BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, WASHINGTON

Ordinance-TLS 15-03-08C

Adoption of amendments to the )
Douglas County Code 18.80.180 Mineral Extraction ) LAND SERVICES

WHEREAS, Douglas County has adopted a Comprehensive Plan pursuant to the Growth Management Act (GMA), RCW Chapter 36.70A, and a series of subarea plans for each municipality in the county. These plans have been found to be consistent with each other; and

WHEREAS, the Douglas County Planning Commission held a public hearing on February 17, 2015 and transmitted a recommendation of approval to this Board regarding the amendments to the Douglas County Code; and

WHEREAS, notice of all public hearings and public meetings on this matter have been published according to law; and

WHEREAS, these amendments are a component of the 2014 comprehensive plan review and amendment process for Douglas County. These components are being considered through a phased review process. Once the review process has been completed for all components, the 2014 review and amendment process will have concluded.

NOW, THEREFORE, the Board of County Commissioners hereby adopts the Findings of Fact and Conclusions as set forth in Exhibit A and incorporating them in this ordinance by this reference as though fully set forth herein.

BE IT FURTHER, hereby resolved and ordained that the recommendation of the Douglas County Planning Commission is accepted and the amendments to The Douglas County Code attached as Exhibit B are adopted and shall be effective upon completion of the 2014 annual review and amendment process.
Dated this 24\textsuperscript{th} day of March, 2015 in East Wenatchee, Washington.

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, WASHINGTON

Ken Stanton, Chair

Steven D. Jenkins, Vice Chair

Dale Snyder, Member

ATTEST:

Dayria Prewitt, Clerk of the Board
EXHIBIT A

Findings of Fact:

1. Douglas County has adopted a Countywide Comprehensive Plan pursuant to the Growth Management Act (GMA) and RCW Chapter 36.70A, and a series of subarea plans for each municipality in the county. These plans have been found to be consistent with each other.

2. October 8, 2014 – Douglas County Planning Commission held a workshop regarding mineral resource reclamation plans.

3. Douglas County initiated a 60-day review on October 30, 2014 as required by WAC 173-26-100 and RCW 36.70A.106.


5. The comment period concluded on December 29, 2014.

6. No written comments were submitted during the review period.

7. The Notice of Public Hearing was published on February 5, 2015 in the Wenatchee World and Empire Press.

8. The Planning Commission of Douglas County conducted a public hearing on February 17, 2015. The Planning Commission entered into the record the files on this amendment, accepted public testimony, and deliberated the merits of the proposal.

9. The Washington State Department of Natural Resources (DNR) has exclusive authority to regulate surface mine reclamation under RCW 78.44 and precludes a county, city or town from requiring a separate reclamation plan for review or approval.

10. Douglas County has authority to zone surface mines and adopt ordinances regulating operations as provided in RCW 78.44.050.

Conclusions:

1. The procedural and substantive requirements of the State Environmental Policy Act have been complied with.

2. The procedural requirements of RCW 36.70A have been complied with.

3. The procedural requirements of WAC 173-26 have been complied with.

4. The proposed amendments are consistent with the Douglas County Regional Policy Plan and the Douglas County Countywide Comprehensive Plan.

5. The proposed amendments are consistent with the requirements of Revised Code of Washington and the Washington Administrative Code.
EXHIBIT B

DCC 18.80.180 Mineral Extraction

M. Any topsoil retained onsite shall adhere to the stockpile height requirements and shall be maintained free of noxious weeds. All top-soil shall be retained on-site for the reclamation of the mineral extraction operation and shall not be sold or otherwise disposed of unless it can be demonstrated that there is sufficient top-soil to cover the area disturbed by the mineral operation to a minimum depth of three feet and as approved by the review authority at the time of application review;

N. Concurrent with the submittal of the County or Municipal Approval for Surface Mining (Form SM-6) to Douglas County, the applicant shall provide a copy of the reclamation plan submitted to the Department of Natural Resources. Prior to signing the SM-6 form, Douglas County shall verify consistency of the reclamation plan with the comprehensive plan. A reclamation plan shall be submitted that provides for:
   1. Top-soil retained and set aside from the operation for subsequent use during reclamation. The stock-piles shall be revegetated during the time period it is reserved to prevent erosion;
   2. Reclamation in two to ten acre increments, as appropriately responsive to the size and intensity of the particular excavation activities. Revegetation of the reclaimed areas excavated shall be accomplished annually by September 30th;
   3. Reclaimed side slopes that at no time shall be greater than one and one half feet horizontal to one foot vertical;
   4. The final topography of the site to be consistent with the surrounding area and graded to a maximum of a four-foot horizontal to one-foot vertical slope.