

Chapter 14.620 Mineral Lands

14.620.100 Purpose and Intent

The Mineral Lands zone is provided to allow for the quarrying, blasting, reduction, processing and mining of minerals or materials in urban, industrial, rural, and resource areas.

The **Mineral Lands (M)** zone is intended to ensure continued development of natural resources through inclusion of deposits of minerals and materials within this zone reserved for their development and production, to assure that the best undeveloped mineral and material resources will not be lost forever by developing of the land for other purposes, to allow for the necessary processing to convert such minerals and materials to marketable products, and to assure that mining activities do not detrimentally impact the environment or surrounding land uses.

14.620.200 Types of Uses

The uses for Mineral Lands shall be as permitted in table 620-1, Mineral Lands Matrix. Accessory uses and structures ordinarily associated with a permitted use shall be allowed. Multiple uses are allowed per lot. Additional use restrictions may apply pursuant to the Critical Areas Ordinance as amended, chapter 11.20 of the Spokane County Code. The uses are categorized as follows:

1. **Permitted Uses:** Permitted uses are designated in table 620-1 with the letter "P". These uses are allowed if they comply with the development standards of the zone.
2. **Limited Uses:** Limited uses are designated in table 620-1 with the letter "L". These uses are allowed if they comply with the development standards of the zone and specific performance standards in section 14.620.220.
3. **Conditional Uses:** Conditional uses are designated in table 620-1 with the letters "CU". These uses require a public hearing and approval of a conditional use permit as set forth in chapter 14.404, Conditional Use Permits. Some of the conditional uses illustrated in table 620-1 are also subject to specific standards and criteria as required in this chapter under section 14.620.230.
4. **Not Permitted:** Uses that are not permitted are designated in table 620-1 with the letter "N".
5. **Essential Public Facilities (EPF):** Facilities that may have statewide or regional/countywide significance are designated in table 620-1 with the letters "EPF". These uses shall be evaluated to determine applicability with the "Essential Public Facility Siting Process", as amended.
6. **Use Determinations:** It is recognized that all possible uses and variations of uses cannot be reasonably listed in a use matrix. The Director may classify uses not specifically addressed in the matrix consistent with section 14.604.300. Classifications shall be consistent with Comprehensive Plan policies.
7. **Prohibited Uses:** Uses not specifically authorized on mineral lands are prohibited, including, but not limited to the following.
 - a. Commercial uses
 - b. Residential uses
 - c. Any use not specifically listed and permitted in this section.

14.620.210 Mineral Lands Zone Matrix**Table 620-1, Mineral Lands Matrix**

Uses	Mineral Lands
Adult entertainment establishment	N
Adult retail use establishment	N
Commercial composting storage/processing	CU
Caretakers residence	L
Forestry	P
General agriculture/grazing/crops, not elsewhere classified	P
Hazardous waste treatment and storage facilities, on-site	L
Landfill	CU
Landfill, inert waste disposal facility	CU
Public utility transmission facility (EPF)	L
Quarrying, blasting and mining	L
Reduction and processing of minerals	L
Sewage sludge land application	CU
Solid waste recycling/transfer site (EPF)	L
Stormwater treatment/disposal	P
Tower	L
Wireless communication antenna array	L
Wireless communication support tower	CU

14.620.220 Uses with Specific Standards

Uses that are categorized with an "L" in table 1, Mineral Lands Matrix, are subject to the corresponding standards of this section.

1. *Caretakers residence*
A caretakers residence may include a dwelling that is used and required by mining or quarrying operations for continuous supervision by a caretaker or superintendent and his immediate family.
2. *Hazardous Waste Treatment and Storage Facilities, on-site.*
 - a. On-site hazardous waste treatment and storage facilities shall comply with and be subject to the State's siting criteria adopted pursuant to section 70.105.210 RCW, as administered by the Washington State Department of Ecology or any successor agency.
 - b. The hazardous waste treatment and storage facilities shall be limited to wastes produced or used on the site.
3. *Public utility transmission facility.*
 - a. The utility company shall secure the necessary property or right-of-way to assure for the proper construction, maintenance, and general safety of properties adjoining the public utility transmission facility.
 - b. All support structures for electrical transmission lines shall have their means of access located a minimum of 12 feet above the ground.
 - c. The height of the structure above ground shall not exceed 125 feet.
4. *Quarrying, blasting and mining*
Quarrying, blasting and mining of minerals or materials, including but not limited to, sand and gravel rock, and clay.

5. *Reduction and processing of minerals*

The primary reduction and processing of minerals or materials 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.

6. *Solid waste recycling/transfer site*

- a. The minimum lot area is 2 acres.
- b. Adequate ingress and egress to and on the site for trucks and/or trailer vehicles shall be provided.
- c. A paved access route on-site shall be provided.
- d. The site will either be landscaped (bermed with landscaping to preclude viewing from adjacent properties) and/or fenced with a sight-obscuring fence as determined by the Planning Director.

7. *Tower.*

- a. The tower shall be enclosed by a 6-foot fence with a locking gate.
- b. The tower shall have a locking trap door or the climbing apparatus shall stop 12 feet short of the ground.
- c. The tower collapse or blade impact area, as designed and certified by a registered engineer, shall lie completely within the applicant's property or within adjacent property for which the applicant has secured and filed an easement. Such easement(s) shall be recorded with the County Auditor with a statement that only the Division of Building and Planning or its successor agency can remove the easement.
- d. Before the issuance of a building permit, the applicant shall demonstrate that all applicable requirements of the Federal Communications Commission, Federal Aviation Administration and any required aviation easements can be satisfied.

8. *Wireless communication antenna array.*

- a. The use complies with the requirements of chapter 14.822, Wireless Communication Facilities.

14.620.230 Conditional Uses with Specific Standards and Criteria

Conditional uses are listed in table 620-1 with the letters "CU". Conditional uses require an approved conditional use permit as set forth in chapter 14.404, Conditional Use Permits. Some of the conditional uses identified in table 620-1 are subject to the corresponding specific standards as follows:

1. *Commercial composting storage/processing.*

- a. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

2. *Landfill.*

- a. The minimum lot area is 10 acres.
- b. The minimum distance for disposal operations from existing residences shall be 300 feet. This distance may be reduced provided the adjacent resident provides a signed waiver agreeing to the reduction of the minimum distance.
- c. The applicant shall submit for approval a site reclamation plan and the site shall be rehabilitated consistent with the plan after disposal terminates.
- d. The conditional use permit may be revoked by the Hearing Examiner if the landfill operation is found in violation of any local, state or federal regulation related to the landfill operation.
- e. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

3. Landfill – Inert Waste Disposal Facility
 - a. The minimum lot area is 10 acres.
 - b. The minimum distance of disposal operations shall be 300 feet from existing residences. This distance may be reduced provided the adjacent property owner signs a waiver agreeing to the reduction in the minimum distance.
 - c. The applicant shall submit for approval a site reclamation plan and the site shall be rehabilitated consistent with the plan consistent after disposal terminates.
 - d. Compliance with the standards of the Spokane Regional Health District and the state criteria for inert landfills adopted pursuant to WAC 173-350-410.
 - e. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.
 - f. The conditional use permit may be revoked by the Hearing Examiner if the operation is found in violation of any local, state or federal regulation related to the inert landfill operation.
4. *Sewage sludge land application (for agricultural, beneficial purposes).*
 - a. The minimum lot area for application is 5 acres.
 - b. The minimum distance from any application area to the nearest existing residence, other than the owner's, shall be 200 feet.
 - c. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.
5. Wireless communication support tower, provided that:
 - a. The tower complies with the requirements of chapter 14.822, Wireless Communication Facilities.
 - b. The use shall be subject to restrictions and conditions, as may be imposed by the Hearing Examiner under chapter 14.404.

14.620.240 Mining Operations

Conditions for the approval of a proposed mining operation include but are not necessarily limited to the following:

1. The extraction proposal meets all applicable zoning requirements.
2. The proposed extraction operation is buffered from existing or potential developments within the vicinity of the proposed operation.
3. An applicant shall prepare and provide an acceptable reclamation plan to the Washington State Department of Natural Resources (DNR) prior to obtaining a reclamation permit. The plan shall be prepared with the standards set forth in RCW 78.44. DNR shall have the sole authority to approve reclamation plans.
4. After July 1, 1993, no miner or permit holder may engage in surface mining without having first obtained a reclamation permit from DNR. The permit holder shall comply with the provisions of the reclamation permit unless waived and explained in writing by DNR.
5. Provide for protection of groundwater and surface water, including wetlands, during and after operation.
6. Mining shall not be allowed to penetrate the elevation 20 feet above the highest known elevation of an aquifer within the Spokane Valley-Rathdrum Prairie Aquifer area.
7. The monitoring and clean up of contaminants should be ongoing.
8. A sand and gravel permit shall be obtained, when applicable, from the Washington State Department of Ecology.
9. A sufficient amount of topsoil or suitable material shall be retained on-site for revegetation/rehabilitation purposes.
10. The operators shall comply with all existing water quality monitoring regulations of the Washington State Department of Ecology and the Spokane County Health District.

14.620.250 Environment

1. Sound pressure levels, as measured on properties adjacent to Mineral Lands property, 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.
2. Provisions of Spokane County Air Pollution Control Authority (SCAPCA) shall be adhered to in the development of Mineral Lands property. Specifically reference SCAPCA Regulation 1, 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.

14.620.260 Reclamation Standards

In order to ensure a further use of land used for mining subsequent to the removal of native materials, the following provisions covering land rehabilitation or reclamation shall be conformed to.

1. Mined excavations must be reclaimed consistent with the reclamation plan submitted and approved by DNR under the provisions of RCW 78.44. Reclamation shall proceed simultaneously with surface mining and upon the permanent abandonment of the quarrying, mining or processing operation.
2. Upon the exhaustion of minerals or materials 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. All demolition must be consistent with chapter 3 of the County Code. A maintenance building may be permitted to remain or be constructed on sites used for storage of road maintenance materials.
3. The legal owner or his agents shall provide the Division with copies of the following documents prior to development or use of the property.
 - a. Permits/approved reclamation plans filed with the Department of Natural Resources.
 - b. Bonds as required by the Department of Natural Resources.

14.620.270 Standards for Mining Within the Spokane Valley-Rathdrum Prairie Aquifer Area

In addition to those provisions listed in sections 14.620.220 through 14.620.260 the following provisions shall apply.

1. Excavation into the aquifer is prohibited within the Spokane Valley-Rathdrum Prairie Aquifer area as determined by the Division of Utilities. A minimum of 10 feet of undisturbed material shall remain above the highest known level of the aquifer. If excavation into any aquifer outside this area is allowed, the operator shall stockpile a sufficient quantity of fill material to backfill a minimum of 10 feet above the highest known aquifer elevation. -
2. The owners of small surface mining sites (as defined in RCW 78.44), in areas of high aquifer susceptibility, shall obtain the required grading permits from Spokane County.
3. 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.
4. Fuel storage areas and service facilities shall incorporate provisions to prevent lubricants and petroleum products from contaminating either the pit area or drainage channels.
5. No liquid, asphalt, cement, or water used in mixing and truck washing operations shall be disposed of in the bottom of the pit.
6. A protective 8-foot-high berm or retaining wall shall be required adjacent to property lines where the edge of the pit is within 100 feet of a street or railroad right-of-way.
7. The use of fertilizers, pesticides, herbicides, and critical materials shall not be allowed within 100 feet of an active pit.

14.620.280 Pit Reclamation and Allowable Land Uses -

In addition to those standards listed in sections 14.620.220 through 14.620.270 the following standards shall apply.

1. Reclamation plans for mining sites shall include:
 - a. The depth of remaining materials between the aquifer high-water mark and the final grade of the reclaimed site, for surface mining sites inside the Spokane Valley-Rathdrum Prairie Aquifer area.
 - b. The depth of remaining or backfilled materials between the aquifer high-water mark and the final grade of the reclaimed site, for surface mining sites outside the Spokane Valley-Rathdrum Prairie Aquifer area.
 - c. Physical barriers, as required in section 14.620.270 shall remain.
 - d. Provisions shall be made for limitation of access to, and activities within, the rehabilitated site until the use of the land is changed.
2. Subsequent land uses in reclaimed gravel pits within Spokane County may be limited or specifically conditioned.

14.620.290 Development Standards

Prior to the issuance of a building permit, evidence of compliance with provisions of this Section shall be provided.

1. **Lot Standards:** Lot standards are illustrated in table 620-2 as follows:

Table 620-2 – Lot Standards for Mineral Lands

Permitted uses	
Minimum lot area	5 Acres
Minimum frontage	No Requirement (a)
Minimum yards	
For Mining/Quarrying	50 feet – To property lines (b) (c)
For Structures/Buildings	100 feet – From residential zone 50 feet – To property line(s)

- a. There is no minimum frontage for permitted uses on Mineral Lands, but all required access permits shall be obtained from the County Engineer prior to use of the site.
 - b. Provided that such mining or quarrying does not impair lateral or subjacent support or cause earth movements or erosions to extend beyond the exterior boundary lines of the mining zoned property.
 - c. If a mining or quarry operation is located adjacent to another mining or quarry operation, the mining or quarry operation shall be permitted up to the property line.
2. **Parking, Signage, and Landscaping Standards:**
 Parking, signage and landscaping standards shall be as provided in chapter 14.802, Off Street Parking and Loading Standards; chapter 14.804, Signage Standards; and chapter 14.806, Landscaping and Screening Standards.
 3. **Storage Standards**
 - a. The storage of materials and equipment normally associated with farm and agricultural activities is permitted.
 - b. All storage (including storage of recyclable materials) on lots not qualifying as a primary agricultural parcel shall be entirely within a building, or shall be screened from view from the surrounding properties, and shall be accessory to the permitted use on the site. There shall be no storage in any of the front yard or flanking street yards.
 - c. The private, noncommercial storage of 2 junked vehicles shall be allowed, provided they are completely sight-screened year-round from a non-elevated view with a fence, maintained Type

I or II landscaped area or maintained landscaped berm. Storage of additional junked vehicles shall be within a completely enclosed building with solid walls and doors. Tarps shall not be used to store or screen junked vehicles. Vehicle remnants or parts must be stored inside a vehicle or completely enclosed building, including doors. Fences over 6 feet in height require a building permit and/or a zoning variance.

4. Fencing

Six-foot fencing shall be provided and maintained in good condition at all times in the following locations.

- a. Exterior boundary of any portion of any site on which active operations exist.
- b. Exterior boundary of any portion of the site which has been mined and not yet rehabilitated.

14.620.300 Resource Activity Notification

All subdivisions, short plats, binding site plans, zone reclassifications, manufactured home park site plan approvals, variances, conditional use permits, shoreline permits and building permits issued or approved for land on or within 1,000 feet of lands designated as natural resource land (agricultural, forest or mineral lands), pursuant to RCW Chapter 36.70A.170, shall contain or be accompanied by a notice. The Public Works Department shall maintain maps of designated natural resource lands. The notice shall include the following disclosure:

“The subject property is adjacent or in close proximity to designated agricultural, forest or mineral resource land on which a variety of commercial activities may occur that are not compatible with residential development. Potential disturbances or inconveniences may occur 24 hours per day and include but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery including aircraft, application of pesticides, herbicides, fertilizers and removal of vegetation. Agricultural and forestry-related activities which are performed in accordance with local, state and federal laws shall not be subject to legal action as a public nuisance.”

In the case of plats, short plats and binding site plans, notice shall also be included in the plat or binding site plan dedication