



Hearing Examiner Staff Report and Recommendation

Report Date: February 20, 2020
Hearing Date: February 27, 2020

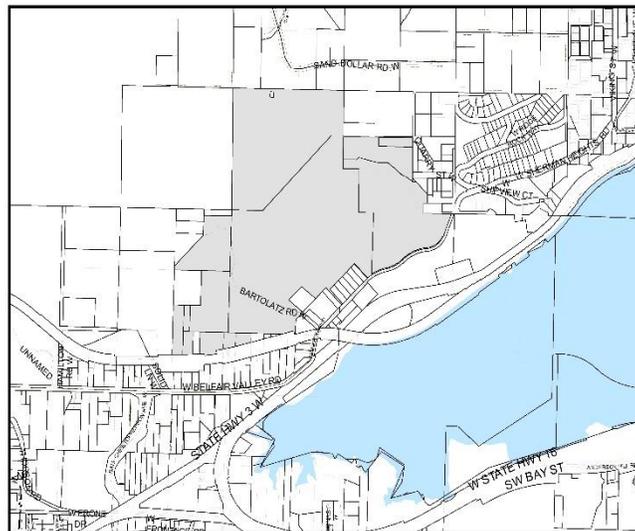
Application Submittal Date: August 19, 2019
Application Complete Date: August 28, 2019

Project Name: KRM Quarry
Type of Application: Conditional Use Permit (CUP) Revision
Permit Number: 19-03805

Project Location

	Parcel #:	Address	Owner
1	282401-3-068-2008	3020 W Sherman Heights RD	KRM Real Property Investments, LLC
2	282401-3-014-2003	No Site Address	KRM Real Property Investments, LLC
3	282401-3-065-2001	2799 Quarry ST W	KRM Real Property Investments, LLC
4	292401-4-029-2003	No Site Address	Roland Culbertson
5	322401-1-017-2008	No Site Address	KRM Real Property Investments, LLC
6	322401-1-021-2002	No Site Address	KRM Real Property Investments, LLC
7	322401-1-022-2001	3638 Solid LN W	KRM Real Property Investments, LLC
8	322401-1-025-2008	No Site Address	KRM Real Property Investments, LLC
9	322401-1-030-2001	No Site Address	KRM Real Property Investments, LLC
10	322401-1-117-2007	No Site Address	KRM Real Property Investments, LLC
11	322401-1-122-2000	No Site Address	KRM Real Property Investments, LLC
12	322401-1-124-2008	No Site Address	KRM Real Property Investments, LLC
13	322401-1-130-2000	No Site Address	KRM Real Property Investments, LLC

Vicinity Map



Recommendation Summary

Approved subject to conditions listed under section 13 of this report.

1. Background

The Sherman Heights/KRM Quarry was approved through a Conditional Use Permit in 1996, #951109-091. Approval allowed mining and rock crushing operations beginning in June 1996 on the subject properties. In 2005, a Site Development Activity Permit (SDAP), Permit #: 05-30920, was submitted to revise the size, operating parameters and reclamation scheme for the site. The SDAP was determined to be the appropriate permit (rather than a CUP amendment) because the site was zoned for Mineral Resource use, and proposed mining activities were a permitted use under Kitsap County code at the time the proposal was submitted. The SDAP was never received a final because the length of the project exceeds the parameters of the permitting system. This is explained in further detail in Section 10 of this report. The present application proposed to revise the approved mining depth from 80-feet to 60-feet.

The applicant has obtained and currently maintains the following other State and Federal permits regulating quarry activities: NPDES Stormwater Permit, from Washington Department of Ecology; Surface Mine Reclamation Permit, from Washington Department of Natural Resources; Blasting Operations, from United State Bureau of Mines; Mine Operations, from United States Mine Safety and Health Administration; and Air Emissions Permit, from Puget Sound Clean Air Agency. Monitoring, reporting and inspections related to these permits are all current. Applicant proposes a phased approach to reclamation of the quarry areas, in five phases, over a period of approximately eight years.

2. Project Request

The application proposes to revise the approved depth of the existing and operational mine from 80-ft to 60-ft (NGVD 29 datum). The proposed increase in depth would raise the mine volume to 1,400,000 cubic yards.

3. SEPA (State Environmental Policy Act)

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The review includes the completion of an Environmental Checklist by the applicant and a review of that checklist by the County. If it is determined that there will be environmental impacts, conditions are imposed upon the applicant to mitigate those impacts below the threshold of "major" environmental impacts. If the impacts cannot be mitigated, an environmental impact statement (EIS) must be prepared. The decision following environmental review, which may result in a Determination of Nonsignificance (DNS), Mitigated DNS, or the necessity for an EIS is called a threshold determination. A separate notice of the threshold determination is given by the County. If it is not appealed, it becomes part of the hearing record as it was issued,

since it cannot be changed by the Hearing Examiner.

Pursuant to WAC 197-11-355, the optional DNS process was utilized for this project. The SEPA Comment period previously occurred concurrent with the Notice of Application dated September 16, 2019 (Exhibit 11). A Determination of Nonsignificance (DNS) was issued on January 31, 2019 (Exhibit 20).

The SEPA appeal period expired February 14, 2019. No appeals were filed; therefore, the SEPA determination is final.

4. Physical Characteristics

The proposed project includes 13 parcels which are approximately 800' to the southeast of Sinclair Inlet. Sizes of the parcels vary from 52.5 acres to 0.48 acres. The total project site totals approximately 96 acres. The site is currently developed with a warehouse and office. There is an existing road system within the site. Portions of the project site exceed 15% slopes. Below is the current GIS map:



Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Mineral Resource/Urban Industrial (MRO/UI) Zone: Mineral Resource/Industrial (MRO/IND)	Standard	Proposed
Minimum Density	N/A	N/A
Maximum Density	0	
Minimum Lot Size	N/A	N/A
Maximum Lot Size	N/A	N/A

Minimum Lot Width	N/A	N/A
Minimum Lot Depth	N/A	N/A
Maximum Height	35 feet	N/A
Maximum Impervious Surface Coverage	N/A	N/A
Maximum Lot Coverage	60% of lot coverage	N/A

Applicable footnotes:

17.420.060.19: These zones are not intended to accommodate population growth and therefore do not have allowed density. However, limited new residential uses may occur in these zones which support the intent of these zones to provide employment and services. Therefore, up to one dwelling unit may be allowed per existing parcel for the limited residential uses allowed in Chapter 17.410.

Staff Comment: The submitted application does not proposed any residential uses.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front: East	20 feet	
Side: North	N/A	
Side: South	N/A	
Rear: West	N/A	

Applicable footnotes:

17.420.060.27: As approved by the director, wherever an industrial zone abuts a residential zone, a fifty-foot screening buffer area shall be provided. This screening buffer is intended to reduce impacts to abutting residential uses such as noise, light, odors, dust and structure bulk. No structures, open storage, or parking shall be allowed within this area. The director shall only approve screening buffers that improve the compatibility between the proposed use and the residential zone. The director may reduce this buffer to a minimum of twenty-five-foot width only when based upon a site-specific determination that topography, berming or other screening features will effectively screen industrial activities from the residential zone. Conversely, based upon a similar site-specific determination, the director may increase the buffer width from fifty feet to ensure adequate buffering and compatibility between uses.

Staff Comment: The project site abuts residential zones. The 1996 approval required a 25' perimeter buffer. The 2009 SDAP increased the buffer from 30' to 100' as shown on Exhibit 8 and 32. Condition 11 addresses the perimeter buffer.

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-Family Residence	Rural Protection
South	Single-Family Residence	Urban Low

East	Single-Family Residence	Urban Low/Commercial (owned by KRM Quarry)
West	Single-Family Residence	City of Bremerton/Rural Protection

Table 4 - Public Utilities and Services

	Provider
Water	Kitsap PUD
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sherriff
Fire	South Kitsap Fire & Rescue
School	South Kitsap School District

5. Access

Access to the site is off W Sherman Heights Road. This is a County maintained right of way.

6. Site Design

Site design is analyzed under Section 10, Planning/Zoning of this report.

7. Policies and Regulations Applicable to the Subject Proposal

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, adopted June 30, 2016.

The following Comprehensive Plan goals and policies are most relevant to this application:

Economic Development Goal 1.

Promote a healthy and diverse economy that provides for a strong and diverse tax base, encourages business formation, retention, and expansion; creates industrial and professional business and employment opportunities to attract new business to the County.

Economic Development Policy 1.

Kitsap County will work to invest adequate funding for long-term economic development. Seek a cooperative partnership among the County, cities, tribal governments, port and other local districts, the Kitsap Economic Development Alliance (KEDA), and the private sector, to share in the investments relating to industrial, commercial, and technology business retention, expansion, startup and recruitment activities. The partnership should encourage that each agency work to improve its business retention, expansion, startup and recruitment activities

Economic Development Policy 3.

Provide a diverse mix and appropriate range of commercial, industrial and business land uses that will encourage economic activity capable of providing living-wage jobs and reasonably scaled to the needs of the community

Economic Development Policy 7.

Encourage full utilization and development of industrially and commercially zoned areas.

Economic Development Policy 8.

Promote revitalization within existing developed industrial and commercial areas.

Economic Development Policy 10.

Develop standards for industrial and commercial development that identify appropriate site size for different types of areas, appropriate types of uses, and standards for design that encourage attractive and efficiently functioning areas.

The County's development regulations are contained within the Kitsap County Code.

The following development regulations are most relevant to this application:

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

8. Documents Consulted in the Analysis

A complete index of exhibits is in the project file. To date, the index to the record consists of 35 Exhibits.

Exhibit #	Document	Dated Accepted
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1	Project Application	8/28/19
2	Project Narrative	8/28/19
3	Authorization Form	8/28/19
4	Concurrency Test	8/28/19
5	Elevations & Floor Plans of Existing Buildings	8/28/19
6	Noise Study	8/28/19
7	Parking Analysis Worksheet	8/28/19
8	Reclamation Plans	8/28/19
9	Traffic Impact Analysis	8/28/19
10	Site Plan	8/28/19
11	SEPA Checklist	8/28/19
12	Wavier Submittal	8/28/19
13	Stormwater Worksheet	8/28/19
14	Subsurface Exploration Report	8/28/19
15	Visible Emissions Test Report	8/28/19
16	Notice of Application	09/16/19
17	Step Deficiency Report	10/23/19
18	Revised Project Narrative	11/04/19
19	Memo from Candy Vickery, Stormwater Review	01/28/2020
20	SEPA: Determination of Non-significance	01/31/2020
21	Resolution No. 302-1993, a resolution approving unclassified use permit for Sherman Heights Reclamation Project	02/06/2020
22	Staff Report to Hearing Examiner Permit #951109-091	02/06/2020
23	Hearing Examiner Decision, Permit #951109-091	02/06/2020
24	SDAP, Permit #05-30920 Acceptance Letter	02/06/2020
25	Notice of Public Hearing	2/12/2020
26	Zoning Map	2/13/2020
27	Critical Area Map	2/13/2020
28	Aquifer Recharge Area Map	2/13/2020
29	Comprehensive Plan Map	2/13/2020
30	Aerial Map	2/13/2020
31	Assessor Map	2/13/2020
32	Cross Sections and Buffers to Adjacent Property, SDAP 05-30920	02/14/2020
33	Staff Report	
34	Staff Presentation	
35	Hearing Sign-In Sheet	

9. Public Outreach and Comments

Staff had three requests to be on the interested party list. Neither party had any formal comment.

10. Analysis

a. Planning/Zoning

Kitsap County Code 21.04.175 addresses criteria for major revisions to project permit applications. While the proposal did not meet the specific criteria in this section, staff decided that a major revision was appropriate because the increase of the proposed depth would increase the mine volume 28% from the original approval. The 1996 approval allowed 1,000,000 cubic yards and the submitted proposal would increase the mine volume to 1,400,000. (Exhibit 18, page 2).

Kitsap County Code 17.170.030 Special standards or requirements for Mineral Resource Over (MRO):

A. All activities shall be consistent with all applicable Washington State surface mining permits and approvals.

Staff Comment: The applicant has obtained and currently maintains the following other State and Federal permits regulating quarry activities: NPDES Stormwater Permit, from Washington Department of Ecology; Surface Mine Reclamation Permit, from Washington Department of Natural Resources; Blasting Operations, from United State Bureau of Mines; Mine Operations, from United States Mine Safety and Health Administration; and Air Emissions Permit, from Puget Sound Clean Air Agency.

B. The director shall review all plans meeting the submittal requirements of Section 17.170.050 through a process consistent with Title 21.

Staff Comment: The applicant has provided plans meeting the submittal requirements.

C. Site area shall be in accordance with Chapter 17.420 and Section 17.420.052, Rural, resource, and urban residential zones density and dimensions table.

Staff Comment: The subject property is zoned Industrial which is not listed under Section 17.420.052. However, the subject meets the requirements of 17.420.054, Commercial, industrial, and parks zones density and dimensions table. Please see Table 1 of the staff report.

D. Lot width shall be in accordance with Chapter 17.420 and Section 17.420.052, Rural, resource, and urban residential zones density and dimensions table.

Staff Comment: Please see Table 1. The industrial zone does not have minimum lot width.

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

Staff Comment: Condition #30 requires fencing.

F. Berms. Berms of sufficient height, width, and mass to screen the site from adjacent land uses shall be provided to protect health, property and welfare. Suitable planting shall be determined by the director.

Staff Comment: Condition #5 of 1996 approval, Permit #951109-091, Exhibit 23 required a "minimum 25 ft perimeter buffer/quarry setback, be maintained from perimeter boundaries." It also stated, "a berm enhanced with conifers shall be maintained along Sherman Heights Road." According to Exhibit 18, Compliance Summary, the berm and 25' perimeter buffer have been completed and follow the original approval. Condition 12 requires that the existing berm be maintained.

G. Setbacks. 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, and to prevent water runoff or erosion of slopes and to provide adequate reclamation slopes per subsection (J) of this section.

Staff Comment: This requirement has been added as Condition 27.

H. Maximum Permissible Noise Levels. Maximum permissible noise levels shall be according to the provisions of the Kitsap County noise ordinance.

Staff Comment: There was a Noise Study submitted prepared by Ramboll US Corporation dated August 7, 2019 (Exhibit 6). The report concluded "the mine sound levels would be well below the applicable noise limits, and no substantial noise impacts are expected." Condition 13 requires the project to adhere to the submitted noise study and Kitsap County Code 10.28.

I. Hours of Operation. Hours of operation, unless otherwise authorized by the director, shall be between 7:00 a.m. and 6:00 p.m.

Staff Comment: Condition 7 states "Operation shall be from 7AM-6PM Monday through Saturday, crushing plant 8AM-2PM on Saturdays."

J. Slope. 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.

Staff Comment: The project has been conditioned to follow this standard, Condition 28.

K. Erosion Control. All disturbed areas, including faces of cut and fill slopes, shall be prepared and maintained to control erosion. This control may consist of plantings sufficient to stabilize the slope (as approved by the director).

Staff Comment: Condition #33 addresses erosion control.

L. Drainage. Provisions shall be made to:

1. Prevent any surface water or seepage from damaging the cut face of any excavations or the sloping face of a hill.
2. Drain any surface waters that are or might be concentrated as a result of a fill or excavation to a natural watercourse, or by other means approved by the department of public works director.
3. Prevent sediment from leaving the site in a manner which violates RCW 90.48.080 and/or WAC 173-201A-100.

Staff Comment: The project was review for stormwater elements are approved with 8 conditions.

M. Bench/Terrace. 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.

Staff Comment: Please see Condition 29.

N. Access Roads Maintenance. Access roads to mining and quarrying sites shall be maintained and located to the satisfaction of the director of public works, to minimize problems of dust, mud, and traffic circulation.

Staff Comment: All the access and internal roads are existing. There are no new proposed roads. Public Works has reviewed and approved the project with no conditions. Exhibit 18, page 4 describes previous traffic conditions that have been met.

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

Staff Comment: Condition 31 addresses overburden.

Prior approval details:

The original Conditional Use Permit for the site was issued in 1996 under Conditional Use Permit, Permit #951109-091 (Exhibit 23). Prior to this approval Resolution Number 302-1993 was issued (Exhibit 21). Approval allowed for a 64.43-acre site with a maximum depth elevation at 80.

SDAP Permit #05-030920 was approved by the Department of Community Development on September 8, 2009. The permit was issued on April 26, 2010 and expired on April 22, 2011. The project had a pre-construction meeting on April 27, 2010 then received no additional inspections. The resubmitted project narrative (Exhibit 18) argued that the SDAP could not receive a final. It states that KRM Quarry followed all applicable elements of the 1996 CUP and 2009 SDAP. Elements of the 2009 SDAP that have not been “finalized” are those aspects of the operation that cannot be completed until all mining on the site is done. Permits issued by other state and federal agencies provide additional and redundant requirements to those in the Kitsap County CUP and SDAP, and those permits require periodic monitoring, reporting and inspection thereby ensuring that conditions of approval are maintained consistent with permit requirements.

Submitted with the application are several special reports summarized below:

There was a Noise Study submitted prepared by Ramboll US Corporation dated August 7, 2019 (Exhibit 6). The report concluded “the mine sound levels would be well below the applicable noise limits, and no substantial noise impacts are expected.”

Another submitted report was an Emissions Compliance Study Basalt and Asphalt Crusher Plant Visible Emissions Test Report prepared by TRC Environmental Corporation dated July 2, 2018 (Exhibit 15). An emission compliance testing program was performed on May 8th and 9th 2018, at the Kitsap Reclamation Materials (KRM) Asphalt and Basalt Crusher facilities. Testing was performed to demonstrate compliance with the Subpart OOO NSPS standards and WA department of Ecology

Methods for visible emissions. The testing program was conducted according to the TRC Test Protocol dated April 12th, 2018. The test concluded that “no adverse test or environmental conditions were encountered during the conduct of this test program.”

A Subsurface Exploration Report was submitted prepared by Struck Environmental Inc dated June 2019 (Exhibit 14). The purpose of the report was to document subsurface conditions within the proposed expansion area including presence of mineral resources and presence/absence of groundwater. It concluded that “no significant groundwater was encountered during site exploration.”

b. Lighting

Kitsap County Code 17.105.110 requires that “not more than one-foot candle of illumination may leave the property boundaries.” Please see Condition 23.

c. Off-Street Parking

Kitsap County Code 17.490.030 does not have a parking standard for mines. However, under the "Industrial" sections of the parking table, Warehouse, Storage, and Wholesale Facilities was the closest related use. The standards for the other industrial uses did not seem applicable. Code requires 5 parking spaces and the site has 20 existing spaces.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Warehouse, Storage, and Wholesale Facilities	1 per 2 employees Site has 10 employees	5 required spaces	20 existing
Total		5	20

d. Signage

The application does not propose any signs. A separate sign permit will be required.

e. Landscaping

Condition #5 of 1996 approval, Permit #951109-091, Exhibit 23 required a "minimum 25 ft perimeter buffer/quarry setback, be maintained from perimeter boundaries." It also stated, "a berm enhanced with conifers shall be maintained along Sherman Heights Road." According to Exhibit 18, Compliance Summary, the berm and 25'

perimeter buffer have been completed and follow the original approval. Condition 12 requires the berm to remain and be maintained.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft.) 15% of Site	N/A	N/A
Required Buffer(s)	Varied Buffer per 2005 SDAP	Please see Condition 11
North	N/A	N/A
South	N/A	N/A
East	N/A	N/A
West	N/A	N/A
Street Trees	Not required	Not required

f. Frontage Improvements

Frontage improvements are not required for this revision.

g. Design Districts/Requirements

Project is not within a design district.

h. Development Engineering/Stormwater

Site Development Activity Permit #05-30920 has expired, due to inactivity; the determination of “inactivity” is based on the applicant failing to request required inspections in the time periods required by Kitsap County Code. The Department of Community Development recognizes that the remaining required inspections are related to the mine reclamation activities and are more appropriately required at the time of reclamation. The recognized long life of a mining project precludes the applicant’s ability to meet Code-driven inspection time periods. The project is conditioned for an additional Site Development Activity Permit at the time of reclamation. Please see Condition 32. Development Services and Engineering has reviewed the above land use proposal and finds the concept supportable in its approach to civil site development.

i. Environmental

The five wetlands are centered on the streams at the southwest corner of the site. All five wetlands are rated as Category III wetlands. Existing wetlands and streams are shown on the site plan Exhibit 10. The proposed increase of mining depth does not affect the existing critical areas. Conditions 40-43 address critical areas.

j. Access, Traffic and Roads

The project was review for access, traffic, and roads. The project was approved with two conditions (44 and 45).

k. Fire Safety

A fire review was completed and approved with no conditions.

l. Solid Waste

Department of Community Development staff determined no review was needed for this permit and there were no solid waste concerns.

m. Water/Sewer

The subject properties receive water through the City of Bremerton. Site is outside the service area for KCPW Sewer Utility Division.

n. Kitsap Public Health District

Kitsap County Health District reviewed and approved the project with no conditions.

11. Review Authority

The Hearing Examiner has review authority for this Conditional Use Permit application under KCC, Sections 17.550.020 and 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Hearing Examiner. The Hearing Examiner may approve, approve with conditions, or deny a Conditional Use Permit. The Hearing Examiner may also continue the hearing to allow for additional information necessary to make the proper decision. The powers of the Hearing Examiner are at KCC, Chapter 2.10.

12. Findings

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.
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.

13. Recommendation

Based upon the analysis above and the decision criteria found in KCC 17.550.030.A, the Department of Community Development recommends that the Condition Use Permit - Revision request for KRM Quarry be **approved**, subject to the following 46 conditions. Conditions listed in the 1996 approved not listed below have met permitting requirements.

a. 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.
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.

b. Development Engineering

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.

c. 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.

d. 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.

e. Fire Safety

No conditions were added for this approval.

f. Solid Waste

No conditions were added for this approval.

g. Kitsap Public Health District

46. Project shall adhere to call Heath District requirements.

Report prepared by:



Katharine Shaffer, Planner / Project Lead

February 20, 2020

Report approved by:



Shawn Alire, DSE Supervisor

February 20, 2020

Attachments:

Attachment A – Zoning Map

CC: Applicant/Owner email

Engineer or Project Representative email

Interested Parties:

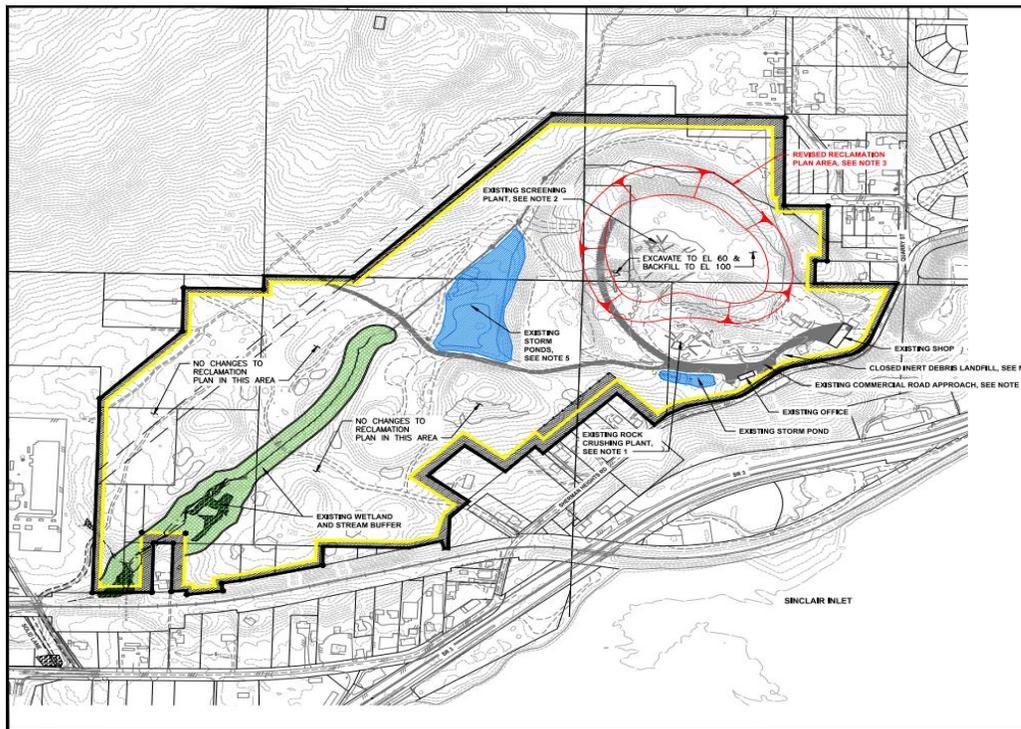
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Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Katharine Shaffer

Site Plan



DATE: August 2, 2019 FILE: P19040200-03001



Attachment A – Zoning Map

