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Landscape Plan Approval

CITY OF DUPONT

The purpose of landscaping stated in DMC 25.90.010 is to:

- (a) Protect natural habitats, air quality, and ground water recharge;
- (b) Improve the appearance of the community;
- (c) Provide shade and wind protection;
- (d) Reduce stormwater discharge; and
- (e) Conserve water supplies.

The substantive requirements stated in 25.90.020 are focused on achieving a balance between landscape areas and pavements and structures as a whole and requires a proportion of the area in several zoning districts to be landscaped, but does not specify a requirement for the mineral resource overlay (MRO) district. Similarly, DMC 25.90.030 describes substantive requirements such as requirements for street tree location and spacing, and landscaping and buffering of parking lots that are not applicable to this project in the MRO where no pavements or structures are proposed.

Mining is a unique and interim land use and the sole purpose of the MRO district. Mine reclamation is an important and necessary step in the extraction process intended to leave the land in a condition suitable for its intended subsequent land uses. The Surface Mining Act gives the Washington Department of Natural Resources (DNR) exclusive authority to regulate reclamation and administer the Act. RCW 78.44.050. The proposed project will require a revision of the existing reclamation permit to include the South Parcel Project. The DNR inspects the mine regularly and requires sufficient performance security (typically a bond) be available to reclaim the surface mining (See RCW 78.44.087)

The minimum standards for reclamation required under RCW 78.44.141 include:

(1) Prior to surface mining, permit holders shall carefully stockpile all topsoil on the site for use in reclamation, or immediately move topsoil to reclaim adjacent segments, except when the approved subsequent use does not require replacing the topsoil. . . .

(4) All surface-mined slopes shall be reclaimed to the following minimum standards:

(a) In surface mines in soil, sand, gravel, and other unconsolidated materials, all reclaimed slopes shall:

- (i) Have varied steepness;
- (ii) Have a sinuous appearance in both profile and plan view;
- (iii) Have no large rectilinear topographic elements;

(iv) Generally have slopes of between 2.0 and 3.0 feet horizontal to 1.0 foot vertical or flatter except in limited areas where steeper slopes are necessary in order to create sinuous topography and to control drainage;

(v) Not exceed 1.5 feet horizontal to 1.0 foot vertical except as necessary to blend with adjacent natural slopes;

(vi) Be compacted if significant backfilling is required to produce the final reclaimed slopes and if the department determines that compaction is necessary. . . .

(d) Final topography shall generally comprise sinuous contours, chutes and buttresses, spurs, and rolling mounds and hills, all of which shall blend with adjacent topography to a reasonable extent. Straight planar slopes and right angles should be avoided. . . .

(7) Revegetation shall be required as appropriate to stabilize slopes, generate new topsoil, reduce erosion and turbidity, mask rectilinear contours, and restore the scenic value of the land to the extent feasible as appropriate to the approved subsequent use. Although the scope of and necessity for revegetation will vary according to the geography, precipitation, and approved subsequent use of the site, the objective of segmental revegetation is to reestablish self-sustaining vegetation and conditions of slope stability, surface water quality, and appearance before release of the reclamation permit. Revegetation shall normally meet the following standards:

(a) Revegetation shall commence during the first proper growing season following restoration of slopes on each segment unless the department has granted the permit holder a written time extension. . . .

(c) Revegetation generally shall include but not be limited to diverse evergreen and deciduous trees, shrubs, grasses, and deep-rooted ground cover.

(i) For western Washington, nitrogen-fixing species including but not limited to alder, white clover, and lupine should be included in dry areas. In wet areas, tubers, sedges, wetland grasses, willow, cottonwood, cedar, and alder are appropriate. . . .

(f) The department may refuse to release a reclamation permit or performance security until it deems that effective revegetation has commenced.

The proposed mineral extraction project is different from other development projects in the City that typically involve the construction of pavements and structures. Because mining is an interim action and is being conducted consistent with the MRO for which the DMC has no applicable substantive landscape requirements, landscape plan review and the substantive requirements stated in DMC 25.90.020 are not clearly applicable to the proposed mine project.

The City can look to the substantive requirements of the Surface Mining Act to fulfill the purpose of the landscape requirements in DMC 25.90.010. Retention of trees in buffers and planting of trees as proposed in the Landmark Tree Inventory report and as required under the Surface Mining Act will establish trees and other vegetation in the open space areas consistent with the objectives of the landscape provisions in the City Code. Other portions of the property will be reclaimed suitable for future development.

Landscape plans consistent with DMC 25.90 will be prepared and submitted to the City for review in the future as part of any proposed development to be constructed after mining and reclamation are complete.