



## PLANNING & DEVELOPMENT SERVICES

1800 Continental Place • Mount Vernon, WA 98273  
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### Special Use Submittal Checklist

#### **Approved prior to Special Use Application:**

- ☐ ☐ **Lot Certification** (Recorded copy required, no exemptions.)  
\_\_\_\_ Approved Lot Certification, previously recorded; **OR**,  
\_\_\_\_ Approved Lot Certification, PDS will submit it for recording.
- ☐ ☐ **Critical Area Review**  
\_\_\_\_ Report due at submittal (If required)  
\_\_\_\_ Provide staff letter of approval at submittal.
- ☐ ☐ **Pre-Application Meeting or Waiver**

#### **Submitted with Special Use Application**

- ☐ ☐ **Fees** \$ \_\_\_\_\_ **Special Use** \$ \_\_\_\_\_ **Publication** \$ \_\_\_\_\_ **SEPA**  
\$ \_\_\_\_\_ **Public Works** \$ \_\_\_\_\_ **Water**
- ☐ ☐ **Fact Sheet** (Fully completed.)
- ☐ ☐ **Ownership Certificate** (Notarized signature of Property Owner)
- ☐ ☐ **Assessor's Map** Identify the subject parcel.
- ☐ ☐ **Critical Area Report** (If required.) Provide **2 copies**.
- ☐ ☐ **Site Plan** No larger than 11 x 17  
See attached page for all 13 site plan requirements.
- ☐ ☐ **Completed Sections A & B**
- ☐ ☐ **Project Description/Evaluation Criteria/Specific Criteria**  
Answer all questions completely on following pages.
- ☐ ☐ **Detailed Description of Business Functions**  
(If applying for forms C, D, E, F or J)
- ☐ ☐ **Form** (14.16.900(3))  
\_\_\_\_ **A** Temp Manufactured Home – Elderly or Disabled Family Member  
\_\_\_\_ **B** Temp Manufactured Home – Accessory to Farm Dwelling Unit  
\_\_\_\_ **C** Bed & Breakfast  
\_\_\_\_ **D** Outdoor Outfitters Enterprises  
\_\_\_\_ **E** Home Based Business II  
\_\_\_\_ **F** Agricultural Processing Facility  
\_\_\_\_ **G** Mineral Resource Overlay  
\_\_\_\_ **H** Personal Wireless Facility  
\_\_\_\_ **I** Rural Business Expansion and/or Rural Business Change of Use  
\_\_\_\_ **J** Master Planned Resort  
\_\_\_\_ **K** Other \_\_\_\_\_
- ☐ ☐ **SEPA Checklist** (If not previously completed.)
- ☐ ☐ **Pre-Addressed/Stamped Envelopes** for both owners of record and the physical addresses within 300 feet of property boundary.  
\_\_\_\_ Include a list of property owners and physical addresses.  
\_\_\_\_ **ONE** set for Administrative. \_\_\_\_ **TWO** sets for Hearing Examiner.
- ☐ ☐ **Landscaping Plan** (If required)
- ☐ ☐ **Parking Plan** (If required)

Date application was accepted:

**Accepted by**

**Permit Number**

**Zoning / Setbacks**

**Flood Plain/Floodway**

**Shoreline**

**Notes:**

# Special Uses

**Special uses** are uses of property that require additional review, but are compatible.

The applicant must demonstrate this compatibility. Skagit County Code (SCC 14.16.900(1)(v)) contains criteria that County staff uses to evaluate Type I Administrative Special Use applications and Type II Hearing Examiner Special Use applications. A Special Use must demonstrate that the proposed activity will not adversely affect or prevent those uses normally allowed within the respective district.

All special uses, including master planned resorts, shall require a development project be commenced for the entire parcel within 2 years of the permit approval, unless development is phased. A phasing plan shall be submitted and reviewed as part of the special use application.

The following chart representation of Type I or Type II applications is **reference only**. Please check with staff to verify your zoning and type of special use process your proposal may require.

Special Use	Type I	Type II	Sections		SEPA	Forms										
			1-5	A-B		A	B	C	D	E	F	G	H	I	J	K
Temp mfg housing (elderly)	X		X	X		X										
Temp mfg housing (farm)	X		X	X			X									
Bed & Breakfast	X		X	X	X			X								
Outdoor Outfitter Enterprise		X	X	X	X				X							
Home Based Business II		X	X	X	X					X						
Ag Processing Facility		X	X	X	X						X					
Mineral Resource Lands		X	X	X	X							X				
Personal Wireless Facility	X	X	X	X	X								X			
RB expansion/change of use		X	X	X	X									X		
Master Planned Resort		X	X	X	X										X	
Other	Requirements will be outlined at a Pre-Application meeting.															X

A County planner will evaluate your application based on County codes in connection with the Health, Public Works and Environmental teams and any public agency or SEPA comments. The planner creates a staff report based on this evaluation that either concludes your proposal meets special use requirements and grants special use approval subject to any conditions (Type I), or the staff report offers recommendations to the County Hearing Examiner during a public hearing process.

This application is divided into sections and forms based on the type of special use you are proposing so you can demonstrate this compatibility. The table above indicates the sections and forms of this application that you need to complete. All applicants must complete Sections 1 through 5 as well as Sections A and B. Additionally, all applicants except those seeking temporary manufactured home approval for elder or disability care or for farm use must submit a SEPA checklist beforehand or with this application.

## **Section 1**

### **Planning & Development Services Fact Sheet**

**PL#:** \_\_\_\_\_

Community Development Division

- ☐ Administrative Decision
- ☐ Agricultural Variance
- ☐ Binding Site Plan
- ☐ Boundary Line Adjustment
- ☐ Final Plat
- ☐ Long CaRD
- ☐ Lot Certification
- ☐ Modification
- ☐ Open Space
- ☐ Pre-application Review

- ☐ Preliminary Plat
- ☐ Shoreline Exemption
- ☐ Shoreline Substantial Use Permit
- ☐ Short CaRD
- ☐ Short Plat
- ☐ **Special Use Permit Level I**
- ☐ **Special Use Permit Level II**
- ☐ Variance Level I
- ☐ Variance Level II
- ☐ Other \_\_\_\_\_

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Brief Project Description: \_\_\_\_\_

Other Related Permits or Approvals: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Parcel ID#: \_\_\_\_\_ Assessor Tax #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Parcel ID#: \_\_\_\_\_ Assessor Tax #: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Section \_\_\_\_ Township \_\_\_\_ Range \_\_\_\_ Comprehensive Plan/Zoning Designation: \_\_\_\_\_

Site Address: \_\_\_\_\_

Recorded Lot of Record: ☐ Yes ☐ No PL# \_\_\_\_\_

Urban Growth Area: ☐ Yes ☐ No If yes, City: \_\_\_\_\_

Comp Plan/Zoning within 200 feet: \_\_\_\_\_ Mineral Resource Overlay within ¼ mile: ☐ Yes ☐ No

Critical Area/Shoreline within 200 feet: ☐ Yes ☐ No

Pre-application meeting required? ☐ Yes ☐ No Meeting verification form enclosed? ☐ Yes ☐ No

Acreage or Lot Dimensions: \_\_\_\_\_

Flood Zone: \_\_\_\_\_ FIRM Map Panel #: \_\_\_\_\_ Map Date: \_\_\_\_\_

Road access: ☐ Private ☐ County – Permit #: \_\_\_\_\_ ☐ State – Permit #: \_\_\_\_\_

Water Source: ☐ Drilled well - Permit #: \_\_\_\_\_ ☐ Community Well ☐ Public: \_\_\_\_PUD #1 \_\_\_\_Anacortes

Sewage Disposal: ☐ Septic - Permit #: \_\_\_\_\_ ☐ Public Sewer: \_\_\_\_\_

Legal Description: \_\_\_\_\_

\_\_\_\_\_  
(Attach additional sheet if necessary.)

## **Section 2**

### **Applicant**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Fax

\_\_\_\_\_  
e-mail address

**Signature** \_\_\_\_\_

### **Owner**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Fax

\_\_\_\_\_  
e-mail address

### **Contact**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Fax

\_\_\_\_\_  
e-mail address

### **Contractor (When applicable. If owner, write owner-builder)**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Fax

\_\_\_\_\_  
e-mail address

\_\_\_\_\_  
Contractors License #

\_\_\_\_\_  
Expiration Date

### **Section 3**

## **OWNERSHIP CERTIFICATION**

I, \_\_\_\_\_, hereby certify that I am the major property owner or officer of the corporation owning property described in the attached application, and I have familiarized myself with the rules and regulations of Skagit County with respect to filing this application for a

\_\_\_\_\_ and that the statements, answers and information submitted present the argument on behalf of this application and are in all respects true and correct to the best of my knowledge and belief.

Street Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: (\_\_\_\_\_) \_\_\_\_\_

Signature(s):

\_\_\_\_\_

\_\_\_\_\_

for: \_\_\_\_\_

(corporation or company name, if applicable)

### ***ACKNOWLEDGMENT***

STATE OF WASHINGTON      )

ss.    )

COUNTY OF SKAGIT    )

On this day personally appeared before me \_\_\_\_\_, known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purpose therein mentioned.

GIVEN under my hand and official seal the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC in and for the State of Washington residing at

My Commission Expires: \_\_\_\_\_

## Section 4



### Planning & Development Services Critical Areas Checklist Pursuant to Skagit County 14.24.080

Section \_\_\_\_ Township \_\_\_\_ Range \_\_\_\_ Parcel Number \_\_\_\_\_ Related Permits: \_\_\_\_\_

Site Address: \_\_\_\_\_

Proposed uses: \_\_\_\_\_

**PLEASE ANSWER THE FOLLOWING QUESTIONS CONCERNING CRITICAL AREA INDICATORS LOCATED ON OR WITHIN  
200 FEET OF THE PROJECT AREA.**

- a. Are you aware of any environmental documentation that has been prepared related to critical areas that includes the subject area? (If yes, \*please attach a list of document titles).  
\_\_\_\_ Yes\* \_\_\_\_ No \_\_\_\_ Unknown
- b. Are there any surface waters (including year-round and seasonal streams, saltwater, lakes, ponds, bogs, fens, swamps, marshes)?  
\_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Unknown
- c. Is there vegetation that is associated with wetlands?  
\_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Unknown
- d. Have any wetlands been identified?  
\_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Unknown
- e. Are there areas where the ground is consistently inundated or saturated with water?  
\_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Unknown
- f. Are there any State or Federally listed sensitive, endangered or threatened species and habitats?  
\_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Unknown
- g. Are there slopes of 15% or greater?  
\_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Unknown
- h. Is the project located within a Flood Hazard Zone?  
\_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Unknown
- i. Do you know of any landslide hazard areas?  
\_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Unknown

I grant permission to the field inspector to enter the building site to determine the presence or absence of critical areas.

I understand that if the information on this form is later determined to be incorrect, the project or activity may be subject to conditions or denial as necessary to meet the requirements of SCC 14.24, the Skagit County Critical Areas Ordinance.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

## **Section 5 Site Plan Requirement Checklist**

Site plan must be prepared on 8 ½" x 11" *or* 11" x 17" paper.

**\*The first 7 requirements of the Drainage Plan may be met by utilizing a third copy of this site plan.**

☐ 1. **Title Block**

Indicate applicant's name, site address, Assessor's Tax Account # and Property ID # (P#) for the subject property.

☐ 2. **Scale**

Indicate map scale. Use any appropriate scale and note it on your site plan. Example - Scale: 1" = 40'

☐ 3. **North Arrow**

Show an arrow indicating the ↑ NORTH direction.

☐ 4. **Property Boundaries/Easements**

Show property lines and all easements (*utility, drainage, dike, access, railroad, etc.*). Indicate site dimensions and names of adjacent roads.

☐ 5. **Driveway**

Show entire length and width of driveway in feet. Indicate grade of driveway in percent (%) of slope. Turnouts are required every 300 feet. To create a turnout the road shall be widened to 20 feet in width for a distance of 30 feet in length to allow for vehicles to pull over and allow emergency vehicles to proceed.

☐ 6. **Building Footprint**

Show location, dimensions and setbacks of all existing and proposed buildings or structures. If this project includes an addition, please clearly show the addition different from the existing building. Identify each building by its use (*residence, garage, etc.*). Indicate roof overhang lines and any decks, porches or retaining walls.

☐ 7. **Impervious Surface**

Indicate the amount of **new** impervious area. Impervious areas include the square footage of new building roof area, parking area, patios and any new driveway.

☐ 8. **Setbacks**

Indicate the building setbacks from all property lines with a dashed line. Include shoreline setbacks when applicable.

☐ 9. **Well Location or Water Lines**

Indicate the drinking water supply (*existing and/or proposed, public or individual*). Show all private well(s), public water mains and water supply pipes to all buildings.

☐ 10. **On-Site Septic System Location or Sewer Lines**

Indicate method of sewage disposal: Private septic - show existing and proposed on-site sewage system(s). Include drainfield replacement area(s). (Tanks are required to be 50' and drainfields 100' from a well.) Public sewer - indicate location of sewer main and private pipes to building.

☐ 11. **Propane**

Show the location of the propane tank (if any).

☐ 12. **Slope**

Indicate slope (elevation change) of building site. Use contour lines or arrows to show direction and percent (%) of slope(s). Identify any erosion or landslide areas as well as any potential unstable slopes greater than 15%.

**Percentage % of slope = Rise (drop in height) divided by Run (distance) multiplied by 100.**

**OTHER FEATURES TO INCLUDE ON YOUR SITE PLAN:**

☐ •**Shorelines**

For shoreline properties, show the ordinary high water mark (OHWM) and setbacks from OHWM to all structures, including neighbor's, within 300 feet from both side property lines.

☐ •**Dike District**

Show both measurements from the water ward side and the landward side of the dike and distance to project.

## Section A

**Please answer the following questions describing your proposal in detail. Attach a separate page if necessary.**

1. Describe your proposal/business? \_\_\_\_\_

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2. What days and hours will your operation be open? \_\_\_\_\_

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3. How many employees will you have? \_\_\_\_\_

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4. State their working hours: \_\_\_\_\_

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5. Will the employees be working on-site? \_\_\_\_\_

If not, how many will be working off-site? \_\_\_\_\_

6. Will there be signs indicating the operation? \_\_\_\_\_

If so, where will they be placed and how big will they be? \_\_\_\_\_

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7. Businesses need to be concealed from public view. How do you intend to do this? Will you use plants, shrubs or fences as a buffer? \_\_\_\_\_

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8. Describe the parking area. (You will need to ensure that you don't encroach on neighbors or into the road right-of-way.) \_\_\_\_\_

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Please state your schedule for the development of this business/operation. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If development is phased please describe timelines. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. Describe the traffic impact of your operation on the County or State road system (such as the use of large trucks or constant vehicle traffic)? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

10. Will your operation have an internal road system? \_\_\_\_\_

\_\_\_\_\_

**\*If so, please provide a layout plan of that system.**

11. How is your property accessed? By private, county or state road? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

12. Will the operation generate heat from machinery or equipment? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

14. Will the operation generate noise or odors? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

15. Will steam, smoke or dust be generated by the operation? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

16. Is heavy equipment or machinery being used? Will there be vibrations that may be felt by adjoining properties? \_\_\_\_\_

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17. Will chemicals, waste oils, solvents, fuel, etc. be stored at the operation? \_\_\_\_\_

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If so, please state what kinds, how much and how they will be stored. \_\_\_\_\_

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How will they be disposed of? \_\_\_\_\_

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18. Will visitors, customers or employees have access to adjoining property? \_\_\_\_\_

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Please describe your plans for preventing trespassing. \_\_\_\_\_

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19. If your operation will be using a building please describe the size, height and construction type. This building must be shown on the site plan.

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20. Describe the sewage disposal plan for employees and the public. \_\_\_\_\_

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21. Describe the water supply for employees and the public. \_\_\_\_\_

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22. Is water served by PUD, community water or drilled well? \_\_\_\_\_

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23. Address any fire flow issues. \_\_\_\_\_

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## Section B

**Please address the General Special Use Permit Application Evaluation Criteria. Attach a separate page if necessary.**

The burden of proof shall be on the Applicant to provide evidence in support of the application.

1. Describe how the proposed use is compatible with the neighboring properties. \_\_\_\_\_

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2. How does the proposed use comply with the Skagit County Code? Please cite code section. \_\_\_\_

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3. How will the proposed use create noise, odor, heat, vibration, and air or water pollution?

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4. How will the operation impact dwellings and property in the immediate area? \_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

5. How will the proposed use intrude on the privacy of the surrounding areas? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. What potential effects could your proposal have to the general public health, safety and general welfare?

\_\_\_\_\_

\_\_\_\_\_

**\*For special uses in Industrial Forest – Natural Resource Lands, Secondary Forest – Natural Resource Lands, Agricultural – Natural Resource Lands, and Rural Resource – Natural Resource Lands,**

1. How will the impacts on long-term natural resource management and production be minimized?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Describe how the proposed use complies with the health and safety of the community? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Will the proposed use be supported by adequate public facilities and services? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Describe the plan to minimize the impacts on these facilities? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Describe any impact to those facilities. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Please address Special Uses with Specific Criteria.**

**Failure to address the required criteria will cause delays in processing your application.**

**Provide the corresponding form for your application type.**

**See Forms A - K**

**Form G. Mineral Resource Overlay Special Uses:**

**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.

#### **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.