Aggregate Mining and/or Processing in the EFC District shall be reviewed every five (5) years from the date of its initial approval, to determine whether additional conditions are necessary to bring the operation into compliance with applicable land use regulations. The applicant shall submit an application for this review every five (5) years, prior to the date of initial approval, including evidence of compliance with conditions of approval.

Notwithstanding this periodic review, the permit may be reviewed by the Director at any time deemed necessary if evidence exists that the operation is not in compliance with conditions of approval or otherwise generates impacts in conflict with standards of Section 430-130. If an operation is determined not in compliance with the conditions of approval, revocation and enforcement proceedings as outlined in Sections 201-7 and 215 apply.

The applicant is responsible for submitting an application prior to expiration of the most recent approval every five (5) years.
(b) The Director shall notify the operator no less than sixty (60) days prior to the date of each scheduled five (5)-year review.

H. The Review Authority may, at its discretion, apply additional performance or development standards to the permit and operations associated with this use.

I. Enforcement

The Director or his/her authorized designee, or a duly authorized peace officer, may issue a Uniform Citation for violation of Section 430-130, as provided for in Section 215, Enforcement.