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LEGAL COUNSEL

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

0119-1586

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MARY SUE PENHOLLOW  
COUNTY CLERK

An Ordinance Amending Title 18 of the \*  
Deschutes County Code, the Deschutes \*  
County Zoning Ordinance, to define \*  
Land Disposal Sites, Disposal Sites, \*  
Resource Recovery and Solid Waste, add \*  
Land Disposal Sites as a Use Permitted \*  
Outright in the SM Zone, and add \*  
Disposal Sites as a Conditional Use at \*  
Existing Land Disposal Sites in the SM \*  
Zone, and Declaring an Emergency. \*

ORDINANCE NO. 92-066

**WHEREAS**, the County landfill and resource recovery facilities at the Northwest, Negus and Knott Pit sites are nonconforming uses located on property zoned SM; and,

**WHEREAS**, the County Hearings Officer denied the Public Works Department's application to develop a transfer station and related resource recovery facilities at the Negus site because Title 18 does not provide for the expansion of a nonconforming use; and

**WHEREAS**, the Deschutes County Public Works Department proposed a Text Amendment to Sections 18.52.030 and 18.52.050 of Title 18, to amend the uses permitted outright and conditionally in the Surface Mining (SM) Zone; and,

**WHEREAS**, the Deschutes County Planning Commission, after review conducted in accordance with applicable law, recommended that existing landfills which have a valid DEQ permit on the effective date of Ordinance 92-066 become an Outright Permitted Use in the SM Zone and that the development of a transfer station, recycling center and related resource recovery facilities at existing landfills become a Conditional Use Permitted in the SM Zone subject to the conditions set forth in Chapter 18.128; now therefore,

**THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:**

**Section 1.** Section 18.04.030 of Title 18 is amended to add new definitions as follows:

**"Land Disposal Site"** means a disposal site and related facilities at which the method of disposing solid waste is by landfill.

**"Disposal Site"** means land and facilities used for disposal, handling or transfer of or resource recovery of solid wastes.

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"Resource Recovery" means the process of obtaining useful material or energy resources from solid waste and includes:

a. "Energy recovery" which means recovery in which all or a part of the solid waste materials are processed to utilize the heat content, or other forms of energy, of or from the material.

b. "Material recovery," which means any process of obtaining from solid waste, by presegregation or otherwise, materials which still have useful physical or chemical properties and can be reused or recycled from some purpose.

c. "Recycling." which means any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity.

d. Reuse," which means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

"Solid Waste" for the purposes of Title 18, Deschutes County Code, means all putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, waste paper and cardboard; commercial, industrial, demolition and construction wastes; discarded home and industrial appliances; and other wastes; but the term does not include:

a. Hazardous wastes as defined in ORS 466.005.

b. Materials used for fertilizer or for other productive purposes or which are salvageable as such materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of animals.

### Section 2. Section 18.52.030 Uses Permitted Outright.

Section 18.52.030 of Title 18 is amended as follows:

The following uses and their accessory uses are permitted outright:

A. Farm uses as defined in this title.

B. Forest uses as defined in this title.

C. One temporary or portable residence when necessary to house a caretaker or a night watchman. (Ord. 90-014 ss 4, 1990; Ord. 86-059 ss 1, 1986)

D. Land Disposal Site as defined in this title for which the operator possesses a valid DEQ permit on the effective date of Ordinance No. 92-066.

### Section 3. Section 18.52.050 Conditional Uses Permitted.

Section 18.52.050 of Title 18 is amended as follows:

A. The following uses are permitted subject to the conditions set forth in Chapter 18.128:

a. Public uses consistent with or dependent upon outright uses allowed in the SM zone.

b. Operations and exploration of geothermal resources.

c. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to Sections 18.120.050 and 18.128.040(W). (Ord. 91-038 ss 1, 1991).

d. Construction, expansion and operation of a Disposal Site as defined in this title, for which the operator possesses a valid DEQ permit on the effective date of Ordinance No. 92-066 for a Land Disposal Site.

B. The following uses are permitted subject to site plan review and the setbacks, standards and conditions set forth in Section 18.52.090, 18.52.110 and 18.52.140, respectively, and are not subject to the conditions in Chapter 18.128:

- a. Expansion or replacement of a pre-existing legal dwelling.
- b. Crushing or mineral and aggregate materials on sites designated for crushing in the ESEE analysis in the surface mining element of the Comprehensive Plan.
- c. Sales of minerals and mineral products extracted or produced on parcels other than the subject parcel or contiguous parcels in the same ownership.
- d. Batching and blending of mineral and aggregate into asphaltic concrete or portland cement concrete. (Ord. 90-014 ss 4, 1990)

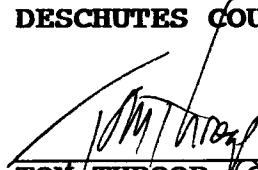
0119-1589

DATED this 25<sup>th</sup> day of November, 1992.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON

ATTEST:

  
\_\_\_\_\_  
Recording Secretary

  
\_\_\_\_\_  
TOM THROOP, Commissioner

  
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NANCY POPE SCHLANGEN, Commissioner

  
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DICK MAUDLIN, Chairman