

AS-13516

Timed Items 11.

BOCC Agenda

Meeting Date: 05/14/2024

10:00 a.m. Surface Mining Chapter 18.15 Ordinance

Submitted For: Traci Jackson

Submitted By: Traci Jackson

Department: Building & Planning

Information

Subject and Summary Statement

The Cowlitz County Planning Commission held a public hearing regarding the proposed Surface Mining Special Use ordinance and the corresponding recodification, repeal, and amendments to Cowlitz County Code on April 17, 2024. The Planning Commission recommends that the ordinance be adopted by the Board of County Commissioners as presented in the Planning Staff Report, amended by Exhibit F, and further amended to include an exemption for dredge materials to be placed on rehandling sites as defined by the new surface mining code chapter and identified by the respective ports and the U.S. Army Corps of Engineers.

Will Staff Attend - NAME OF STAFF

Wayne Nelsen

Department Recommendation

The Department recommends the Board of County Commissioners adopt new Chapter 18.15 - Surface Mining Special Use County Code and amending content and code references therein to reflect recodification of Section 18.01.100(B) Mining of County Code, Special Uses.

Attachments

Surface Mine Ordinance
Comments

Form Review

Form Started By: Traci Jackson

Started On: 05/06/2024 03:49 PM

Final Approval Date: 05/07/2024

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF COWLITZ COUNTY, WASHINGTON**

**RECODIFYING SECTION 18.01.100(B) --)
MINING OF COUNTY CODE, SPECIAL USES)
TO NEW CHAPTER 18.15 -- SURFACE)
MINING SPECIAL USE OF COUNTY CODE)
AND AMENDING CONTENT AND CODE)
REFERENCES THEREIN TO REFLECT)
THIS RECODIFICATION)**

ORDINANCE NO. 24-043

WHEREAS, the Board of County Commissioners (Board), pursuant to RCW 36.32.120 and Chapter (Ch.) 36.70 RCW previously adopted Ch 18.01, currently named “Special Uses” to the Cowlitz County Code (“CCC”), and subsection CCC 18.01.100(B)—Mining in conjunction with creating interim and permanent special use surface mining regulations, with procedures and processes thereto; and

WHEREAS, the Board, pursuant to RCW 36.32.120 and Ch. 36.70 RCW, and Ch. 1.01 CCC, “Code Adoption” determined that it should consider consolidating the land use regulations in Ch. 18.01 CCC into Ch. 18.10 CCC, by procedurally integrating sections of the former into the latter, or as necessary, to create new Code chapters to be referenced therein.

WHEREAS, the Cowlitz County Planning Commission opened a public hearing on the proposed creation of a new surface mining code chapter at its April 17, 2024 regular meeting and voted to recommend that the Board adopt the amendment and recodification of CCC 18.01.100(B) as Chapter 18.15 CCC “Surface Mining Special Use”; and

WHEREAS, the Cowlitz County Planning Commission recommended to the Board to include an exemption for dredge materials to be placed on rehandling sites as defined by the new surface mining code chapter and identified by the respective ports and the U.S. Army Corps of Engineers; and

WHEREAS, Board held a public hearing on May 14th, 2024 to hear public comment on these proposed recodifications and amendments to the Code; and

WHEREAS, the Board finds that it is in the best interest of the public to adopt the proposed creation of a new surface mining code chapter by amendment and recodification of CCC 18.01.100(B) into Chapter 18.15 CCC “Surface Mining Special Use”;

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners that:

Section 1. A new Chapter 18.15 CCC “Surface Mining Special Use” shall herewith be established and CCC 18.15.010 through 18.15.060 are hereby adopted for purposes of procedure and process to reflect the recodification and amendment of CCC 18.01.100(B), as set forth below:

18.15.010 Surface Mining Special Use.

These approval criteria apply to surface mining, which can occur only as a special use permit in the Heavy Manufacturing (MH), Agriculture-38 (AG-38) zoning district, the Forestry-recreation (FR) zoning district and the unzoned (U) areas of the County on parcels that are designated Remote, Economic Resource Land – Mineral Resource Land (MRL), or Economic Resource Land – Forest Resource Land (FRL), or Economic Resource Land – Industrial Use (IND) in the Cowlitz County Comprehensive Plan. In the MH and AG-38 zones and in the IND classification, only mining and storage of dredge materials shall be permitted as a special use, as provided in and subject to the requirements of CCC 18.10.236.C.1. and 18.10.251.C.1. CCC Section 18.10.286, Automatic special use status addresses other existing surface mining operations and their potential expansion. Surface mining operations located within the jurisdiction of the Shoreline Management Act must also comply with applicable requirements of the Cowlitz County Shoreline Master Program and CCC Chapter 19.20. All surface mining operations regardless of location must comply with the applicable requirements of CCC Chapter 19.15 Critical Areas.

18.15.020 Exemptions

The provisions of this chapter shall not apply to the following activities. Activities exempt from this section remain subject to application of the Cowlitz County Grading Ordinance.

- A. Surface excavation or grading for farming or agricultural practices which are less than three acres in size and 5,000 or fewer cubic yards per calendar year.
- B. All Washington State Department of Natural Resources regulated Class I, II, III or IV Special forest practice activity conducted in accordance with RCW Chapter 76.09 and WAC Title 222.
- C. Stockpiling of materials for public roadway construction or maintenance.
- D. Dredge material disposal or material reuse requiring a shoreline substantial development permit or shoreline conditional use permit under RCW 90.58 and CCC Chapter 19.20 shall not require a Surface Mining Special Use permit under Chapter 18.15, provided that the shoreline permit for such surface mining activity shall include review for compliance with the Resource Activity Notification requirements of CCC 18.15.030, and any relevant siting and operating requirement of CCC 18.15.040 and any relevant application submittal and application review requirements of CCC 18.15.050.

- E. Stockpiling of dredge materials for official port district use on designated Rehandling Sites when such sites are identified within an officially adopted port district plan.
- F. Surface mines that lawfully existed at the time of adoption of these regulations. The expansion of an existing site or operation beyond the scope of previously issued permits shall subject the site to review under the provisions of this section. Surface mines lawfully existing at the time of adoption of this Ordinance shall be subject to CCC 18.02.090 (Existing Development), and this Chapter as applicable.
- G. This permit process shall not be applicable to mines regulated under federal mining laws.

18.15.025 Definitions

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage.

“Adjacent” means lying within 500 feet.

“Contiguous” means directly abutting or bordering on and adjoining and touching other land regardless of whether or not portions of the parcels have separate Assessor’s tax numbers, were purchased at different times, lie in different sections, are in different government lots, or are separated from each other by private road or private rights-of-way.

“Department” unless otherwise specified means the Department of Building and Planning of Cowlitz County.

“Director” refers to the Director of the Department of Building and Planning of Cowlitz County, or their designee.

“Operations” means all mine-related activities, exclusive of reclamation, that include but are not limited to activities that affect noise generation, air quality, surface and ground water quality, quantity, and flow, glare, pollution, traffic safety, ground vibrations. Operations specifically include:

- The mining or extraction of rock, stone, gravel, earth, minerals, and sand. Dredge materials are included in this definition;
- Blasting, equipment maintenance, sorting, crushing and loading;
- On-site mineral processing including asphalt or concrete batching, concrete recycling, and other aggregate recycling;
- Transporting minerals to and from the mine, on-site road maintenance, road maintenance for roads used extensively for surface mine activities, traffic safety and traffic control; and specifically exclude short-term

stockpiling of extracted materials at a public road improvement site or at a lawful construction site, for use at that job site.

“Rehandling Site” for the purposes of this chapter, Rehandling Site means a temporary storage site used during the transportation of dredged material to a permanent placement site and is generally located between the dredging activity and the permanent placement site.

“Responsible Official” for the purposes of this chapter, the Responsible Official shall be as defined in CCC 18.02.030(A).

“Surface Mine” means an operation required for extraction of rock or minerals from the earth including mining by open-pit method and extraction of rock or minerals near the surface. Surface mines include any area or areas in close proximity to each other where extraction of minerals results in more than three acres of disturbed area; or surface mined slopes greater than thirty feet high and steeper than 1.0 foot horizontal to 1.0 foot vertical; or more than one acre of disturbed area within an eight-acre area when the disturbed area results from mineral prospecting or exploration activities.

18.15.030 Resource Activity Notification.

The Department shall require the owner of any site within 500 feet of lands where surface mining special uses may be allowed as identified in CCC 18.15.010, for which a subdivision or short subdivision is submitted, to record a title notice with the Cowlitz County Auditor. Such notification shall be in the form set forth below:

PROPERTY NEAR TO MINERAL RESOURCE LAND TITLE NOTIFICATION

Parcel Number: _____

NOTICE: This parcel lies within 500 feet of lands on which a surface mining special use permit may be granted under Cowlitz County Code Chapter 18.15 and various surface mining activities may occur, which may not be compatible with residential development for certain periods of limited duration. An application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals. Potential disturbances or inconveniences may occur 24 hours per day and include but are not limited to: noise, blasting, odors, fumes, dust, smoke, and operation of heavy machinery.

18.15.040 Siting Requirements and Operating Conditions.

Siting and operating conditions shall address the following. The Applicant shall provide substantial evidence that the surface mining special use permit will comply with these requirements. If the applicant can adequately demonstrate equivalent measures can be applied in lieu of these requirements, the Hearing Examiner may impose conditions as appropriate and allow for a deviation from the requirements of this section pursuant to the variance provisions of CCC 18.10.340 through 18.10.355. In exceptional circumstances, the Hearing Examiner is given authority to apply other conditions

deemed necessary to reduce the impacts of operations to an acceptable level, where not anticipated by this chapter.

A. Siting for surface mining special use permits:

1. In general, surface mining operations should not be located within 500 feet of any existing residential use or where existing parcel sizes on adjacent properties are less than 10 acres. The Hearing Examiner may impose setback requirements in the special use permit decision to address this separation from existing residential uses and may reduce this requirement where site-specific circumstances warrant.
2. Surface mining operations should be located and screened, wherever feasible to eliminate or minimize views of the mining operations from adjacent uses and from public rights of way.

B. Operating Conditions:

1. Lot Width. The minimum lot width for a new surface mine shall be no less than 180 feet, to accommodate the setback requirements below.
2. Setbacks. Mineral extraction and processing operations shall be setback at least one hundred (100) feet from contiguous parcels not classified as specified by CCC 18.15.010. A greater setback may be required if necessary to meet other County regulations, such as CCC Chapter 19.15 Critical Areas, or CCC Chapter 19.20 Shoreline Management. The property setback area shall only be used for roads, berms, landscaping, signs, fencing, and reclamation activities. The Hearing Examiner may require an additional setback beyond these limits, where deemed necessary to address potential noise impacts from the surface mining operation on an existing residential use located within 500 feet of the property line. The Hearing Examiner may approve a setback smaller than these requirements but only if the Hearing Examiner includes conditions that adequately address screening, dust control and noise as deemed necessary to mitigate impacts to the existing adjacent land uses.
3. Access.
 - a. The operator shall grant access for inspection of the mine operation in order for the County to monitor and, if necessary, enforce the provisions of the surface mine permit. The perimeter of the surface mine shall be fenced, unless a suitable alternative that precludes access is approved as part of the special use permit.
 - b. The applicant shall obtain an approach permit from the Cowlitz County Department of Public Works for access from the surface mine site to the county road(s) and / or Washington State Department of Transportation for access to the state highway(s), as applicable. The applicant shall also

obtain a haul road permit pursuant to CCC Chapter 12.20-070 if required by the County Engineer, which may include a road maintenance agreement to be incorporated into the terms and conditions of any approvals granted hereunder. Such agreements may include, but are not limited to, safety, restoration, rehabilitation, and resurfacing of the affected roadways and/or financial participation in county road preservation projects.

- c. The applicant shall prevent materials from mining, mineral processing and hauling, and from any accessory use or activity from the surface mine site from spilling or otherwise being discharged onto the county rights-of-way and shall promptly and safely remove any materials which enter upon the rights-of-way. Such materials may include, but are not limited to, rock, sand, mud, soil, water, and/or oil.
- d. All roads providing ingress/egress to Surface Mine site shall be gated and posted "Active Surface Mining - No Trespassing" with sufficient size signage in good repair. Emergency telephone contact information shall also be included on the sign. Gates shall be locked when operations are not underway.

4. Hours and Days of Operation.

- a. No operations shall take place on Sundays or on any official federal or state holidays.
- b. All on-site operations and activities other than blasting and maintenance are restricted to the hours of 7:00 am to 6:00 pm, Monday thru Friday, and 8:00 am to 5:00 pm Saturday.
- c. Blasting is restricted to the hours of 9:00 am to 5:00 pm Monday through Friday.
- d. Maintenance activities, excluding mining, crushing, and loading, may be performed outside the normal hours of operation, provided that no equipment with narrow-band back-up alarms is used. Noise levels for maintenance activities performed outside normal hours of operation shall comply with the maximum permissible environmental noise levels identified in WAC 173-60-040.
- e. A limited request to conduct loading and hauling outside of normal hours of operation may be approved by Director provided that:

- i. The applicant provides at least fourteen (14) days' notice to the County prior to the event;
 - ii. The applicant provides sufficient evidence that a business need for product cannot be adequately addressed without requiring delivery of products outside of normal operating hours; and
 - iii. The applicant provides sufficient evidence of a public need or benefit that can only be addressed by operating outside of these normal operating hours.
 - f. In an emergency, the Director may waive the requirements of this subsection.
- 5. Noise. Maximum permissible noise levels must be in accordance with the provisions of WAC Chapter 173-60. In those surface mining special use permit applications where existing Class A EDNA residential uses are located within 500 feet of the parcel where the surface mining operation is proposed, the Hearing Examiner may impose additional conditions regarding noise from the mining operations, such as additional setbacks, screening, limitations on the location or hours of operation of specific mining operations on site or additional measures to control noise, such as placing rubber or urethane screens and liners or crushing and screening equipment, equipping loaders and dozers with ambient-sensitive back-up alarms, or muffling engine noise if deemed necessary to comply with the provisions of WAC Chapter 173-60 and the protection of existing Class A EDNA noise receptors.
- 6. Vibration Levels. Blasting and mining activities must meet applicable Federal, State, and County standards governing blasting and vibrations. Blasting and mining activities shall not:
 - a. Cause damage to offsite lawfully established structures;
 - b. Adversely affect the quality/quantity of groundwater or groundwater wells.
- 7. Blasting Notice. Notice of blasting events (date, time, duration) shall be provided by the operator to property owners within one-half (1/2) mile of the mining limits, as well as to the Cowlitz County Department of Building and Planning, by mail at least seven (7) days prior to blasting. The operator shall also notify Department by telephone no later than 8:00 a.m. the day of any blasting events.
- 8. Air Quality. Mining activities must meet applicable air quality regulations.

9. Water Quality.

- a. The mine operator shall control surface water and site discharges to comply with the Department of Ecology's stormwater regulations. For the life of the operation and until site reclamation is complete, the operator shall maintain a valid Washington state Department of Ecology National Pollutant Discharge Elimination System individual permit or maintain coverage under the sand and gravel general permit, to the extent either is applicable. The operator shall keep onsite and available for County review copies of the erosion and sediment control plan, and to the extent applicable, the National Pollution Discharge Elimination System individual or general permit and the Stormwater Pollution Prevention Plan.
- b. The mine operator shall maintain plans of all surface and subsurface drainage devices, walls, cribbing, dams, berms, settling ponds and other protective devices to be constructed with or as a part of the proposed work, together with the maps showing the drainage area and the estimated runoff of the area served by any drains. Mining operations, including blasting, shall not adversely affect the quality or quantity of groundwater or groundwater wells.
- c. If any surface mining operation causes the water quality of any domestic water supply to fail to meet the drinking water quality standards of WAC 246-290, as amended, the mine owner shall remedy the effect of the operation on the water supply through monetary payment to the water system owner, the provision of treatment methods and devices approved by the State Department of Health, or other correction of the specific water quality problem. This mitigation shall be approved by the Health District and the State Department of Health.

10. Lighting. Lights shall be shielded and directed so that to the maximum extent possible illumination affects only the premises of the site and does not result in glare outside of the permit site or on public rights-of-way. All lighting shall be limited to lowest intensity which allows permitted activity to be carried out in a safe manner.

11. Aesthetics. The mining operations on the site shall be screened to minimize viewing from properties not operating surface mining activity. Screening may include vegetation, berms or other topographic conditions, fencing and/or other techniques as approved by the responsible official. Landscaping and fencing shall be maintained in good condition at all times during active operations and until such time as the site is reclaimed.

12. Reclamation Plan. The applicant shall, in advance of any extraction of materials, prepare and provide a reclamation plan to the Washington State Department of Natural Resources, prepared in accordance with the standards

as set forth in RCW 78.44, and as subsequently amended. The Department of Natural Resources shall have the sole authority to approve reclamation plans, and the Hearing Examiner shall not impose conditions on the special use permit that conflict with an approved DNR reclamation plan. The Department shall support reclamation plans that emphasize the avoidance of off-site post-closure degradation due to off-site migration of pollutants from the surface mining site. Prior to commencement of operations, the applicant shall provide the Department with copies of all permits/approved plans filed with the Department of Natural Resources.

18.15.050 Surface Mining Special Use Permit Application.

The special use permit site application and review process shall address the following:

A. Application Submittal.

An application for a surface mine approval shall include information and details as necessary to sufficiently indicate the nature and extent of the current and future operations proposed and demonstrate conformance with the provisions of this section and all other relevant laws, codes, rules and regulations. Plans and submittals provided to state or regional agencies for approvals to operate the same surface mine may be with the application to provide the information, provided at minimum such documentation includes the following:

1. Plans prepared by a registered Washington state licensed engineer or professional land surveyor drawn to an engineer's scale. All plans must include a scale, bar scale, north arrow, legend, and title block.
 - a. General vicinity maps of the proposed site that includes existing parcel sizes and existing residential structures located within 500 feet of the boundary of the parcel or parcels on which the mining operations are proposed;
 - b. Parcel boundaries and contours, as needed, of existing ground, details of existing terrain, and details of existing area drainage;
 - c. Boundaries of area that will be disturbed by mining;
 - d. Proposed elevations and contours, as needed, of the greatest extent of the proposed mining and proposed drainage channels and related construction;
 - e. Location of existing site features, such as roads, railroads, utility lines, easements, streams, wells, lakes, springs, wetlands and other critical areas as defined by Chapter 19.15 CCC;
 - f. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, berms, settling ponds and other protective devices to be constructed with or as a part of the proposed work, together with the maps showing the drainage area and the estimated runoff of the area served by any drains;

- g. Location of any buildings or structures on the property where the work is to be performed, and the location of any buildings or structures on land of property owners which are within five hundred (500) feet of the property;
 - h. Proposed topsoil and overburden storage areas;
 - i. Location and type of proposed screening;
 - j. Location of access roads and primary haul routes;
 - k. Documentation of all necessary easements providing proof of legal access to site.
2. Cross Sections. At least two cross sections (generally at right angles) that extend completely across and sixty (60) feet beyond the boundaries of the area to be disturbed by mining. Cross sections shall depict the original and final topography and the water table.
 3. Backfilling. If backfilling is proposed, provide a plan detailing source of backfill material, quantity needed, grading and compaction scheme, erosion control plan, and immediate vegetation plan. All backfill shall be made with non-noxious, nonflammable, noncombustible solids unless approval has otherwise been granted by the Cowlitz County Health Department.
 4. Storm Drainage and Erosion Control Plan. A draft of the erosion and sediment control plan and Stormwater Pollution Prevention Plan in accordance with the most recent version of the Stormwater Management Manual for Western Washington (SWMMWW) adopted by the County, to the extent applicable. If stormwater from the mine will enter a County stormwater control facility, the mine operator shall comply with stormwater study requirements in the applicable chapters of Cowlitz County Code Title 16.
 5. Hydrogeology Report. Prepared by a registered professional Washington state engineer. The Report shall provide evidence that groundwater will not be adversely affected by the proposed surface mining activity and include the following elements and any additional elements as requested by the Director:
 - a. Identify the location of, review and include available well logs for wells that may be impacted by the proposed surface mining operation;
 - b. Identify adjacent water rights and water use;
 - c. Provide a measurement of static water levels in wells identified under (5)(a) above.
 - d. Provide a determination of the current potentiometric surface.
 6. Traffic Impact Analysis. The Traffic Impact Analysis Report applying generally accepted traffic engineering methodologies will be prepared by a registered professional

engineer in the state of Washington. The analysis shall include the following elements, and any additional elements as requested by the Director, or the Director of the Department of Public Works:

- a. Trip generation, including passenger and haul vehicles;
 - b. Trip assignment and distribution;
 - c. Capacity analysis: Existing and proposed operational level of service at the site access and intersections along primary and secondary haul routes including proposed mitigation, if any;
 - d. Safety analysis: Sight distance at intersections and crash history at intersections and along haul route corridor, including proposed mitigation, if any;
 - e. Vehicular maneuvering analysis: Turning movements at intersections and tracking at intersections and horizontal curves including proposed mitigation, if any;
 - f. Structural capacity analysis: Remaining life of primary and secondary haul routes under current and proposed loading including and proposed improvements needed to achieve a fifteen (15)-year structural capacity.
7. Dust Control Plan. Demonstrating how dust will be controlled on-site and on public roads.
8. County shall send, at applicant's expense, written notice of Surface Mine Permit application, and any applicable associated applications, to owners of property within a radius of one-half (1/2) mile of the site and to owners of all parcels abutting public or private access roads identified as the primary haul route that are between the site and roads designated as a collector or arterial by the Department of Public Works, or as a State highway. Said notice shall be addressed as shown on the current tax rolls and transmitted not less than 14 days prior to the Hearing Examiner hearing, conducted pursuant to Ch. 2.05 CCC.

B. Application Review Criteria

The special use review of the surface mining shall include the following criteria and findings in making a decision as to whether or not to approve a permit:

1. Surface mining is an essential economic development activity, and it may not be possible to extract minerals without producing some impacts.
2. Conditions of approval shall incorporate reasonable requirements, considering applicable general standards and unique site-specific factors or conditions as appropriate to protect public health, safety, and welfare.
3. Conditions of approval shall include mitigation measures related to specific, adverse environmental impacts clearly identified in an applicable environmental document,

as defined in Chapter 197-11 WAC on the proposal. Mitigation conditions shall be performance based and endeavor to:

- a. Be directly and proportionately related to surface mining impacts;
- b. Be reasonable and capable of being accomplished by the mine operator; so as not to unduly limit the viability of the operator's business;
- c. Seek to alleviate existing and potential incompatibilities between mineral extraction operation and contiguous parcels and / or land uses;
- d. Take into consideration the length of time mining operations were first conducted on the property and when contiguous incompatible uses were first developed.
- e. The Hearing Examiner may require as a condition of approval that the applicant develop and implement an operational monitoring program addressing those aspects of the surface mining operation for which specific, adverse environmental impacts have clearly been identified in an applicable environmental document on the proposal. Any required monitoring shall be conducted at the applicant's expense. The monitoring program shall be approved by the county prior to beginning operations under the permit, and shall include the following:
 - i. A statement of the operating requirements and standards for each condition of approval in the permit for extraction, processing, and transport for which monitoring is required;
 - ii. A description of the methodology for determining compliance with each requirement and standard, and
 - iii. A schedule for conducting the required monitoring. At minimum the schedule shall be:
 - a) Beginning twelve (12) months after approval of the surface mine permit;
 - b) Continuing at twelve (12) month intervals thereafter; and
 - c) As needed to correct any instances of non-compliance, as determined by the responsible official.
 - d) Each monitoring activity shall be reported to the County.
 - e) This monitoring activity and reporting shall not be construed to hold Cowlitz County, or any officer or employee thereof, responsible for damages to persons or property by reason of review or non-review, certification or inspection or non-inspection of any operations, equipment, or property as herein authorized.

- f. Failure to comply with the conditions of approval of the surface mine special use approval or any other associated permit or standard may result in revocation of approval for operation of the surface mine if the permit holder fails to cure the deficiency within 90 days from the date of the County’s notice to the permit holder that identifies a failure to comply with a condition of approval.

18.15.060 Violations - Penalties.

It is a civil infraction for any person to violate this chapter or assist in the violation of this chapter. Violations are subject to the provisions of Chapter 2.06 CCC. Any violation is a public nuisance. Each day a violation exists is a separate violation. Payment of any penalty imposed for a violation does not relieve a person from the duty to comply with this chapter.

Section 2. Cowlitz County Code section 18.01.100(B) is hereby repealed in its entirety.

Section 3. Codification. Only Section 1, above of this Ordinance shall be codified.

Section 4. Severability. The provisions of this ordinance are declared separate and severable. If any section, paragraph, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Commissioners hereby declares that it would have passed this ordinance and each section, paragraph subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraph subsections, clauses or phrases may subsequently be found to be unconstitutional or invalid.

Section 5. Savings clause. CCC 18.01.100(B) and Ordinance Nos. 18-042, 19-018, 20-003, 21-047, 22-062 and 23-036 are hereby amended, repealed and recodified as set forth above. Such amendment, repeal and recodification shall not be construed as affecting any currently existing agreement, license, right or registration acquired under ordinance or resolution, or portions thereof, nor as affecting any ongoing proceeding or enforcement instituted upon any rule, regulation, or order promulgated thereunder, nor as to any administrative action taken thereunder. Further, it is not the intention of these actions to reenact any ordinance or portions or sections of ordinances or resolutions previously replaced, repealed or amended, unless this ordinance specifically states such intent to reenact such replaced, repealed or amended ordinances and resolutions.

Section 6. Effective Date. These regulations are in the public interest and shall take effect immediately upon adoption by the Board.

PASSED IN REGULAR SESSION THIS ^{14th} day of ^{May} _____, 2024, after a public hearing was held on ^{May 14} _____, 2024, pursuant to Notice published in the Longview Daily News on ^{May 2} _____, 2024.

APPROVED AS TO FORM:
RYAN JURVAKAINEN, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
COWLITZ COUNTY, WASHINGTON

Douglas Jensen, Chief Civil Deputy

DocuSigned by:
Richard Dahl

Richard Dahl, Chairman

ATTEST:

DocuSigned by:
Kelly Dombrowsky

Kelly Dombrowsky, Clerk of the Board



DocuSigned by:
Arne Mortensen

Arne Mortensen, Commissioner

DocuSigned by:
Dennis Weber

Dennis P. Weber, Commissioner