



## CITY OF AUBURN

Planning & Development Department  
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## SURFACE MINING PERMIT APPLICATION PACKET

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# SURFACE MINING PERMIT APPLICATION – INTRODUCTION

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### (TYPE III DECISION)

#### **What does Type III refer to?**

Type III refers to quasi-judicial land use decisions made by the City of Auburn Hearing Examiner following a public hearing at which interested citizens can participate by giving written or verbal comments on a proposed project or issue.

*Hearing Examiner decisions can be appealed to the Superior Court of the county within which the property lies.*

#### **What does a Surface Mining Permit regulate?**

A surface mining permit regulates the operations of all surface mines requiring a reclamation permit from the State Department of Natural Resources and mine-related activities other than reclamation. Operations and mine-related activities include, but are not limited to:

1. The mining or extraction of rock, stone, gravel, sand, earth, and other minerals;
2. Blasting, equipment maintenance, sorting, crushing, and loading;
3. On-site mineral processing including asphalt or concrete batching, concrete recycling, and other aggregate recycling;
4. Transporting minerals to and from the mine, on-site road maintenance, maintenance for roads used extensively for surface mining activities, traffic safety, and traffic control; and
5. Activities that affect noise generation, air quality, surface and groundwater quality, quantity and flow, glare, pollution, traffic safety, ground vibrations and/or significant or substantial impacts commonly regulated under provisions of land use or other permits of local government and local ordinances.

#### **What mine-related impacts require mitigation?**

Mitigation for mine-related activities includes impacts such as, but not limited to:

1. Noise per provisions of WAC 173-60-040;
2. Dust, dirt, fly ash, or other particulate matter becoming airborne and adversely affecting adjacent property;
3. Rocks, dirt, and mud tracked onto public streets;
4. Traffic impacts; and
5. Degradation of groundwater quality in aquifer zones beneath and beyond the boundary of the active area of the mining site, which serve or could potentially serve as potable supply for the City or private citizens.

Please refer to ACC 18.62.040 for additional conditions and details.

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## **SURFACE MINING PERMIT APPLICATION – INTRODUCTION [CONTINUED]**

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### **Are asphalt and concrete batch plants allowed at the Surface Mining site?**

Asphalt and concrete batch plants are only allowed if incidental to the on-site mining activity, located within the City comprehensive plan's designated mineral resource areas, and approved as part of the surface mining permit.

### **What is the review process like for Surface Mining Permit applications?**

Once a surface mining permit application is deemed complete, City staff will conduct review of the application and recommend a decision to the Hearing Examiner. The Hearing Examiner will designate a time and place for the public hearing and notice will be given not less than 10 days prior to the hearing. A decision to approve, approve with conditions, or deny the surface mining permit application will be made upon conclusion of the public hearing.

### **What are the criteria against which the proposed Surface Mining Permit will be reviewed?**

Per ACC 18.62.070, in reviewing applications for special home occupations, the Hearing Examiner will consider:

1. Whether the submittal requirements in ACC 18.62.030 have been met or exceeded;
2. Whether the surface mining standards outlined in 18.62.040 have been met or exceeded;
3. Whether all operational items listed in ACC 18.62.010 has been addressed;
4. Whether any identified impacts have been appropriately mitigated; and
5. Whether the application remains consistent with the goals and policies of the comprehensive plan.

### **What is SEPA and when is it applicable?**

Surface mining permits may be subject to compliance with the Washington State Environmental Policy Act (SEPA) based on the presence of environmentally critical areas; projects that exceed specific thresholds (e.g. grading, number of dwelling units, timber removal, size of building); projects that require licensing for air emissions or discharges to water; or other factors. WAC 197-11-800 provides the specific thresholds which determine whether SEPA is required. If subject to SEPA, an environmental checklist application must be submitted with the application. After the Notice of Application comment period expires, the Planning Director – who is the City's SEPA Responsible Official - issues a SEPA threshold determination (TD), or other SEPA decision as provided in ACC 16.06, RCW 43.21 and WAC 197-11. The SEPA decision is final unless the TD is appealed or the City revises the TD based on further comments during the appeal period.

If the SEPA Responsible Official issues a Determination of Significance (DS) because of probable significant impacts by the proposal, an Environmental Impact Statement (EIS) will be required before the City makes any decision on this application.

### **How long before I am notified if my application is complete?**

At the time you submit an application, you must submit all of the written and graphic information listed in this application under "Surface Mining Permit Application Submittal Checklist": Within 28 calendar days of receiving your application, City staff will determine if the application is complete based on the attached checklist. If your application is complete you will be notified in writing by City staff. If your application is not complete, you will receive a letter from City staff detailing required information to make your application complete.

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## **SURFACE MINING PERMIT APPLICATION – INTRODUCTION [CONTINUED]**

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**How long before I know if the Surface Mining Permit has been approved (with or without conditions) or denied?**

Current City code requires that all land use decisions be made within 120 days from the date of a complete application submittal, unless an applicant agrees to extend the processing of his/her application longer than 120 days.

**How long are Surface Mining Permits valid for?**

Master permits, issued to mines within mineral resource areas designated by the City's comprehensive plan, are valid for the lifetime of the mineral resource at the mining site. Permits granted to mines outside of aforementioned mineral resource areas will remain valid for 10 years, after which its renewal will be treated as a new application.

**Do master Surface Mining Permits need to be renewed?**

Master permits do not to be renewed, but operations under a master permit will be reviewed every 10 years subsequent the permit's issuance. At that time, if the Planning Director determines that operations are not in compliance with the conditions of the master permit or if revisions need to be implemented to reflect new standards, the mining operator must submit proposed corrections and revisions, including an implementation timeframe, within 90 days of receiving notice of noncompliance. The Planning Director's decision can be appealed to the Hearing Examiner per ACC 18.66.

**PLEASE NOTE: Applicants are responsible for complying with all City Codes and ordinances; and should review all City regulations that may be applicable to their proposed project. For assistance in determining which regulations are applicable, please contact the City of Auburn Permit Center.**



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**OFFICE USE ONLY**

**FILE #:** \_\_\_\_\_  
**FILE NAME:** \_\_\_\_\_  
 \_\_\_\_\_  
**TYPE:** \_\_\_\_\_ **RECEIVED BY:** \_\_\_\_\_  
**FEES PAID:** \_\_\_\_\_ **CHECK/CASH:** \_\_\_\_\_  
**SUBMITTAL DATE:** \_\_\_\_\_  
**LAND USE DESIGNATION:** \_\_\_\_\_

## SURFACE MINING PERMIT APPLICATION

**APPLICANT:**  Use mailing address for meeting notification.  Check box if Primary Contact

**COMPANY:** \_\_\_\_\_  
**ADDRESS:** \_\_\_\_\_  
 (CITY, STATE, ZIP) \_\_\_\_\_  
**PHONE:** \_\_\_\_\_ **FAX:** \_\_\_\_\_ **E-MAIL:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_ **PRINTED NAME:** \_\_\_\_\_  
 (Signature Required)

**APPLICANT'S REPRESENTATIVE:**  Check box if Primary Contact

**COMPANY:** \_\_\_\_\_  
**ADDRESS:** \_\_\_\_\_  
 (CITY, STATE, ZIP) \_\_\_\_\_  
**PHONE:** \_\_\_\_\_ **FAX:** \_\_\_\_\_ **E-MAIL:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_ **PRINTED NAME:** \_\_\_\_\_  
 (Signature Required)

**PROPERTY OWNER(S):**  Attach separate sheet if needed.  Check box if Primary Contact

**COMPANY:** \_\_\_\_\_  
**ADDRESS:** \_\_\_\_\_  
 (CITY, STATE, ZIP) \_\_\_\_\_  
**PHONE:** \_\_\_\_\_ **FAX:** \_\_\_\_\_ **E-MAIL:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_ **PRINTED NAME:** \_\_\_\_\_  
 (Signature Required)

**Note: Applicant or representative must have property owner's consent to file this application form in order for it to be accepted**

### PROPERTY INFORMATION (REQUIRED)

<b>SITE ADDRESS:</b> _____			<b>EXISTING USE OF SITE:</b> _____
<b>ASSESSOR'S PARCEL ID#</b>	<b>LOT SIZE</b>	<b>ZONING DISTRICT</b>	_____
_____	_____	_____	_____
_____	_____	_____	<b>PROPOSED USE OF SITE:</b> _____
_____	_____	_____	_____
<b>AREA TO DEVELOPED (s.f.):</b> _____			_____



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**SURFACE MINING PERMIT  
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**SURFACE MINING PERMIT – LETTER OF AUTHORIZATION**

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**(A copy of this letter must be submitted for each property owner involved)**

I, \_\_\_\_\_ declare under penalty of perjury under the laws of the State of Washington as follows;

1. I am the owner of the property that is the subject of the application.
2. I [ ] have not appointed anyone, or [ ] have appointed \_\_\_\_\_, to act as my agent regarding this application.
3. All statements, answers, and information submitted with this application are true and correct to the best of my knowledge and belief.
4. I agree to hold the City of Auburn harmless as to any claim (including costs, expenses and attorney’s fees incurred in the investigation of such claim) which may be made by any person, including the undersigned, and filed against the City of Auburn, but only where such claim arises out of the reliance of the City, including its officers and employees, upon the accuracy of the information provided to the City as part of this application.
5. I hereby grant permission for representatives of the City of Auburn and any other Federal, State, or local unit of government with regulatory authority over the project to enter onto my property to inspect the property, take photographs, and post public notices as required in connection with review of this application and for compliance with the terms and conditions of permits and approvals issued for the project.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
City and State where signed

\_\_\_\_\_  
\_\_\_\_\_  
Address



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**SURFACE MINING PERMIT APPLICATION**

**SURFACE MINING PERMIT – CONCURRENT APPLICATIONS**

Please indicate whether you are submitting one or more concurrent applications with this application by checking one or more of the boxes below:

**Type I Applications (administrative decisions made by the city which are not subject to environmental review under the State Environmental Policy Act [SEPA]):**

- Administrative Use Permit
- Boundary Line Adjustment
- Boundary Line Elimination
- Building Permit
- Excavation Permit
- Floodplain Development Permit
- Grading Permit
- Home Occupation Permit
- Land Clearing Permit
- Mechanical Permit
- Plumbing Permit
- Public Facility Extension Agreement
- Right-of-way Use Permit
- Short Subdivision

- Special Permit
- Temporary Use Permit (administrative)
- Utility Permit

**Type II Applications (administrative decisions made by the city which include threshold determinations under SEPA):**

- Administrative Use Permit
- Building Permit
- Floodplain Development Permit
- Grading Permit
- Land Clearing Permit
- Public Facility Extension Agreement
- Short Subdivision

**Type III Applications (quasi-judicial final decisions made by the hearing examiner following a recommendation by staff):**

- Conditional Use Permit

- Preliminary Plat
- Special Exceptions
- Special Home Occupation Permit
- Substantial Shoreline Development Permit
- Surface Mining Permit
- Temporary Use Permit
- Variance

**Type IV Applications (quasi-judicial decisions made by the city council following a recommendation by the hearing examiner):**

- Rezone (site-specific)

**OTHERS - as may apply:**

- SEPA \_\_\_\_\_
- SHORELINE EXEMPT \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_



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**SURFACE MINING PERMIT – SUBMITTAL CHECKLIST**

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***DIGITAL COPIES OF WRITTEN MATERIALS & GRAPHICS***

Please provide a labeled readable compact disc(s) containing digital versions of all submitted written materials and plans and graphics for use by the City of Auburn during the surface mining permit application process. Staff will use this information in report preparation and public noticing so please be sure to provide current and accurate information. Written materials should be submitted to be compatible with Microsoft Office desktop software products. Plans and graphics should be submitted in *pdf* or *tif* format.

***APPLICATION FEES - Make checks payable to the City of Auburn***

All application fees, including, but not limited to: Mining Permit and Public Notice Board Posting Fees. Some fees will not be invoiced until actual costs are known. Link to current fee schedule can be found @ <http://www.auburnwa.gov/community/about/forms.asp>.

***WRITTEN MATERIALS – Total of ten (10) copies unless otherwise noted***

- A. **APPLICATION FORM** Provide a **completed** application form signed by the property owner(s) and/or applicant with the completed Surface Mining Permit Application Submittal Checklist. (**One original and 9 copies**)
- B. **LETTER OF AUTHORIZATION** Provide a letter of authorization to act contained within this application packet inclusive of all required signatures.
- C. **GEOTECHNICAL REPORT** (**one** unbound copy) current within 180 days and prepared by a licensed engineer. It should contain: data regarding the nature, type, distribution, and strength of materials, slope stability and erosion potential, and a statement that the site contains material of commercial quality and quantity.
- D. **STORM DRAINAGE AND EROSION CONTROL PLAN** addressing continued maintenance and operation of the storm drainage and erosion control system, and if determined to be necessary, a performance bond or similar financial guarantee. A conceptual plan must be submitted and approved by the public works department before permit approval and a final plan submitted and approved before excavation can commence.
- E. **HAUL ROUTES PLAN** indicating traffic volumes along public streets where hauling will take place. Plan should also address traffic impact mitigation, such as hauling restrictions during peak traffic times, pavement impacts and pavement impact mitigation, such as street maintenance and repair.
- F. **DUST CONTROL PLAN** showing how dust will be controlled on-site and on public streets.
- G. **REHABILITATION PLAN**

- H. **RECLAMATION PLAN** as required by the Washington State Department of Natural Resources for all surface mines.
- I. **DEPARTMENT OF NATURAL RESOURCES PERMIT** as required by the Washington State Department of Natural Resources for all surface mines.
- J. **PERFORMANCE BOND** if deemed necessary by the City.

**PLANS & GRAPHICS - Total of ten (10) copies unless otherwise noted**

- A. **SCALE & LEGIBILITY** All plans, except architectural elevations, should be drawn to scale (engineering scale) with reproducible ink on Mylar no larger than **24x36"** at **1"=40'** or larger, unless alternate size and scale specified by the Planning Director. An index sheet of the same size is required for multi-sheet submittals. Plans should be folded to fit a legal size file jack.
- B. **SITE PLAN DRAWING – LIST OF ITEMS TO BE INCLUDED:**
- 1. Legal description, including section, township, and range;
  - 2. Parcel numbers;
  - 3. Date plan was prepared and space for revision dates for subsequent resubmittals;
  - 4. Name, address, e-mail, and phone number of property owner(s) and/or mining operator, including emergency contact person;
  - 5. Name, address, e-mail, and phone number of representative;
  - 6. Name, address, e-mail, and phone number of engineer;
  - 7. Starting date of mining activities;
  - 8. Completion date of mining activities;
  - 9. Hours of operation;
  - 10. Cubic yards of material per phase;
- C. **SITE PLAN DRAWING – GRAPHIC REPRESENTATION** The following graphic features shall be shown on the drawing:
- 1. North arrow, numeric/graphic scale, and date plan was prepared;
  - 2. Boundaries and dimensions of site;
  - 3. Fence detail;
  - 4. Location of utility lines, existing and proposed;
  - 5. Location of structures, existing and proposed;
  - 6. Location of accessory uses (i.e. crushers, sorters, or scales);
  - 7. Existing contours at 5-foot intervals indicated by light dashed lines;



- 8. Proposed contours (interim and finished) at 5-foot intervals indicated by solid dark lines;
  - 9. Cross sections taken at or near each property line, spaced at 300-foot intervals thereafter in both north/south and east/west directions;
  - 10. Any on-site existing water supply wells, monitoring wells, or other types of wells on record with the Department of Ecology or observable in the field. Driller logs of these wells shall be included, if available;
  - 11. Location of hazardous substance use, existing or proposed, within the boundary of the proposed mining operation;
  - 12. Location of groundwater withdrawal, existing or proposed, within the boundary of the proposed mining operation;
  - 13. Location of artificial groundwater recharge, existing or proposed, within the boundary of the proposed mining operation;
  - 14. General location of initial mining activity and how it is anticipated to progress throughout the mining site, including minimum setback from boundaries of mining activity to site boundaries; and
  - 15. Site entrance plan showing traffic control signage and devices, channelization, and layout of driveway access to public streets.
- D. **VICINITY MAP** A vicinity map sufficient to define the property location and boundaries.