

**CHAPTER 16.32**  
**SPECIFIC CONDITIONAL USES**

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**16.32.010 SPECIFIC CONDITIONAL USE REQUIREMENTS.** The uses set forth in this section shall meet the applicable criteria and conditions in this section whenever such uses are listed as conditional uses in a particular zone. The minimum standards and conditions set forth in this section are in addition to general criteria and conditions for conditional uses, provided in Chapter 16.40 MCC.

**16.32.100 SOLID WASTE DISPOSAL SITES.** Solid waste disposal sites as defined in subsection (A)(3) of this section are specific conditional uses, and shall be developed and operated in compliance with this section, and any conditions imposed in the conditional use approval.

A. Definitions. As used herein:

1. “Dispose” or “disposal” means the accumulation, storage, collection or transportation of solid waste to a transfer facility, disposal site, sanitary landfill, or resource recovery facility. The term does not include recycling depots and drop stations for source separated re-usable materials.
2. “Solid waste” means all putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, waste paper and cardboard, sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction wastes, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances; manure, vegetable or animal solid or semi-solid wastes, dead animals and other wastes.

The term does not include hazardous wastes as defined by ORS Chapter 459 or regulations adopted by the Department of Environmental Quality or Environmental Quality Commission, and liquids or solids that the Department of Environmental Quality does not consider solid waste under its rules and regulations and which are salvageable or are disposed of by irrigation or placement on land in a UTF or public zone or on lands outside of an urban growth boundary.

3. “Solid waste disposal site” means land used for the disposal or handling of waste or solid wastes, including, but not limited to, dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, composting plants, salvage sites, incinerators for solid waste delivered by the public or by a franchised collector or franchised transporter of solid waste. The term does not include a hazardous waste facility subject to the permit requirements of ORS Chapter 459; or a landfill site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar nondecomposable materials, unless the site is used by the public, either directly or indirectly, or a solid waste transfer station as defined in MCC 16.49.242, or a recycling depot as defined in MCC 16.49.222, or a drop station as defined in MCC 16.49.048.

B. Criteria. In addition to the criteria in Chapter 16.40 MCC the following criteria shall be satisfied as part of a conditional use permit approval for a solid waste disposal site:

1. Screening. Sites shall be screened from view from adjoining developed properties and public streets.
2. Vehicular access and unloading. The primary access to the disposal area and unloading areas shall have an all weather surface adequate for delivery vehicles.
3. Drainage. Surface water drainage shall be adequate to prevent flooding, health hazards or pollution of surface or ground waters.
4. Impacts. Operations that may create noise, litter, lighting, or odors adversely affecting nearby property shall be managed to minimize these impacts.
5. Trespassing. If unauthorized access poses a hazard, the site shall be fenced or other control provided.
6. Redevelopment plan. A plan for the reclamation or redevelopment of the site shall be required if the life expectancy of the site is less than 10 years. The conditional use permit shall provide for implementation of the plan within three years of discontinuance. As a condition of approval a bond or security deposit may be required in a form approved by county legal counsel, conditioned upon the faithful performance of the approved plan, and in an amount at least equal to the estimated cost of implementation.

**16.32.200 SURFACE MINING.** Surface mining sites shall be developed and operated in compliance with this section. The purpose of this section is to implement the legislative policy expressed in ORS 517.760 and the goals and policies relating to mineral resource extraction expressed in the comprehensive plan; and to provide for regulations on the operation and reclamation of mined lands.

A. Definitions.

1. As used herein, the words and phrases defined in ORS 517.750 and OAR 632-30-010 shall have the meanings set forth therein.
2. "Surface mining" means mining of 50 cubic yards or more of sand, gravel and rock, stockpiling, rock crushing, washing, sizing, processing as defined in ORS 517.750, and all structures, apparatus and appurtenances necessary for these uses. Surface mining may also include a residence for a caretaker.
3. "Mining" includes all or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operation, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits. "Mining" does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, onsite road construction or other onsite construction, or nonsurface impacts of underground mines.

B. Reclamation Plan Required - Other Conditions. As a plan for reclamation of the surface mining site which, at a minimum, satisfies the requirements of OAR 632-30-025 (except that the word "hearings officer" shall replace the word "department" as used therein) shall be submitted with an application for conditional use approval for a surface mining operation. In addition to conditions relating to the reclamation of the site, conditions as to conduct of the surface mining operation otherwise permitted under Chapter 16.40 MCC may be imposed. Compliance with an approved reclamation plan shall be a condition of approval.

- C. Bond or Security Deposit Required. As a condition of approval, the applicant shall file with the county a bond or security deposit in a form approved by county legal counsel conditioned upon fulfilling any conditions of approval and requirements of this section. The bond may be in addition to or the same bond as required by the Oregon Department of Geology and Mineral Resources.
- D. Failure to Maintain Compliance.
  - 1. The operator of a surface mining operation under conditional use approval shall continuously operate and maintain the site within the terms and conditions set forth in this section and the conditional use approval.
  - 2. In the event any of the conditions prescribed pursuant to this section or described in ORS 517.860(2)(a) through (d) (the period of time mentioned in paragraph (a) of such subsection being the compliance period specified in a written notice from the zoning administrator to correct deficiencies), the county may cause the required work to be done and the cost thereof, if not paid by the owner, operator, or surety, to be assessed as a lien against the property.

**16.32.300 TEMPORARY HOME FOR CARE OF THE INFIRM.** A temporary home for the care of the infirm may be approved as a conditional use subject to meeting the following criteria:

- A. A doctor of medicine or licensed psychologist shall sign a statement indicating the physical or mental condition that prevents the person(s) with the infirmity from providing the basic self care needed to live on a separate lot. The statement shall also attest that the physician or licensed psychologist is convinced the person(s) with the infirmity must be provided the care so frequently or in such a manner that the caretaker must reside on the same premises.
- B. The residence occupied by those having the infirmity shall not be occupied by others capable of providing the needed assistance.
- C. Those providing the needed assistance shall be related by blood, marriage or legal guardianship and reside in another residence on the lot. If evidence is presented that there is no family member able to provide the needed care the caretaker may be someone else.
- D. Those providing the care must show that they will be available and have the skills to provide the primary care required by the doctor or psychologist.
- E. The existing residences on the property either cannot be modified or expanded to accommodate those needing care, or there is some reason the caretaker and those with the infirmity need to live in separate residences.
- F. Either the residence occupied by the person(s) with the infirmity or those providing the care shall be a mobile home or a dwelling that will be removed at such time as the person(s) with the infirmity no longer reside on the lot. An agreement to remove one of the residences within 60 days of the date the person(s) with the infirmity no longer resides on the lot shall be signed by the property owner and those providing the care.
- G. The temporary residence shall, to the extent permitted by the nature of the property and existing development;
  - 1. Be located as near as possible to other residences on the property;
  - 2. Not require development of a new driveway access to the street;
  - 3. Be connected to the existing wastewater disposal system if feasible.

- H. The use shall be subject to review every year and shall meet the above criteria in order to qualify for renewal.

**16.32.400 HOME OCCUPATIONS-CONDITIONAL WITH EMPLOYEES.** A home occupation that employs no more than one person (“person” includes volunteer, non-resident employee, partner, or other person) in the conduct of the home occupation meeting the following criteria:

- A. The premises upon which the home occupation is conducted shall be the residence of the person conducting the home occupation.
- B. The home occupation shall be continuously conducted in such a manner as not to create any nuisance, public or private, known law or equity, including but not limited to: noise, odors, vibration, fumes, smoke, fire hazard, or electronic, electrical, or electromagnetic interference.
- C. No sign shall be displayed on the premises except those as permitted in MCC 16.31.060(A).
- D. No structural alterations shall be made to the dwelling that would be inconsistent with future use of the building as a dwelling.
- E. No alteration to or use of the premises shall be made that would reduce the number of on-site parking spaces required for dwellings as outlined in MCC 16.30.150.
- F. Parking of customers or clients’ vehicles shall create no hazard or unusual congestion. If the home occupation requires any parking for an employee or customer, a site plan meeting the requirements for off-street parking in Chapter 16.30 MCC shall be submitted and approved by the planning manager.
- G. Delivery and pick-up of materials or commodities in conjunction with the home occupation to and from the premises shall be made by private vehicles or by commercial vehicles not exceeding two axles in size.
- H. There shall be no outside storage or display of materials, equipment, or merchandise used in or produced in connection with the home occupation.
- I. Retail and wholesale sales that do not involve customers coming to the property, such as internet, telephone or mail order offsite sales, and incidental sales related to the home occupation services being provided are allowed. No other sales are permitted as, or in conjunction with, a home occupation.
- J. The dwelling or other buildings shall not be used for assembly or dispatch of employees to other locations.