



Community Development

125 NW Chehalis Avenue
Chehalis WA 98532

The Lewis County Code proposed amendments are presented with development regulations on the odd pages, edits shown in underline for text to be added and ~~strike through~~ for text to be removed, and commentary on even pages. Complete new chapters are not underlined for ease of reading. Commentary is an explanation of the code amendments and serves as legislative intent. Commentary is not required for every proposed code amendment.

Public comments may be provided on both the development regulations and the commentary; however, the development regulations are what will be adopted and will apply to new development in Lewis County.

Public comments may be provided when the record is open. The record is open when a public hearing on the development regulations are noticed in the newspaper. To receive the notices directly, please subscribe to the [Lewis County Planning Announcements](#).

Question should be directed to Mindy Brooks at mindy.brooks@lewiscountywa.gov or 360-740-2610.

Project webpage: lewiscountywa.gov/departments/community-development/comprehensive-plan-and-development-regulation-amendments/comprehensive-plan-periodic-update/

Commentary

LEWIS COUNTY CODE 17.142.210 Surface Mining Areas

The only change is to extended hours of operation.

Chapter 17.142
LAND USE STANDARDS

17.142.210 Surface mining areas.

- (1) Applicability. This section applies to the creation of new surface mining areas or the expansion of lawfully permitted activities beyond an approved DNR reclamation plan area in effect on July 26, 1999; provided, however, this does not cover any mining activity which is less than three acres in size.
- (2) Mine Development Standards. All permits issued pursuant to this section shall require the following minimum standards. The hearing examiner may increase buffers and mitigation when good cause is shown.
 - (a) Setbacks/Screening.
 - (i) A 50-foot setback from the mine property and from all abutting property, consistent with and subject to the reduction provisions of LCC 17.30.810, shall be maintained for areas of direct cut or fill connected with resource extraction operations. For mining operations, the setbacks may be increased when necessary to provide lateral support for abutting properties or public rights-of-way.
 - (ii) A 25-foot-wide screen, consisting of sight-obscuring vegetation, berms, or other methods approved by Lewis County, shall be maintained within the 50-foot setback on the mine property. This screen is meant to conceal the mine from public rights-of-way and/or property used for residential purposes.
 - (iii) Any direct extraction operation areas within a public utility right-of-way shall be subject to the written conditions of approval from the affected utility, which shall be incorporated into the permit.
 - (iv) A 200-foot setback shall be maintained between any mining activity and any existing structure occupied for sleeping or eating purposes but not including accessory structures such as barns or outbuildings, existing at the date of application.
 - (b) Road Use. To assure the maintenance and development of adequate county roadways, owners of surface mining operations may be required to enter into a haul route agreement with the county engineer upon adoption and implementation of a haul route agreement program. The haul route agreement shall address impacts immediately attributable to the project use.

Commentary

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- (c) Traffic Safety. The operator may be required to install traffic improvement, control, and warning signs to assure adequate access and traffic safety.
- (d) Noise/Bright Lights.
 - (i) No development or activity shall exceed the maximum environmental noise levels established by Chapter 173-60 WAC.
 - (ii) Bright lights shall be shaded or shielded from adjoining residential properties.
- (e) Surface Mining Operation within Critical Aquifer Recharge Areas. Surface mining operations within critical aquifer recharge areas (as designated in Chapter 17.38 LCC) shall meet the following standards:
 - (i) Fuel tanks and oil drums shall be double containment construction and protected by bermed areas having adequate capacity to accommodate, contain, and allow the removal of petroleum spills. Fuel nozzles shall not contain locking devices. Fuel storage shall be above ground. Fueling of mobile equipment shall be located at least 20 feet above the seasonal high ground water level or within lined and bermed areas with adequate capacity to accommodate, contain, and allow the removal of petroleum spills. Where the nature of the operation is such that the machinery cannot be moved for fueling, or the aquifer is less than 20 feet from the surface, the hearing examiner may approve an alternative fueling plan which accomplishes aquifer protection.
 - (ii) All operations shall maintain a fuels/hazardous waste management plan maintained by the operator and available on the site at all times.
 - (iii) Surface mines shall not use any noxious, toxic, flammable, compactable, or combustible materials not specifically authorized by Lewis County department of health for backfill or reclamation. Noncontaminated process water used for gravel washing shall be routed to settling ponds to minimize off-site discharges. A general permit from the Department of Ecology for process and stormwater discharge may substitute for these requirements.
 - (iv) On-site truck and equipment wash runoff shall be routed to retention facilities equipped with an oil-water separator prior to its release to settling ponds.
 - (v) Use of chemicals, petroleum or hazardous products, and disposal of such products, in concrete or asphalt plant operations within critical aquifer recharge areas shall meet the standards set forth in Chapter 90.48 RCW and Chapter 173-303 WAC.

Commentary

Hours of operation are intended to limit the impact on adjacent property owners. The Hearing Examiner sets the hours of operation.

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- (f) Public Safety. Owners of surface mines shall ensure their operation(s) will not be hazardous to neighboring uses. Blasting activities shall be conducted so that ground vibrations comply with all state laws about peak particle velocity, air pressure, and other state requirements, including but not limited to Chapter 9 of the Blasting Guidance Manual identified below. All fly-rock shall be contained within the site. All activities shall comply with the standards set forth in official guidelines, including but not limited to Office of Surface Mining U.S. Department of Interior, Blasting Guidance Manual, 1987 ed., Explosives: WAC 296-52-493, Part F, or as revised.
- (g) Surface Water Permit. A National Pollutant Discharge Elimination System (NPDES) sand and gravel general permit or individual permit, as appropriate, shall be a condition of approval and incorporated herein by reference.
- (h) Hours of Operation. Regular hours of operation shall be between the hours of 6:30 a.m. and 7:00 p.m.; blasting shall only occur during the time period between 10:00 a.m. and 4:00 p.m. Prior to any blast, 24-hour notice shall be given to all property owners or residences within 500 feet of any mine property line. If a blast does not occur as scheduled in a notification, 24-hour renotification shall be required. The hearing examiner may inquire into the proposed hours of operation and set additional limits when deemed necessary to protect quiet enjoyment of neighboring residential properties. The hearing examiner may include provisions for exceptions from established regular hours of operation. Extended hours may be requested and approved under conditions set by the hearing examiner, particularly if a declared emergency exists or for work on public works contracts where an emergency that may require work outside regular hours and in either situation the request is for less than six (6) consecutive months.
- (3) Exceptions. This permit process shall not be applicable to mines regulated under federal mining laws.

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