

40.250.020 SURFACE MINING OVERLAY DISTRICT

(Repeal current 40.250.020 and replace)

A. Purpose.

The purpose of the surface mining overlay district is to ensure the continued availability of rock, stone, gravel, sand, earth and mineral products without disrupting or endangering adjacent land uses, while safeguarding life, property and the public welfare.

B. Applicability.

1. The provisions in this section shall apply to parcels designated with the surface mining overlay.
2. The provisions of this section shall apply only to new applications for new site plan approval. Operation of existing surface mines and related uses shall conform to the conditions of approval adopted with their site plan approval.
3. Provisions of RCW 78.44 and WAC 332-18 pertaining to surface mining that are applicable to Clark County are adopted by reference.

C. Uses.

1. Permitted uses. In addition to uses allowed in the underlying zoning district, the following uses are permitted in the surface mining overlay district:
 - a. Extractions from deposits of rock, stone, gravel, sand, earth and minerals.
 - b. Asphalt mixing;
 - c. Concrete batching;
 - d. Clay bulking;
 - e. Rock crushing, processing and stockpiling; and
 - f. Temporary offices, shops or other accessory buildings and structures used for the management and maintenance of onsite mining and processing equipment.
2. Conditional uses that are allowed in the underlying zoning district are allowed in the surface mining overlay district.

D. Standards.

1. Access roads into the site shall be gated, and, at a minimum, the portion of the site being mined shall be shall be fenced and posted.
2. Maximum permissible noise levels must be in accordance with the provisions of WAC 173-60 or as identified in the SEPA document.
3. Hours of operation.
 - a. No operations shall take place on Sundays or on the following legal holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day.
 - b. Mining, processing, loading, hauling, batch plant operation, drilling, and all activities that include the use of equipment with audible (beeping) back-up alarms are restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday.
 - c. Blasting is restricted to the hours of 9:00 a.m. to 4:00 pm Monday through Friday.
 - d. Maintenance activities may be performed outside the normal hours of operation, provided that equipment with audible (beeping) back-up alarms are not used and noise levels meet the standards in Section 40.250.020(D)((2).

- e. Loading and hauling of rock products outside of normal hours of operation may be approved by the responsible official through a Type I process, provided that:
- (1) the applicant provides notice to the county such that the county can provide notice to property owners within one-half (1/2) mile of the mining limits and to owners of all parcels abutting local access roads to be used for hauling that are between the site and roads designated in the Arterial Atlas as connectors, arterials, or State highways at least ten (10) days prior to the event;
 - (2) noise levels at the property line will not exceed 50 dBA when measured as per WAC 173-60.
 - (3) all equipment used as the least intrusive back-up alarms allowed by the Mining Safety and Health Administration (MSHA); and
 - (4) the applicant provides proof that the contract is for a public purpose and requires delivery of rock products outside of normal operating hours.
4. Stormwater and erosion control must meet the standards of Chapter 40.385.
 5. Proposed blasting and mining activities must not adversely affect the quality or quantity of groundwater or wells cause damage to offsite structures.
 6. Notice of blasting events shall be provided by the operator to property owners within one-half (1/2) mile of the mining limits by mail at least seven (7) days prior to blasting or by electronic communication at least twenty-four (24) hours prior to blasting.
 7. Mining activities must not cause unreasonable external effects such as offensive odors, increased lighting or glare, dust, smoke or vibration (except for blasting) detectable to normal sensory perception at the property line.
 8. Pavement wear agreements may be required for public roads used to access the site. Public access roads to mining and quarrying sites must be maintained and located to the satisfaction of the director of public works, to minimize problems of dust, mud, potholes, runoff and traffic safety.
 9. Internal access roads within one hundred (100) feet of a paved county road or state highway shall be paved, oiled or watered. Internal access roads within two hundred, fifty (250) feet of a residence existing at the time of site plan approval shall be paved, oiled, or watered
 9. The applicant shall demonstrate that all water necessary for the proposed operation has been appropriated to the site or is legally available.
 10. The county may impose additional special conditions to resolve issues specific to an individual site.

E. Plan Approval.

1. Site plan approval is required prior to any surface mining use.
2. Notice shall be sent to owners of property within a radius of one (1) mile of the site and to owners of all parcels abutting local access roads to be used for hauling that are between the site and roads designated in the Arterial Atlas as collectors, arterials or State highways.
3. For those uses permitted under Section 40.250.020(C)(1)(a) through (e), the responsible official shall review and approve plans, specifications, and other supporting data through a Type II-A review process pursuant to Section 40.510.025. Temporary uses described in Section 40.250.020(C)(1)(f) can be approved through a Type 1 procedure.
4. A hearing shall be held within twelve (12) months of the approval of any uses permitted under Section 40.250.020(C)(1) and at intervals thereafter to be

determined by the Hearings Examiner. Public hearing notice and procedures shall be conducted pursuant to Section 40.510.030. The scope of these hearings shall be limited to:

- a. assessing whether the conditions of approval were adequate or necessary to mitigate the actual impacts of the use;
- b. determining whether the conditions of approval have been met; and
- c. evaluating the effectiveness of any monitoring programs.

F. Plans and Specifications.

Plans shall be drawn to an engineer's scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed, and show in detail that they will conform to the provisions of this section and all other relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the location of the work, and the names and addresses of the owner and the person by whom they were prepared. The plans shall include the following minimum information:

1. General vicinity maps of the proposed site.
2. Property boundaries and accurate contours of existing ground, details of terrain, and details of area drainage.
3. Proposed elevations and contours of the greatest extent of the proposed mining and proposed drainage channels and related construction.
4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, berms, settling ponds and other protective devices to be constructed with or as a part of the proposed work, together with the maps showing the drainage area and the estimated runoff of the area served by any drains
5. Location of any buildings or structures on the property where the work is to be performed, and the location of any buildings or structures on land of adjacent property owners which are within two hundred (200) feet of the property, or which may be affected by the proposed operation.
6. Stormwater calculations and proposed treatment facilities for runoff from access roads and impervious areas not within the mine.
7. A hydrogeology report which characterizes the groundwater and surface water and identifies wells within one-half mile of the proposed mining limits; and a monitoring and mitigation plan if impacts are anticipated to offsite properties.

40.260.120 Mines, Quarries and Gravel Pits

~~Extractions from deposits of rock, stone, gravel, sand, earth, minerals, or building or construction materials shall not be construed to be permitted uses in any district established by this title except as provided in specific districts, unless a surface mining overlay district has been obtained, as provided for in Section 40.250.020, except for on-site excavation and grading in conjunction with a specific construction or improvement project. Odor, dust, noise or drainage shall not be permitted to create or become a nuisance to surrounding property. The responsible official may approve a request for an aggregate extraction for a single construction project for a period not to exceed ten (10) days in operation and not requiring a state permit, in accordance with Section 40.260.220, Temporary Uses.~~