



## Skagit County Planning & Development Services

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### Mining Special Use Permit Information

Skagit County Code Section 14.16.440 Mineral Resource Overlay

Visit our web site at: [www.skagitcounty.net](http://www.skagitcounty.net) for detailed information

#### Mineral Resource Overlay Special Uses.

The following mineral extraction and processing uses are permitted as a Hearing Examiner special use in the Mineral Resource Overlay subject to the requirements of this Section and the restrictions contained in the underlying zone. Uses under this Section must comply with RCW 78.44, Surface Mining Act, RCW 90.48, the Water Pollution Control Act, and all other applicable laws and regulations:

- Activities associated with mining or quarrying operations, including blasting and use of equipment in connection with an extraction operation, maintenance of mineral extraction equipment, maintenance of roads, traffic control, sorting, crushing, cleaning and loading;
- On-site processing including asphalt or concrete batching and asphalt or concrete recycling; and
- Surface or underground mining or quarrying of mineral deposits or building materials from rock, stone, gravel, sand, and earth together with associated structures and equipment;
- Temporary dwellings for a caretaker or superintendent and their family.

#### Application Requirements For mining operations special use permit.

- 1) **Maps:** An applicant for a mining operations special use permit shall submit the following information on maps in a 11" x 17" format size:
  - a) A vicinity map with a north arrow indicating the area on which the extraction operation is proposed including a legal description, showing right-of-way width of access roads to the proposed site from the nearest community and any roads proposed on the site, and showing zoning of adjacent properties and land uses within 5 miles of the area proposed for mineral extraction and related activities;
  - b) A pre-mining map drawn to scale with an appropriate scale bar showing the permit area and buffers, elevations and contours, natural slopes and other drainage patterns, boundaries of municipalities, boundaries of property ownership, names and addresses of adjacent property owners, locations of nearby mines, locations of all railroads, bridges, utility lines or other rights of way, locations and names of any streams and natural or artificial drain ways on or adjacent to the site, locations of parks and other significant features;
  - c) A reclamation sequence map drawn to scale with an appropriate scale bar covering the same area as the pre-mining map showing the permit area border and buffers, excavation areas, location of all proposed access roads to be built, location of types of setbacks and beams, numbered segments and the direction of the sequence of mining, soil storage areas and sequence of stripping, storing and replacement of mined segments, overburden storage areas and sequence of stripping, storing and replacement of overburden on mined segments, waste rock piles and how they will be reclaimed and stabilized, operation plant and processing areas, measures to be taken to adjacent surface area to prevent slumping or landslides on adjacent lands, location and description of storm-water and erosion control systems including drainage facilities and settling ponds and estimated runoff served by individual facilities; and
  - d) A final reclamation map drawn to scale with an appropriate scale bar covering the same area as the pre-mining map permit area and buffers, final elevations and contours, adjacent natural ground slopes, reclaimed drainage patterns, general topography, locations and names of any roads, utility lines, rights-of-way, streams, bridges, lakes, springs, wetlands, location and depth of topsoil to be replaced after seedbed preparation, permanent drainage and water control systems, area to be re-vegetated and proposed species, 2 cross-sections (at right angles) with horizontal and vertical scales the same that show the original and final topography and the water table.

- 2) **Geology Report:** A report by a qualified geologist, hydrologist or licensed engineer characterizing the area's ground water including, but not limited to, the following information:
  - a) A description of the geology and hydro-geology of the area including the delineation of aquifer, aquitards, or aquicludes (confining layers), hydro-geologic cross-sections, porosity and horizontal and vertical permeability estimates;
  - b) Determination of the direction and velocity of ground water movement, water table contour and potentiometric surface maps (for confined aquifers) if applicable; and
  - c) A map containing the limits of the mine, buffer zones, location of all ground water wells within 1 mile distance down gradient from the property boundaries, location of all perennial streams and springs, and definition or specification of locations of aquifer recharge and discharge areas.
- 3) **Narrative:** A narrative discussion that will include at the minimum the following:
  - a) The estimated quantities of all materials to be extracted.
  - b) Identification of any possible Scientific Resource Sites that may be located on the proposed site. Scientific Resource Sites include unique or rare occurrences of rocks, minerals, or fossils that are of outstanding scientific significance. These areas must be delineated on the map in Subsection (8)(a)(ii) above and the proposal for preservation of the identified area(s) must be addressed.
  - c) An on-site study to determine appropriate mitigation requirements for noise, vibration and dust levels. The study should specify what levels the Applicant deems satisfactory to mitigate off-site disturbances.
  - d) An operations proposal detailing estimated frequency of blasting, estimated truck loads per day, what provisions for screening and fencing are proposed, and estimated hours of operation.
  - e) Identification and description of those critical areas designated and regulated by SCC 14.24, together with any critical areas studies that may be required by SCC 14.24.
  - f) A completed environmental checklist.
- 4) **Transportation Analysis:** A review from Skagit County Public Works Department or Washington State Department of Transportation demonstrating that roads or bridges are capable of sustaining the necessary traffic for the proposed mineral extraction operation, and that the proposed operation meets level-of-service, safety, and other standards as outlined in the Skagit County Transportation Systems Plan, the Skagit County Comprehensive Plan, and applicable state and local regulations.

### **Approval/Denial Procedure**

Except as may be provided herein to the contrary, all applications for mining operations special use permit shall be reviewed by the Hearing Examiner under the procedures set forth in SCC 14.06. The Hearing Examiner shall make a decision as to whether or not it should be approved based upon the special use approval criteria and the following provisions:

- 1) When reviewing an application for mining operations special use permit, the Hearing Examiner should recognize that surface mining is an essential economic activity and that it is not possible to extract minerals without producing some environmental impacts. The Hearing Examiner shall consider all relevant evidence and conditions that will mitigate detrimental impacts to the environment and conditions that protect the general welfare, health and safety. The permit shall be granted if the impacts are mitigatable. The burden of proof shall be on the Applicant. Mitigating conditions shall be performance based, objective standards that:
  - a) Are directly and proportionately related to limiting surface mining impacts;
  - b) Are reasonable, practicable and generally capable of being achieved by the mine operator; and
  - c) Take into consideration existing and available technologies applicable to mining operations.
- 2) The Hearing Examiner shall consider the requirements of this Chapter as minimum standards based on unique site-specific factors or conditions as appropriate to protect public health, safety, and the environment.
- 3) Appropriate site specific conditions shall be required to mitigate existing and potential incompatibilities between the mineral extraction operation and adjacent parcels. Such limitations shall reflect the differences in potential impacts based on the mineral extraction operation's location in resource, rural or urban growth areas and

recognize that the purpose of designating mineral resource lands is to conserve mineral resource lands, allow continued operation of existing legally established mining operations, and assure that use of adjacent lands does not interfere with the extraction of minerals. The Hearing Examiner shall take into consideration the January, 1996 publication Best Management Practices for Reclaiming Surface Mines in Washington and Oregon, published jointly by the Oregon Department of Geology and Mineral Industries and the Washington State Department of Natural Resources, Chapter 3, Operation and Reclamation Strategies, in determining appropriate mitigation requirements for operational impacts.

- 4) Appropriate site-specific conditions shall be required to mitigate storm water runoff and erosion impact. The Hearing Examiner shall take into consideration the January, 1996 publication Best Management Practices for Reclaiming Surface Mines in Washington and Oregon, published jointly by the Oregon Department of Geology and Mineral Industries and the Washington State Department of Natural Resources, Chapter 2, Storm Water and Erosion Control, and the National Pollutant Discharge Elimination System (NPDES) Surface Water Protection requirements in determining appropriate conditions for mitigating storm water and erosion impacts.
- 5) The Hearing Examiner shall consider public interests such as fishing, boating, hiking and camping when reviewing a mining operations special use permit, and may impose mitigating measures as necessary and appropriate.

### **Mining Operating Standards and Requirements.**

Site area and width. When the activity includes both extraction and on-site mineral crushing or mineral processing including asphalt or concrete batching and asphalt or concrete recycling, the site area shall be a minimum, of 20 acres. There shall be a minimum lot width of 500 feet for crushing or processing activities. Operations that are limited to extraction and transportation shall comply with dimensional standards of the underlying zone.

#### **Buffers.**

A minimum 200-foot buffer shall be required between on-site crushing, processing, or recycling activities and adjacent properties for the site as a condition for the issuance of a mining operations special use permit. Adjacent properties are required to maintain a 200-foot buffer from the mineral resource designated land or sign a nuisance waiver to reduce the 200-foot buffer. In the case of a pre-existing structure located in the buffer of adjacent property, the required buffer shall be established on the mineral resource designated land. A minimum 100-foot buffer shall be required for the site where operations are limited to the extraction and transportation of minerals. Once the extraction and transportation operations have been completed, the material in the buffer may be utilized during reclamation.

#### **Maximum permissible noise levels**

Maximum permissible noise levels shall be according to the provisions of the WAC 173-60, Maximum Environmental Noise Levels.

#### **Blasting.**

Blasting shall be restricted to daylight hours when the mineral extraction operation is within ¼ mile of a residential area with a greater density than 1 dwelling unit per 10 acres. The Hearing Examiner may otherwise set blasting hours and conditions based on site-specific circumstances. Except in the case of emergencies declared by civil authorities, blasts should be scheduled for regular and predictable times.

#### **Vertical Limitations/Aquifer Protection**

Surface mining shall be vertically limited to only one aquifer unless approved by the Washington State Department of Ecology. Hydrological barriers separating aquifers shall not otherwise be disturbed.

Activities related to mineral extraction and processing operations in the vicinity of aquifers must provide safeguards including containment to prevent direct contamination to the open aquifers and indirect contamination through infiltration of mining operation pollutants.

Imported material shall not be used as a backfill for mine sites where an aquifer has been breached.

Disturbed aquifers should be reclaimed as ponds or lakes and/or wetlands.

Additional buffers and setbacks may be required beyond those listed in Subsection (10)(a-b) above if necessary to prevent over-excavation when mining in an aquifer.

All relevant provisions of the Critical Areas Ordinance, SCC 14.24, for aquifer protection shall be met.

#### Surface Water Protection

All mineral and aggregate sites shall meet the minimum requirements of SCC 14.32 as well as all pertinent requirements of the Washington State Department of Ecology, the Department of Natural Resources, Department of Fish & Wildlife and other state and federal regulations regarding surface water protection.

Storage pond systems for holding processing waters shall be designed to preclude untreated discharge to natural streams or surface waters, unless the discharges are otherwise regulated and allowed by a state or federal government agency.

The flow of natural runoff from extraction sites shall be dispersed or regulated such that soil erosion on receiving lands is prevented.

#### Bench/Terrace

Benches shall be back-sloped and shall be established at not more than 40-foot intervals to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of 5 percent.

#### Reclamation

Reclamation of surface mining sites shall be in accordance with the requirements of the State Department of Natural Resources. Reclamation activities shall not allow land filling unless sites comply with WAC-304, WAC 173-351, SCC 12.16, other relevant state, and federal regulations. If the operation is not subject to the State Department of Natural Resources permitting requirements, the following minimum standards shall apply. All reclaimed slopes shall:

Have a varied steepness;

Have a natural appearance in both profile and plan view;  
Have no large rectilinear topographic elements;

Not exceed 2 horizontal to 1 vertical except as necessary to blend with natural adjacent slopes;

Be compacted if significant back-filling is required to produce the final reclaimed slope;

Provide measures to establish a beneficial wetland where a lake pond or swamp is created; and

Place topsoil and re-vegetate as necessary to stabilize slopes and controls erosion.

#### Hours of operation

Hours of operation shall vary according to the location of the site as stated below and may be shortened by the Hearing Examiner based on site-specific circumstances:

Within designated natural resource lands, the hours of operation may be unlimited. The Hearing Examiner may limit hours of operation to daylight hours or to such other reasonable limitation deemed necessary to address potential significant adverse impacts to existing adjacent land uses, on any portion of the mining site where mining activity is proposed to occur less than 1/4 mile from existing Rural Intermediate, Rural Village, or Urban Growth Area designated lands;

Within rural lands, the hours of operation shall be from dawn to dusk;

Within urban growth areas and rural villages, the hours of operation shall be from 8AM to 5PM, Monday-Saturday; and

During emergencies, restrictions on hours of operation can be suspended by the Board of County Commissioners pursuant to the lawful procedures for declaring an emergency.

#### Chemical Leach Mining

Chemical leach mining shall not be allowed.

**Responsibility.**

The landowner(s) and operator(s) shall be held jointly responsible for the operation of a mineral extraction site.

**Metal Mining.**

Metals mining shall be regulated by RCW 78.56, Metals Mining and Milling Act.

**Additional Requirements.**

Additional requirements related to this zone are found in SCC 14.16.600-900 and the rest of the Skagit County Code.