

compliance with the surface water and groundwater provisions for mining operations set forth in Chapter 14.620 of the County Zoning Code, as amended.

15. *Section 11.20.075.C (L-5) of the CAO requires subsequent uses of mining sites to comply with the performance standards of the CAO for the next higher category of aquifer susceptibility, (i.e. aquifer of high susceptibility), using the site's pre-mining susceptibility rating (i.e. aquifer of moderate susceptibility) as the base standard.*

16. The proposal shall comply with the mitigating measures set forth in the Geo-hazard Evaluation report dated June 3, 2009.

17. The Spokane County Building and Planning Department shall prepare and record with the Spokane County Auditor a Title Notice, containing the following statement:

"This property contains wetlands as defined by the Spokane County Critical Areas Ordinance. Restrictions on the use or alterations of the wetlands and their required buffer areas exist due to the natural conditions of the property and resulting regulations. This property was the subject of a land use action and is subject to wetland and wetland buffer area requirements. Additional information is available for inspection at the Spokane County Department of Building and Planning. See File No. ZS-04-09. Restricted uses within these areas are addressed within the Spokane County Critical Areas Ordinance."

18. The Building and Planning Department shall prepare and record with the Spokane County Auditor a Title Notice, noting that the property in question is subject to various special conditions imposed as a result of the rezone approval. The Title Notice shall serve as public notice of the conditions of approval affecting the property in question. The Title Notice should be recorded within the same time frame as allowed for an appeal and shall only be released, in full or in part, by the Department of Building and Planning. The Title Notice shall generally provide as follows:

"The property legally described as all that portion of the Southwest Quarter of Section 1, Township 21 North, Range 44 EWM lying northerly of Waverly Road and westerly of the west right-of-way line of State Road SR-27, in Spokane County, Washington, is the subject of a land use action by a Spokane County Hearing Examiner on May 26, 2010, approving a rezone of the site to the Mineral Lands (M) zone of the Spokane County Zoning Code, and imposing various special development conditions. File No. ZS-04-09 is available for inspection and copying in the Spokane County Building and Planning Department."

SPOKANE COUNTY DIVISION OF ENGINEERING AND ROADS:

Prior to release of a building permit or use of property as proposed:

1. Approach Permits are required for any access to the Spokane County road system.
2. State Route 27 is a State Highway and is under the jurisdiction of the Washington State Department of Transportation (WSDOT). The applicant is advised to consult with WSDOT to

determine the requirements for access to SR 27. Any required access permits and/or roadway improvements to SR 27 shall be reviewed and approved by WSDOT.

3. A Professional Engineer (P.E.), licensed in the State of Washington, shall submit road and storm drainage construction plans and a drainage report that conform to the versions of the Spokane County Standards for Road and Sewer Construction, the 2008 Spokane Regional Stormwater Manual, and all applicable federal, state, and local regulations and laws *in effect at the time the application was submitted on August 18, 2009 or the time of development permit application(s), as applicable*. The final road and storm drainage plans and drainage report shall receive the County Engineer's acceptance prior to release of any associated Grading, Building, or Right-of-Way Permit.
4. A parking plan and traffic circulation plan shall be submitted and approved by the Spokane County Engineer. The design, location and arrangement of parking stalls shall be in accordance with standard engineering practices.
5. The construction of the roadway improvements stated herein shall be accomplished as approved by the Spokane County Engineer.
6. The County Engineer has designated a Rural Major Collector Roadway Section for the improvement of Waverly Road which is adjacent to the proposed development. No road improvements are required, because County Road Project No. 2384 constructed these improvements.
7. All required improvements shall conform to the current State of Washington Standard Specifications for Road and Bridge construction, and other applicable County standards and/or adopted resolutions pertaining to Road Standards and Stormwater Management, in effect at the date of construction; unless otherwise approved by the County Engineer.
8. Roadway standards, typical roadway sections and drainage plan requirements are found in the standards adopted or amended by Spokane County Resolution No. 3-0770 as amended, and are applicable to this proposal.
9. No construction work is to be performed within the existing or proposed right of way until a permit has been issued by the County Engineer. All work within the public road right of way is subject to inspection and approval by the County Engineer.
10. All required construction within the existing or proposed public right of way is to be completed prior to the release of a building permit, or a bond in an amount estimated by the County Engineer to cover the cost of construction or improvements shall be filed with the County Engineer.

11. The applicant is advised that there may exist utilities, either underground or overhead, affecting the applicant's property; including property to be dedicated or set aside future acquisition. Spokane County will assume no financial obligation for adjustments or relocation regarding these utilities. The applicant should contact the applicable utilities regarding responsibility for adjustment or relocation costs and to make arrangements for any necessary work.

12. The proposal is located within a Critical Aquifer Recharge Areas (CARA) of *Moderate* susceptibility to groundwater contamination under the Spokane County Critical Areas Ordinance (as amended by Country Resolution No. 8-0609). Such ordinance protects aquifers used for potable water, and requires compliance with the Spokane Regional Stormwater Manual (SRSM).

The SRSM requires development to treat stormwater runoff from pollutant-generating impervious surfaces (PGIS) including vehicular traveled ways, parking areas, equipment storage areas, and certain roofs. Basic treatment is required for the affected runoff from any commercial/industrial use within a CARA of moderate or high susceptibility including a well-head protection "circle", or at any location whenever underground injection such as from drywells is involved. High-traffic and high-oil source pavement areas require staged treatment. Most commercial roofing materials and rooftop HVAC and electro-mechanical equipment are considered non-PGIS, but there are exceptions. Where critical materials handling is involved, additional spill-control and containment methods are needed to keep these hazardous materials isolated from the stormwater disposal and potential discharge into the ground.

The Critical Areas Ordinance requires mining activities to comply with the surface water and groundwater standards of the Mineral Lands (M) zone set forth in Chapter 14.636 of the County Zoning Code, as amended.

The Critical Areas Ordinance requires subsequent uses of mining sites to comply with the performance standards of the ordinance for the next higher category of aquifer susceptibility, using the site's pre-mining susceptibility rating as the base standard.

13. The Spokane County Engineer has reviewed this project for transportation concurrency and determined that it is exempt under Section 13.650.104(2)(c) of the Spokane County Code.

14. The applicant is hereby given notice by Spokane County that site disturbances of greater than one (1) acre with a discharge to "waters of the state", as regulated by the National Pollutant Discharge Elimination System (NPDES) under WAC Chapter 171-220, must apply with the Washington State Department of Ecology.

15. The applicant shall acknowledge receipt of notice from Spokane County that prior to use, all drywells and other infiltration devices regulated under WAC 173-218-070 serving the proposed project shall be registered with the Washington State Department of Ecology.

SPOKANE REGIONAL HEALTH DISTRICT:

1. Water service need not be coordinated through the Director of Utilities, Spokane County.
2. Subject to specific application approval and issuance of permits by the Health Officer, the use of an individual on-site sewage disposal system may be authorized. Portable Toilets may be approved while site is being operated.
3. Water under the pressure for human consumption will not be permitted without prior approval from this office. The proposal is not required to have water provided to the site.

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION:

1. The proposed access at the intersection of SR 27 and Waverly Road will need to demonstrate that adequate site distance can be obtained for trucks entering the highway.
2. The wetlands on SR 27 will need to be adequately protected and buffered from the proposed mining operations.

DATED this 26th day of May, 2010

SPOKANE COUNTY HEARING EXAMINER



Michael C. Dempsey, WSBA #8235

NOTICE OF FINAL DECISION AND NOTICE OF RIGHT TO APPEAL

Pursuant to Section 1.46.130 of the Spokane County Code and County Resolution No. 96-0632, as modified by County Resolution No. 1-0700, the decision of the Hearing Examiner on an application for a zone reclassification is final and conclusive unless within fourteen (14) calendar days from the Examiner's written decision, a party of record aggrieved by such decision files an appeal with the Board of County Commissioners of Spokane County, Washington.

This decision was mailed by certified mail to the Applicant, and by regular mail to other parties of record, on May 26, 2010. **THE APPEAL CLOSING DATE IS JUNE 9, 2010.**

The complete record in this matter, including this decision, is on file during the appeal period with the Office of the Hearing Examiner, Third Floor, Public Works Building, 1026 West Broadway Avenue, Spokane, Washington, 99260-0245, (509) 477-7490. The file may be inspected during normal working hours, listed as Monday - Friday of each week, except holidays, between the hours of 8:30 a.m. and 5:00 p.m. Copies of the documents in the record will be made available at the cost set by Spokane County.

Pursuant to RCW 36.70B.130, affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

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