



Notice of Hearing Examiner Decision

03/12/2020

To: Interested Parties and Parties of Record

RE: Project Name: KRM Quarry CUP Revision
Applicant: Phil Struck
P.O. Box 2168
Poulsbo, WA
Application: Conditional Use Permit – Revision Major (CUP REV MJR)
Permit Number: 19-03805

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **19-03805 KRM Quarry CUP Revision CUP-REV MJR, subject to the conditions outlined in this Notice and included Decision.**

THE DECISION OF THE HEARING EXAMINER IS FINAL, UNLESS TIMELY APPEALED, AS PROVIDED UNDER WASHINGTON LAW.

The applicant is encouraged to review the Kitsap County Office of Hearing Examiner Rules of Procedure found at:

<https://spf.kitsapgov.com/dcd/HEDocs/HE-Rules-for-Kitsap-County.pdf>

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360-337-5777 to determine if a change in valuation is applicable due to the issued Decision.

The complete case file is available for review at the Department of Community Development, Monday through Thursday, 8:00 AM to 4:00 PM and Friday 9:00 AM to 1:00 PM, except holidays. If you wish to view the case file or have other questions, please contact Help@Kitsap1.com or (360) 337-5777.

CC: Applicant: Phil Struck, phil@struckenv.com
Owner: KRM REAL PROPERTY INVESTMENTS LLC
Engineer: David Dinkuhn, ddinkuhn@parametrix.com
Health District
Public Works
Parks
Navy
Kitsap Transit

South Kitsap Fire District
Puget Sound Energy
Water Purveyor
Sewer Purveyor
Point No Point Treaty Council
Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
WA Dept of Fish & Wildlife
WA State Dept of Ecology-SEPA
WA State Dept of Ecology-Wetland Review
Interested Parties:

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**KITSAP COUNTY HEARING EXAMINER
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION**

**Conditional Use Permit Revision
KRM QUARRY
File No. 19-03805**

March 10, 2020

1. FINDINGS OF FACT

1.1 Proposal. Quarry owner seeks permit revision to authorize 20 foot depth expansion within 11 acre portion of existing 96.67 acre operation.

1.2 Applicant/Owners.

Applicant/Property Owner. KRM Real Property Investments, LLC.

Authorized Agent. Mr. Struck, P.O. Box 692, Poulsbo, WA 98370.

Business Owner. Mr. Oakley, J.A. Jack & Sons, 5427 Ohio Ave. S., Seattle, WA 98134.

Engineer. Mr. Dinkuhn, Parametrix, Inc., 60 Washington Ave., Bremerton, WA 98337.

1.3 Location. Generally at 3020 W. Sherman Heights Road, Bremerton, WA, the quarry includes these parcels:¹

	Parcel #	Address
1	282401-3-068-2008	3020 W. Sherman Heights Road
2	282401-3-014-2003	None
3	282401-3-065-2001	2799 Quarry Street West
4	322401-1-129-2003	None
5	322401-1-017-2008	None
6	322401-1-021-2002	None
7	322401-1-022-2001	3638 Solid Lane West
8	322401-1-025-2008	None
9	322401-1-030-2001	None
10	322401-1-117-2007	None
11	322401-1-122-2000	None
12	322401-1-123-2008	None
13	322401-1-130-2000	None

¹ Exhibit 36.

1.4 Hearing. An open record public hearing was held February 27, 2020. Kitsap County Department of Community Development (“DCD”), through Ms. Shaffer, described the project. DCD found it consistent with requirements, and recommended approval with conditions. The Applicant provided additional background, confirming there were no concerns with DCD's proposed conditions. No member of the public indicated a wish to speak.

1.5 Administrative Record. The Hearing Examiner admitted Exhibits 1-38, which included the Staff Report, application materials, documentation of agency consultation, public notice documents, technical analysis on noise, air emissions, drainage, and other impacts, and documents from the earlier permit review process.

Documents submitted at the hearing included Staff Report corrections, an e-mail comment from Ms. Bishop, and power point presentations from DCD and the Applicant). The Record was kept open through February 28, so Ms. Bishop's e-mail attachments could be provided to the Examiner.

1.6 Project Permitting and Nature of Revision. Quarry activity is believed to date to the 1940's. The Examiner originally approved the quarry operation in 1996, through CUP #951109-091. In 2009, the Director approved revisions through Site Development Activity Permit 05-30920. The SDAP process was used, rather than the CUP process, as the code then permitted the mining use outright.² The Applicant maintains these permits:

- NPDES Stormwater Permit, WA Dept. of Ecology;
- Surface Mine Reclamation Permit, WA Dept. of Natural Resources;
- Blasting Operations, U.S. Bureau of Mines;
- Mine Operations, U.S. Mine Safety and Health Administration; and,
- Air Emissions Permit, Puget Sound Clean Air Agency

With the revision, the Applicant expects to mine 150,000 to 200,000 cubic yards per year, allowing the mine to operate through about 2028. One of two rock crushing plants will be removed. A 1,625 square foot office, 3,000 square foot shop, and truck scale will continue to support the operation. With the revisions, there is no increase in disturbed areas, impervious areas, or traffic volumes.

No changes to the approved final reclamation plan are proposed. The added mine depth will be backfilled with clean soil to approved reclamation grades. Buffers will be maintained as approved under the existing reclamation plan. As the mine is being deepened, rather than widened, impacts are more limited.

Potential noise, air quality and aesthetic impacts will be mitigated by maintaining permanent undisturbed vegetative buffers to adjacent residential areas, and by locating operations at lower elevations than surrounding developed land. The noise study performed for the project shows the site meets Kitsap County noise standards under both existing and proposed conditions. The air quality study of

² Exhibit 18 (Revised Narrative), p. 1.

the site shows operations meet applicable state and federal air quality standards. Buffers to wetlands and surface waters will be maintained as required under approved reclamation plans. No changes to approved operating hours are proposed. The proposal does not increase impervious areas or disturbed areas and no changes to the stormwater detention and treatment system are proposed. Stormwater will continue to be managed in accordance with the National Pollutant Discharge Elimination System (NPDES) stormwater permit for the site. Truck traffic is not expected to change compared to existing conditions. Shoulder improvements on Sherman Heights Road north of the site are proposed to improve site distance at the access point to the site. No utilities or other structures are associated with the proposal.³

1.7 Blasting. The Applicant detailed protocols:

Blasting procedures would be conducted in accordance with Federal Office of Surface Mines guidelines and would include pre-blasting survey; public notice of blasting; restricting blasting to daylight hours; and monitoring blasting activities to demonstrate compliance with respect to offsite structure damage.

Blasting at the site is performed by an appropriately licensed contractor. KRM and/or their blasting contractor will prepare individual plans for each blasting event. A blasting log will be maintained to describe the specific work completed, and seismic monitoring will also be done to measure protection of structures during each blasting event. Each blast is monitored by two seismographs located on the perimeter of the quarry. Monitoring results from locations over 300-ft from the quarry over the last four years met the federal standard that is based on prevention of plaster cracking, which is the building feature typically considered most sensitive to ground movement. ...

- All blasting will be accomplished in daylight hours. A list of residents wishing to be contacted prior to commencement of any blasting will be kept on site.
- To verify the level of blasting-related ground vibrations, ground vibration monitoring will be conducted consistent with Federal Office of Surface Mines standards. If vibration levels beyond acceptable standards are detected, the blasting techniques will be refined to ensure compliance.
- Blasting would adhere to all state and federal blasting regulations.
- Before the blaster in charge starts loading any shot for blasting, he/she will first review the blast with either the owner or the owner's agent. The following items will be reviewed: the pattern (i.e., burden and spacing); the intended objective of the blast, rip rap or crusher run; the powder factor needed to achieve the objective; the timing of the delays to minimize vibration; the sequence in which the shot will be loaded; and the set up of the seismograph between the blast and the nearest residence.⁴

³ Exhibit 11 (SEPA Checklist), pg. 2.

⁴ Exhibit 2 (Project Narrative), pgs. 3-4; *see also* Revised Project Narrative at Exhibit 18.

1.8 SEPA. DCD issued a Determination of Non-Significance.⁵ The DNS was not appealed.

1.9 Public Utilities and Services.

- **Water:** City of Bremerton
- **Power:** Cascade Natural Gas
- **Sewer:** Onsite Septic
- **Police:** Kitsap County Sheriff
- **Fire:** South Kitsap Fire & Rescue
- **Schools:** South Kitsap School District

1.10 Agency Comment. The proposal was circulated within the County. As long as requirements are met, there were no objections to approval.

1.11 Notice. Hearing and application notice was provided consistent with KCC requirements.⁶

1.12 Zoning/Plan Designations. The zoning is Mineral Resource/Industrial (MRO/IND), with a Mineral Resources/Urban Industrial (MRO/UI) Comprehensive Plan designation. Surrounding zoning and uses include:

	Land Uses	Zoning
North	Single Family Residence	Rural Protection
South	Single Family Residence	Urban Low
East	Single Family Residence	Urban Low/Commercial (KRM Quarry)
West	Single Family Residence	Rural Protection (City of Bremerton)

The 1996 approval required a 25 foot perimeter buffer, which was enlarged through the 2009 SDAP, to between 30 and 100 feet.⁷

1.13 Critical Areas. The permit revision does not impact the critical areas (five wetlands and streams) at the site's southwest corner. *See* Conditions 40-43.

1.14 Access. W. Sherman Heights Road, a County maintained right-of-way. The site access driveway will be improved to increase site distance on Sherman Heights Road.

1.15 Technical Analysis. The Applicant submitted technical analysis prepared by qualified professionals, including reports on noise, emissions, and groundwater concerns.

⁵ Exhibit 20; Exhibit 33 (Staff Report), p. 2.

⁶ Exhibits 16 and 25; KCC 21.04.080.

⁷ Exhibits 8 (Reclamation Plans) and 32 (Cross Sections and Buffers to Adjacent Property, SDAP 05-30920); Condition 11.

Reclamation Plans (2019), Exhibit 8. Engineering drawings detail reclamation plans.

Traffic Impact Assessment (2019), Exhibit 9. While quarry operation duration is extended, there is no change in site use intensity.⁸

Stormwater Pollution Prevention Plan (2018), Exhibit 18, Attachment C. Includes the Site Management Plan, detailing best management practices for addressing runoff.

Air Quality Compliance Report (2018). Testing was performed to demonstrate compliance with Subpart 000 NSPS standards and State Dept. of Ecology Methods for visible emissions. The report (Exhibit 15) encountered "no adverse test or environmental conditions...."⁹

The May 2018 Air Quality Compliance Study documented that crushing operations on the site meet state and federal air quality standards. The site currently utilizes the following measures to limit the generation of dust:

- The facility's permanent access road is paved and is cleaned periodically to reduce track-out.
- The yard and the parking area around the shop are paved and graveled to allow the movement of heavy equipment. These areas are regularly maintained and watered to reduce fugitive dust emissions.
- The facility's conveyors are adjustable to allow for varied drop heights.
- Crushing plant transfer points are equipped with water spray nozzles for dust suppression.
- Conveyor operation is curtailed during high wind events.
- The material stockpiles and truckloads are watered to maintain relatively high moisture contents and to reduce fugitive dust emissions.
- Water spray trucks are maintained on-site at all times to allow for operational flexibility. These trucks are used to distribute water wherever and whenever necessary to prevent fugitive dust emissions.
- The speed limit at the facility, historically and currently, is 10 miles per hour. This slow speed helps to reduce fugitive dust emissions generated by vehicle traffic on paved and unpaved surfaces.
- Employees are trained to handle powdered materials carefully to prevent the generation of dust.¹⁰

Subsurface Exploration Report (2019), Exhibit 14. The report documents subsurface conditions within the expansion area, and encountered "no significant groundwater ... during site exploration."¹¹

Noise Study (2019), Exhibit 6. See below.

⁸ Exhibit 9, p. 1-4.

⁹ Exhibit 15, pg. 6.

¹⁰ Exhibit 11 (SEPA Checklist), pg. 5.

¹¹ Exhibit 14, pg. 2.

1.16 Mineral Resource Overlay, Special Standards, KCC 17.170.030. Compliance with Ch. 17.170 KCC is required. Standards specific to mining operations governed through the Overlay include 15 requirements, A-O. These criteria are met.¹²

- **State Surface Mining Permits.** The Applicant documented activity consistency with required state permits, through its application materials, project narratives and technical analysis.
- **Plan Review.** Detailed project plans were submitted consistent with KCC 17.170.050.
- **Site Area/Lot Width Consistency with Code.** Though mostly inapplicable, KCC dimensional requirements are met (KCC 17.420.052, .054).
- **Fencing.** Condition 30 requires fencing.
- **Berms to Screen the Site.** A berm along Sherman Heights Road was constructed to meet original permit conditions. Condition 12 requires its maintenance. This is coupled with the perimeter setback.
- **Setbacks.** Condition 27 requires that, "[t]he tops and toes of cut and fill slopes shall be set back from property boundaries according to the State Department of Natural Resources standards for safety of adjacent properties." This is coupled with the perimeter setback.
- **Noise.** The noise study concluded that for the majority of the mine's life, "sound levels would be well below the applicable noise limits, and no substantial noise impacts are expected."¹³ The project must comply with noise study recommendations and Ch. 10.28 KCC (Condition 13).
- **Operational Hours.** Hours are Monday-Saturday, 7:00 a.m. to 6:00 p.m. The crushing plant may operate 7:30 a.m. to 4:30 p.m. Monday through Friday, and occasionally 8 a.m. to 2 p.m. on Saturday. Blasting would not occur over three times per month, and only Monday through Friday, between 10 a.m. and 4 p.m.
- **Slope.** Condition 28 addresses this issue. ("When reclaimed, no slope of cut and fill surfaces shall be steeper than is safe for the intended use, and shall not exceed one and one-half horizontal to one vertical for unconsolidated material such as gravel, and one-fourth horizontal to one vertical for consolidated material, unless otherwise approved by the director.").
- **Erosion Control.** Condition 33 requires KCC Title 12 compliance.

¹² Exhibit 33, pgs. 8-12.

¹³ Exhibit 6, pg. 10.

- **Drainage.** Project conditions (e.g., 32-36) protect against surface water/seepage damage to slope/excavation faces; protect against surface water/drainage concentration; and, address sediment impacts.
- **Bench/Terrace.** Condition 29 requires that "[b]enches shall be back-sloped and shall be established at not more than forty-foot vertical intervals, to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of five percent."
- **Access Roads Maintenance.** No new roads are proposed. All access/internal roads are existing. Previous traffic conditions were met (Exhibit 18, pg. 4).
- **Overburden.** Condition 31 requires, "Overburden shall only be removed to accommodate aggregate removal operations and related activities of this section."

The project must also comply with lighting, parking, and other code requirements.¹⁴

1.17 Conditions/Staff Report. The Applicant accepted the proposed conditions, which are incorporated without revision. Except as the Decision revises it, the Staff Report is incorporated by reference.

2. CONCLUSIONS OF LAW

2.1 Hearing Examiner Review Authority. The Hearing Examiner has CUP review authority over major CUP revisions,¹⁵ and may approve, approve with conditions, or deny the requested revision.¹⁶ The CUP revision process is appropriate, given the 28% mine volume increase from what was originally approved (1 million to 1.4 million cubic yards). While the code uses more standard dimensional criteria for a major revision (KCC 21.04.175), DCD and the Applicant appropriately agreed on the process, given the volume increase meets code intent.

2.2 Conditional Use Permit Requirements. A CUP must meet four requirements.

1. The proposal is consistent with the Comprehensive Plan;
2. The proposal complies with applicable requirements of [Title 17];
3. The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity; and

¹⁴ KCC 17.490.030 (five parking spaces required for the ten employees; 20 provided); KCC 17.105.110 ("not more than one-foot candle of illumination may leave the property boundaries;" *see* Condition 23).

¹⁵ KCC 21.04.175; KCC 17.410.010(C) and 17.410.042, .044 (Permit Type No. 602).

¹⁶ KCC 17.550.030.

4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.¹⁷

These criteria are met. The Staff Report provided detail on Comprehensive Plan policies, which support economic development. Plan policies also support conservation of mining operations and developing strategies for use compatibility.¹⁸ The quarry operates at an existing mine, and buffering, setbacks, noise controls, and extensive mitigation has been built into the project to address neighboring land use compatibility concerns. As a mitigated mining operation utilizing a resource mined since the 1940's, the proposal is consistent with the Plan.

The proposal is conditioned to ensure compliance with Title 17 and other code requirements. No code provision was identified which would not be complied with.¹⁹ The Staff Report and Findings detail proposal consistency with KCC 17.170.030, Mineral Resource Overlay, Special Standards.

The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity. Identified impacts have been addressed through project design, additional mitigation, and/or code requirements. This includes perimeter fencing, 30-100 foot setbacks, and berming for noise control. The quarry operation has long been in place, and deepening the mine will not exacerbate its impacts to create material detriment to uses in the immediate vicinity.

The proposal is compatible with surrounding existing and planned rural uses. It is at a site specifically zoned and planned for mineral resource use, and code requirements have been tailored to address use impacts. The proposal appropriately responds to the character, appearance, and quality of development on site and in the immediate vicinity. As conditioned and proposed, the project meets all CUP criteria and should be approved.

DECISION

The Hearing Examiner, pursuant to the above Findings of Fact and Conclusions of Law, approves the requested CUP, provided these conditions are adhered to:

Planning/Zoning

1. The uses of the subject property are limited to the uses proposed by the applicant and any other uses will be subject to further review pursuant to the requirements of the Kitsap County Code (KCC). Unless in conflict with the conditions stated and/or any regulations, all terms and specifications of the application shall be binding conditions of approval. Approval of this project shall not, and is not, to be construed as approval for more extensive or other utilization of the subject property.

¹⁷ KCC 17.550.030(A).

¹⁸ Comprehensive Plan, LU Goal 15, LU Policies 78 and 79.

¹⁹ See Exhibit 33 (Staff Report).

2. Any and all signage design and location (including exempt signs) shall comply with Kitsap County Code (KCC) 17.510, and be reviewed and approved by the Department of Community Development prior to installation. Signage may require a separate permit.

3. The recipient of any conditional use permit shall file a Notice of Land Use Binder with the county auditor prior to any of the following: initiation of any further site work, issuance of any development/construction permits by the county, or occupancy/use of the subject property or buildings thereon for the use or activity authorized. The Notice of Land Use Binder shall serve both as an acknowledgment of and agreement to abide by the terms and conditions of the conditional use permit and as a notice to prospective purchasers of the existence of the permit. The Binder shall be prepared and recorded by the Department at the applicant's expense.

4. The decision set forth herein is based upon representations made and exhibits contained in the project application (19-03805). Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.

5. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.

6. Any violation of the conditions of approval shall be grounds to initiate revocation of this Conditional Use Permit.

7. Operation shall be from 7AM-6PM Monday through Saturday, crushing plant 8AM-2PM on Saturdays.

8. All truck traffic shall enter the site from the south and exist to the site to the south.

9. No condition shall be interpreted as to provide the Applicant with any special rights in the use of roadway. The applicant shall conduct all operations with the least possible obstructions and inconvenience to the public.

10. That approval be consistent with the intent of the conditions of approval as outlined for the Sherman Heights Reclamation project Approval, Kitsap County Resolution No 302.1993.

11. Permit approval shall be subject to retention of a buffer between the site and adjacent residential neighborhood as described in "Cross Sections and Buffers to Adjacent Property" from SDAP 05-30920 – Exhibit 32.

12. A berm enhanced with conifers shall be maintained along Sherman Heights Road.
13. The operation of the quarry/reclamation facility shall not generate noise levels beyond acceptable noise levels as required by Kitsap County Code 10.28. The project shall follow the recommendations of the Noise Study prepared by Ramboll US Corporation dated August 7, 2019 (Exhibit 6).
14. During most drilling operations, the drill is assumed to be positioned on a bench lower than the local peak elevation, so that it is shielded from the nearest residences by intervening topography.
15. Blasting activities would be conducted no closer than 200 feet from Location 1 and 300 feet from Location 2.
16. Ensuring that all equipment operating at the site is fitted with adequate mufflers.
17. Selecting quiet equipment types whenever possible, such as a shaker screen instead of a power screen.
18. Utilizing ambient back-up beepers, which are equipped with sensors to determine the ambient sound levels and adjust the beeper level to the minimum required to be heard over the ambient noise.
19. Maintaining truck routes as smooth as possible to minimize impact noise resulting from trucks driving over potholes.
20. Conducting noise monitoring of blasting activities as they begin in the farthest corner of the site prior to their approaching residences and determining the appropriate explosive loading that may be used once the blasting occurs nearer to residences. Additional recommendations for blasting occur nearer to residences. Additional recommendations for blasting practices that would minimize the impacts to neighboring residences are outlined in the project conceptual Blasting Plan.
21. The rock crusher machinery shall be located to minimize potential noise impacts on properties to the north, south and west. A noise reducing berm of soil, sufficient in height to attenuate noise to an acceptable level, not to exceed 4dba beyond existing sound levels.
22. The total number of allowed blasts shall be 3x a month. The neighbor call list shall be used as the mechanism for notifying neighbors of pending blasts. Blasting activities shall be closely monitored to minimize noise and vibration impacts upon neighboring properties to acceptable levels. The recommendation of the Conceptual Blast Plan shall be adhered to. That vibration impacts be limited to the US. Bureau of Mines, standard of a Peak Particle Velocity of 2 inches/per second or less be adhered to. Blasting and quarrying activity in the southwest and northeast limits of the site shall be closely monitored to limit noise and vibration impacts onto properties in this area. A monitoring report of blasting vibration levels shall be maintained at all times and coordinated with Kitsap County DCD Code Enforcement Officer. Further, prior to

blasting, notice shall be given to neighboring residences, and the schedule for blasting activities be coordinated such as to cause minimal interference with residence activities.

23. Artificial outdoor lighting shall be arranged so that the light is directed away from adjoining properties so that no more than one (1') foot candle of illumination leaves the property boundary.

24. All proposals of the Applicant shall be conditions of approval, unless otherwise modified herein. This shall include buffers, the Reclamation Plan, road improvements, noise and blasting mitigating measures.

25. The uses of the subject property are limited to the uses proposed in the application for the Conditional Use Permit/Site Plan Approval, and other uses will be subject to further review pursuant to the requirements of the Kitsap County Zoning Ordinance. Approval of this application shall not, and is not, to be construed as approval for more extensive or other utilization of the subject property; nor is it approval to imply any precedent for other commercial developments in the area beyond what is supported by the County Comprehensive Plan.

26. All conditions and components of the Application shall remain binding conditions of approval unless otherwise inconsistent with these conditions and conclusions.

27. The tops and toes of cut and fill slopes shall be set back from property boundaries according to the State Department of Natural Resources standards for safety of adjacent properties.

28. When reclaimed, no slope of cut and fill surfaces shall be steeper than is safe for the intended use, and shall not exceed one and one-half horizontal to one vertical for unconsolidated material such as gravel, and one-fourth horizontal to one vertical for consolidated material, unless otherwise approved by the director.

29. Benches shall be back-sloped and shall be established at not more than forty-foot vertical intervals, to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of five percent.

30. The periphery of all sites within the gross site area being actively mined or reclaimed shall be fenced.

31. Overburden shall only be removed to accommodate aggregate removal operations and related activities of this section.

Development Engineer

32. The information provided demonstrates this proposal is a Major Development as defined in Kitsap County Code Title 12, and as such will require a Site Development Activity Permit (SDAP) from Development Services and Engineering. A separate Site Development Activity Permit shall be submitted for each phase of the quarry reclamation activities.

33. Stormwater quantity control, quality treatment, and erosion and sedimentation control shall be designed in accordance with Kitsap County Code Title 12 effective at the time the Conditional Use Permit Major Revision application was deemed complete, August 28, 2019. The submittal documents shall be prepared by a civil engineer licensed in the State of Washington. The fees and submittal requirements shall be in accordance with Kitsap County Ordinances in effect at the time of SDAP application.

34. Should the proponent propose phasing of the project, a phasing plan shall be submitted to Development Services and Engineering for review and approval. The phasing plan shall, as a minimum, address the following items: Timetables indicating the anticipated time for the completion of construction, including site stabilization/reclamation of that specific phase. The extent of drainage improvements to be installed during the various phases.

35. The site plan indicates that greater than 1 acre will be disturbed during construction. This threshold requires a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction permit from the State Department of Ecology. More information about this permit can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> or by calling Josh Klimek at 360-407-7451, email joshklimek@ecy.wa.gov. This permit is required prior to issuance of the SDAP.

36. The application indicates that a significant quantity of grading material will be imported to and/or exported from the site. Typically, this means five or more trucks leaving the site per hour. Because of this a vehicle wheel wash must be included as an element of the siltation erosion control plan.

37. Soil amendment is required for all disturbed areas not covered by hard surface. The required Site Development Activity Permit(s) shall include details of the soil amendment quantities and replanting.

38. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Prior to issuance of the Site Development Activity Permit for the mine reclamation, the person or persons holding title to the subject property for which the storm drainage facilities were required shall record a Declaration of Covenant that guarantees the County that the system will be properly maintained. Wording must be included in the covenant that will allow the County to inspect the system and perform the necessary maintenance in the event the system is not performing properly. This would be done only after notifying the owner and giving him a reasonable time to do the necessary work. Should County forces be required to do the work, the owner will be billed the maximum amount allowed by law.

39. If the project proposal is modified from that shown on the submitted site plan dated August 23, 2019, Development Services and Engineering will require additional review and potentially new conditions.

Environmental

40. A 50-foot native vegetation buffer must be maintained along the delineated wetland and stream boundary as depicted on the site plan, Exhibit 10. In addition, a building or impervious surface setback line of 15 feet is required from the edge of the wetland buffer.

41. The common boundary between the STREAM buffer and the adjacent land shall be permanently identified with critical area buffer signs. A total of 28 signs shall be placed along the designated boundary spaced approximately 100-feet apart, visual from sign to sign. Signs must be attached to existing trees with diameter breast height greater than 4 inches. Alternative methods include 4x4 posts, metal posts or split rail fencing. Signs are available from DCD at the pre-construction meeting and shall be installed prior to commencement of newly permitted site activities.

42. The common boundary between the WETLAND buffer and the adjacent land shall be permanently identified with critical area buffer signs. A total of 10 signs shall be placed along the designated boundary spaced approximately 100-feet apart, visual from sign to sign. Signs must be attached to existing trees with diameter breast height greater than 4 inches. Alternative methods include 4x4 posts, metal posts or split rail fencing. Signs are available from DCD at the pre-construction meeting and shall be installed prior to commencement of newly permitted site activities.

43. Permit approval subject to chapter 19.300.315 of Kitsap County Code, which states that buffers or setbacks shall remain undisturbed natural vegetation areas except where the buffer can be enhanced to improve its functional attributes. Refuse shall not be placed in buffers.

Traffic and Roads

44. The property owners shall be responsible for maintenance of all landscaping within the existing and proposed right-of-way including any structures other than roadway, storm drainage facilities, and traffic signage. Maintenance shall include, but not be limited to, mowing of lawn areas. A note to this effect shall appear on the face of the accepted construction plans. In addition, Development Services and Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.

45. Any work within the County right-of-way shall require a Public Works permit and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the SDAP process. The need for and scope of bonding will be determined at that time.

Kitsap Public Health District

46. Project shall adhere to all Health District requirements.

Absent a timely appeal, this Decision is final.²⁰

DECISION entered March 10, 2020.

A handwritten signature in black ink, appearing to read 'S. Drummond', written over a horizontal line.

Kitsap County Hearing Examiner
Susan Elizabeth Drummond

²⁰ See Ch. 36.70C RCW (any appeal to be filed within 21 days to superior court).