



# Kitsap County Hearing Examiner

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PORT ORCHARD, WA 98366  
(360) 337-5777  
cblackburn@co.kitsap.wa.us

## NOTICE OF HEARING EXAMINER DECISION

September 22, 2015

To: Interested Parties and Parties of Record

RE: Project Name: Ueland Tree Farm Mineral Resources  
Applicant: Ueland Tree Farm, LLC  
6323 Pioneer Way East  
Puyallup, WA 98371  
Application: Conditional Use Permit Revision and SEPA Appeal  
Permit Number: 14 02844 and 15 03289

Enclosed is the Decision issued by the Kitsap County Hearing Examiner in the above-referenced matter.

The applicant is encouraged to review the Kitsap County Office of Hearing Examiner Rules of Procedure found at: [http://www.kitsapgov.com/dcd/lu\\_env/he/HE%20Rules%20for%20Kitsap%20County%20-%2006-23-09.pdf](http://www.kitsapgov.com/dcd/lu_env/he/HE%20Rules%20for%20Kitsap%20County%20-%2006-23-09.pdf)

The Decision of the Hearing Examiner is final, unless appealed, as provided under Washington law.

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 Constance Blackburn at [cblackburn@co.kitsap.wa.us](mailto:cblackburn@co.kitsap.wa.us) or (360) 337-5777.

Cc Applicant and/or Rep:

Mark Mauren: [Mauren.wa@gmail.com](mailto:Mauren.wa@gmail.com)

Craig Jones: [craigueland@comcast.net](mailto:craigueland@comcast.net)

Cc Interested Parties:

Jack Stanfill: [jackstanfill@hotmail.com](mailto:jackstanfill@hotmail.com)

Kim Adair: [onessyredhead@yahoo.com](mailto:onessyredhead@yahoo.com)

Jim Tucker: [war2hawk@comcast.net](mailto:war2hawk@comcast.net)

Deborah Feters: [deborahfeters@navy.mil](mailto:deborahfeters@navy.mil)

Kathy Stanfill: [kathystanfill@gmail.com](mailto:kathystanfill@gmail.com)

[bflaming@wavecable.com](mailto:bflaming@wavecable.com)

Ryan Vancil: [ryan@vancillaw.com](mailto:ryan@vancillaw.com)

Jeremy Downs: [jeremy@soundviewconsultants.com](mailto:jeremy@soundviewconsultants.com)

Brad Biggerstaff: [bradb@georesources.us](mailto:bradb@georesources.us)

Rick Cadwell: [rick@cadwell.biz](mailto:rick@cadwell.biz)

Bob Dollar: [bobbuck69@gmail.com](mailto:bobbuck69@gmail.com)

Brett Allen: [brett@contourpllc.com](mailto:brett@contourpllc.com)

Mark Jacobs: [jaketraffic@comcast.net](mailto:jaketraffic@comcast.net)

John and Roberta Mikesell: [mikesell@wavecable.com](mailto:mikesell@wavecable.com)

**BEFORE THE HEARING EXAMINER  
FOR KITSAP COUNTY**

In the Matter of the Appeal of	)	No. 15 03289
	)	No. 14 02844
	)	No. HEA-01-2015
	)	
<b>Chico Creek Task Force</b>	)	
	)	
Of the Ueland Tree Farm Mineral Resources Supplemental EIS	)	
	)	<b>Ueland Tree Farm Mineral Resources Development</b>
	)	
And the Application of	)	
	)	
<b>Mark Mauren, on behalf of Ueland Tree Farm, LLC</b>	)	
	)	
For Approval of Major Revisions to <u>a Conditional Use Permit</u>	)	<b>FINDINGS, CONCLUSIONS, AND DECISIONS</b>

**SUMMARY OF DECISIONS**

The appeal of Kitsap County’s Supplemental Environmental Impact Statement (SEIS) has been addressed through agreement of the parties to add additional conditions to the revised conditional use permit and, accordingly, is **DISMISSED**.

The request for major revisions to the previously approved conditional use permit (CUP) granted to Ueland Tree Farm (UTF), LLC, for the future development of sand, gravel, and basalt mines/quarries on approximately 118 acres of the 1,646-acre site, west of Bremerton and Kitsap Lake, in unincorporated Kitsap County, is **APPROVED**. Modification of the conditions of the original CUP is necessary to address specific impacts of the revised proposal.

**SUMMARY OF RECORD**

Background

In 2007, UTF applied for a CUP proposing development of two commercial sand and gravel mines<sup>1</sup> and three basalt quarries on its 1,646-acre property. Kitsap County (County) acted as

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<sup>1</sup> The proposal was later altered to eliminate one of the sand and gravel mines. Instead, UTF granted a conservation easement to the Mountaineers Foundation, creating approximately 100 acres of conservation areas to be preserved in perpetuity from development. *Exhibit B-26-8*.

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lead agency and analyzed the environmental impacts of the proposal, as required by the State Environmental Policy Act (SEPA), Chapter 43.21C RCW (Revised Code of Washington). After reviewing the Applicant's environmental checklist and other available information, the County determined that the proposal would likely have a significant impact on the environment, and issued a Determination of Significance and Scoping Notice for a Draft Environmental Impact Statement (DEIS) on June 23, 2008. *Exhibit B-26-8.*

After collecting written comments and holding a scoping meeting, the County issued the DEIS on February 27, 2009. The DEIS described the Proposed Development, a Reduced Scale Alternative, and a No Action Alternative, and analyzed the impacts of each alternative on geology and soils, air quality, surface water and wetlands, groundwater, vegetation and wildlife, noise and vibration, land use, transportation, aesthetic quality, cultural resources, recreation, public services and utilities, and cumulative impacts. The County issued its Final Environmental Impact Statement (FEIS) on August 25, 2009. *Exhibit B-26-8.*

The FEIS concluded that compliance with the 157 mitigation measures detailed in the FEIS, and compliance with applicable policies and regulations of the Kitsap County Code (KCC), would reduce nearly all impacts of the Proposed Development to levels of non-significance. These mitigation measures include: compliance with a Department of Natural Resources (DNR) Reclamation Permit, including conditions to limit landslide and erosion potential and surface water runoff; compliance with Puget Sound Clean Air Agency (PSCAA) and County dust control measures; best management practices (BMPs) to reduce vehicle emissions; site reclamation to reduce exposed areas; use of water sprays, enclosures, hoods, curtains, shrouds, moveable and telescoping chutes, and central duct collection systems to control concrete batch plant emissions; compliance with Department of Ecology (DOE) permitting requirements including stormwater and pollution prevention measures, wetland water level monitoring, and surface water flow monitoring in downstream locations; compliance with all Washington State Sand and Gravel Permit and Surface Mine Reclamation Permit requirements; and compliance with proposed traffic mitigation measures related to Northlake Way and Lebers Lane. After evaluating public comments on the FEIS, the County issued an Addendum on October 6, 2009. The Addendum contained information on Kitsap County bicycle routes, proposed modifications to reduce stormwater impacts, proposed mitigation for truck traffic hours of operation on school days, and a response to a DNR letter inadvertently omitted from the FEIS. *Exhibit B-26-8.*

Concerned Citizens of Chico Creek Water Basin filed an appeal of the FEIS on September 8, 2009, arguing that the FEIS failed to adequately analyze the environmental impacts of the Proposed Development as required by SEPA, specifically noting concerns over traffic, land use, and ecological impacts. Under former KCC 21.04.105.B, the Hearing Examiner consolidated review of the FEIS appeal with the hearing on the CUP application. The open record hearing for the SEPA appeal and CUP application began on November 9, 2009, and continued on December 10 and December 14, 2009, to allow additional testimony. *Exhibit B-26-8.*

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On March 15, 2010, the Hearing Examiner issued Findings, Conclusions, and Decisions. The Hearing Examiner concluded that the County did not err in analyzing the environmental impacts of the proposed Ueland Tree Farm Mineral Resource Development, as required by SEPA, and dismissed the appeal. The Hearing Examiner also concluded that, with approximately 160 conditions, the proposal would be consistent with the County Comprehensive Plan, applicable requirements of Title 17 KCC, and that the proposal would not be materially detrimental to uses or property in the immediate vicinity. The decision incorporated the SEPA FEIS conditions and added conditions specifically addressing mitigation of environmental impacts on traffic, land use, hydrology, stormwater, wildlife, critical areas, pedestrian and bicyclist safety, emissions, and noise and dust impacts. Following a request for reconsideration to clarify certain aspects of the decision, the Hearing Examiner issued Amended Findings, Conclusions, and Decisions on April 26, 2010. *Exhibit B-26-8.*

Concerned Citizens of Chico Creek Water Basin timely appealed the Hearing Examiner's denial of its SEPA challenge and approval of the CUP, under the Land Use Petition Act, Chapter 36.70C Revised Code of Washington (RCW), to the Kitsap County Superior Court. On October 14, 2010, the court entered a Stipulated Order dismissing the SEPA appeal with prejudice—a final judicial determination upholding the adequacy of the FEIS. On March 9, 2011, the court affirmed the Hearing Examiner's CUP decision, but required remand on a single issue. On March 24, 2011, the Hearing Examiner amended the final decision, adding an additional conclusion of law stating, in part, that “the proposal is compatible with and incorporates specific features and conditions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and immediate vicinity.” *Exhibit B-26-4.* No further appeals of the Hearing Examiner's decision occurred. *Exhibit B-26-8.*

On August 6, 2014, UTF submitted an application for a proposed Development Agreement with the County, seeking to implement its approved mineral resources CUP. Development agreements are authorized by RCW 36.70B.170 through .210 and KCC 21.04.220, and are intended to establish development standards and other provisions for the implementation of complex and long-range development projects. The proposed Development Agreement is premised upon implementation and full compliance with the approved CUP (and any future amendments to it) and its mitigation conditions, the Agreement itself, and all applicable federal, state, and local laws, regulations and required permits. On April 7, 2015, after holding an open record hearing on the proposed Development Agreement, the Hearing Examiner issued Findings, Conclusions, and a Recommendation to the Kitsap County Board of Commissioners recommending approval of the Development Agreement. On April 13, 2015, the Board of Commissioners accepted the Hearing Examiner's recommendation, and approved the Development Agreement. On May 29, 2015, the Board of Commissioners and UTF executed and recorded the Development Agreement. *Exhibit B-26-8; Exhibit B-26-9; Exhibit B-26-10.*

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### Summary of Current Proposal

As currently proposed in the existing CUP, a variety of trucks would be used to haul aggregate resources and products from the UTF project site to State Route 3 (SR-3) along a North Haul Route, travelling through residential neighborhoods along Lebers Lane NW, Northlake Way, and Chico Way. Subsequent to receiving approval of its CUP, UTF acquired ownership and/or access rights over private parcels necessary to facilitate development of a South Haul Route instead. The South Haul Route would traverse the UTF site, cross over a Department of Defense railroad, then continue over private, non-residential parcels to Werner Road—a primary arterial running through an area predominantly used for industrial and commercial purposes—before connecting to SR-3. The CUP revisions generally relate to relocating the approved haul route to the proposed South Haul Route. In addition, UTF seeks approval to move the location of accessory facilities, including a rock crushing and washing facility, concrete batch plant, and topsoil production facility, off-site to areas along the proposed South Haul Route already characterized by existing surface mines and processing facilities. The Chico Creek Task Force (CCTF) appealed the Supplemental EIS (SEIS) issued by the County for the revised proposal. *Exhibit 26; Exhibit 29, Staff Report, page 1; Project Application Appeal.*

#### Hearing Date:

The SEIS appeal was consolidated with a hearing on the CUP revisions application in a single open record hearing on August 27, 2015.<sup>2</sup> The appeal portion of the hearing was held first to receive testimony from the Appellant, the Applicant, and the County, followed by a hearing on the CUP revisions application.

#### Testimony:

The following individuals presented testimony under oath at the consolidated open record hearing:

##### *SEIS Appeal*

##### Appellant Witnesses:

Sarah Cooke, Wetlands Ecologist  
Jack Stanfill

##### Applicant Witnesses:

Molly Adolfson, Environmental Science Associates

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<sup>2</sup> Kitsap County Code (KCC) 21.04.105.B provides: “SEPA and the review of project permit applications shall be combined and integrated in all project permits that are not categorically exempt from SEPA or for which environmental review has not already been completed [in accord with KCC 21.04.105.B].” Similarly, RCW 43.21C.075(2)(a) provides: “Appeals [under SEPA, Chapter 43.21C RCW, shall be of the governmental action together with its accompanying environmental determinations.”

Jeremy Downs, Soundview Consultants  
Brett Allen, Contour Engineering  
Brad Biggerstaff, GeoResources, LLC

County Witnesses:

Sean Alire, County Development Service Supervisor  
Steve Heacock, County SEPA Responsible Official/Environmental Planner  
Dennis Oost, County Planner

Attorney Craig Jones represented the Applicant. Attorney Ryan Vancil represented the Appellant.

*Conditional Use Permit Application*

Rick Caldwell  
Jack Stanfill  
Dennis Oost, County Planner  
Mark Mauren, Applicant Representative  
Jeremy Downs, Soundview Consultants  
Brad Biggerstaff, GeoResources, LLC  
Brett Allen, Contour Engineering  
Mark Jacobs, Traffic Engineer

Attorney Craig Jones represented the Applicant.

Exhibits:

The following exhibits were admitted into the record:

See Attachment A for the Exhibit List and a list of Pleadings, Motions, and Orders submitted to the Hearing Examiner related to the SEIS appeal.

See Attachment B for the Exhibit List and a List of Pleadings and Orders submitted to the Hearing Examiner related to the CUP application.

The Hearing Examiner enters the following Findings and Conclusions based upon the testimony and exhibits admitted at the consolidated open record hearing:

**FINDINGS**

Application and Notice

1. Mark Mauren, on behalf of Ueland Tree Farm, LLC (Applicant), requests the following revisions to UTF's previously approved CUP: (1) changing the aggregate haul route to the proposed South Haul Route; (2) approval to relocate onsite accessory uses, including

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a crushing and washing facility, concrete batch plant, and topsoil production facility, from Gravel Mine A to appropriately zoned parcels off-site along the South Haul Route; (3) removing 10 parcels from the UTF Project Site that are either no longer involved with the UTF Project or were inadvertently included during the initial CUP process; (4) adding additional parcels to the UTF Project Site associated with the South Haul Route; and (5) modification or elimination of mitigation conditions associated with the North Haul Route and the onsite accessory uses.<sup>3</sup> Following development of the proposal, land uses on the subject property would consist of commercial forestry, mineral extraction, and outdoor recreation and hiking trails. *Exhibit 5; Exhibit 6; Exhibit 7; Exhibit 10; Exhibit 26; Exhibit 29, Staff Report, pages 1 to 3.*

2. The County determined the application to revise the approved CUP was complete on August 6, 2014. On February 24, 2015, the County mailed notice of the application—along with notice of the proposed Development Agreement between Kitsap County and UTF to implement the CUP—to the Applicant, Applicant Representative, property owners within 800 feet of the property, and interested parties and government agencies including, among others, the Washington State Department of Fish and Wildlife (WDFW), the Department of Ecology (DOE), the Department of Natural Resources (DNR), and area tribes. After determining that the proposed Development Agreement would be bifurcated from the proposal to revise the CUP, the County mailed a revised notice of the application on June 18, 2015, which also provided notice of the availability of the draft SEIS for the revised proposal. The County published notice of the application and draft SEIS in its publishing newspaper of record on June 23, 2015. On August 4, 2015, the County provided notice of the final SEIS. The next day, the County mailed notice of the open record hearing associated with the application to the Applicant, Applicant Representative, property owners within 800 feet of the property, and interested parties and government agencies, and published notice of the hearing in its publishing newspaper of record. On August 12, 2015, the County posted notice of the open record hearing on the property. *Exhibit 6; Exhibit 15; Exhibit 16; Exhibit 17; Exhibit 18; Exhibit 22; Exhibit 24; Exhibit 28.*

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<sup>3</sup> The properties now identified with the proposal are identified by Tax Parcel Nos. 072401-4-132-2003; 072401-4-104-2007; 072401-4-105-2006; 072401-4-141-2004; 182401-1-014-2009; 182401-1-015-2008; 182401-2-007-2006; 182401-1-013-2000; 182401-2-008-2005; 182401-3-001-2000; 182401-3-002-2009; 182401-3-009-2002; 182401-3-010-2009; 192401-2-003-2009; 192401-2-002-2000; 182401-3-010-2009; 192401-2-004-2008; 242401-1-008-1001; 192401-2-005-2007; 192401-2-011-2009; 192401-2-006-2006; 242401-4-005-1008; 192401-3-005-2005; 192401-3-004-2006; 192401-3-010-2008; 192401-2-011-2108; 242401-4-006-1007; 242401-4-008-1005; 242401-4-007-1006; 192401-1-012-2000; 192401-4-013-2003; 192401-4-014-2002; 192401-4-004-2004; 192401-4-012-2004; 192401-3-009-2001; 192401-4-009-2009. *Exhibit 31.* Exhibit 31 clearly explains which properties have been added or eliminated from the project site. A legal description of the subject property is included with the CUP application. *Exhibit 12.*



3. The County received public comments in response to its notice materials. Area residents John and Roberta Mikesell wrote expressing support for the CUP revisions, specifically commending UTF for considering public opposition to the North Haul Route and working to make the South Haul Route possible. Adjacent property owners Christopher and Meredith Hartman also wrote to express support for the revisions, noting that the proposed South Haul Route avoids impacts to residential areas and reduces safety concerns. *Exhibit 33.*
4. Chico Creek Task Force President Jack Stanfill also wrote the County, requesting that a letter he sent on March 18, 2015 (with 35 attachments) for consideration during the approval process of the Development Agreement between the County and UTF, be included in the record for the CUP revisions. The letter and attachments do not specifically address the proposed CUP revisions but, instead, detail perceived inadequacies in the previously concluded environmental review process for the project.<sup>4</sup> *Exhibit 25.*

#### State Environmental Policy Act Review and Appeal

5. The County acted as lead agency and analyzed the environmental impacts of the proposed CUP revisions, as required by the State Environmental Policy Act (SEPA), Chapter 43.21C RCW. The County determined that the proposed CUP revisions required additional SEPA evaluation. The County filed a Draft Supplemental EIS (DSEIS) with the Washington State Environmental Policy Act Register on June 19, 2015. The DSEIS addressed impacts to earth, surface and ground water, wetlands and wildlife, noise, land use, aesthetics, and traffic/transportation. The public comment period ended July 20, 2015, and the County received one comment letter—from Jack Stanfill. The County issued a Final SEIS (SEIS) on August 4, 2015, and provided responses to the comment letter as part of the SEIS. The SEIS contains Table 1-1 Summary of Impacts and Mitigation. *Exhibit B-26-1; Exhibit C-3; Exhibit C-4.*
6. The SEIS evaluates the existing conditions, proposed mitigation measures, and best management practices for the proposed access road. Mitigation measures were proposed to offset potential impacts to soils and geology; water resources, including wetlands; vegetation and wildlife; noise and vibration; land use; and transportation. No mitigation measures were proposed for aesthetic quality or cultural resources. *Exhibit C-4.*

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<sup>4</sup> Applicant Attorney Craig Jones submitted a motion in limine to exclude this exhibit (Exhibit 25) and any other exhibits or testimony directly or indirectly challenging the adequacy of the FEIS. In an oral ruling, the Hearing Examiner denied the motion at the open record hearing, specifically noting that motions in limine are disfavored in land use application hearings as they could have a chilling effect on public participation in the land use permitting process.

7. The Chico Creek Task Force (CCTF) appealed the County’s SEIS in an appeal dated and received August 18, 2015. The appeal statement identified the following issues for appeal:
- a. “The SEPA review for the Project failed to adequately analyze or mitigate for significant impacts to wetlands from the project.”
  - b. “The SEIS analysis for the newly proposed southern access road fails to take into account information concerning potential negative impacts to the environment that were identified in the original FEIS concerning a southern access road.”
- SEPA Appeal.*

*Appellant Testimony*

8. Wetlands Ecologist Sarah Cooke, Cooke Scientific, testified that the SEIS does not adequately address the following, as summarized below:
- The proposed buffer averaging mitigation to wetland buffers impacted from a south haul road is not sufficient, and additional wetland enhancement is needed;
  - SEIS Figure 1-3 shows the proposed south haul road crossing Kitsap Creek three times, while SEIS Figure 4-1 shows only two of the Kitsap Creek tributaries;
  - SEIS Figure 1-2’s proposed south haul road has a different alignment than shown in SEIS Figure 4-1.
  - SEIS Sec. 3.2.4 determined that warm summer temperatures are the primary water-quality issue in the general project vicinity and that increased instream water temperatures often result from removal of riparian vegetation and the presence of beaver dams, but no mitigation is proposed if riparian vegetation is removed.
  - Slope instability may result in erosion and sedimentation due to the proposed hairpin turn through the road cut shown on SEIS Figure 4-1.

*Testimony of Ms. Cooke.*

9. Jack Stanfill testified for the Appellant. He read into the record testimony from the Applicant’s traffic consultant presented during the 2010 CUP hearing regarding an alternative south access to Warner Road. The testimony concerned two south access options and determined that both of these options would result in extensive environmental impacts to streams, wetlands, wildlife corridors, the Bremerton watershed, and construction in extremely steep slope areas. Mr. Stanfill testified that the 2009 FEIS (Appendix B, page 5) opines that a south access road would have a greater environmental impact than a northern route. He testified that during the initial CUP hearing he supported a south access road but not the South Haul Route, as currently proposed.

*Testimony of Mr. Stanfill.*

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*Applicant Testimony*

10. Molly Adolfson, EIS Project Manager, testified that she agrees that SEIS Figures 1-3, Proposed Access Road Overview, and 4-1, Wetlands, are not consistent, but Figure 4-1 was used to depict wetland impacts. Jeremy Downs, Soundview Consultants, testified that a mitigation plan was prepared (Chapter 5 of the Habitat Management Plan, Exhibit 14) that addresses removal of riparian vegetation. He testified that the “third” stream depicted in Figure 1-3 was a swale along the existing quarry and not a stream. He testified that mitigation conditions in the Habitat Management Plan are part of the CUP mitigation conditions. Brett Allen, Contour Engineering, testified that the road alignment shown on Figure 1-3 is outdated and Figure 4-1 is more accurate. He testified that mitigation would be identified at time of final road design and would follow Kitsap County Road Standards and stormwater requirements, even though it is a private road, so there would be no additional environmental impacts. Brad Biggerstaff, GeoResources, LLC, testified that Appendix A, May 2, 2014, identified best management practices (BMPs) that would address erosion concerns. *Testimony of Ms. Adolfson, Mr. Downs, Mr. Allen, and Mr. Biggerstaff.*

*County Testimony*

11. Sean Alire, County Development Services Supervisor, testified that, because the proposed roads are private, internal roads, they do not need to meet County road standards. Most applicable road standards are those for emergency vehicles, including weight, grading, and stormwater drainage. Steve Heacock, Environmental Planner, testified concerning the procedural steps the County took regarding issuance of the SEIS. Steve Oost, County Planner, testified that the Fire Marshal reviewed the road design in the preliminary site plan. *Testimony of Mr. Alire, Mr. Heacock, and Mr. Oost.*

*Agreement of the Parties*

12. The parties agreed to address the issues raised in the SEPA SEIS appeal by submitting additional conditions to mitigate for wetland impacts due to the proposed south haul road as well as an Errata Sheet and substitution maps for Figures 1-2, 1-3, 1-4, 6-1, and 6-2 of the SEIS by September 4, 2015. Agreed upon conditions 138 through 145 address and resolve the SEPA appeal. *Response to Post-Hearing Order.*

Conditional Use Permit Revisions

*Proposal*

13. UTF spent several years acquiring ownership and access rights over private parcels necessary to facilitate development of a South Haul Route. Having accomplished this, UTF proposes modifying the approved CUP to reroute the transportation of rock and aggregate materials from the proposed North Haul Route involving Lebers Lane, Grover Lane, and Northlake Way, to the proposed South Haul Route from UTF to Werner Road. In conjunction with the road change, UTF seeks to modify the approved CUP by

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removing 10 parcels from the UTF project site that are either no longer involved or were inadvertently included previously and adding six additional parcels to the project site associated with the South Haul Route. UTF also seeks approval to move the location of accessory facilities, including a rock crushing and washing facility, concrete batch plant, and topsoil production facility, off-site to areas along the proposed South Haul Route already characterized by existing surface mines and processing facilities. Finally, UTF seeks to modify or eliminate CUP approval conditions associated with the North Haul Route and accessory facilities. *Exhibit 19; Exhibit 23; Exhibit 26; Exhibit 29, Staff Report, page 1.*

*Comprehensive Plan and Zoning*

14. A portion of the property is designated Rural Wooded (RW) by the County Comprehensive Plan and zoning ordinances, and a portion is designated Forest Resources Lands (FRL). *Kitsap County Comprehensive Plan, Land Use Plan Map – South, (December 2006).* The RW designation is applied to larger parcels of land in contiguous blocks that are forested in character, that have been actively managed for forestry and harvested, and that may be currently taxed as timber lands under state and County programs. The FRL designation focuses on lands that have commercial forestry resources and is intended to help keep these lands available for commercially significant resource production and to help maintain these sectors of the local economy. *Kitsap County Comprehensive Plan, Rural and Resource Lands Element, (December 2006); Exhibit B-26-8.*
15. The Hearing Examiner considered the proposal’s consistency with the Comprehensive Plan during the CUP approval process. Specifically, the Hearing Examiner’s 2010 decision states,

A portion of the subject property is designated Rural Wooded (RW) by the County Comprehensive Plan, and the remainder designated Forest Resource Lands (FRL) by the Comprehensive Plan. Consistent with the RW designation, the subject property has been historically managed for forestry. Under the development proposal, mining development on the subject property would be segmented and incremental. Only approximately 10 acres at one quarry and 10 acres at one mine within the subject property would contain active mining at any given time... The approximately 10-acre sites would be reclaimed and replanted to promote reforestation following the end of mining operations. Reclaimed sites would continue to operate as commercial forest lands, consistent with the FRL designation. A new active site would not be opened until reclamation on the former mine site is completed. Thus, the subject property would remain in large, contiguous blocks of forest lands,

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consistent with the RW designation. Consistent with the Comprehensive Plan goals for the FRL designation, mineral extraction operations would be located on the subject property.

*Exhibit B-26-1.*

16. The proposed CUP revisions would not affect the Comprehensive Plan or zoning designations associated with the property or affect the proposal itself: the proposal would still involve development and operation of sand and gravel mines and basalt quarries within the UTF project site, consistent with the Comprehensive Plan Goals and Policies associated with the RW and FRL designations. Relocation of the haul road would facilitate these activities. Accessory uses are ancillary to the mining operation, and moving them off-site would have no adverse impacts on the proposal. *Exhibit 26.*

#### *Access and Traffic Impacts*

17. The South Haul Route would be approximately 3 miles long and utilize, in part, an existing historic timber hauling roadway on the UTF property. UTF has obtained approval from the City of Bremerton for a roadway connection extending from UTF to Werner Road. The route would traverse the UTF project site, cross a railroad owned by the United States Department of Defense (DoD), then continue over private parcels to Werner Road and then along a direct route for approximately 1.3 miles to SR-3. This route would involve approximately 3,600 linear feet of new gravel road construction to County and DNR standards and 1,000 linear feet of other road improvements. The new roadway area would be 25 feet in width, accounting for stormwater improvements, while the road itself would be 15 feet wide. There are restrictive culverts in two on-site streams (Drainages X and W). These culverts would be removed, and crossing areas would be replaced during road construction with appropriately sized fish-passage culverts. Management of stormwater and runoff from the South Haul Route would be in accordance with County stormwater regulations, including installation of low impact design rain gardens for natural dispersion, a stormwater detention and water-quality facility, and three bioretention facilities. *Exhibit 2; Exhibit 4; Exhibit 8; Exhibit 14; Exhibit 19; Exhibit 23 Exhibit 26.*
18. UTF submitted a traffic study evaluating impacts from the South Haul Route. The study included daily trips associated with the UTF proposal and the Kitsap Quarry, which is located along the South Haul Route. The study determined that development would lead to 226 combined daily trips, which represented approximately 8 percent of the existing traffic along Werner Road and less than 2 percent of the road's capacity. The study determined that the South Haul Route would have no impacts to level of service standards in the area. The Department of Transportation reviewed the proposal and determined that it would not cause significant impacts to the state highway system. *Exhibit 4; Exhibit 23; Exhibit 26.*

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19. The South Haul Route provides more direct access to SR-3; primarily traverses private, undeveloped property or property developed with commercial and industrial uses; and avoids traffic impacts to roadways serving residential neighborhoods. The CUP revisions would account for these reduced impacts. *Exhibit 26.*

*Critical Areas*

20. The primary topographic features along the South Haul Route are steep hillsides on the western side of the Kitsap Creek valley site. The stability of the hillside, especially the cut and fill slopes along the road alignment, is the primary long-term potential impact from the proposed road realignment. GeoResources prepared a Geologic and Hydrogeologic Report, however, that determined there is no evidence of significant erosion or slope instability along the route, and if a Stormwater Pollution Prevent Plan and the Best Management Practices as described in the County's 2010 Stormwater Manual are utilized, no change in the risk of erosion or slope instability at the site or on adjacent areas is expected. *Exhibit 11; Exhibit 14 Exhibit 19; Exhibit 23.*
21. The proposed access road would wind down a steep slope to connect the UTF site to the Kitsap Quarry haul road to the east. There are four small streams in the vicinity of the project area, all tributary to Kitsap Creek/Lake. Two Type F streams (Drainage W and Kitsap Creek/Drainage X) intersect the proposed road. Both streams are relatively small, with active channels less than three feet wide, and both existing roadbed crossings would be upgraded during construction. Field surveys revealed four wetlands directly adjacent to the proposed access road:
- Wetland K/L, a Category III depressional wetland complex south of the proposed road;
  - Wetland J, a Category III depressional wetland directly south of the proposed road alignment;
  - Wetland H, a Category IV wetland occurring along Drainage W;
  - Wetland E, a Category III wetland receiving surface drainage from Kitsap Creek, downgradient from the proposed road.
- Exhibit 11; Exhibit 12; Exhibit 13; Exhibit 14; Exhibit 23.*
22. As configured, the road would be aligned to avoid directly impacting any of these wetlands. The proposed road would be designed to comply with all applicable regulations related to wetlands and wetland buffering. There are restrictive culverts in two on-site streams (Drainages X and W). These culverts would be removed, and crossing areas would be replaced during road construction with appropriately sized fish-passage culverts as outlined in WDFW's guidelines. *Exhibit 8; Exhibit 11; Exhibit 14; Exhibit 23.*

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*Testimony*

23. Area resident Rick Caldwell testified that he lives in the area and often uses the trails throughout UTF. He noted that a lot of his neighbors were concerned about truck traffic associated with the North Haul Route, and he appreciates that developing/using the South Haul Route would reduce noise, traffic, and safety concerns. Accordingly, he supports the CUP revisions. *Testimony of Mr. Caldwell.*
24. Jack Stanfill testified in opposition to the proposal. He would like to see a way for the property to be developed that more fully accounts for environmental impacts to the UTF site. *Testimony of Mr. Stanfill.*
25. Applicant Representative Mark Mauren testified that he began managing UTF after retiring from DNR. He explained that, when UTF first sought its CUP for the proposal, it did not have “on the ground” studies related to the South Haul Route or necessary access to parcels between UTF and Werner Road so it was unclear how feasible a south haul option would actually be. Since receiving CUP approval, however, UTF acquired the necessary parcels and access rights. In addition, Mr. Mauren testified that he walked the site and found a specific alignment that would allow crossing over the DoD railroad track, minimize impacts to natural resources, and provide for a road grade no greater than 12 percent. Accordingly, despite its CUP approval and its ability to move forward with the less popular North Haul Route, UTF moved forward with the South Haul Route in an effort to be a good area neighbor. *Testimony of Mr. Mauren.*
26. Jeremy Downs, Soundview Consultants, testified that, during the feasibility analysis of the South Haul Route using GIS data and aerial photos, the entire area appeared to be encumbered with wetlands. But site analysis on the ground allowed for exact delineation of wetland boundaries and verification that the South Haul Route could be developed without any direct wetland impacts. Mr. Downs noted that the Applicant’s Habitat Management Plan, which addresses wetland buffer mitigation and planting, goes above and beyond what would be required by the Kitsap County Code. He explained, however, that the most important mitigation measure employed is avoidance of impacts by using an existing road alignment and replacing outdated culverts with modern, fish-friendly culverts. *Testimony of Mr. Downs.*
27. Brad Biggerstaff, GeoResources, LLC, testified that there are existing timber roads in the steep slope areas nearby. The South Haul Route would be constructed in a similar manner and slope stability would not be an issue. He noted that the Applicant would voluntarily comply with County road standards and keep the road at less than 12 percent grade, despite the fact that the road would be private. *Testimony of Mr. Biggerstaff.*

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28. Brett Allen, Contour Engineering, testified that road and stormwater facilities would be designed to County code requirements and that the SEIS includes specific mitigation measures that must be adhered to for road construction/development. *Testimony of Mr. Allen.*
29. Traffic Engineer Mark Jacobs testified that the Applicant now owns the Kitsap Quarry site, so the proposal makes a lot of sense: it moves trucking away from residential areas to industrial areas, reduces vehicle miles, reduces wear and tear on publicly owned roads, and is more compatible with surrounding properties. *Testimony of Mr. Jacobs.*

*County Staff Recommendation and Applicant Response*

30. County Planner Dennis Oost testified that County Development Engineering staff reviewed the proposed revisions and found the concept supportable in its approach to civil site development. Staff recommends approval of the revisions and modification of the CUP's original approval conditions to reflect changes to the proposal. Mr. Mauren testified that the Applicant agrees with the County staff's recommendation and modified approval conditions. *Testimony of Mr. Oost; Testimony of Mr. Mauren.*

**CONCLUSIONS**

Jurisdiction

The Kitsap County Hearing Examiner has authority to hear and decide an administrative appeal of an environmental impact statement (EIS) and CUP major revisions. *Kitsap County Code (KCC) 2.10.070; KCC 18.04.210; KCC Table 21.04.100.*

As provided in KCC 21.04.290, an appeal shall be consolidated with a hearing or appeal on the underlying governmental action in a single hearing before the hearing examiner. *KCC 2.10.070; KCC 17.421.020.A; KCC Table 21.04.100; KCC 21.04.080.* Thus, the Hearing Examiner must hear and decide the SEIS administrative appeal together with the CUP revision.

Criteria for Review

*SEPA Appeal*

The State Environmental Policy Act (Chapter 43.21C RCW or "SEPA") specifies the environmental review procedures the County must follow for proposals that may have an impact on the environment. The primary purpose of the act is to ensure that "presently unquantified environmental amenities and values will be given appropriate consideration in decisionmaking along with economic and technical considerations." *RCW 43.21C.030(b).* Every proposal that may impact the environment must undergo some level of environmental review.

WAC 197-11-640 dictates that the SEPA process be combined with the existing planning, review, and project approval processes being used by each agency with jurisdiction over a land use proposal. In addition, when environmental documents are required, they "shall accompany a

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proposal through the existing agency review processes” and “any environmental document in compliance with SEPA may be combined with any other agency documents to reduce duplication and paperwork and improve decision making.” WAC 197-11-640. If there are substantial changes to a proposal so that it is likely to have significant adverse environmental impacts, a supplemental EIS is appropriate. WAC 197-11-600(4).

A Supplemental EIS shall be prepared in the same way as a draft and final EIS (WAC 197-11-400 to -600), except that scoping is optional. The SEIS should not include analysis of actions, alternatives, or impacts that is in the previously prepared EIS. WAC 197-11-620(1). Notice for and circulation of draft and final SEISs shall be done in the same manner as other draft and final EISs. WAC 19-11-502(8)(a).

The Hearing Examiner determines EIS adequacy under SEPA as a question of law subject to de novo review. *King County v. Central Puget Sound Growth Management Hearings Board*, 138 Wn.2d 161 (1999). EIS adequacy is determined according to the rule of reason, which requires the EIS to contain a “reasonably thorough discussion of the significant aspects of the probable environmental consequences.” *King County* at 182.

The County may attach conditions to a permit or approval for a proposal under SEPA so long as: such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents issued under Chapter 18.04 KCC; such conditions are in writing; the mitigation measures included in such conditions are reasonable and capable of being accomplished; the County has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and such conditions are based on one or more policies set forth in KCC 18.04.200.D and cited in the County’s decision document. *KCC 18.04.200.B*. When the decision maker imposes mitigation measures as part of an EIS, this does not necessarily mean that unmitigated impacts no longer exist or will be totally eradicated by mitigation, but merely that as mitigated, the project as a whole is acceptable. *Victoria Tower Partnership v. City of Seattle*, 59 Wn.App. 592 (Div. I, 1990).

#### *Conditional Use Permit*

The Hearing Examiner may approve, approve with conditions, or deny a conditional use permit. Approval or approval with conditions may be granted only when all the following criteria are met:

1. The proposal is consistent with the Comprehensive Plan;
2. The proposal complies with the applicable requirements of this title;
3. The proposal will not be materially detrimental to uses or property in the immediate vicinity; and

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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.

As a condition of approval, the Hearing Examiner may:

1. Increase requirements in the standards, criteria, or policies established by this title;
2. Stipulate the exact location as a means of minimizing hazards to life, limb, property damage, erosion, landslides, or traffic;
3. Require structural features or equipment essential to serve the same purpose set forth in Chapter 17.382;
4. Include requirements to improve parity with other uses permitted in the same zone protecting them from nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards, and similar matters. The Hearing Examiner may not in connection with action on a conditional use permit, reduce the requirements specified by this title as pertaining to any use nor otherwise reduce the requirements of this title in matters for which a variance is the remedy provided;
5. Assure that the degree of compatibility with the purpose of this title shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses, within the general area in which the use is proposed to be located;
6. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors, and hazard or public need;
7. Require the posting of construction and maintenance bonds or other security sufficient to secure to the county the estimated cost of construction and/or installation and maintenance of required improvements; and
8. Impose any requirement that will protect the public health, safety, and welfare.

If the approval criteria are not met or conditions cannot be imposed to ensure compliance with the approval criteria, the conditional use permit shall be denied.

*KCC 17.421.030.*

The criteria for review adopted by the Kitsap County Board of County Commissioners are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with County development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

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## Conclusions Based on Findings

### *SEPA Appeal*

1. **In response to the Hearing Examiner's Post-Hearing Order, the County, the Applicant, and the Appellant agreed that additional CUP revision Conditions Nos. 138 to 145 would mitigate for the construction and operation of the South Access Route and relocation of accessory uses.** Because the County, Applicant, and Appellant agreed to additional CUP revision conditions, the SEIS addresses and mitigates otherwise probable significant adverse impacts of the proposed CUP revisions, as required by the State Environmental Policy Act (SEPA). *Findings 5 – 12.*

### *Conditional Use Permit Revisions*

2. **With conditions, the revised conditional use permit would remain consistent with the Comprehensive Plan.** A portion of the subject property is designated Rural Wooded (RW) by the County Comprehensive Plan, and the remainder designated Forest Resource Lands (FRL) by the Comprehensive Plan. Consistent with these designations, the subject property has been historically managed for forestry and natural resource development. The proposed CUP revisions would not alter the actual use of the site: relocation of the aggregate haul road to the South Haul Route is ancillary and would support the proposed use of the site for resource extraction. Relocation of the accessory uses, deleting parcels from the UTF project site that are no longer involved with development or were inadvertently included before, and adding parcels for inclusion over which the South Haul Route traverses would not impact the proposal's consistency with the Comprehensive Plan. It is necessary to update the original approval conditions of the CUP to reflect the proposed modifications. *Findings 1 – 30.*
3. **The proposed revisions would comply with the applicable requirements of Title 17 KCC.** The County gave adequate notice and reasonable opportunity to comment on the CUP application revisions. The County analyzed the environmental impacts of the proposal, as required under SEPA, and determined that proposed CUP revisions required additional SEPA evaluation. The County filed a Draft Supplemental EIS (DSEIS) with the Washington State Environmental Policy Act Register on June 19, 2015. The DSEIS addressed impacts to earth, surface and ground water, wetlands and wildlife, noise, land use, aesthetics, and traffic/transportation. The public comment period ended July 20, 2015, and the County received one comment letter. The County issued a Final SEIS (SEIS) on August 4, 2015, and provided responses to the comment letter as part of the SEIS. Moving the haul route to the south and moving accessory uses off-site would reduce impacts of the proposal. *Findings 1 – 30.*
4. **With conditions, the proposed revisions would not be materially detrimental to uses or property in the immediate vicinity.** A variety of trucks would be used to haul

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mining product from the property. The revisions would allow for these trucks—and the associated noise, dust, emissions, and traffic impacts—to be routed away from residential areas to industrial and commercial areas to the south, a positive change for other properties in the immediate vicinity. The same is true of moving the accessory uses off-site as these facilities, including a rock crushing and washing facility, concrete batch plant, and topsoil production facility, would be more appropriately sited along the proposed South Haul Route which is already characterized by existing surface mines and processing facilities. Mitigation conditions imposed under SEPA have mitigated otherwise significant probable adverse environmental impacts below the level of significance. Additional conditions of CUP approval are necessary to ensure that the proposed development complies with the protections, for communities and the environment, against material detriment, established within policies and standards set forth in state law and the County Code. *Findings 1 – 30.*

- 5. The proposed revisions would be compatible with, and incorporate specific features and conditions that ensure the use responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.** The Applicant would prepare a Stormwater Pollution Prevention Plan to address stormwater impacts from the proposed revisions. The Applicant has already prepared a detailed Habitat Management Plan that addresses impacts to the existing character, appearance, and physical characteristics of the subject property and immediate vicinity. The Applicant (along with the County and Appellant), agreed to specifically delineate the details of the Habitat Management Plan as additional approval conditions of the CUP. *Findings 1 – 30.*

### **DECISIONS**

Based upon the preceding Findings and Conclusions, the Appellant’s State Environmental Policy Act (SEPA) appeal of Kitsap County’s Supplemental Environmental Impact Statement is addressed by CUP Conditions 138 to 145 agreed to by the parties and, accordingly, is **DISMISSED**.

Based upon the preceding Findings and Conclusions, the request for major revisions to the previously approved conditional use permit (CUP) granted to Ueland Tree Farm (UTF), LLC, for the future development of sand, gravel, and basalt mines/quarries on approximately 118 acres of the 1,646-acre site, west of Bremerton and Kitsap Lake, in unincorporated Kitsap County, is **APPROVED**. The conditions of the original CUP shall be modified, including elimination of conditions no longer applicable due to the change in access route, relocation of accessory uses, and the addition of new conditions from the evaluation in the SEIS, as follows:

1. Adoption and compliance with all proposed project mitigations and Best Management Practices (BMPs) outlined in the Draft EIS (DEIS), dated February 2009, (Exhibit 73) for

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the proposed Development Alternative and FSEIS dated August 5, 2015 for the modified Development Alternative.

2. The above mitigations are henceforth adopted as conditions of the CUP; provided, however, that if the aggregate haul route is relocated from Lebers Lane to Werner Road, any mitigation conditions specifically relating to the Lebers Lane haul route shall no longer be applicable; and in the event that the accessory uses are relocated to off-site appropriately zoned parcel(s) along the South Haul Route, this mitigation condition will no longer be applicable to the UTF Project Site.
3. No surface water features will be constructed above the bedrock slopes around the perimeter of the mine limits during mining or reclamation activities to avoid recharging potential planes of weakness in the rock slopes.
4. During reclamation, the final bedrock slopes will be buttressed with fill material. The fill will be compacted following the earth embankment standards outlined in WSDOT's Standard Specifications (2000). Wet or saturated soils will be dried prior to placement in structural fills. No oversize organic material or concrete debris will be used in the backfill material.
5. Movement of rock will occur during blasting. Any debris from block failures in the interior portion of the highwall during mining would be contained on-site and collected for processing.
6. The reclamation fill soils will be placed at relatively low gradients, and the risk of erosion is considered low. Stormwater runoff from the reclaimed pit will be directed to the proposed sediment ponds.
7. Stormwater runoff from the bedrock mine area shall not be directed to sloping areas or allowed to randomly discharge on the site. Stormwater or intercepted groundwater seepages within the bedrock shall discharge into riprapped drainage ditches that empty into the approved sedimentation ponds.
8. To reduce the risk of surface water runoff on the fill slopes triggering erosion and sediment transport, it is required that the fill slopes be constructed with a minimum 5-foot wide bench every 25 vertical feet where slopes exceed (2H,1V). The bench will reduce surface water runoff velocities and the risk of rill and channel erosion. The benches shall be backsloped into the hillside. Runoff from the benches shall be directed to the proposed sediment pond or the proposed surface water depressions.

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9. Source control mitigation measures for reclaimed fill slopes shall include the proper placement of hydroseeding and straw mulch (tacked down). In addition, prior to revegetation of the fill soil, the slopes shall be trackwalked (up and down) in order to roughen the ground surface and reduce runoff velocities.
10. If unfavorable slope conditions are identified during mining, appropriate mitigation measures shall be implemented to reduce the risk of potential block failures in the mine buffer areas. The mitigation measures may include, but are not limited to, decreasing bedrock slope gradients, increasing buffers, backfilling slopes, changing the quarry face orientation, modifying blasting techniques, or using artificial reinforcements, such as rock bolts and/or mesh. The mitigation measure(s) chosen would be dependent on site-specific conditions, such as bedding, fault, and/or joint pattern orientation, and would be determined during mining as necessary.
11. Berms will be constructed atop the rock faces to reduce the risk of surface water flowing over the face and transporting sediment.
12. During mining, stormwater would be directed into a multi-cell pond system. All of the stormwater would be treated and discharged in accordance with the NPDES/Stormwater Discharge Permit issued for the site. Sediment from the quarry area will be intercepted by these ponds, and the risk of offsite sediment transport hazards is considered low. As part of reclamation, stormwater ponds shall be regraded, planted and converted into wetland type features that provide habitat and flow attenuation benefits.
13. Overburden soils shall be placed during the reclamation phase and will cover a portion of the bedrock faces created during mining. Slope gradient and vegetation shall control the amount of erosion on the fill soil surface. In general, steep slopes on non-bedrock material can have a high susceptibility to erosion as surface water on steep slopes has the capability of achieving higher velocities than on shallow slopes, and hence, more energy is available to erode and transport sediments. Vegetation would reduce the potential development of concentrated flows by dispersing rainfall, impeding surface water flow, and reducing surface water velocities. The proposed fill soils are considered to have moderate erosion hazard risk since the proposed reclaimed slope gradients will be relatively gentle (2H:1V). In order to reduce the risk of onsite erosion, mitigation measures shall be implemented during and after fill placement in accordance with the Stormwater Pollution Prevention Plan (SWPPP).
14. In addition to those measures listed for specific aspects of the operation, the following BMPs shall be used to control air quality impacts from site development: Maintaining construction vehicles and equipment in good mechanical condition to minimize exhaust fumes; requiring appropriate emission control devices (e.g., catalytic converters or

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particulate 15 traps) on all construction equipment powered by gasoline or diesel fuel would reduce the emissions in vehicle exhaust; shutting off engines and equipment not in use; routing and scheduling construction trucks to reduce delays to traffic during peak travel times would reduce secondary air quality effects caused by a reduction in traffic speeds while waiting for construction trucks; and providing wheel washes near the site exit to reduce particulate matter that vehicles would otherwise carry off-site would decrease deposition of particulate matter on surrounding roadways.

15. Emissions from the sand and gravel operation are primarily in the form of fugitive dust, and control techniques applicable to fugitive dust sources will be used as appropriate. Successful control techniques used for conveyors include covering and wet suppression; for storage piles, wet suppression, windbreaks, enclosure, and soil stabilizers; for conveyor and batch transfer points, wet suppression and various methods to reduce freefall distances (e.g., telescopic chutes, stone ladders, and hinged boom stacker conveyors); and for screening and other size classification, covering and wet suppression.
16. Wet suppression techniques shall include application of water, chemicals, and/or foam at crusher or conveyor feed and discharge points. Such spray systems at transfer points and on material handling operations have been estimated to reduce emissions from 70 to 95 percent (EPA, 1995). Spray systems can also reduce loading and wind erosion emissions from storage piles of various materials from 80 to 90 percent.
17. All dust suppression techniques, including use of chemical suppressants, shall be implemented in accordance with BMPs described in the Stormwater Management Manual for Western Washington (Ecology, 2005). Dust suppressants change the physical properties of the soil surface by coating and bounding soil particles together, making them heavier and less likely to be released to the atmosphere. Some of the most commonly used dust suppressants that may be used at the UTF site include: water (fresh or seawater); salts and brines (calcium chloride and magnesium chloride); petroleum based organics (asphalt emulsion); non-petroleum based organics (vegetable oil, molasses, and ligninsulfonate); synthetic polymers (polyvinyl acetate and vinyl acrylic); and clay additives (bentonite).
18. In addition to fugitive dust control techniques, the facility may also use add-on control devices to reduce emissions of PM and PM10 from sand and gravel processing operations if necessary. Controls may include cyclones, wet scrubbers, venturi scrubbers, and fabric filters. These controls will be implemented if emissions result in significant offsite impacts (see Monitoring Plan, below).
19. The project will obtain all necessary air quality permits from Puget Sound Clean Air Agency (PSCAA), for which they must first demonstrate that the proposed project will

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comply with all local, state, and federal regulations, including the NAAQS for PM10 and PM2.5. These standards have been established with a margin of safety to protect even sensitive public areas, such as nearby residences and school bus stops. Additional fugitive dust controls will be evaluated during any air quality permitting process with PSCAA. These controls, in conjunction with regulatory oversight by PSCAA, will ensure that harmful levels of fugitive dust will not leave the project site.

20. The moisture content of the material processed can have a substantial effect on emissions. This effect is evident throughout the processing operations. The plants at the site shall be designed to use wet suppression systems (spray nozzles) to maintain relatively high material moisture contents to effectively control PM emissions throughout the process.
21. Types of controls used shall include water sprays, enclosures, hoods, curtains, shrouds, movable and telescoping chutes, and central duct collection systems. A major source of potential emissions, resuspension of potential pollutants that have settled to the ground by the movement of heavy trucks in and around the plant, will be controlled by road maintenance and wetting of the road surface. In addition to the BMPs used for dust suppression throughout the project site, additional measures may be required as conditions of the air quality permitting process.
22. Because of the importance of the silt loading, control techniques for paved roads either prevent material from being deposited onto the surface (preventive controls) or remove any material that has been deposited (mitigative controls). The project shall be designed to use preventive controls such as covering of loads in trucks and preventing trucks from tracking materials onto paved roads. Mitigation will include using vacuum and wet broom sweeping.
23. Options for controlling emissions from unpaved roads fall into the following three groupings: vehicle restrictions that limit the speed of vehicles on the road; surface improvement by adding gravel to a dirt road; and surface treatment, such as wet suppression techniques and chemical dust suppressants.
24. Vehicle restrictions limit the amount and type of traffic present on the road or to lower the mean vehicle speed. Surface improvements alter the road surface. As opposed to the “surface treatments” discussed below, improvements are relatively “permanent” and do not require periodic re-treatment. Control plans shall include regular maintenance practices, such as grading, to retain larger aggregate on the traveled portion of the road.
25. Surface treatments refer to control options which require periodic reapplication. Treatments will fall into the two main categories of (a) “wet suppression” (i.e., watering, possibly with surfactants or other additives), which keeps the road surface wet to control



emissions and (b) “chemical stabilization/treatment”, which attempts to change the physical characteristics of the surface. The necessary reapplication frequency varies from several minutes for plain water under summertime conditions to several weeks or months for chemical dust suppressants. All dust suppression techniques, including the use of chemical suppressants, shall be implemented in accordance with BMPs described in the Stormwater Management Manual for Western Washington (Ecology, 2005).

26. The project shall be designed to use the following BMPs to mitigate emissions associated with facility roads (Ecology, 2003): limiting the speed to ten miles per hour (MPH) in the pits and 15 MPH on access roads; covering the loads of trucks transporting fine-grained materials (eg, dust and fine particles on mined material); applying gravel with low fines content to all unpaved roadways; constructing natural and artificial wind breaks or wind screens along roadways; surface-applying chemical suppressants to form a less erodible soil surface; blending chemical dust suppressants with the top few inches of surface material on trafficked roads if conditions demonstrate a need; minimizing vehicle “track-out” material by: filling in muddy areas with gravel or other surface material; installing rough-surfaced areas, such as lengths of gravel or cattle guards, to help remove soil and mud from vehicle tires; building vehicle tire/underbody wash stations near paved road junctions; and paving or stabilizing shoulders of paved roads with gravel and vegetation.
27. Chemical dust suppressants shall be applied in compliance with Ecology’s BMP guidance and the SWPPP developed for the site.
28. Wet suppression techniques shall be the principal means for control of aggregate storage pile emissions. Enclosure or covering of inactive piles to reduce wind erosion may also be done to reduce emissions during extended dry periods, if necessary. Watering shall be done to reduce emissions from vehicle traffic in the storage pile area. Watering of the storage piles themselves may have only a very temporary effect on total emissions. If necessary, a more effective technique will be to apply chemical agents (such as surfactants) that permit more extensive wetting. Continuous chemical treating of material loaded onto piles, coupled with watering or treatment of roadways, can reduce total particulate emissions from aggregate storage operations by up to 90 percent (EPA, 1995). All dust suppression techniques, including use of chemical suppressants, will be implemented in accordance with BMPs described in the Stormwater Management Manual for Western Washington (Ecology, 2005).
29. *[Deleted.]*
30. The gravel mine shall properly maintain vehicles to improve efficient operation.

31. The gravel mine operator shall strive to use fuel efficient vehicles and equipment.
32. The gravel mine operator shall institute a no-idling policy for equipment that would be dormant for greater than five minutes.
33. Paved areas shall be minimized in the pit; paving is a large source of greenhouse gas (GHG) emissions. However, the need to reduce paving will be balanced with the need to reduce dust.
34. The mined areas shall be reclaimed and replanted.
35. The EPA provides guidance, technical support, and training for monitoring emissions of potentially toxic air pollutants. The method used by trained observers, EPA Method 9, involves the determination and measurement of plume opacity. Air monitoring at the UTF project site shall consist of an individual trained and certified in EPA Method 9 visually observing each emission source daily. The individual shall verify that the emission of an air contaminant does not exceed 20 percent opacity for more than three minutes, in any one hour at the emission point, or within a reasonable distance of the emission point.

All other emission standards shall be met through the use of best available control technologies and general BMPs for operation and maintenance procedures. Operation of the mining facilities shall comply with all applicable new source performance standards, emissions standards adopted under the Washington Clean Air Act (Chapter 70.94 RCW) and the applicable emission standards of the PSCAA and potential permit conditions.

If an operation is found to be in violation of any of the applicable regulatory standards or permit conditions, the operation causing the emission will cease until appropriate action can be taken to bring the emission into compliance. Monitoring shall be conducted by an individual trained and certified in EPA Method 9.

36. Stormwater management on the site shall occur to address runoff from the active mining areas and improved roadways consistent with current Kitsap County drainage regulations that rely on the current (2005) Ecology Stormwater Management Manual. Stormwater shall be infiltrated or dispersed where possible. Wet ponds shall be used to provide flow control and water quality treatment for the basalt quarries and improved roadways throughout the site. Drainage shall be directed to natural drainage points if infiltration is not feasible. Ponds proposed as part of the permanent flow control and treatment system are summarized below in Table 4-9 (Parametrix, 2007h).

37. The proposed SWPPP for the site (Appendix E in Parametrix, 2007h) provides for source control and treatment BMPs to be applied throughout the site to avoid and minimize contact and transport of pollutants in stormwater. This SWPPP includes management actions for material delivery, storage, and containment which are intended to address the potential for spills or uncontrolled stockpiles result in discharges to surface water throughout the life of the project. Typical treatment BMPs and their likely use on the UTF site are listed below in Table 4-10 (Parametrix, 2007h).
38. Impacts to wetland hydrology, if they occur, would likely be very gradual because mine development and reclamation will occur over an extended period. Wetland hydroperiod monitoring proposed for the project was designed to assess trends in wetland hydrology that result from quarry excavation and are significantly different from naturally occurring conditions as measured at the control station. Wetland hydrology monitoring and data interpretation shall be conducted by a qualified wetland ecologist.
39. The wetland monitoring program is designed to ensure protection of wetlands that may be hydraulically connected to the perched aquifer in the basalt quarry areas. Wetland monitoring is intended to characterize wetland hydroperiod including determination of average and crest (maximum) water level fluctuations.
40. Wetland impacts could occur near quarry areas if there are significant changes in wetland hydrology compared to existing conditions. Although this is not expected, monitoring shall be conducted to document wetland hydrologic conditions adjacent to Quarry A by installing staff gauges recording water levels at different times of year. Wetland hydroperiod monitoring shall take place at Wetlands 1, 2, 3, 5, 7, 11, 12, and the unnamed wetland between Gravel Mine B and Dickenson Creek and shall consist of measuring instantaneous and maximum average water level fluctuation. A control station shall be established at Wetland 19.
41. Wetland monitoring shall be conducted on a monthly basis during the first year of operation, and then on a quarterly (seasonal) basis until mine reclamation is complete. Monthly staff gage monitoring during year one is needed to be consistent with the Stormwater Management Manual for Western Washington (SMMWW; Ecology, 2005).
42. Wetland hydrologic monitoring shall include analyzing water level fluctuations that are calculated as the difference between maximum level and the average of the current and previous instantaneous water level for each monitoring period. After the first year, wetland monitoring shall coincide with the each of the four seasons: March 1 through May 15 (early growing season); May 16 through August 31 (intermediate growing season); senescence lasting from September 1 to November 15; and dormancy, November 16 through February 28.

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43. Adaptive management activities shall be triggered if monitoring results show that a site is not meeting performance criteria or permit requirements. The decision process for deciding what management activities shall be employed will consider site conditions, monitoring results, and regulatory requirements. If significant impacts are identified and are attributed to the project, then a variety of adaptive management measures will be considered, including: modifying mining operations to prevent impacts including cessation of mining activities, modifying the reclamation plan, backfilling or other action; adding water to the wetland system via stormwater system, water diversion or an exempt well that would be installed on the UTF site; physical modifications to the wetland system to enhance hydrology, soil conditions, or vegetation; and/or on-site wetland creation at an appropriate replacement ratio.
44. Adaptive management measure such as those listed above shall be implemented in coordination with resource agencies pursuant to the provisions of a Mitigation Plan that shall be prepared following confirmation of project related impacts. The type of action and timing of each action would be documented and measures shall be identified for evaluating effectiveness (Parametrix, 2008).
45. Stormwater management on the site shall occur to address runoff from the active mining areas and improved roadways. Stormwater shall be infiltrated or dispersed where possible, or shall be directed to natural drainage points if infiltration is not feasible. All stormwater management shall be designed and operated in accordance with Kitsap County drainage requirements, which use the 2005 Ecology Stormwater Manual.
46. The proposed Stormwater Pollution Prevention Plan (SWPPP) for the site provides for BMPs to be applied throughout the site to avoid and minimize contact and transport of pollutants in stormwater. This SWPPP includes management actions for material delivery, storage, and containment which are intended to address the potential for spills or uncontrolled stockpiles result in contamination of groundwater throughout the life of the project.
47. Groundwater quality monitoring will be implemented as proposed in the Groundwater and Wetlands Monitoring Plan developed by Parametrix in December 2007 (Appendix C).
48. In general, this plan includes in the continued monitoring of two piezometers, and at two additional piezometers that shall be installed prior to initiation of mining at the Gravel Mine A site. Four monitoring wells shall also be installed prior to initiation of mining at Gravel Mine B. Each well shall be monitored for water level and for water quality. Water quality parameters shall include total petroleum hydrocarbons, turbidity, total

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dissolved solids, Ph, temperature, conductivity. Measurements of water levels shall be collected quarterly for five years. Water quality samples shall be collected quarterly for the first five years of operation. Biannual samples (wet and dry season) shall be collected from the wells at Sand Gravel Mine A for the life of the project, if the concrete batch plant is constructed.

49. Maintain a minimum of 5 feet of vertical clearance between the bottom of infiltrations and seasonally high water table.
50. Limit active extraction area to approximately 10 acres in one sand and gravel mine and approximately 10 acres in one basalt quarry at any given time.
51. Avoid or minimize the use of fertilizers and other chemicals in landscaping maintenance and revegetation of mine sites. Any use would be optimized for the area and consistent with applicable Critical Aquifer Recharge Areas (CARA) regulations.
52. Cover the maintenance shop and include a sump inside the shop. This mitigation condition is related specifically to accessory uses at Gravel Mine A. In the event that the accessory uses are relocated to an off-site industrial property, this mitigation conditions will no longer be applicable to the UTF Project Site.
53. Maintain infiltration facilities consistent with 2005 Ecology manual.
54. Install silt fence at toe of disturbed slopes, except in active mining areas, and along roadway embankments.
55. Construct stabilized construction entrances at exit points from mines or quarries to limit tracking of sediment from vehicles.
56. Install temporary sediment traps for disturbed areas less than 3 acres.
57. Design stormwater filtration for active quarries to provide additional treatment capacity if needed.
58. Develop plans for stormwater chemical treatment for turbidity reduction to be implemented contingent upon field conditions at active quarries.
59. Ongoing visual monitoring of bedrock features and seepage into the mine as each quarry is expanded.

60. Batch plant facility shall be covered with a roof to the maximum extent feasible to prevent contact with precipitation. This mitigation condition is related specifically to accessory uses at Gravel Mine A. In the event that the accessory uses are relocated to off-site appropriately zoned parcel(s) along the South Haul Route, this mitigation condition will no longer be applicable to the UTF Project Site.
61. The facility shall reuse process water after treating it to settle or separate out solids. The gravel and fines from the settled solids shall also be reused.
62. The SWPPP provides for site specific pollution prevention, spill control, operation and maintenance, erosion control, and record keeping.
63. If available, water supply shall be provided by City of Bremerton, avoiding the need for on-site production wells.
64. Mitigation measures at the UTF project site are directed at avoiding impacts by protecting the vegetation communities and wildlife habitat associated with all wetlands and streams near the proposed mineral development sites. This includes establishing appropriate buffers around all wetlands and streams that may be affected by the proposed mineral resource development project. Wetland buffers are discussed in Chapter 4 Surface Water of the EIS. One example of impact avoidance for this project occurred during the preliminary design process, when the boundary of Quarry C was redrawn to exclude approximately 1,100 feet of stream channel and associated regulatory buffer in the northern portion of the quarry footprint. Additionally, the proposed mineral development plan would avoid potential impacts to wildlife in the Wetland 6 complex by establishing a buffer of 200 feet or more between the wetland edge and any mine or quarry sites. Figure 4-2, in Chapter 4 Surface Water, includes a map of delineated wetlands. For more detailed information on the size and location of wetland and stream buffers, refer to the Ueland Tree Farm Wetland Delineation and Stream Identification Report (Parametrix, 2007g).
65. Potential impacts to fish, wildlife, and vegetation shall be minimized by (1) limiting the project footprint to 152 acres over the life of the project, (2) implementing segmental development and reclamation to minimize the amount of disturbed area at any given mine or quarry, and (3) incorporating the following measures into the site restoration plan: enriching stabilizing seed mixes with native species that can tolerate the climatic and hydrologic conditions on the site. This measure will promote the development of native plant species into the reclamation communities; placing clean large woody debris and large rocks to provide habitat elements that otherwise would be absent for decades; dressing cleared areas with topsoil and replanting them with Douglas-fir as soon as possible in order to initiate re-growth of the forest cover; maintaining mature vegetation,

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including conifers where possible, near streams and wetlands to reduce potential temperature impacts.

66. Additional measures shall be incorporated into the project design to maintain and enhance the restoration of functioning ecosystems in the project area include the following: reduce noise and visual impacts to animals using areas adjacent to mineral development sites on the UTF project location by: storing overburden in berms along the site perimeter and planting on them immediately to reduce noise; where needed, plant trees and other visual screens well ahead of the mining to give them time to establish before they are needed; planting tree barriers as close to the noise source as practical; reduce noise by placing loud stationary equipment, such as crushers, where possible, in an excavated area below the surrounding terrain; and surrounding crushers with product stockpiles to reduce noise.
67. Reclamation design shall create sinuous slopes that are curved in plan and section and irregular in profile.
68. Avoid using chemical fertilizers. Fertilization tends to depress plant community diversity by giving a competitive advantage to opportunistic species such as annual grasses and herbaceous plants, many of which may be invasive species.
69. Design wetlands and ponds that will exist after reclamation with irregular outlines and bottom contours.
70. To create habitat for aquatic invertebrates, anchor submerged tree crowns along steep banks and create reefs out of logs and stumps.
71. Create rock faces for cliff-nesting species such as ravens, swifts, cliff swallows, and peregrine falcons.
72. Employ blasting to break steep rock faces into chutes and talus slopes.
73. Prepare specific restoration plans for each mining phase.
74. Use native species for revegetation.
75. Identify populations of invasive, non-native plant species before revegetation begins. Monitor reclamation sites regularly to document the presence of any new populations of invasive plant species. Eradicate any new populations of invasive species that were not already established in the project area before mineral resource development began. To the maximum extent practicable, employ mechanical control methods.

76. Maintain most of the UTF project location, as defined by parcel numbers in the CUP, as commercial forest to ensure the continued availability of diverse wildlife habitat.
77. A final HMP, including maps showing the specific wetlands, streams and buffers to be included, shall be developed in cooperation with Kitsap County to fulfill requirement of the KCC.
78. Final calculations of buffer areas reduced and added to fulfill averaging requirements in the KCC shall be made following a final determination of required buffer widths by Kitsap County staff.
79. The area buffer reduced on the west side of Wetlands 1 and 3 shall be added to the buffer along the east side of Wetland 1. Assuming there is no net loss in buffer area, the buffer averaging plan shall result in no net loss of wetland function. This is in large part due to the higher quality buffer along the east side of Wetland 1. The vegetation community on the east side of Wetland 1 is relatively mature coniferous forest with a moderately dense understory of shrubs and ferns. The vegetation in the buffer along the west side of Wetlands 1 and 3 is primarily young mixed forest, which is characterized by small trees (less than 10-ft tall), shrubs, and ferns. The vegetation community along the east side of the wetlands is several decades more advanced than the community along the west side, which results in the buffer providing more functions to the wetland. The wetlands and the final buffer boundaries shall be included on maps and given long-term protection following KCC 19.100.150.
80. Construction activities shall be restricted to hours and levels designated by Kitsap County (KCC 10.28). If construction activities exceed permitted noise levels, the County would instruct the contractor to implement measures to reduce noise impacts to comply with the KCC, which may include additional muffling of equipment. No other mitigation would be required.
81. An earthen berm, approximately 20 feet tall, shall be constructed around the northern half of the Gravel Mine A excavation boundary to act as a sound barrier. This mitigation condition is related specifically to accessory uses at Gravel Mine A. In the event that the accessory uses are relocated to an off-site industrial property, this mitigation conditions will no longer be applicable to the UTF Project Site.
82. A 20-foot high semi-permanent stockpile or berm shall be constructed east of the processing and wash plants to act as a sound barrier. This mitigation condition is related specifically to accessory uses at Gravel Mine A. In the event that the accessory uses are

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relocated to an appropriately zoned parcel(s) along the South Haul Route, this mitigation conditions will no longer be applicable to the UTF Project Site.

83. The concrete batch plant shall not be located near the entrance to Gravel Mine A, but would be located approximately 500 feet from the entrance. This mitigation condition is related specifically to accessory uses at Gravel Mine A. In the event that the accessory uses are relocated to an appropriately zoned parcel(s) along the South Haul Route, this mitigation conditions will no longer be applicable to the UTF Project Site.
84. If their use is necessary, engine brake noise is best controlled through the use of properly muffled engine exhaust pipes. Ensuring that trucks accessing the facility have adequate exhaust mufflers will minimize potential noise impacts from the use of engine brakes.
85. Backup alarms, although necessary for safety, may be considered nuisance noise. This is because the traditional style of backup alarm uses a pure tone sound, which can be easily discerned at large distances. To reduce the potential for annoyance, it is recommended that trucks entering and exiting the UTF site shall use one of two alternative types of backup alarms to ensure noise impacts are minimized:
  - a. Ambient-sensing alarms that broadcast a warning sound loud enough to be heard over background noise without having to use a preset, maximum volume; or
  - b. Broadband backup alarms (instead of the typical pure tone alarms).
86. The project proponent shall continue to implement a forest management plan.
87. Limiting the size of final timber harvest units (e.g., clear-cut or shelterwood logging) to approximately 30 acres within the UTF project location, as defined by parcel numbers in the CUP.
88. The Applicant shall provide for advance notification to surrounding properties of planned management activities that may create periodic disturbances.
89. To minimize potential conflicts with future development on adjacent properties, the project will comply with GMA and KCC requirements that all plats, short plats, development permits and building permits issued for land development activities on or within 500 feet of designated FRL and undeveloped RW lands contain a notice identifying allowable resource development uses.
90. The project shall use existing topography as a noise and visual screen.

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91. The project proponent shall fence the periphery of all sites within the project site area being actively mined or reclaimed. A chain link fence or similar is required.
92. Topsoil shall be applied to cleared areas and cleared areas shall be replanted with Douglas fir as soon as possible in order to initiate re-growth of the forest cover.
93. A 10-acre segmental development and reclamation shall be implemented to minimize the amount of disturbed area at any given mine or quarry.
94. The concrete batch plant shall use existing topography as a noise and visual screen; the perimeter of all active project sites shall be chain link fenced; berms shall be created along the site perimeter to reduce noise; tree barriers shall be planted as close to the noise source as possible; and a minimum 50-foot wide vegetation buffer along property boundaries shall be maintained. If the Concrete batch plant is relocated from Gravel Mine A to an appropriately zoned parcel(s) along the South Haul Route, the mitigation related to the concrete batch plant will no longer apply. However, the remaining provisions of mitigation condition shall remain.
95. Provisions for a wheel wash will be made during operation of the site to help minimize transport of off-site gravel, if needed. Wheel washes shall be located prior to entering onto public roadways.
96. Drivers shall be required to inspect their loads before leaving the site to remove loose gravel.
97. Trucks using the site shall be identified with operator name and address, consistent with industry standards so that nuisance gravel sources can be effectively identified. Typical practice within the industry is for the site operator to compensate vehicle owners for damage when the vehicle owner can demonstrate to a reasonable degree that the source of the gravel is the operator's vehicle.
98. The existing tree buffer along the edge of mining operations, especially on the east and north sides of development, shall be retained to provide screening from surrounding areas.
99. Disturbance shall be limited as much as possible on highest elevations of UTF property to assist in blocking views of the development from the surrounding area.
100. Topographic contours shall be followed or curvilinear boundaries used when harvesting timber or clearing mining sites for development to make them less obvious by appearing more natural.

101. Cleared areas shall be dressed with topsoil and replanting with Douglas fir as soon as possible in order to initiate re-growth of the forest cover.
102. In the event that any ground-disturbing or other construction activities result in the inadvertent discovery of archaeological resources, work shall be halted in the immediate area, and contact made with the county officials, Department of Archeological and Historic Preservation (DAHP), and tribal representatives. Work shall be stopped until further investigation and appropriate consultation have concluded. In the unlikely event of the inadvertent discovery of human remains, work shall immediately be halted in the discovery area, the remains covered and secured against further disturbance, and communication established with county administrative and law enforcement personnel, DAHP, and authorized tribal representatives.
103. Mandatory tarping of loads will be required in any lease arrangement for trucking services prior to entering any public road.
104. General pit operations would occur only during daytime hours, between approximately 7:30 AM and 5:00 PM. However, periodic nighttime trucking events could occur to support special projects such as nighttime roadway construction.
105. Total daily trips shall not exceed 186. Mining operations shall keep monthly operator records, average over a month, for County review upon request.
106. Construction plans and profiles for all roads, storm drainage facilities and appurtenances prepared by the developer's engineer shall be submitted to Kitsap County for review and acceptance. No construction shall be started prior to plan acceptance.
107. 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 Engineering.
108. 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 application was deemed complete (December 14, 2007). 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 applications.
109. Should the proponent propose phasing of the project, a phasing plan shall be submitted to Development Engineering for review and approval. The phasing plan shall, as a

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minimum, address the following items: time tables indicating the anticipated time between initial site grubbing/grading activity and the completion of construction, including site stabilization of that specific phase and the extent of drainage improvements to be installed during the various phases.

110. The water quality BMP shall be sized to provide treatment of the post-developed peak flow rate from the 6-month, 24-hour storm event per the KCSDM Section 6.2.
111. Any project that includes offsite improvements that create additional impervious surface such as lane widening, sidewalk or shoulder installation or intersection channelization shall provide stormwater mitigation in accordance with Kitsap County Code Title 12 effective at the time the Conditional Use Permit application was deemed complete (December 14, 2007).
112. 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 [jokl461@ecy.wa.gov](mailto:jokl461@ecy.wa.gov). This permit is required prior to issuance of the SDAP.
113. The design of the infiltration facilities will be according to Section 5.3.5 of the Kitsap County Stormwater Design Manual. Soils exploration shall be performed at the proposed location of the facilities before final design to determine the infiltration rate and depth to seasonal high ground water table and/or impermeable layer. The soil report shall include Particle-Size Analysis performed by ASTM Test Method D-422-63, soil log elevation, and location. The storage volume of the facility shall be adjusted to reflect the true infiltration rates with a safety factor of two applied. A Soils Engineer shall prepare the above information.
114. The infiltration facilities shall remain off line until the drainage areas are stabilized and the water quality treatment facility is adequately established. Temporary erosion and sedimentation ponds shall not be located over infiltration facilities. In addition, retention ponds shall not be utilized as temporary erosion and sedimentation control ponds.
115. During the construction of the proposed infiltration facilities, the Project Engineer shall provide an inspection to verify that the facilities are installed in accordance with the design documents and that actual soil conditions encountered meet the design assumptions. The Project Engineer shall submit the inspection report properly stamped and sealed with a professional engineer's stamp to Development Engineering.

116. All retention facilities shall be a minimum of 200 feet from any slope steeper than 30%. This distance may be reduced based on a geotechnical engineering report. That analysis will be prepared by a Civil Engineer licensed in the State of Washington, knowledgeable in the practice of soils engineering and mechanics. The analysis will address the effects of groundwater infiltration, seepage, potential slip planes, and changes in soil bearing strength. The proposed facilities will be designed following the recommendations of the geotechnical analysis.
117. The project proponent shall coordinate with the Kitsap County Public Utility District to provide continuous flow monitoring at the existing Dickerson Creek gauge location. The project proponent shall undertake continuous flow monitoring at this station if the KPUD discontinues. This stream flow data shall be used in conjunction with precipitation and groundwater level monitoring to evaluate stream flows and help determine if project operations are having a discernable impact on baseflows within Dickerson Creek. Post project stream data and all available pre-project flow records shall be analyzed for standard low flow statistics and confidence intervals (eg, seven day minimum average flow, seven day, ten year flow (7Q10), etc) as appropriate given data quality and record length. Precipitation records shall be used to establish the historic and current correlation between precipitation and base flow.
118. At least one year prior to initiation of mining operations at the applicable mines or quarries, UTF shall establish groundwater monitoring wells in the upper most water table at each of Gravel Mine A, Gravel Mine B and Quarry A at locations that allow determination of approximate groundwater flow direction and velocity. The project proponent shall monitor groundwater levels quarterly for one year prior to start-up of operations, and in each of the first 5 years of operation, then bi-annually thereafter (once in the February-March wet season, and once in the August-September dry season). Water level monitoring data shall be evaluated with respect to pre-operation and previous year's water level data and precipitation trends, and shall include appropriate statistical analysis and technical evaluation. Water level monitoring results including maps showing most recent estimates of groundwater flow direction and velocity shall be reported annually and shall be included in the same report that includes stream flow, precipitation, water quality and wetland monitoring results.
119. An evaluation of precipitation, groundwater, and stream flow monitoring results shall be submitted to the DCD within 90 days of the end of each calendar year as part of the same report that includes water quality and wetland monitoring results. The report shall include the raw data in electronic format along with hydrographs and an analysis of correlation between precipitation, groundwater levels, and stream flows, and standard low flow statistics and confidence intervals (e.g., 7 day minimum average flows, 7 day, 10 year

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flow (7Q10), etc). Monitoring requirements shall terminate when reclamation of the mine site is complete.

120. If baseflows are determined to be discernibly impacted beyond what is attributable to changes in precipitation in the period after project operations have starts compared to the period of record, the project proponent shall hire the KPUD or other independent licensed hydrogeologist to evaluate stream flow and groundwater level monitoring data and determine whether there is, in the hydrologist's professional opinion, a discernible causal relationship between project operations and low stream flows. The standard for determining a causal relationship shall be a preponderance of the evidence. If a discernible relationship between project operations and seasonal low flows is determined, then the project proponent shall take to alleviate stream flow impacts. Such steps may include operational changes, stormwater management modifications, and/or augmentation of stream flow. The adaptive management plan shall be approved by the County and implemented by the project proponent after Kitsap County approval.
121. Before SDAP acceptance, the Applicant shall submit a set of drawings to the City of Bremerton for review. The Applicant shall notify Development Engineering in writing when the plans have been submitted to the City. Development Engineering shall coordinate with the City to determine if the City has any comments to the submittal.
122. The owner shall be responsible for maintenance of the storm drainage facilities for this development following construction. Before issuance of Occupancy Permits for this development, 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.
123. Kitsap County will not be responsible for any damage to any private roads, tracts, and/or easement areas that may occur during routine maintenance activities and that in Kitsap County's judgment occur, in whole or in part, because of any construction material or techniques, or any maintenance materials or techniques. This includes, but is not limited to, damage to pavement or vegetated areas caused by maintenance trucks.
124. Upon CUP approval, Kitsap County shall issue a Concurrency Certificate in accordance with KCC 20.040.050(2).

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125. Public roads shall not exceed 12% grade.
126. All rights of access for adjoining properties currently in existence shall be preserved. Any amendment to the existing easement rights of adjoining property owners shall be properly executed and recorded prior to SDAP.
127. The SDAP submittal shall show that at least 150 square feet of exterior recyclable materials storage space for the project. Describe collection containers and show their locations, method for securing the enclosure gates in an open position and pad dimensions on the civil plans submitted for approval. Detail of the enclosure, including interior dimensions, building materials and lighting must be included with the civil plans prior to final approval. These details may be architectural drawings attached to the civil plans.
128. If using a compactor, liquid wastes generated as a result of compaction must not discharge into the stormwater system per BKCBH Ordinance No. 1996-11, Section IV.2.a. This mitigation condition is related specifically to accessory uses at Gravel Mine A. In the event that the accessory uses are relocated to an appropriately zoned parcel(s) along the South Haul Route, this mitigation conditions will no longer be applicable to the UTF Project Site.
129. Construction of rock walls or other retaining facilities that exceed four feet in height shall require a building permit.
130. Rock and retaining walls shall meet all applicable setback requirements of KCSDM 4.7.5.
131. A Hydraulic Project Approval (HPA) may be required for work near or in any wetlands or streams. Prior to SDAP approval, the Applicant shall submit an approved HPA from the Washington State Department of Fish and Wildlife (WDFW) or documentation from WDFW specifying that an HPA is not required.
132. At such time that detailed plans are available for the optional railroad spur, Kitsap Country shall conduct additional phased SEPA review pursuant to WAC 197-11-060(5). Supplemental information may be required to the existing EIS with regard to site-specific construction impacts, and long term noise and vibration impacts relative to the proposed level of activity.
133. Within 30 business days, the developer shall provide the County with a copy of the recorded Conservation Easement granted to The Mountaineers within UTF. Land use

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activities within the Conservation Easement area shall adhere to the terms of the recorded easement, subject to enforcement by the grantor and/or grantee.

134. Land use activity within areas of the UTF property located within the County's FRL zoning district shall be restricted to uses allowed within the FRL zoning district. Upon a proposal to conduct land uses not allowed within the FRL zoning district, the developer shall apply for necessary permits, where applicable.
135. The topsoil plant will not import any material other than organic debris such as woody debris which can be ground up and used as organic matter and mixed with on site sand and silt.
136. Any back fill material imported from off site will be tested to ensure that the soil does not contain any contaminants.
137. The on-site settling ponds for the concrete batch plant will be designed to handle a 300 year storm event. In the event that the accessory uses are relocated to off-site appropriately zoned parcel(s) along the South Haul Route, this mitigation condition will no longer be applicable to the UTF Project Site.

The following additional mitigation conditions are specific to, and shall only apply to, construction and operation of the South Access Route, except Mitigation Condition No. 144 relating to relocation of accessory uses:

138. Erosion Hazard Mitigation Measures

Mitigation measures to reduce the risk of erosion at the site during and after construction will include the following:

- Limit the removal of vegetation to the active construction area.
- Graded areas should be shaped to avoid concentrations of runoff water onto cut or fill slopes, natural slopes or other erosion-sensitive areas.
- Silt fences should be used where appropriate.
- Erosion control measures should include, but not be limited to surficial coverings such as straw mulch, hog fuel, matings, geotextile fabrics, crushed rock or visqueen (if necessary).
- Where feasible, collect and/or direct runoff water; i.e., swales with check dams.
- Install soil/gravel/rock or waddle berms to eliminate free flow of water.
- Once grading is complete, final ground cover/protection should be used in exposed or disturbed areas; ground cover/protection may include hydro-seeding, long term mulches, jute matting, excelsior matting, wood chips hog fuel, or crushed rock.
- Permanent erosion protection should be installed as soon as appropriate.

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139. Landslide Hazard Mitigation Measures

The risk of slope instability can be mitigated with the following:

- Limit the amount of open grading or cut slopes.
- Minimize the removal of vegetation to the active construction area.
- Where possible, leave the stumps in place to minimize the amount of upslope ground disturbance.
- Minimize disturbance of the undergrowth.
- Construct interceptor berms, dikes and/or shallow drainage swales to intercept surface water flow and route the flow away from the cleared/graded areas to a stabilized and approved point of controlled discharge.
- Install collector drains in significant seepage areas.
- Install a berm with collector drain above the slope to prevent uncontrolled runoff from above (only in areas where slopes towards cut slope).
- No side casting of soil/fill material on lower slope areas.
- Stormwater management should include the use of ground cover, ditches/swales, berms, check dams, as described above in erosion hazard section.
- Site specific recommendations will be provided at the time of construction by geotechnical professionals.
- The contractor should perform daily site review and maintenance of all erosion and sedimentation control measures at the site to ensure their proper working order.
- Follow Best Management Practices (BMPs) as described in the 2010 Kitsap County Stormwater Manual for construction sites and continued monitoring during and after construction should protect the site and surrounding areas from unwanted erosion or slope instability.

140. Seismic Mitigation Measures

The risk of Seismic instability can be mitigated with the following:

- Thickened road subgrade section will be thickened or geotextile fabric used in areas identified at risk for instability by a licensed Geotechnical Engineer.

141. Hydrogeologic Mitigation Measures

Impacts to the hydrologic system will be mitigated by the following:

- The site activities will be closely monitored and spill prevention plans and kits will be kept on-site at all times.
- Discharges shall match the developed discharge durations to pre-developed durations for the range of pre-developed discharge rates from 50% of the 2-year peak flow up to the full 50-year peak flow.
- Discharges to wetlands shall maintain the hydrologic conditions, hydrophytic vegetation, and substrate characteristics necessary to support existing and designated uses. The hydrologic analysis shall use the existing land conditions to determine the

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existing hydrologic conditions unless directed otherwise in the Critical Areas Ordinance codified as Title 19 to the Kitsap County Code.

- Due to the presence of fish bearing streams, enhanced treatment is required for all proposed pollution generating surfaces. All water quality treatment facilities (Stormwater) will be designed and the facility approved following construction by a licensed Civil Engineer.
- All site activities will be conducted in accordance with “Best Management Practices”, County codes and Washington State regulations.
- Stormwater management on the site will be implemented to address surface runoff from the proposed access road. These stormwater management measures are required to comply with current Kitsap County Stormwater Design Manual (2010).
- The proposed access road project will require a Construction SWPPP that will apply to construction activities to provide source control and treatment BMPs that will be applied throughout the site to avoid and minimize contact and transport of pollutants in stormwater. This SWPPP includes management actions for material delivery, storage, and containment which are intended to address the potential for spills or uncontrolled stockpiles result in discharges to surface water throughout the life of the project. Proper development and implementation of the SWPPP is a key element of preventing impacts to water resources, particularly on the steep hillside where significant grading will occur.
- The proposed stormwater BMPs for the access road will require ongoing maintenance to retain their performance. Therefore, the annual monitoring and maintenance (as necessary) of the combined detention and wetpond and two bioretention and infiltration facilities is included as a Mitigation Measure. This mitigation measure would apply to other BMPs, if changes occur during final design. These inspections shall include the roadway drainage system as well as vegetation re-establishment in temporary clearing areas. Additional operational BMPs may be required for industrial operations as necessary in order to maintain or enhance stormwater BMP performance.

142. Wetland Buffers

Minor impacts to buffers associated with Wetlands E, J, and K/L are expected. To mitigate for unavoidable wetland buffer impacts, this project will:

- Utilize buffer averaging to ensure the total wetland buffer area will remain unchanged after the proposed project has been completed. At no point will the wetland buffer be reduced by more than fifty (50) percent of the standard buffer width outlined in KCC.
- Protect any significant trees that are identified by a qualified wetland biologist.
- The planting area will be bounded by high visibility fencing during construction to prevent disturbance or trampling.
- Some impact reduction actions will occur concurrent with drainage crossing construction including installation of energy dissipation mechanism, wing walls and

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installation of rock walls to minimize road prism within the stretch that crosses the drainage.

- Plantings and seeding will occur as soon after crossing construction as possible to prevent erosion and maintain and restore habitat functions.
- Excess or waste materials will be kept from entering the waterway to the maximum extent possible and all excess or waste materials will be collected and recycled or disposed of at an approved facility.
- The contractor will comply with water quality restrictions as required by law and implement corrective measures if temporary water quality standards are exceeded.
- Care will be taken to prevent any petroleum products or other toxic or deleterious materials from entering the water. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., will be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills.
- The contractor will have a spill kit with oil-absorbent materials on-site to be used in the event of a spill or if any oil product is observed. The contractor will be responsible for the preparation of a Spill Prevention, Control, and Countermeasures (SPCC) plan to be used for the duration of the project if required by permitting agencies.
- Due to the need for two drainage crossings and targeted planting actions, coordination with the responsible Biologist will be necessary to properly implement the planned mitigation actions. The project manager and construction contractor shall meet with the Biologist at the site before construction activities commence in order to ensure critical elements are properly addressed, and implementation of the proposed drainage impacts and mitigation actions will be conducted under the oversight of the responsible Biologist and Project Engineer for the duration of the project. The following specifications are established as a set of minimum standards for proper implementation of the mitigation actions:
  - Soils in buffer areas should be disturbed as little as possible. Grading activities will not occur in buffer areas except where necessary to construct the described roadway. In these areas, the footprint of disturbance will be minimized, and the soils will be restored to natural conditions. Any non-native invasive plant material will be removed prior to such disturbances to avoid redistribution and/or dispersion. Graded buffer areas will have topsoil replaced and/or amended as necessary. Soils will be amended as necessary to provide appropriate conditions for the native plants.
  - Temporary erosion and sediment control (TESC) measures consisting of a construction entrance, silt fencing, seeding of disturbed soils, and brush barriers will be installed using BMP's outlined in the project's Stormwater Pollution Prevention Plan (SWPPP) and TESC Plan prepared by the Project Engineer and approved by the responsible Biologist prior to clearing and grading activities and construction of the drainage crossing.
  - Equipment used for project actions will be typical for excavation and grading activities and will be kept in good working order free of leaks. All equipment staging

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and materials stockpiles will be kept out of wetlands, drainages, and buffers; and the area will be kept free of spills and/or hazardous materials. All fill material and road surfacing will be sourced from upland areas on-site or from approved suppliers, and will be free of pollutants and hazardous materials.

- Plant installation should occur as close to conclusion of clearing and grading activities as possible to limit erosion and limit the temporal loss of function provided by the drainage buffer.
- All planting should occur between September 1 and May 1 to ensure plants do not dry out after installation, or temporary irrigation measures may be necessary.
- All planting will be installed according to the procedures detailed in the following:
  - **Replanting of Disturbed Areas:**
    - The road prism within the wetland and drainage buffers (excluding the road surface and six (6) feet of shoulder on either side) and any other disturbed areas within these buffers should be replanted with native vegetation.
    - After planting, the entire area will be hand-seeded with a native upland seed mix such as Silver Falls Seed Company, Northwest Woodland Mix # SF 0202-3 at a rate of 30 pounds per acre.
  - **Plant Materials and Installation:**
    - All plant materials to be used on the site will be nursery grown stock from a reputable, local source.
    - Only native species are to be used; no hybrids or cultivars will be allowed. Plant material provided will be typical of their species or variety; if not cuttings, they will exhibit normal, densely-developed branches and vigorous, fibrous root systems.
    - Plants will be sound, healthy, vigorous plants free from defects and all forms of disease and infestation.
    - Any container stock provided in-lieu of specified bare root stock shall have been grown in its delivery container for not less than six months but not more than two years.
    - Plants shall not exhibit rootbound conditions. Under no circumstances shall container stock be handled by their trunks, stems, or tops.
    - Seed mixture used for hand or hydroseeding shall contain fresh, clean, and new crop seed mixed by an approved method.
    - All plant material shall be inspected by the responsible Biologist upon delivery. Plant material not conforming to the specifications above will be rejected and replaced by the planting contractor. Rejected plant materials shall be immediately removed from the site.
    - Fertilizer will be in the form of Agroform plant tabs or an approved like form. Mulch will consist of sterile wheat straw or clean recycled wood chips approximately 1/2 inch to 1 inch in size and 1/2 inch thick. If free of invasive plant species, the mulch material may be sourced from woody materials salvaged from the land clearing activities.
  - **Product Handling, Delivery, and Storage:**
    - All seed and fertilizer should be delivered in original, unopened, and undamaged containers showing weight, analysis, and name of manufacturer. This material should be stored in a manner to prevent wetting and deterioration. All precautions

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customary in good trade practice shall be taken in preparing plants for moving. Workmanship that fails to meet industry standards will be rejected.

- Plants will be packed, transported, and handled with care to ensure protection against injury and from drying out. If plants cannot be planted immediately upon delivery they should be protected with soil, wet peat moss, or in a manner acceptable to the project biologist.
- Plants, fertilizer, and mulch not installed immediately upon delivery shall be secured on the site to prevent theft or tampering.
- No plant shall be bound with rope or wire in a manner that could damage or break the branches.
- Plants transported on open vehicles should be secured with a protective covering to prevent windburn.

○ **Preparation and Installation of Plant Materials:**

- The planting contractor shall verify the location of all elements of the planting plan with the responsible Biologist prior to installation. The responsible Biologist reserves the right to adjust the locations of plantings during the installation period as appropriate.
- If obstructions are encountered that are not shown on the drawings, planting operations will cease until alternate plant locations have been selected by and/or approved by the responsible Biologist.
- Circular plant pits with vertical sides will be excavated for all stock. The pits should be at least twelve (12) inches in diameter, and the depth of the pit should accommodate the entire root system. The bottom of each pit will be scarified to a depth of four (4) inches.
- Broken roots should be pruned with a sharp instrument and rootballs should be thoroughly soaked prior to installation.
- Set plant material upright in the planting pit to proper grade and alignment.
- Water plants thoroughly midway through backfilling and add Agroform tablets. Water pits again upon completion of backfilling. No filling should occur around trunks or stems.
- Do not use frozen or muddy mixtures for backfilling. Form a ring of soil around the edge of each planting pit to retain water, and install a four (4) to six (6) inch layer of mulch around the base of each container plant.

○ **Optional Temporary Irrigation Specifications:**

- While the native species selected for mitigation are hardy and typically thrive in northwest conditions, and the proposed mitigation actions are planned in areas with sufficient hydroperiods for the species selected, some individual plants might perish due to dry conditions. Therefore, irrigation or regular watering may be provided as necessary for the duration of the first two (2) growing seasons while the native plantings become established.

143. Critical Areas and Buffer/Habitat Management Recommendations

The following habitat management plans are recommended to protect the drainage's hydrology and riparian areas:

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- Reduce road footprint to the minimum safe width to retain natural functions and preserve critical area.
- Use footprint of existing unimproved roads to avoid additional impacts to critical areas.
- Use replacement culverts of sufficient size to allow unobstructed passage of fish and wildlife, flow of hydrology, small woody debris and sediment including cobble and small rocks that meet WDFW bankfull width standards.
- Limit fill or dredging within streambeds to no more than ten (10) cubic yards below OHW.
- Avoid fill within the streambed below Ordinary High Water.
- Temporary construction fencing at least thirty (30) inches tall should be erected around the perimeter of any impact areas to protect buffer/native vegetation areas prior to the initiation of any clearing or grading activities. The fencing should be posted with signage clearly identifying the buffer/native vegetation protection areas and should remain in place through site development and construction.
- All restoration actions should be overseen by a qualified fisheries biologist.
- Replant and seed the road prism and any disturbed areas with native vegetation excluding the road bed and shoulder approximately six (6) feet on either side.
- Limit work within ephemeral and seasonal stream beds to the dry season during the summer months to avoid in-water work and prevent downstream turbidity.
- Limit work in fish-bearing streams to June 15 through March 14 to avoid impacting juvenile salmonid species.
- Erosion and sediment control that meets or exceeds the standards set forth in the Kitsap County Storm Water Design Manual shall be provided in the Temporary Erosion and Sediment Control Plan prior to project implementation.
- The soil duff layer should remain undisturbed to the greatest extent possible near all critical areas.
- Vehicles, construction materials, fuel, and/or other hazardous materials should not be placed in buffer/native vegetation protection areas. Movement of any vehicles within buffer/native vegetation protected areas should be limited to the greatest extent possible.
- Any disturbed areas within the proposed project area should be replanted using native shrubs and/or groundcovers listed in Table 18 to help retain soils and increase biodiversity of macroinvertebrates (i.e.- insects), and use only pesticides, fertilizers, or herbicides approved by the U.S. EPA or Washington Department of Ecology, and only as necessary. Where approved, herbicides should be applied by a licensed applicator in accordance with the safe application practices on the label. These items should also be stored as far as possible from the shoreline. Avoid use of chemicals banned by the EPA in all areas (DDT; creosote; lindane; silvex; aldrin; dieldrin; mirex; 2,4,5-T; Chlordane; kepone; pentachlorophenol (penta); toxaphenezax, etc.).

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144. Noise Mitigation


Most of the mitigation measures in the 2009 EIS would remain the same. However, the mitigation measure requiring a stockpile or berm around the processing and wash plants will no longer be applicable if the accessory uses are moved from Gravel Mine A. If the accessory uses are relocated, operating hours can be revised as follows:

- General pit operations would occur only during daytime hours, between approximately 7:30 AM and 5:00 PM. However, periodic nighttime trucking events could occur to support special projects such as nighttime roadway construction. Nighttime trucking operations would entail the use of a front-end loader in addition to the trucks.

145. Transportation

Applicant shall comply with the terms of the Traffic Mitigation Agreement, as may be amended from time to time, with the City of Bremerton to address future traffic and road reconstruction needs for Werner road.

Decided this 21<sup>st</sup> day of September 2015.



THEODORE PAUL HUNTER  
Hearing Examiner  
Sound Law Center

**ATTACHMENT A**  
***SEIS Appeal***

Exhibits:

*Appellant Exhibits*

- A-1. SEIS for Ueland Tree Farm Conditional Use Permit (including any studies or attachments thereto)
- A-2. FEIS for Ueland Tree Farm Conditional Use Permit
- A-3. Cooke Scientific Comments, dated March 3, 2015
- A-4. Final Revised Water Flow and Water Quality Assessment for Gorst Watershed, Department of Ecology, dated August 201
- A-5. Resume of Dr. Sarah Spear-Cooke
- A-6. Jack Stanfill Notebook (with sub-documents marked 1 to 34.
- A-7. Kitsap County Drainage Basin May Showing Area of Project

*Applicant Exhibits*

- B-26-1. Hearing Examiner CUP Approval Decision, dated April 26, 2010
- B-26-2. Superior Court Stipulation and Order – Dismissal of FEIS Appeal, dated October 14, 2010
- B-26-3. Superior Court Stipulation and Order – Approving CUP (subject to limited Remand), dated, March 9, 2011
- B-26-4. Hearing Examiner Addendum on Remand, dated March 24, 2011
- B-26-5. Notice of Complete Application – CUP Revisions, dated August 6, 2014
- B-26-6. Notice of Application – CUP Revisions, December 16, 2014
- B-26-7. Notice of Adoption – Development Agreement - EIS and 2015 Addendum – Determination of Non-Significance, dated February 27, 2015
- B-26-8. Hearing Examiner Recommendation to County Commissioners – Development Agreement; and Notice of Recommendation, dated April 7, 2015
- B-26-9. County Commissioners’ Resolution - Approval of Development Agreement, April 13, 2015
- B-26-10. Development Agreement – Recorded, dated May 29, 2015
- B-26-11. Revised Notice of Application – Type III – CUP Revisions, dated June 18, 2015
- B-26-12. Notice of Availability DSEIS – CUP Revisions, dated June 18, 2015
- B-26-13. Notice of Application – Type IV – Development Agreement, dated February 27, 2015
- B-26-14. Notice of Availability FSEIS – CUP Revisions, dated August 4, 2015
- B-26-15. Notice of Public Hearing – CUP Revisions, dated August 5, 2015
- B-26-16. Conservation Easement – Mountaineers’ Foundation, dated December 21, 2009
- B-26-17. Map of North and Proposed South Haul Routes, dated July 29, 2015
- B-26-18. Map – UTF Parcel Acquisition South Haul Route, dated July 28, 2015
- B-26-19. Letter, City Engineer – Werner Road – Traffic, dated June 18, 2014

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- B-26-20. Email, WSDOT – No Significant Impacts to State Highways, dated September 11, 2013
- B-26-21. Parcel Amendment Map, dated August 14, 2015
- B-26-22. Spreadsheet – Mitigation Condition Revisions, dated August 15, 2015
- B-26-23. Easement Agreement – Port Blakely, dated March 3, 2004
- B-26-24. Roadway and Utility Easement – Bremerton West Ridge, dated August 4, 2015
- B-26-25. Roadway and Utility Easement – Lockhart, dated August 8, 2012
- B-26-26. Traffic Impact Analysis – Lakeside Industries, dated December 21, 2012
- B-26-27. Preliminary Construction Plans – South Haul Route, dated July 31, 2015
- B-26-28. Brief of Applicant in Support of CUP Revision Approval , dated August 16, 2015
- B-26-29. Brief of Applicant – SEIS Appeal, dated August 20, 2015
- B-26-30. Email – Daniel Read, PE –Naval Endorsement for Easement, dated August 20, 2015

#### County Exhibits

- C-1. DEIS and Appendices (not provided)
- C-2. FEIS documents (not provided)
- C-3. DSEIS and appendices – Exhibit #C19
- C-4. FSEIS documents – Exhibit #C23

#### Appeal, Pleadings, and Orders

- Project Application Appeal form, received August 18, 2015, with
  - SEPA Appeal
  - Letter from Jack Stanfill, dated August 18, with OSHA and WISHA Safety Expert qualifications
  - Wetland Delineation and Stream Identification Report, December 2007, page 1-5; Ueland Tree Farm Mineral Resource Development Project, February 2009, page 4-1 and page 4-33; Transcript, page 69
  - Ueland Tree Farm, LLC Mineral Resource Development (7 pages), dated November 9, 2009
  - Transcript, pages 8 to 10; pages 70 to 71
- Hearing Examiner’s Pre-Hearing Order, dated August 19, 2015
- Appellant’s Motion to Compel, dated August 25, 2015
- Hearing Examiner’s Response to Motion to Compel, dated August 26, 2015
- Hearing Examiner’s Post-Hearing Order, dated August 31, 2015
- Response to Hearing Examiner’s Post-Hearing Order, dated September 4, 2015, with
  - Email from Steve Heacock to Craig Jones, dated September 3, 2015, with email string
  - Email from Ryan Vancil to Craig Jones, dated September 3, 2015, with email string
  - Final Supplemental EIS Errata Sheet, dated September 1, 2015
  - Revised Figure 1-2 Site Plan, dated August 28, 2015
  - Revised Figure 1-3 Proposed Access Road Overview, dated August 28, 2015

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- Revised Figure 1-4 Ueland Tree Farm South Access Acquisition History, dated August 28, 2015
- Revised Figure 6-1 Comprehensive Plan Designations Proposed Access Rd. Construction Vicinity, undated
- Revised Figure C-2 Zoning Designations – Proposed Access Rd. Construction Vicinity
- Additional mitigation conditions 138 through 143 and 145 specific to, and that only apply to the construction and operation of the South Access Road, except Mitigation Condition No. 144 relating to relocation of accessory uses, received September 4, 2015

**ATTACHMENT B**  
***Conditional Use Permit Application***

Exhibits:

1. Revised Noise Impact Assessment Memorandum from Kristen Wallace, ENVIRON, to Mark Mauren, dated April 22, 2014
2. Preliminary Drainage Report, Contour Engineering, dated May 2014
3. Letter from Tom Knuckey, P.E., to Mark Mauren, dated June 18, 2014
4. Technical Memorandum from Jake Traffic Engineering, Inc., dated June 30, 2014
5. Project Application: Land Use, Environmental & Site Development, received August 6, 2014
6. Supplemental Application: Conditional Use /Administrative Conditional Use Permit Revision, received August 6, 2014
7. Submittal Checklist: Conditional Use/Administrative Conditional Use Permit Revision, received August 6, 2014
8. Preliminary Site Plans (6 Sheets):
  - a. Cover Sheet (Sheet C1), dated March 24, 2014
  - b. Roadway Overview (Sheet C2), dated March 24, 2014
  - c. Roadway Plan & Profile (Sheet C3), dated March 28, 2014
  - d. Roadway Plan & Profile (Sheet C4), dated March 28, 2014
  - e. Roadway Plan & Profile (Sheet C5), dated March 28, 2014
  - f. Roadway Plan & Profile (Sheet C6), dated March 28, 2014
9. Notice of Land Use Binder & Hearing Examiner Decision, filed January 27, 2014
10. Proposed CUP Modifications and Draft Supplemental EIS, dated July 2014
11. Appendix A: Technical Memorandum, GeoResources, LLC, dated May 2, 2014
12. Land Use and Visual Impact Assessment Supplement, Cascadia Pacific Group, LLC, dated March 2014
13. Appendix F: Draft Geotechnical Report, dated April 29, 2014
14. Draft Wetland and Fish and Wildlife Habitat Assessment and Habitat Management Plan, SoundView Consultants, dated April 29, 2014
15. Notice of Complete Application, dated August 6, 2014
16. Notice of Application, dated February 24, 2015
17. Revised Notice of Application, dated June 18, 2015
18. Notice of Availability: Draft EIS, dated June 18, 2015
19. CUP Modification Draft Supplemental EIS, dated June 2015
20. Technical Review Attendance Sign-In Sheet, dated July 22, 2015
21. Email from Steve Heacock to Jack Stanfill, dated August 5, 2015
22. Notice of Availability: Final Supplemental EIS, dated August 4, 2015
23. CUP Modifications Final Supplemental EIS, dated August 2015
24. Notice of Public Hearing, dated August 5, 2015
25. Comments from Jack Stanfill, with attachments, dated March 8, 2015

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26. Applicant's Brief in Support of CUP revisions, dated August 16, 2015, with attachments
27. Email from Amy Root to Steve Heacock, dated August 5, 2015, with email string
28. Certification of Public Notice, dated August 20, 2015
29. Staff Report, dated August 20, 2015
30. Motion in Limine and related documents, dated August 17, 2015
31. Corrected Parcel Maps with Tax Parcel Composite, dated August 27, 2015
32. Proposed Condition Related to Construction Hours, dated August 27, 2015
33. Comment letters from John & Roberta Mikesell and Christopher & Meredith Hartman, dated August 27, 2015

*Pleadings and Orders*

- Applicant's Motion in Limine, dated August 17, 2015
- Hearing Examiner's Request for Response to Applicant's Motion in Limine, dated August 18, 2015

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