

## Chapter 17.14

### MINING ZONE (MZ)

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#### **Section 17.14.010 Purpose and intent.**

The purpose and intent of the mining zone is to implement the mining category of the comprehensive plan. The mining zone allows for the quarrying, blasting, reduction, processing, and mining of minerals or materials in locations that are designated as mining on the comprehensive plan. Proposed land uses within accident potential zones must comply with the population density guidelines outlined in the Air Installation Compatible Use Zone (AICUZ) study prepared by Fairchild Air Force Base. Future use of a mining site after reclamation will convert to a nature-based activity per Section 17.14.020 D.

(C-450, Repealed & Replaced, 07/17/2000; C-446, Added, 04/17/2000)

#### **Section 17.14.020 Permitted uses.**

In the mining zone only the following uses are permitted and as herein specifically provided and allowed by this chapter:

A. Quarrying, blasting, and mining of minerals or materials, including but not limited to, sand and gravel, rock, and clay.

B. The primary reduction and processing of minerals or materials, together with the necessary buildings, structures, apparatus, or appurtenances on said property including, but not limited to, concrete batching, asphalt mixing, brick, tile, and concrete products manufacturing plants, and rock crushers and the use of accessory minerals and materials from other sources necessary to convert the minerals or materials to marketable products.

C. Recycling of demolition debris consisting of clean concrete or cured asphalt.

D. Natural land supporting wildlife.

(C-450, Repealed & Replaced, 07/17/2000; C-446, Added, 04/17/2000)

#### **Section 17.14.030 Conditional uses.**

In accordance with, Sections 17.03.110 through 17.03.140, AHMC, the planning commission may grant approval for the following uses in the MZ zone, when satisfied that the use will be in harmony with the comprehensive plan and the intent of the MZ zone, and when the conditional use will not have a material adverse effect on neighboring properties. In granting such approval, the planning commission may require special restrictions such as sight-obscuring fences, suitable landscaping, yard requirements, signs, etc., and may also require time limits for the proposed use. Any reasonable restrictions for the suppression of noise, smoke, or odors may be required;

A. Dwellings used and required by mining or quarrying operations for continuous supervision by a caretaker or superintendent and his immediate family. (C-450, Repealed & Replaced, 07/17/2000; C-446, Added, 04/17/2000)

#### **Section 17.14.050 Development standards outside the aquifer sensitive area.**

A. A geo-technical/hydrological report of the site and surrounding area is required prior to mining, used to properly assess water availability and mitigate water quality impacts.

B. The operators shall comply with all existing water quality monitoring regulations of the state Department of Ecology and the Spokane County Regional Health District.

C. Prior to commencement of mining, evidence of compliance with the following standards must be provided to the planning department. Each proposed mining operation must adequately address all requirements to the satisfaction of the Planning Director.

1. The minimum site area of land within a mining zone shall be five (5) acres. There is no minimum frontage requirement, but access approval and permits must be obtained from appropriate agencies;

2. Mining and quarrying shall be permitted up to within fifty (50) feet of any property line, provided all provisions herein set forth are complied with and provided further that such mining or quarrying does not impair lateral or subjacent support or cause earth movements or erosion to extend into this 50-foot setback or beyond. Whenever a mining or quarry operation is located adjacent to another mining or quarry operation, the mining or quarry operation may

be permitted up to the property line to meet or improve the reclamation objectives;

3. Structures or buildings in a mining zone shall not be located closer than one hundred (100) feet to a primary residential zone;

4. Whenever mining zone property, developed for the mining or quarrying of minerals or materials, has a common property line with a primary residential zone established prior to establishing the mining zone, there shall be installed and/or maintained a site-obscuring screen. Acceptable methods of screening shall include, but not be limited to, fencing, berms, and/or landscaping. Planting screens shall be a minimum of ten (10) feet in width, be maintained and/or planted in good soil, irrigated as necessary, and maintained in good condition until operations on-site cease and rehabilitation of the site is completed. Installation of plantings shall result in healthy plants capable of achieving the screening intent of this section. All material shall conform to the guidelines established by the current American Standard for Nursery Stock, published by the American Association of Nurserymen. Such site-obscuring fence, berm, and/or landscaping herein required shall be installed as a yard improvement at or before the time mining or quarrying operations commence or within sixty (60) days. Said fence, berm, and/or landscaping shall be installed and maintained at the expense of the owner or lessee of mining zoned property;

5. Fencing shall be provided for the City of Airway Heights and maintained by the owner/operator in good condition at all times in the following locations:

- a. Exterior or boundary of any portion of the site on which operations exist;
- b. Exterior boundary of any portion of the site which has been mined and not yet rehabilitated.
- c. Where serious safety issues arise, fence requirements may be more stringent;

6. A protective eight-foot (8' ) high berm or other provisions may be required adjacent to property lines where the edge of the pit is within one hundred (100) feet of a street or railroad right-of-way;

7. Sound pressure levels, as measured on properties adjacent to property in a mining zone, shall conform to the provisions of Washington Administrative Code (WAC) Section 173-60-040 Maximum Permissible Environmental Noise Levels, for noise originating in a Class C EDNA (industrial zone);

8. Provisions of Spokane County Air Pollution Control Authority (SCAPCA) shall be adhered to in the development of property in the mining zone.

Specifically reference SCAPCA Regulation I, Section 6.04 Odors and Nuisances, Section 6.05 Particulate Matter and Preventing Particulate Matter from Becoming Airborne, and Section 6.06 Emission of Air Contaminants or Water Vapor, Detriment to Persons or Property;

9. A mining and reclamation plan must be submitted and approved by the Washington State Department of Natural Resources under the provisions of the Revised Code of Washington (RCW) 78.44 Surface Mining, with city approval of the subsequent use. In addition to the information requested in the mining and reclamation plan, anticipated days, hours and duration of operation must be addressed;

10. All necessary and required access permits, including a haul route agreement with the City of Airway Heights, shall be obtained prior to use of the site;

11. All permits/applications filed with the Department of Natural Resources, SCAPCA, Spokane County Health District, the Department of Ecology, the City of Airway Heights, and any other related organization or agency;

12. Approved bonds or other performance securities as required by the Department of Natural Resources;

13. A minimum of ten (10) feet above the highest known aquifer elevation shall be maintained in the mining pit area. Stringent regulations of all agencies of jurisdiction shall apply;

14. A drainage channel shall be constructed around the active gravel pit area to keep surface runoff from outside the pit excavation from entering the pit area;

15. Fuel storage areas and service facilities shall incorporate provisions to prevent lubricants and petroleum products from contaminating either the pit area or drainage channels by such means as a secondary storage container capable of containing potential pollutants;

16. No liquid-asphalt cement or other waste materials shall be disposed of on the mining site or adjacent property;

17. The use of fertilizers, pesticides and herbicide shall not be allowed within fifty (50) feet of an active pit when the geo-technical/hydrological report shows evidence of potential contamination. (C-450, Repealed & Replaced, 07/17/2000; C-446, Added, 04/17/2000)

**Section 17.14.060 Reclamation required outside the aquifer sensitive area.**

A. Reclamation plans shall include:

1. A specification of the amount of material to be left between the aquifer high water mark and the final grade of the reclaimed site;

2. Provisions will be provided for limiting access to and activities within the rehabilitated site until the use of the land is changed.

B. In order to ensure further use of land classified as mining subsequent to the removal of native materials, the following provisions covering land rehabilitation or reclamation shall be conformed to:

1. In rehabilitated gravel pits above an aquifer, uses may be very limited or specifically conditioned when new uses are requested for the property;

2. Upon the exhaustion of minerals or materials in the mining zone, or upon the permanent abandonment of the quarrying, mining, or processing operation, all buildings, structures, apparatus, or appurtenances accessory to the quarrying or mining operation shall be removed or otherwise dismantled to the satisfaction of the city of Airway Heights (if so required by the city).

(C-450, Repealed & Replaced, 07/17/2000; C-446, Added, 04/17/2000)

**Section 17.14.070 Deleted**

(C-450, Repealed, 07/17/2000; C-446, Added, 04/17/2000)

**Section 17.14.080 Deleted**

(C-450, Repealed, 07/17/2000; C-446, Added, 04/17/2000)