

Exhibit C-49 S-3: SCC 14.16.430(1),(9)

SKAGIT COUNTY CODE

14.16.430 Rural Resource—Natural Resource Lands (RRc-NRL).

(1) **Purpose.** The purpose of the Rural Resource—[Natural Resource Lands](#) district is to recognize and encourage the conservation of those lands which have the characteristics of both long-term commercially significant agriculture and forestry either on-site or on adjacent sites. These are lands generally not managed as industrial resource lands, because of less productive soils, parcel size and/or geographic location, but are managed on a smaller scale and provide support for the industrial [natural resource land](#) base. It is the intent of this district to restrict incompatible non-resource-related [uses](#) and to retain a long-term, commercially significant [natural resource land](#) base.

. . . .

(9) **Hearing Examiner Review.** 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 Chapter [14.06 SCC](#). 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:

(a) 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:

- (i) Are directly and proportionately related to limiting [surface mining](#) impacts;
- (ii) Are reasonable, practicable and generally capable of being achieved by the mine operator;
and
- (iii) Take into consideration existing and available technologies applicable to [mining operations](#).

(b) 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.

(c) 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, Ch. 3, Operation and Reclamation Strategies, in determining appropriate mitigation requirements for operational [impacts](#).

(d) Appropriate site-specific conditions shall be required to mitigate [stormwater](#) 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, Ch. 2, Storm Water and Erosion Control, and the National [Pollutant](#) Discharge Elimination System (NPDES) [Surface Water](#) Protection requirements in determining appropriate conditions for mitigating [stormwater](#) and erosion [impacts](#).

(e) 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.

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