

# BINGEN MUNICIPAL CODE

## Chapter 17.42

### AGGREGATE RESOURCE (AR) DISTRICT

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#### **17.42.010 Intent.**

It is the intent of the Aggregate Resource Zone to provide a process for allowing the removal of mineral resources in areas recognized for their importance in the Bingen Comprehensive Plan and to prescribe performance standards minimize conflicts with other community activities, and to assure reclamation for beneficial uses consistent with the planned growth of the town. (Ord. 440, Att. A (part) 1997).

#### **17.42.012 Qualifying criteria.**

In furthering the goals and objects of the Bingen Comprehensive Plan, any site favorably considered for Aggregate Resource zoning shall be a contiguous geographic area of not less than 10 acres and shall be designated Aggregate Resource in the Bingen Comprehensive Plan. (Ord. 440, Att. A (part) 1997).

#### **17.42.014 Definitions.**

Whenever the following words and phrases appear in this Chapter, they shall be given the meaning attributed them by this Section.

- A. “Surface Mining” is the extraction and processing of mineral resources for commercial purposes.
- B. “Excavation” is the mechanical removal of mineral resources.
- C. “Reclamation” is the rehabilitation of mined areas to reestablish on a sustainable basis the native vegetative cover, soil stability, and drainage conditions appropriate for urbanization and to prevent or mitigate future environmental degradation.

- D. “Urbanization” is development of beneficial uses allowed in the city’s residential, commercial and industrial zoning districts. Areas reclaimed for urbanization shall include the greatest extent of the total excavation where practicable. (Ord. 440, Att. A (part) 1997).

**17.42.020 Permitted uses.**

Mineral resource removal, including drilling, blasting, excavation, filling, crushing, screening, stockpiling, loading, hauling, equipment storage & maintenance, and reclamation conducted in accordance with the performance standards of this Chapter and after approval of a permit application by the Administrator. (Ord. 440, Att. A (part) 1997).

**17.42.030 Conditional uses.**

- A. Asphalt batch plant
- B. Concrete ready-mix plant
- C. Concrete pre-casting
- D. Temporary uses as may be approved by the city council. (Ord. 440, Att. A (part) 1997).

**17.42.040 Accessory uses.**

The accessory uses permitted in the AR district are those uses and structures customarily incidental to mineral resource extraction and removal. (Ord. 440, Att. A (part) 1997).

**17.42.050 Permits.**

Permits shall be required of all mineral resource extraction or removal in the AR district.

- A. Prior to commencing mineral resource extraction or removal for new operations or renewals or expansions of existing operations, the operator shall secure approval of an application for a zoning permit for surface mining from the Administrator on forms provided by the city. The application shall be supplemented with the following (to the extent the following requirements are duplicative of Washington State Department of Natural Resources [WA DNR] requirements, satisfaction of information prepared to satisfy WA DNR permit requirements shall be deemed to be satisfaction of any duplicative requirements):
  - 1. A reclamation plan describing how the material can be removed in phases or segments and how the subsequent rehabilitation will occur, how revegetation with plants and grasses that are native or suitable to the area will be accomplished, when and how reclamation will occur during and after mining operations, and

what subsequent use is proposed. Drawings with contour illustrating pre-mining and ultimate site conditions shall be included in the reclamation plan. Topography of the reclaimed site shall be compatible with the surrounding land and avoid uniformity in order to provide a more natural appearance.

2. A plan of surface mining that will provide, within limits of normal operational procedure of the industry, for completion of surface mining and associated disturbances on each segment of the area for which a permit is requested so that reclamation can be initiated at the earliest possible time on those portions of the surface mined area that will not be subject to further disturbance. Such plan shall include:
  - a. A storm drainage and erosion control plan.
  - b. A haul route plan illustrating which public streets and highways will be used.
  - c. A dust control plan showing how dust will be controlled within the mining site and on access routes/streets.
3. A vicinity map at a scale of 1" = 600' or 800" illustrating the general vicinity of the proposed site showing adjacent land uses.
4. A site plan drawn at a horizontal scale of 1" = 40' and a vertical scale of 1" = 10' on paper no larger than 24" x 36" illustrating the following:
  - a. Boundaries and dimensions of the site
  - b. Name, address and phone number of property owner
  - c. Name, address and phone number of representative
  - d. Starting and completion dates of mining
  - e. Hours of operation
  - f. Fence detail
  - g. Location of utility lines
  - h. Location of structures on the site and within 15 ft of adjacent property.
  - i. Location of associated equipment such as crushers, sorters, or scales.
  - j. Existing 5 ft contours indicated by light dashed lines

- k. Ultimate 5 ft contours indicated by solid dark lines
  - l. Cross sections taken at or near each property line and then spaced at 300 ft intervals thereafter in both north/south and east/west directions.
  - m. Cubic yards of material per phase
- B. Years of Operation: The maximum number of years a surface mining permit shall be issued is five. Renewals shall be granted by the Administrator if the owner/operator has acted in good faith and complied with all requirements of the prior permit. If not renewed, the site shall be reclaimed pursuant to the reclamation plan.
- C. Inspections: The city shall have the right to make inspections of the mining site at any reasonable time as deemed necessary to determine compliance with the permit. The city shall notify the operator of the proposed inspection at least 24 hours in advance of the inspection. The operator shall have the option of accompanying the inspector.
- D. Nonconforming Mining Sites: Mining sites which are operating with a city zoning permit shall within an eighteen (18) month period secure a zoning permit or phase out the mining operation. The administrator shall within 45 days from the adoption of this chapter notify all mining operations of their noncompliance which shall commence the eighteen month period. The city council may grant a single twelve (12) month extension if the owner/operator can demonstrate at a public hearing an extreme hardship in complying with the eighteen period. The city council may impose conditions as necessary to ensure the extension will not result in any adverse environmental impacts.
- E. Revocation of Permits: Failure of the owner/operator to comply with any or all of the provisions of this chapter or any or all of the provisions of the zoning permit may cause the administrator to revoke the permit. If the permit is revoked all mining operators shall cease until such time as noncompliance is corrected. (Ord. 440, Att. A (part) 1997).

**17.42.060 Performance standards of the AR District.**

- A. Access: All truck haul routes to destinations other than residential areas within the city shall be limited to the state highways. All access roads of mining operators shall be treated (which may include watering) or surfaced to maintain dust conditions to unobjectionable levels.
- B. Blasting and Ground Vibration: Blasting or other activities producing ground vibration shall not constitute a nuisance to, or change in any way, the property of adjacent land owners. In specific instances where the city may be involved in resolving problems, it may require testimony by technical specialist in order to determine appropriate amounts and placement of explosives and other vibration producing equipment, and may place such restrictions in the zoning permit as are appropriate to resolve problems.

- C. Fencing: Excavated areas on the property with exterior property boundaries sharing a common property line in an adjoining city zoning district different from the Aggregate Zone, or if in the judgment of the administrator the nature and location of the operation is such as to constitute a hazard public safety; then a solid wall or fence of no less than five feet in height shall be installed and maintained no closer than fifty feet from the excavated area. All openings shall be barred by locked gates when the operator or his agent is not on the premises.
- D. Natural Drainage Protection: Operators shall divert or protect all natural drain courses to prevent pollution or reduction of natural flow, and shall refrain from disturbing natural drain points at the perimeter of the property, shall protect grounds from acid forming or toxic materials exposed or produced by excavation operations, and shall not allow water to collect nor permit stagnant water to remain in excavations that will impair surface and ground water quality per state water quality standards.
- E. Noise: Sound pressure levels, as measured on properties adjacent to property in the mining site, shall conform to the provisions of Washington Administrative Code, Section 173-60-040, Maximum Permissible Environmental Noise Levels for Noise Originating in a Class C-EDNA (Industrial Area).
- F. Removal of Equipment: Equipment, buildings and structures in support of and incidental to the mining operation shall be dismantled and removed within three months of completion with the exception of that necessary for reclamation, which shall not be removed until reclamation is completed to the satisfaction of the jurisdictional authorities (WA DNR and/or city). Temporary discontinuances of operations shall not be cause for removal.
- G. Safety and Slope Stability: Stability of slopes associated with excavations shall meet the standards of the federal Mining, Safety and Health Administration, specifically, CFR Title 30, Subchapter N, Part 56—Safety and Health Standards, Surface Metal and Non-Metal Mines.
- H. Setback Requirements: Excavation operations shall be no closer than 25 feet from any property line, street, road or highway and in no case shall impair lateral support or cause earth movements or erosion to extend beyond the exterior boundary lines of property being excavated. Exceptions may be allowed for adjoining operations within the AR Zone. This provision does not apply to pre-existing excavations.
- I. Simultaneous Reclamation: Simultaneous reclamation shall be a part of operating procedures, if reasonable under the circumstances.
- J. Time of Operations: Excavation operations and related trucking shall only be between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, except repairs to machinery, unless the city council determines at a public hearing that unusual and justifying

circumstances are present, in which case relaxation of this regulation shall terminate when such conditions and circumstances are deemed by the city council to no longer be valid.

- K. Topsoil Retention: Such topsoil as exists on the site that is suitable for use in reclamation shall be retained on the site in sufficient quantities to ensure an adequate supply for reclamation purposes.
- L. Vegetation Buffer: Property developed for excavation which is adjacent to residential property shall install and maintain in addition to required fencing, a view-obscuring planting screen, and in such planting strip shall be shrubs, bushes or trees which shall be selected to be evergreen, indigenous, fast-growing, compatible with the soil, and on the basis of size, form and minimum maintenance requirements. Said planting screen shall be planted according to acceptable practice in good soil, irrigated as necessary and maintained in good condition at or before the time excavation operations commence or within a reasonable time thereafter in the judgment of the Administrator. Giving consideration of local planting conditions. Where natural flora does not exist, a view obscuring fence may be installed and maintained.
- M. Warning Signs: Excavated areas shall be posted with signs having letters at least three inches high and two inches wide, giving clear warning of the dangerous conditions resulting from the excavations. (Ord. 440, Att. A (part) 1997).