Benton County Planning Department

INFORMATION HANDOUT FOR MINERAL RESOURCE PROTECTION

PROCEDURES IN APPLYING FOR PROTECTION OF MINERAL RESOURCE LANDS

This packet is designed to assist you in preparing your application for Protection of Mineral Resource Lands. Applications may be mailed to P.O. Box 910 or delivered to the Benton County Planning Department, 1002 Dudley Avenue, Prosser WA 99350 or to the Benton County Building Department, 5600 W. Canal Drive, Kennewick WA, 99336 between 8 a.m. and Noon and 1 p.m. and 5 p.m. Monday thru Friday, excluding holidays.

Please provide the following information at the time of submittal. If any of this information is not provided, we may not be able to process your information.

1. A completed application form and applicable non-refundable fee. Including a scaled drawing showing in detail the general location of the mineral resource(s) on the site and all public and private access roads in the vicinity, including access ways on adjacent properties within 500' of the parcel having the mineral resource.

All owners with an ownership interest in the property and all persons, if any, with separate ownership interest of the mineral rights in such property must sign the application.

2. A report prepared by a "Qualified Professional" describing the nature of the resource(s) and its long-term commercial value. Said report must be accompanied by documented verification (i.e. Licenses and/or Certificates) that the individual who wrote the report is a Professional, qualified to determine the nature and commercial value of the resource.

3. A description of the surrounding land uses within a 500' radius of the subject parcel. Provide a map or graphic with explanatory text.

Any information submitted to the Benton County Planning Department is subject to public records disclosure law for the State of Washington (RCW Chapter 42.17) and all other applicable law that may require the release of the documents to the public.

THE PLANNING DEPARTMENT STAFF WILL DO THE FOLLOWING:

A. Prepare a vicinity map:

B. Conduct a site review of the subject property to verify that the proposed mineral resource protection area complies with Section 5 of the Mineral Resource Protection Ordinance (i.e. long term commercial value, impacts to surrounding properties, etc.)

C. Conduct a review of the report submitted with the application to: (1) analyze that the proposed site has a long term commercial value; (2) determine and analyze the compatibility of the proposed site with the surrounding properties; (3) analyze the potential impact(s) on other lands and critical areas; and (4) identify mitigation, including but not limited to buffers, in order to reduce incompatibilities and impacts.

APPROVAL BY THE PLANNING MANAGER: If the Planning Manager determines that the application meets the criteria outlined in the Mineral Resource Protection Ordinance, and that the requirements of the SEPA review and the Washington State Department of Natural Resources have been met, the site shall be designated a "protected mineral resource" contingent upon the applicant's acceptance of requirements, such as, those related to protection of critical resources, vehicle access and setbacks (buffers) from adjacent properties.

The applicant shall have six (6) months to accept such requirements and record a legal document with the Benton County Auditor's Office legally describing the area of the site to be protected, or the application will be declared null and void. The area requested for protection as a mineral resource may have to be delineated by an actual field survey performed by a professional land surveyor registered in the State of Washington.

DENIAL: If, after reviewing the application, the Planning Manager determines that the proposed designation cannot meet the requirements for protection under the Mineral Resource Protection Ordinance, SEPA, and/or the Washington State Department of Natural Resources, the Manager shall deny the request and inform the applicant in writing the reason(s) for the denial.

APPEAL: Anyone aggrieved by the Manager's decision shall have 14 calendar days from the date of the decision to appeal to the Hearings Examiner. The Hearings Examiner shall conduct a public hearing on the request pursuant to Section 11.52.090 BCC, upon receipt of a $630.00 appeal fee. (THIS FEE IS NON-REFUNDABLE).

BENTON COUNTY PLANNING DEPARTMENT
APPLICATION FOR DESIGNATION AS A PROTECTED MINERAL RESOURCE

File No. _____

1. Applicant's Name _____

   Address _____

   Phone Number _____

2. Owners Name _____

   Address _____

   Phone Number _____

If you wish to be contacted via email please list your email address: _____

3. Legal description or Parcel Numbers of property on which mineral extraction/use will occur.

_____

4. Total acreage of parcel involved: _____

   What type of Mineral Resource (i.e. sands, gravel): _____

   Acreage of all adjacent parcels: _____

5. Current statues as a commercial site: ☐ Active ☐ Inactive ☐ New

   Currently used as a private resource: ☐ Yes ☐ No

   Surface Mining Permit Number issued by the Department of Natural Resources (if any): _____ Date Issued: _____

   Provide Special/Conditional Use Permit Number provided by the Benton County Planning Department(if any): _____

6. Estimate the amount of Mineral Resource that exists on the subject property (provide in cubic yards): _____

   If the site is an active mineral resource area estimate the amount of mineral resource that existed prior to extraction and provide the amount extracted to date:

_____

7. List Utilities currently serving the parcel:

Water _____ Sewer _____

Power _____ Telephone _____

Irrigation _____ Natural Gas _____

8. Zoning Classification of property: _____

9. Describe all existing improvements and uses currently on the subject property:

_____

10. Describe existing land uses on lands adjacent to and within 500 feet of subject property:

11. Attach a site plan of the property, drawn to a scale of one-inch equals 100 feet (1"=100'), unless otherwise specifically approved by the Planning Department, showing the following information:

A. Dimensions of the property.
B. Location and size of existing improvements.
C. Location and size of the mineral resource area to be protected and its location relative to existing buildings and property lines.
D. All street, roads, easements, and rights-of-way located on or adjacent to the subject property. (All structures, roads, and easements must be properly labeled.)
E. All natural features such as water bodies, wetlands, creeks, canals, ditches, and steep slopes.

12. Attach the report prepared by a "Qualified Professional" describing the nature of the resource(s) and its long-term commercial value.

COMMENTS OR PERTINENT INFORMATION: If you have any comments or pertinent information that may affect the decision of this application please provide on a separate sheet of paper.

AN APPLICATION FEE OF $300.00 MUST BE SUBMITTED WITH THE APPLICATION. Please make the check payable to the Benton County Treasurer. This fee is not refundable.

I certify that the information given above is true and complete.

Signature Block for individuals only.

Applicant's Signature	Print Name	Date
Signature of Legal Owners	Print Name	Date
Signature of Person with additional ownership interest	Print Name	Date

ALL persons with an ownership interest in the property on which the land use action is proposed must sign the application other than interests exclusively limited to ownership of the parcel's mineral rights.

If the applicant/legal owner is a corporation/partnership/LLC etc. please use the following signature block. Copy this page if more than one corporation/partnership/ LLC signature is required.

Applicant or Legal Owner:_____

By:_____,_____
(print name) (Title)

Signature:_____,_____
(Signature) (Title)

The above signed officer of _____ (name of entity) warrants and represents that all necessary legal and corporate actions have been duly undertaken to permit_____ to submit this application and that the above signed officer has been duly authorized and instructed to execute this application.

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FOR OFFICIAL USE ONLY:

Critical Area Review Completed by _____ on _____.

Application approved for processing by _____ on _____.

Zoning_____Comp Plan Designation _____.