# BEFORE THE BOARD OF COUNTY COMMISSIONERS

#### FOR COLUMBIA COUNTY, OREGON

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In	the	Ма	tter	of	Amendi	ng	the	
Col	umbi	a	Count	y i	Surface	Mi	ning	
Ordinance								

ORDINANCE NO. 96-1

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

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 96-1.

#### 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 allow the Board of Commissioners to respond to emergency situations in a timely fashion.

#### <u>SECTION 4.</u> <u>AMENDMENT.</u>

The Columbia County Surface Mining Ordinance is amended by the addition of a new Section 2.8 which reads as follows:

### Section 2.8 Emergencies.

Notwithstanding any other provision in this ordinance, during the period of any natural disaster as a result of flooding, landslides, earthquake, or other cataclysmic event as determined by the Board of County Commissioners, the Board may declare an emergency. Upon declaring an emergency the Board may allow a landowner or operator to engage in surface mining without having an operating permit or Limited Exemption Certificate which would have been otherwise required under this ordinance, but only under the following circumstances and subject to the following conditions:

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- Before any surface mining may begin, the landowner (1)or operator shall apply for an operating permit as provided by Section 5.1 below. The application shall be accompanied by the application fee as provided by Section 5.2 below. In addition, the application shall be accompanied by financial security in the form of a surety bond or security deposit in the amount of \$10,000.00 to secure compliance with this ordinance including payment of regulatory fees, compliance with the Depletion Fee Ordinance, and to cover the cost of reclamation of the surface mine. Notwithstanding the absence of some of the information required by Section 5.3 below, the Administrator may recommend and the Board may grant, in their sole discretion, an emergency operating permit allowing immediate operation of the surface mine as necessary to respond to the emergency.
- An emergency operating permit issued under the (2)terms of the this section shall expire in sixty The Board may extend the expiration (60) days. necessary process the permit to date as The Administrator may recommend, and application. the Board may impose, conditions on the emergency operating permit which, in their sole discretion, reasonably balances the demands of the emergency with the purposes of this ordinance.
- (3) Before the expiration date of the emergency operating permit, the landowner or operator shall supply such additional information as is required by Section 5.3 in order for the application for an operating permit to be processed as provided by Section 5.4 below.
- (4) If an operating permit is issued and a reclamation plan is approved as provided by Section 5.4, and financial security is provided by Section 7.1, the Board shall release the \$10,000.00 surety bond or security deposit to the landowner or operator. Otherwise the County shall retain the surety bond

ORDINANCE NO. 96-1

or security deposit, or so much of it is necessary to secure compliance with this ordinance including payment of regulatory fees, compliance with the Depletion Fee Ordinance, and to cover the cost of reclamation of the surface mine.

(5) In the absence or other incapacity of the Administrator, the Board may act on its own to accomplish the purposes of this section.

## <u>SECTION 5.</u> <u>SEVERABILITY.</u>

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The provisions of this ordinance 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 February 23, 1996.

DATED this 23rd day of February, 1996.

Approved as to form

By: County Counsel

Attest: Bv: Récording Secrétary

First Reading: February 23, 1996 Second Reading: February 23, 1996 Effective Date: February 23, 1996 BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON

By:

Commissioner

By: Commissione

Page 3