

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending the)
Columbia County Surface Mining) ORDINANCE NO. 92-8
Ordinance)
_____)

The Board of County Commissioners for Columbia County,
Oregon ordains as follows:

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 92-8.

SECTION 2. AUTHORITY.

This ordinance is adopted pursuant to the authority of
ORS 203.035 and 517.780.

SECTION 3. PURPOSE.

The purpose of this ordinance is to amend the Columbia
County Surface Mining Ordinance to provide adequate revenues
to effectively regulate surface mining in Columbia County.

SECTION 4. AMENDMENT.

Section 5.2 of the Columbia County Surface Mining
Ordinance is amended to read as shown in the attached Exhibit
"A" which is incorporated herein by this reference.

SECTION 5. SEVERABILITY.

The provisions of this ordinance, including Exhibit "A",
are severable. If any provision of this ordinance is
determined to be invalid by a court of competent
jurisdiction, such provision shall be considered a separate,
distinct and independent provision and the decision shall not
affect the validity of the remaining portions hereof.

SECTION 6. EMERGENCY CLAUSE.

This ordinance being immediately necessary for the public health, safety and welfare of the citizens of Columbia County, an emergency is declared to exist and this ordinance shall take effect on October 1, 1992.

ADOPTED this 30th day of September, 1992.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Michael J. [Signature]

Chairman

By: [Signature]

Commissioner

By: not available for signature

Commissioner

Approved as to form

By: [Signature]

Office of County Counsel

Attest:

By: [Signature]

Recording Secretary

First Reading: 9/30/92

Second Reading: 9/30/92

Effective Date: 10/1/92

EXHIBIT "A"

Section 5.2. Permit Certificate, Inspection and Regulatory Fees.

(1) Each application for a new operating permit or Limited Exemption Certificate shall be accompanied by an application fee in the amount of \$500. Annually, each application for renewal of an operating permit or Limited Exemption Certificate shall be accompanied by a renewal fee in the amount of \$300. The Administrator shall also charge \$100 for inspections made at sites:

- (a) Where surface mining was conducted without the permit or certificate required by this ordinance;
- (b) Where surface mining has been abandoned; or
- (c) Where surface mining was conducted in an area not described in the permit or certificate.

(2) (a) In addition to the fees stated above, each landowner or operator holding a Limited Exemption Certificate or operating permit shall pay a regulatory fee to Columbia County. The regulatory fees collected in fiscal year 1992-93 shall be deposited into an account within the general fund of Columbia County dedicated to the regulation of surface mining in Columbia County. The regulatory fees collected beginning fiscal year 1993-94 and thereafter shall be deposited into a special fund of Columbia County dedicated to the regulation of surface mining in Columbia County. The regulatory fees shall not be used for any other purpose. Legitimate expenses for the use of such regulatory fees shall include the salary of the Administrator, necessary staff, secretarial and clerical support, and the vehicles, supplies and equipment involved in the regulation of surface mining in Columbia County. Such legitimate expenses shall also include such other expenses incurred by the County in the regulation of surface mining.

(b) Beginning October 1, 1992, and through June 30, 1993, the regulatory fee shall be in the amount of two cents (\$0.02) per ton for all minerals removed from each surface mining site. During the preparation of the County's budget for fiscal year 1993-94, and each fiscal year thereafter, an accounting shall be made of the expenses incurred and revenues received by the County as a result of its regulation of surface mining. If it is determined that the revenues received, and expected to be received, are insufficient to reimburse the County for the expenses incurred, and expected to be incurred, the regulatory fee may be increased accordingly. If it is determined that the revenues received, and expected to be received, exceed the expenses incurred, and expected to be received, the regulatory fee shall be decreased accordingly.

(c) The collection and administration of the regulatory fees shall otherwise be handled in the same manner as the fees collected under the Columbia County Natural Resources Depletion Fee Ordinance. The reports and records submitted by landowners and operators in connection with the payment of the regulatory fees are production records exempt from public disclosure by ORS 192.501(5). Accordingly, the Board shall adopt a policy of non-disclosure of such records to preserve their confidentiality.

(3) Permit, certificate, inspection and regulatory fees are not refundable. In order to bring uniformity to the issuance of operating permits or Limited Exemption Certificates, henceforth all operating permits and Limited Exemption Certificates shall expire on June 30 of each fiscal year. The holder of an operating permit or Limited Exemption Certificate must pay all fees in arrears before a new permit or certificate may be issued.

(4) The Board of County Commissioners will hold a hearing in September, 1993 to determine whether this ordinance should remain in effect beyond September 30, 1993.