



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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Director: Larry Keeton

STAFF REPORT

RECOMMENDATION TO THE HEARING EXAMINER

Date: October 12, 2009

Application Date: 12/14/2007

Notice of Complete Application: 4/23/08

Public Notice of Application: 9/9/09

Project: Ueland Tree Farm Mineral Resource Development
LIS # 07 44975

Type of Application: Conditional Use Permit Application (CUP)

Request Summary:

Ueland Tree Farm, LLC (UTF) is proposing development of commercial sand, gravel, and basalt mineral surface mines on a portion of a 1,716-acre commercial forest land site owned by UTF. The UTF proposed mineral resource development site is located west of the City of Bremerton and Kitsap Lake in unincorporated Kitsap County. The proposal includes development of up to two sand and gravel mines and three basalt quarry areas. Optional development may also include a concrete batch plant, a railroad spur line, and a topsoil facility. Under the proposal, approximately 152 acres of the 1,716 acre site would be developed for surface mining and associated activities, not including connecting access roads.

The plan for mineral development at the UTF includes an estimated 50-year implementation period, with no more than one gravel mine and one quarry developed and operating at any given time. Anticipated annual production for the UTF Mineral Resource Project is estimated at a maximum of 400,000 tons of aggregate. Following mineral removal, each mine or quarry site would be reclaimed consistent with Kitsap County and Washington Department of Natural Resources reclamation standards and managed as working forest.

The EIS documents the analysis of three alternatives: the No Action Alternative, a Proposed Development Alternative, and a Reduced Scale Alternative. These alternatives are described below. The EIS did not identify a preferred alternative.

Alternative 1. The No Action Alternative was developed, as required by SEPA, to comparatively describe the project site and environmental impacts if the UTF Mineral Resource Project were not to take place. Potential future development of the project site would be limited to uses allowed under the current zoning and comprehensive plan designations.

Alternative 2. The Proposed Development Alternative proposes development of a 152 acre portion of the 1,716 acre site, as described above. This alternative assumes successive development of two sand and gravel mines, successive development of three basalt quarries, and construction of a concrete batch plant, a railroad spur line, a topsoil facility, an office, a shop, and truck scales. Development of this alternative would occur over the projected 50-year period.

Alternative 3. The Reduced Scale Alternative proposes a reduced level of development of the project components described in the Full Development Alternative. This alternative assumes successive development of two sand and gravel mines and two basalt quarries (Quarry A and C). The concrete batch plant and railroad spur line would not be constructed, and the top soil facility would be developed but at a lesser scale. A total area of 93 acres would be developed. The Reduced Scale Alternative would include the construction of other facilities necessary for operation, such as the office, shop, and truck scales. Development of this alternative would occur over an approximate 32-year period.

Decision Summary: Recommend Approval of Alternative 2, subject to conditions.

Project Location:

The Ueland Tree Farm (UTF) property is located in Sections 12, 13, 24, and 25, Township 24N, Range 1W, and Sections 7, 18, and 19, Township 24N, Range 1E. The UTF property (the entire area owned by Ueland Tree Farm LLC) is approximately 1,176 acres in area. The proposed project site (the area of proposed mineral resource activity) encompasses approximately 152 acres, roughly 9% of the UTF property. (Exhibit 24) illustrates the location of the site. The UTF property is located within the Chico and Gorst Creek watersheds with the majority of the property in the Dickerson Creek sub-basin. The property is located between large tracts of open space and timber lands to the west and planned urban development (Bremerton urban growth area) to the east. The property is bordered by land owned by the Mountaineers Foundation to the north, the Department of Natural Resources (DNR) to the northwest and west, the City of Bremerton to the southwest, the Bremerton Watershed to the south, and Port Blakely Communities to the east.

Assessor's Account #s:

Map ID No.	Assessor's No.	Size (Acres)
4-008	242401-4-008-1005	20
4-007	242401-4-007-1006	20
4-006	242401-4-006-1007	20
4-005	242401-4-005-1008	20
3-005	192401-3-005-2005	16.57

3-004	192401-3-004-2006	16.57
3-010	192401-3-010-2008	20.41
2-006	192401-2-006-2006	16.19
2-005	192401-2-005-2007	16.13
1-008	242401-1-008-1001	20
2-011	192401-2-011-2009	19.2
2-004	192401-2-004-2008	16.07
2-003	192401-2-003-2009	16.02
2-002	192401-2-002-2000	19.77
3-010	182401-3-010-2009	21.17
3-009	182401-3-009-2002	22.41
3-002	182401-3-002-2009	20.19
3-001	182401-3-001-2000	20.23
2-008	182401-2-008-2005	20.34
1-013	182401-1-013-2000	21.38
2-007	182401-2-007-2006	20.38
2-005	182401-2-005-2008	16.43
2-004	182401-2-004-2009	16.5
2-002	182401-2-002-2001	20.42
3-008	072401-3-008-2006	20
2-001	182401-2-001-2002	20.46
3-007	072401-3-007-2007	20
4-104	072401-4-104-2007	19.99
4-105	072401-4-105-2006	20
1-014	182401-1-014-2009	23.08
1-015	182401-1-015-2008	20.03
4-123	072401-4-123-2004	20.33
4-130	072401-4-130-2005	1.35
4-129	072401-4-129-2008	1.35
4-128	072401-4-128-2009	1.46
4-127	072401-4-127-2000	1.68
4-052	072401-4-052-2009	0.29

Applicant and Owner of Record:

Ueland Tree Farm
16419 Maplewild Ave SW
Seattle, WA 98166

Project Representative:

Craig Ueland
16419 Maplewild Ave SW
Seattle, WA 98166

Engineer of Record:

Parametrix
Attn: John Burk, P.E.
4660 Kitsap Way, Ste. A
Bremerton, WA 98312

State Environmental Policy Act (SEPA) Status:

Summary of the SEPA Process

A Determination of Significance and Scoping Notice for the Project was issued by Kitsap County on June 23, 2008. A Scoping meeting was held on July 23, 2008, with approximately 10 people in attendance. The County received 13 comment letters regarding the proposal. The areas of concern and areas in need of additional clarification raised during the scoping process are listed below.

Traffic
Noise and Vibration
Wildlife
Water and Wetlands
Air Quality/Public Health
Visual Impacts
Recreation
Development of an Action Alternative

The issues identified were incorporated into the Draft EIS evaluations in the relevant sections, along with other items identified during the EIS scoping process. The Draft EIS was issued on February 27, 2009. A 30-plus day comment period included a public meeting, which was held on March 25, 2009 at King's West School in Chico. Thirty written comment letters were submitted from individuals, organizations, tribes and agencies on the Draft EIS. The comment letters received included both support for and opposition to the project, with most of the comments requesting clarifying information about project details. These comments, along with the response to each of the comments, are included in Appendix A of the Final EIS, which was issued on August 25, 2009. (Note: The March 18, 2009 letter from the Department of Natural Resources was inadvertently omitted from the Final EIS. An addendum has been issued pursuant to WAC 197-11-625 to include the DNR letter and comment responses.) In response to continued concern about truck traffic on Northlake Way, the Final EIS also includes an analysis of potential southerly access routes.

An appeal to the adequacy of the Final EIS was submitted by The Concerned Citizens of Chico Creek Water Basin on September 8, 2009. A staff response to the appeal will be submitted under a separate memorandum to the Hearing Examiner.

Existing Site Zoning and Land Use:

The 1716-acre UTF property is currently managed for commercial forestry and most of the land supports third-growth conifer forest. The property contains a network of unpaved roads used primarily to support commercial forestry activities. Typical

activities relate to the management and harvesting of forest products, including harvesting, planting, application of fertilizers and herbicides, and associated reclamation and management activities. No structures or houses exist on the UTF property.

Recent (2004) timber inventory data indicate that there are approximately 1,642 acres of forested land (including productive and non-productive forest land, but excluding road surfaces). Approximately 152 acres of the property is proposed for mining activity. Within this area, approximately 132 acres consists of upland coniferous forest between 10 and 40 years old, approximately 18 acres consist of recently clear-cut forest that supports grass/forb/shrub habitat, and approximately 2 acres consist of roadways. The natural wooded environment of the UTF property has long been used informally by the general public for activities such as hiking, biking, horseback riding, camping, hunting, and wildlife viewing. The network of unpaved roads throughout the UTF property also serve as an informal trail network that links to the trail system on the Washington State Department of Natural Resources' (DNR) Green Mountain property. The UTF property has Kitsap County land use and zoning designations of Rural Wooded (RW) and Forest Resource Lands (FRL). The objective of the RW land use designation is to "promote continued forestry practices, provide ongoing opportunities for large- and small-scale timber management, and maintain large contiguous blocks of forested lands to protect significant environmental features, while allowing limited residential development in keeping with rural character." This designation is also intended to provide protection of environmental and natural resources, help create open space corridors, and to encourage low-impact residential development. The following goals apply to the RW designation:

- "Provide ongoing opportunities for continued management of these lands for forestry, open space, or other compatible uses to promote a large-scale, connected landscape. These lands are important for their rural character, economic values, natural resource uses, ecological functions and values, and public benefits.
- Preserve rural character, allow a variety of levels of rural residential densities, and encourage innovative rural planning techniques, while meeting the intentions and requirements of [the Growth Management Act] GMA.
- Provide a high standard of environmental protection, facilitate the creation of open space corridors, minimize shoreline impacts, and promote residential development that is sensitive to the physical characteristics of the land (Kitsap County, 2006)."

The primary objective of the FRL designation is to preserve lands that have commercial forestry resources for significant production and to help maintain those sectors of the local economy. Comprehensive Plan goals that apply to the FRL designation include:

- Preservation and enhancement of natural resource-based activities, such as agriculture, forestry, mineral extraction through both regulatory and non-regulatory means.
- Preservation of land suitable for timber production and encouragement of continued timber operations through both regulatory and non-regulatory means.

The RW and FRL land use designations are implemented by the corresponding RW and FRL zones. The RW zone allows forest resource uses (e.g., timber production)

and limited residential development of one dwelling unit (du) per 20 acres. The FRL zone allows low-density residential development, at a maximum of one du per 40 acres, as long it does not interfere with commercial timber operations. The UTF property was subdivided into 20 acres by the previous owner, therefore, the higher density of one unit per 20 acres is allowed.

Surrounding Zoning and Land use:

The UTF property is surrounded almost entirely by forested lands that are managed for timber production or resource protection. The closest existing development in the immediate vicinity of the UTF project site is a pocket of rural residential development along the northeast border of the property within unincorporated Kitsap County. It has a mix of residential development types with lot sizes ranging from 0.33 acre to over 2.5 acres. This development pattern was created prior to the current zoning for this area, Rural Residential (RR), which allows for 5-acre minimum lot sizes. This residential area, approximately seven acres in area, is separated from the UTF project site by an existing railroad track. The closest residence is approximately 1,000 feet from the UTF property line. Approximately 15 residences are located within this area, seven of which are owned by Ueland Tree Farm, LLC (the residences located on Lebers Lane). The forested properties to the west and north of the UTF property are zoned RW and FRL by Kitsap County (Figures 8-1 and 8-2 in Exhibit 34). The FRL and RW properties bordering the UTF property are owned entirely by DNR and the Mountaineers. The Kitsap branch of the Mountaineers is a non-profit organization dedicated to outdoor recreation and conservation, and specifically preserving forested habitat along Chico Creek. Their 21-acre property also is home to the Mountaineer's Forest Theater.

Site Critical Areas:

The UTF site lies within Water Resource Inventory Area (WRIA 15), which flows to a series of inlets in the west-central portion of Puget Sound. Surface water resources on the UTF site include several perennial and intermittent stream channels and wetland areas associated with those drainage patterns. These water resources have been described as part of the site-specific reports provided by the project proponent, which were verified by site visits in October 2008. The following reports provide the site-specific basis for this analysis:

- Hydrogeologic Report – Ueland Tree Farm Mineral Resource Development (Parametrix, 2007c). Prepared for Ueland Tree Farm, LLC. (exhibit 16)
- Ueland Tree Farm Kitsap Lake Property Draft Sub-Basin Assessment (Parametrix, 2007f). Prepared for Ueland Tree Farm, LLC. (Appendix A in Exhibit 17)
- Wetland Delineation and Stream Identification Report – Ueland Tree Farm Mineral Resource Development (Parametrix, 2007g). Prepared for Ueland Tree Farm, LLC. (exhibit 15)
- Preliminary Drainage Plan - Ueland Tree Farm – Mineral Resource Development (Parametrix, 2007g). Prepared for Ueland Tree Farm, LLC. (exhibit 17)

Wetlands

The study area, which includes the 152-acre area planned for gravel and rock quarry operations, and areas within 300 feet, were surveyed for wetlands by Parametrix during field investigations in March, April and October of 2007. Wetlands were evaluated and delineated following the Washington State Wetland Identification and Delineation Manual (Ecology, 1997) and the U.S. Army Corps of Engineers (Corps) Wetland Delineation Manual (Environmental Laboratory, 1987). The wetland boundaries shown on Figure 5-2, in exhibit 15, were professionally surveyed by Parametrix. In addition to determining wetland boundaries, wetland biologists evaluated the wetland functions using the Wetland Rating System for Western Washington (Ecology, 2004). The wetland ratings were used to determine the buffer requirements following Title 19 of the Kitsap County Code (KCC). Completed rating forms are included in the *Wetland Delineation and Stream Identification Report* (exhibit 15). ESA Adolfson, authors of the EIS, conducted a one day site visit in October of 2008 to review the general characteristics of the wetlands. Only a few of the wetlands were visited and for only for a brief time.

While the ESA Adolfson site visit was not comprehensive enough to confirm wetland boundaries or ratings due to time constraints, the wetland descriptions and ratings presented in the Parametrix wetland report are generally consistent with the site conditions we observed in November of 2009. One exception was the ratings for Wetlands 30, 31, and 32; which are discussed below.

Nineteen wetlands were identified and delineated within the study area. Some of the wetland areas were combined during the delineation effort, therefore the wetland names are not sequentially numbered. The location and boundaries of these wetlands are mapped on Figure 3-2 through 3-5 of exhibit 15. Approximate locations of other wetlands on the UTF property but outside of the study area, including a small wetland east of gravel mine B, were identified using National Wetland Inventory maps. Most of the wetlands are located on the south half of the site in the vicinity of the proposed rock quarries; only one wetland (east of gravel mine B) is located in the vicinity of the proposed gravel mines. The wetlands represent three hydrogeomorphic classifications (Brinson et al., 1993), and three vegetation classes (Cowardin et al., 1985). Details on the characteristics of the wetlands are summarized in Table 4.3 of the draft EIS. (exhibit 34)

Hydrogeology

Groundwater resources on the UTF property are driven by precipitation that infiltrates and accumulates in underground aquifers. The geologic setting determines the quantity and spatial distribution of these aquifers. There is relatively little hydrogeologic information available in the vicinity of the site (Parametrix, 2007c). The affected environment for the UTF project site was developed by reviewing regional data sources that provide data at the county-wide level. The site-specific reports were then used to determine how this site fits within the regional context. In general, regional trends were confirmed with the site-specific investigations.

From a regional perspective, Kitsap County has developed a simplified description of four main aquifers in the region (GeoEngineers, 2006). These are described in terms of their elevation above or below mean sea level, not depth below ground surface:

- Shallow aquifer. Generally above elevation 200, and exists within glacial till and outwash deposits.
- Transitional aquifer. Generally between 50 and 200 feet in elevation and exists within sands that occur between upper and lower confining layers.
- Sea level aquifer. Generally between 50 and -300 feet in elevation.
- Deep aquifer. Generally below -300 feet in elevation (GeoEngineers, 2006).

Of the generalized aquifers that occur in this region, the shallow and transitional aquifers are the primary aquifers identified on the UTF project site. These occur within outwash and till glacial materials and are focused in the northern portion of the site. Deeper aquifers likely exist below the site, but site-specific investigations have not been extended to these depths. The bedrock and glacial till layers identified over much of the site will limit, but not completely prevent, continuity with these deeper aquifers. Deeper groundwater patterns, interaction of shallow and deep aquifers, and groundwater quality are not well understood at the UTF site (GeoResources, 2006; Parametrix, 2007c). The UTF project site is not located in one of the principal aquifers identified for Kitsap County (KPUD, 1997).

Site-specific investigations have encountered what is interpreted to be a perched, shallow aquifer on the UTF project site. The depth and thickness of this aquifer varies depending on the depth to bedrock and the type of glacial deposits at or near the surface. In the bedrock dominated areas, the majority of water is assumed to run off either as surface flow or as interflow over the soil to bedrock interface. The geologic investigations report seepage at the top of the bedrock in many instances (GeoResources, 2006). One of the borings performed as part of the on-site investigation encountered groundwater in the bedrock matrix at approximately 60 feet bgs, (Parametrix, 2007c).

In glacial deposits, seasonally perched aquifers are expected at the till surface, especially in areas with surficial outwash deposits. Rapid infiltration in the upper part allows water to accumulate at the surface of the much denser till materials. As with the bedrock interface, much of the water may flow laterally at the till interface, but some portion of the water can also infiltrate vertically into the till deposit, especially within depressions on the till surface.

Groundwater flow patterns on the northern portion of the site trend northerly towards Chico Creek. However, there is local variation in flow patterns toward both the tributary channel valleys and Kitsap Creek. To the south, shallow groundwater flow is assumed to be relatively rapid, draining to the unnamed tributary channel. The deeper bedrock in

Kitsap County has not yielded significant groundwater resources in past deeper borings (Sceva, 1957). Therefore, it appears reasonable to assume that most water in this area runs off as surface or interflow to the unnamed drainage channel.

Chapter 5 of the EIS (exhibit 34) acknowledges that studies have been inconclusive or that information is lacking to draw conclusions regarding behavior of underground water contributions to stream flows. It is stated that the extent of the contribution of the shallow aquifer to stream flow is not fully understood.

The EIS also found that underground water contributions to the Dickerson stream flow is critical for salmon environments.

Streams

Site hydrology was characterized by Parametrix (2007c) as part of site specific investigations. The Parametrix studies were based on field observations. Their findings were generally verified by a field reconnaissance conducted by ESA Adolfson on October 29, 2008.

The site drains to two primary receiving waters. Approximately 76% of the site drains to Chico Creek and Dyes Inlet, while the remaining 24% drains south to Gorst Creek and Sinclair Inlet (Parametrix, 2007f). The sixth-field Hydrologic Unit Code (HUC) for Chico Creek is 17110019103, and for Gorst Creek is 171100190104. There are three subbasins within the Chico Creek drainage: Lost Creek, Dickerson Creek, and Kitsap Lake/Creek. The majority of the property drains to Dickerson Creek, which flows north through the middle of the site (Figure 1-2 in Chapter 1 illustrates surface water features on the site). (see draft EIS exhibit 34)

There is one subbasin within the Gorst Creek drainage, focused in the southeastern corner of the site. This area drains several intermittent streams and wetlands east to Heinz Lake. Several general Geographic Information System (GIS) data layers (e.g., WA DNR Hydrology, Streamnet), show Heinz Lake draining to Kitsap Lake/Chico Creek drainage to the north. However, HUC mapping and the hydrogeologic and subbasin assessment studies (Parametrix, 2007c and 2007f) indicate that Heinz Lake drains south through an intermittent channel to Anderson Lake and eventually to Gorst Creek. Also note that Heinz Lake and Heinz Creek are also referred to as "Heins," as on the USGS 7.5' Topographic Map Bremerton West.

The majority of the project site drains to Dickerson Creek, either via the main channel that flows south to north, or via a smaller tributary that extends to the west. Dickerson Creek is the only perennial stream on the project site, and likely provides regionally significant baseflow downstream to the Chico Creek system. In the past, a portion of Dickerson Creek's flow downstream of the UTF site had been diverted for use in the Kitsap Lake basin, but this use was discontinued in the 1990s and is no longer active (Parametrix, 2007f).

Kitsap Lake is an approximately 240 acre lake located in the City of Bremerton east and north of the UTF site. The lake is approximately 30 feet deep in its deepest location. Kitsap Lake has a surface outlet channel (Kitsap Creek), which flows into Chico Creek downstream of the Dickerson-Chico Creek confluence. Kitsap Lake receives drainage from the eastern portion of the UTF site (Stream Segment 13), but this area was not specifically reviewed. Groundwater flow from the northern portion of the UTF site likely flows toward the Kitsap Lake and Creek system (Parametrix, 2007g). Wetland 1 on the UTF site contributes water into the Kitsap Lake basin via Stream 13 during high flows, but is unlikely to contribute measurable surface flow to the lake (Parametrix, personal communication via email January 2009).

Approximately 76 percent of the UTF site drains to the Chico Creek basin, which discharges into Dyes Inlet within Puget Sound. Dyes Inlet is a relatively shallow inlet of Puget Sound. Dyes Inlet is currently on the state 303(d) list for fecal coliform, and Ecology and several partners are in the process of developing a total maximum daily load (TMDL) and clean up plan for the inlet. Bacterial contamination within Dyes Inlet has resulted in portions of the Inlet being classified as 'Prohibited' for shellfish harvesting. The portion of Dyes Inlet where Chico Creek flows into the Sound is classified as 'Restricted' for shellfish harvest as bacteria levels exceed applicable limits at some times during the year. Significant efforts have gone into analyzing bacterial sources between Dyes Inlet and its contributing basin, and recommend approaches to reduce bacterial loading to the inlet (Johnston et al 2003, May et al 2005).

Fisheries

Stream surveys were conducted within the UTF property in 1999 to determine fish distribution and to describe fish habitat (Parametrix, 2007b). The surveys included portions of and tributaries to Chico, Lost, Dickerson, and Heinz Creeks, as well as tributaries to Kitsap Lake. Additional stream characterization work occurred in 2007, when Parametrix performed a field investigation and reconnaissance of permanent and intermittent streams on the UTF property (Parametrix, 2007g). The only fish found were in Dickerson Creek in the northeastern corner of the UTF property, which is outside of the UTF project site. A natural waterfall on Dickerson Creek at stream mile 1.2 precludes fish passage further upstream into the rest of the UTF property (Parametrix, 2007g).

Fish species observed in Dickerson Creek below the natural barrier (but within the UTF property) included chum and coho salmon (*Oncorhynchus keta* and *O. kisutch*), rainbow and cutthroat trout (*O. mykiss* and *O. clarki*), and sculpin (*Cottus sp.*) (Parametrix, 2007b). Sculpin were also observed in the lowest reaches of a tributary to Dickerson Creek (known as East Dickerson Creek), above the barrier, but below another natural barrier. Data from the WDFW SalmonScape program indicate that the lower reaches of Dickerson Creek provide spawning and rearing habitat for chum and coho salmon as well as winter-run steelhead (*O. mykiss*) (WDFW, 2007a). Priority Habitat Species (PHS) data confirm that resident fish species below the natural barrier in Dickerson Creek include rainbow and cutthroat trout (WDFW, 2007b). The only

other fish-bearing stream on the UTF property is an approximately 500-foot stretch of Chico Creek, which passes through the northern extreme of the property. Similar to Dickerson Creek, Chico Creek supports the largest populations of chum and coho salmon in Kitsap County, as well as rainbow and cutthroat trout (WDFW, 2007b).

Chapter 6 of the Draft EIS has more detailed descriptions, impacts and mitigations for Fish and Wildlife. (exhibit 34)

Comprehensive Plan Designation:

The Kitsap County 10-Year Comprehensive Plan Update, dated December 11, 2006, includes policies, goals, and program elements to guide growth and development in the county. It includes land use, transportation, capital facilities, environmental, and other elements, as well as designations for types of land use allowed in different areas of the county.

Chapter 3, Rural and Resource Lands of the Comprehensive Plan, contains goals and policies that are intended to guide the county in determining land use patterns and when making land use decisions for areas outside of the urban growth areas. Some of the policies pertaining to both the existing and proposed future land use designations on the UTF project site are summarized below under applicable Plans and Policies:

Mineral Resource (MR) Overlay

The subject property currently does not have a mineral resource overlay.

The purpose of the MR overlay is to protect and enhance significant sand, gravel, and rock deposits as identified mineral resource lands, and to ensure the continued, or future, use of the mineral resource without disrupting or endangering adjacent land uses (KCC 17.380.010). In addition to compliance with all other permit conditions, the MR overlay requires special standards to be met by mineral extraction operations.

These standards include, but are not limited to:

- Fencing the periphery of all sites within the gross site area being actively mined or reclaimed;
- Provide berms of sufficient height, width, and mass to screen the site from adjacent land uses;
- The tops and toes of cut and fill slopes shall be set back from property boundaries according to DNR standards for safety of adjacent properties, to prevent water runoff or erosion of slopes, and to provide adequate reclamation slopes;
- Compliance with the Kitsap County Noise Ordinance;
- Hours of operation, unless otherwise authorized by the director, shall be between 7:00 a.m. and 6:00 p.m.;
- When reclaimed, no slope of cut and fill surfaces shall be steeper than is safe for the intended use, and shall not exceed one and one-half horizontal to one vertical for unconsolidated material such as: gravel, and one-fourth horizontal to one vertical for

consolidated material, unless otherwise approved by the director of Community Development;

- Preparing and maintaining all disturbed areas, including faces of cuts and fill slopes, to control erosion, such as with plantings;
- Preventing any surface water or seepage from damaging the cut face of any excavations or the sloping face of a hill;
- Draining any surface waters that are or might be concentrated as a result of a fill or excavation to a natural watercourse, or by other means approved by the department of public works' director;
- Preventing sediment from leaving the site in a manner which violates state or local laws;
- Providing back-sloped benches, established at not more than forty-foot vertical intervals, to control surface drainage and debris; and
- Maintaining access roads to mining and quarrying sites to minimize problems of dust, mud, and traffic circulation.

Per Section 3.2.5 of the Kitsap County Comprehensive Plan, mineral resource lands are identified on the Kitsap County Land Use map with the MR designation, which is implemented by a zone overlay (Kitsap County, 2006). If a Conditional Use Permit is approved and a DNR reclamation permit is issued for the UTF Mineral Resource Development Project, the MR overlay would be recorded for the UTF project site as a Comprehensive Plan and Zoning map change. Application of the MR overlay for this site would directly comply with Kitsap County Comprehensive Plan Policies RL-48 and RL-49, as described above.

Public Utilities and Services:

Water Service

City of Bremerton

Sewer Service

On-site Septic System

Electricity

Puget Sound Energy is the electricity provider.

Natural Gas

The natural gas provider is Cascade Natural Gas.

Fire District

The property is located within the Central Kitsap Fire and Rescue District.

Stormwater:

Stormwater management on the site will 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 will be infiltrated or dispersed where possible. Wetponds will be used to provide flow control and water quality treatment for the basalt quarries and improved roadways throughout the site. Drainage will 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 in Table 4-9 of the EIS(Parametrix, 2007h). (See exhibit 34)

Transportation:

The project site is located in Kitsap County, Washington, just west of the City of Bremerton. State Route 3 (SR-3) is the main transportation corridor connecting the urban centers in the north and central portions of the County. Access to and from the project site would occur via SR-3, approximately one mile east, and the surrounding local roadway network, as described below.

Lebers Lane NW – This roadway provides the primary access to the UTF site, connecting it with Grover Lane and North Lake Way. Lebers Lane has historically served as the primary access road for harvesting timber from the UTF property. Lebers Lane, Grover Lane, and North Lake Way meet at an unsignalized intersection with stop-sign control on the eastbound Lebers Lane approach. All approaches at this intersection are served by single shared lanes. Between the railroad crossing and the Grover Lane/North Lake intersection, Lebers Lane is a County road classified as a Very Low Volume Local Road, based on Kitsap County Road Standards. Between the railroad crossing and the UTF site, Lebers Lane is a private access road.

Grover Lane – This roadway is also classified as a Very Low Volume Local Road, connecting residences north of the UTF site with North Lake Way. The existing intersection of Lebers Lane/Grover Lane/North Lake Way does not meet County road design standards because of the close proximity of the three intersecting streets, the low angle of approach of Lebers Lane, and tight turning radius.

NorthLake Way – NorthLake Way is a two-lane Urban Minor Arterial that connects to Chico Way, Kitsap Way, Kitsap Lake Road, and Seabeck Highway. Much of Northlake Way lacks sufficient shoulders to accommodate safe pedestrian and non-motorized travel.

Chico Way – Chico Way is another Minor Arterial running north-south and connecting the general project vicinity to State Route 3 (SR-3), the City of Silverdale to the north, and the City of Bremerton to the south (via Kitsap Way). In the project vicinity, Chico Way is a two-lane road. Chico Way has paved shoulders.

Public Transit

The project area is served by Kitsap Transit. Kitsap Transit Route 12—Silverdale West—operates along Northlake Way in the vicinity of the UTF site. Route 12 links Kitsap Mall in the north with the West Bremerton Transit Center to the south. The

nearest transit stop is at Taylor Road and Northlake Way, approximately 0.3 mile north of the Lebers Lane/Grover Lane/North Lake Way intersection. This transit stop is along the proposed haul route.

School Bus Service

The Central Kitsap School District operates school bus service on Northlake Way, and provides a school bus stop at the intersection of North Lake Way and Lebers Lane NW with the following service times:

	PICK-UP	DROP-OFF
Secondary School	6:44 AM	2:34 PM
Elementary	8:01 AM	3:10 PM

The Central Kitsap School District estimates that approximately 5 to 10 students use this stop. This bus stop is along the proposed haul route.

Bicycle and Pedestrian Facilities

There are two adopted bicycle plans by Kitsap County that promote and show a bicycle route along Northlake Way. The Kitsap County Bicycle Plan and the Mosquito Fleet Trail Plan lists Chico, Northlake Way and the Seabeck Highway as County Bicycle Routes (Exhibit 51). These routes have been advertised by the Kitsap Peninsula Visitor & Convention Bureau and encourages the public bicycle community to use these routes. The current cross sectional facilities available on Northlake Way do not meet the AASTHO or WSDOT minimum standards for safe bicycle routes. Northlake Way is proposed as the dominate haul route to the Highway 3.

Project Traffic Generation

Typically, published rates and/or equations in the Institute of Transportation Engineers' (ITE) *Trip Generation* (7th Edition, 2003) are used to estimate future traffic volumes from development projects. However, *Trip Generation* does not include trip rates for a commercial sand, gravel, and basalt mineral surface mine. Vehicle trip generation was therefore calculated using the projected operation plan provided by UTF, the applicant, including extraction rates and hours of operation. Plans call for aggregate extraction; however, UTF may implement other ancillary operations to aggregate extraction. As a result, other unanticipated activities were included in the trip generation analysis.

The trip generation potential of the site will take several years to develop, especially development of ancillary activities such as topsoil and concrete production. However, to ensure the most conservative analysis, all trips were assumed to be added to the network.

While the extraction operations are expected to occur over 50 years, traffic generation estimates were developed using a worst-case scenario of a 25-year extraction timeline.

Extraction timelines with longer durations, such as the expected 50-year timeline, would result in lower levels of daily and peak hour traffic generation. The daily and PM peak hour trips used for the analysis are shown in the following table.

Ueland Tree Farm Vehicle Trips

	DAILY TRIPS		PM PEAK HOUR	
	ENTER	EXIT	ENTER	EXIT
Employees	16	16	0	8
Aggregate Trucks	48	48	9	6
Topsoil Trucks	4	4	0	1
Supplemental Trips	9	9	2	2
Concrete Trucks	15	15	3	2
Portland Cement Trucks	1	1	1	1
TOTAL	93	93	15	20
DAILY TRIP TOTAL:	93 + 93 = 186		PEAK HOUR:	15 + 20 = 35

The traffic expected to be generated by the site is below Kitsap County's threshold of 50 PM peak hour trips for requiring a traffic impact analysis. This threshold is now 10 PM peak hour trips. It was historically at 10 but was raised for a brief period to 50 and occurred when this application came in and was vested. This higher threshold was soon shown to be ineffective at addressing cumulative traffic impacts and brought back to 10 PM peak hour trips. However, operational analysis at the intersection of Lebers Lane was performed to ensure that appropriate design features are provided for the project site.

Retail aggregate sales to the public will occur, but are claimed to be incidental to commercial wholesale sales since the site will be closed on weekends. Commercial truck traffic may include the operator's vehicles as well as commercial trucks owned by other contractors. All truck traffic (operator and others) is included within the trip estimates that are based on the maximum extraction volume of 400,000 tons per year. If retail sales do occur, it is suggested that these would fall within the 18 supplemental daily trips included in the trip generation calculations.

It is noted that a baseline assumption of the Aggregate Trucks entering and leaving the site daily are all large trucks with pups each hauling 33 tons (or 26 cu yd) of aggregate. The formula for calculating the yearly volume haul of 400,000 tons is predicated to all be hauled out with the largest truck available. (Traffic Study, appendix A) (exhibit 19).

Most transfer dump trucks (truck and pup) typically haul between 26 and 27 tons. The weight of gravel is dependant on type of aggregate and moisture content of the product. The following are general yard weights for various aggregate types:

- Large Oversized Rocks 1.6-2 tons per 1 cu yd
- Angular Rip Rap 1.5-2 tons per 1 cu yd

Crushed product	1.4 tons per 1 cu yd
Pit Run (Exhibit 69)	1.6 tons per 1 cu yd

It is likely, if open to the public, that a wide mix of trucks would be purchasing and leaving the site with aggregate during the week, not just large 33 ton loads. This was tested by calling existing local area operators and speaking with their dispatchers about the mix of truck types they experience during the week buying aggregate. They all stated a fairly even mix all week long, with the 4 axel dump trucks with a capacity of approximately 10 yards and single axel pickups of various weights being the dominant customer. The trucks with pups at most accounted for only 20% of their customers.

This is a current profile of the existing local retail aggregate demand and what a new operation may expect if open to the general public.

By comparison, a single axel pickup is a 1/2 ton, 3/4 ton or 1 ton capacity truck. The suspension limits load weights to those values. This would generate approximately 33 to 66 trips entering and leaving to every 1 trip entering and 1 trip leaving used in the traffic study with only trucks with pups. Only 9 retail supplemental trips are accounted for in the study.

To put this in perspective:

2 trips, one entering and one leaving for a truck and pup.

66 to 132 trips, one entering and one leaving for pickups to haul the same volume.

Northlake Way

The predominant haul route for most all of the gravel and truck trips is north on Northlake way from the proposed mine operation entrance. The haul route continues north on Chico Way to the intersection with State Route 3. From there the trips are dispersed.

As proposed, 33 ton aggregate loads on approximately 55 ton trucks will be making runs every five minutes, 8 hours a day, 5 days a week, 51 weeks a year from the mine and go north, up Northlake Way and Chico Way for the better part of a generation. (Traffic Study, appendix A) (exhibit 19).

Nuisance Gravel

Mining operations can result in dirt and gravel being tracked out of the facilities by trucks carrying materials away from the site. Some of this material can include loose gravel that can be kicked up by tires or can fall from a moving truck and cause vehicle damage.

The UTF operation will include a paved road from the Gravel Mine A site to Lebers Lane, which would help reduce track-out. The facility will also include provisions for a wheel wash (if needed) and drivers will be required to inspect their loads before leaving the site. Periodic cleaning of Lebers Lane will also be conducted, if needed to remove

any track-out from the site. Other measures to reduce nuisance gravel outlined in the Mitigation Measures section of the EIS include:

- A paved road from the Gravel Mine A site to Lebers Lane to reduce track-out
- Provisions for a wheel wash will be made during operation of the site to help minimize transport of off-site gravel, if needed.
- Drivers will be required to inspect their loads before leaving the site to remove loose gravel.
- Periodic cleaning of Lebers Lane will also be conducted by the operator if needed to remove any track-out from the site.
- Trucks using the site will 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.

Nuisance gravel is often dislodged from the load by a bump or pothole in the road. This becomes more pronounced at higher speeds and more so with mounded loads. The greater occurrence is not at low speeds coming out by Lebers Lane but at higher speeds along Northlake Way and Chico Way.

Control over best practices is hard to control when the trucks do not belong to the operation or their trucking leasee.

Vehicle Wind Wash Disturbance

Vehicle wind wash is felt along a roadside when large trucks pass at moderate to higher speeds. This is due to their size, shape and speed. They are not generally aerodynamic and are wider and taller than most other vehicles. This effect has been studied by the Transportation Research Board (TRB). It has been shown to be potentially disruptive to control of passenger vehicles. (Exhibit 75, abstract of TRB publication ISSN: 0361-1981)

The effect of this wind shear would be more pronounced on pedestrians and cyclists.

Policies and Regulations Applicable to the Subject Proposal:

Kitsap County Code

Miscellaneous Funds, Title 4.100

Stormwater Drainage, Title 12

Kitsap County Zoning Code, Title 17, (May 14, 2007)

Section 100 General Provisions

Section 110 Definitions

Section 300 Forest Resource Lands

Section 301 Rural Wooded Zone

Section 380 Mineral Resource Zone

Section 385 Landscaping
Section 381 Allowed Uses
Section 382 Density, Dimensions and Design Standards
Section 400 Land Use Review
Section 421 Conditional Use Permits
Section 520 Appeals

Kitsap County Critical Areas Ordinance, Title 19, (Adopted May 7, 1998 / Amended August 9, 1999)

Kitsap County Land Use and Development Procedures Title 21, (May 18, 1998)

Kitsap County Comprehensive Plan (December 11th 2006)

Comprehensive Plan Goals and Policies:

3.2 Rural and Resource Goals and Policies

3.2.1 Rural Lands

- **Rural Wooded.** The Rural Wooded 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 pursuant to state and County programs. It is applied to lands that were formerly zoned as "Interim Rural Forest." The objective of this designation is to promote continued forestry practices, provide ongoing opportunities for large- and small-scale timber management, and maintain large contiguous blocks of forested lands to protect significant environmental features, while allowing limited residential development in keeping with rural character. Environmental features may include significant visual, historic, and natural features; wildlife corridors; steep slopes; wetlands; streams; and adjacent critical areas. The Rural Wooded designation is implemented by the Rural Wooded zone. Policies specific to the Rural Wooded designation are included in Section 3.2.7.

- Rural Wooded zone. This zone allows for forest resource uses as well as limited residential uses. (1 du/20 ac)

3.2.4. Resource Lands

The intent of resource lands goals and policies is to direct the use of lands that contain commercial quality resources, such as for forestry, agriculture, mineral extraction, and aquaculture. These resource-based uses are often intermixed or occur together with residential development within the County's rural areas. Resource lands are identified on the Land Use Map with the Forest Resource designation. Mineral resource lands are identified with the Mineral Resources overlay, rather than a specific designation; the

Mineral Resources overlay is discussed in Section 3.2.5.

Forest Resource. This designation primarily focuses on lands that have commercial forestry resources. This designation of resource lands and activities is intended to help keep these lands available for commercially significant resource production and to help maintain these sectors of the local economy. The Forest Resource designation is implemented by the Forest Resource zone.

- Forest Resource zone. This zone allows residential uses at an appropriate low density as long as they do not interfere with timber management and harvesting activities. (Maximum of 1 du/40 ac)

Comprehensive Plan 3-12 December 2006 Rural and Resource Lands

Goal 7. Preserve and enhance natural resource-based activities, such as agriculture, forestry, mineral extraction, and aquaculture (as addressed and defined in the Kitsap County Shoreline Management Master Program) in the rural areas through regulatory means.

Policy RL-34 Protect natural resource lands from incompatible adjacent uses.

Policy RL-35 Identify and evaluate regulatory incentives for landowners to conserve shorelines and resource lands and to continue resource-based activities.

Policy RL-36 Allow and encourage agriculture, mineral and forestry uses in the rural areas of the County. Such uses should not be considered to constitute a nuisance within rural areas if conducted within generally accepted management practices and in compliance with applicable laws that regulate such activities.

Policy RL-37 Require that land use activities within or adjacent to resource lands are sited and designed to minimize conflicts with and impacts on resource lands. Minimization of impacts may be accomplished through the use of setbacks, buffers and other requirements.

Policy RL-38 Require the following language on approved plats and building permits in all rural areas: "Notice: the subject property is within or near land in which resource activities are permitted and encouraged, including a variety of activities which may not be compatible with residential use for certain periods of limited duration. In addition to other activities, these may include noise, dust, smoke, visual impacts and odors resulting from harvesting, planting, surface mining, quarrying, application of fertilizers, herbicides, and associated reclamation and management activities. When performed in accordance with state and federal law, these resource activities are not subject to legal action as a nuisance."

Goal 8. Preserve and enhance natural resource-based activities, such as forestry, mineral extraction, agriculture, and aquaculture in the rural areas through non-regulatory means.

Policy RL-39 Identify, evaluate, and pursue incentives for landowners to conserve shorelines and resource lands and to continue resource-based activities. Examples of such incentives include tax reduction, purchase of development rights, TDR and clustering incentives.

Policy RL-40 Encourage the use of Best Management Practices (BMPs) for all resource activities.

Comprehensive Plan 3-13 December 2006 Rural and Resource Lands

3.2.5. Mineral Resource Lands

The intent of the mineral resource lands goals and policies is to direct the use of lands containing commercial quality mineral resource deposits. The Kitsap County Comprehensive Plan identifies mineral resource lands with the Mineral Resources designation, implemented by a zone overlay.

□ **Mineral Resource Overlay.** The intent of the Mineral Resource overlay is to protect sand, gravel, and rock deposits identified as significant. Commercial-quality deposits should be recognized as non-renewable resources and managed accordingly.

Goal 11. Discourage inappropriate land uses in the vicinity of commercial quality mineral deposits in the County through regulatory means.

Policy RL-48 Conduct a comprehensive geologic study to identify commercial quality deposits, establish criteria so that the County may designate deposits of long-term commercial significance, recognizing that commercial quality aggregates, sand, rock and metal deposits are non-renewable resources. Such a study should be undertaken in conjunction and cooperation with other geologic studies, such as the study of aquifers, and shared with property owners.

Policy RL-49 Designate as mineral resource sites lands that have valid surface mining permits through DNR, and sites identified by individual property owners, and apply the Mineral Resource overlay to these sites. This overlay permits mineral resource extraction activities and accessory supporting industrial uses and discourages land uses that would impede such activities.

Comprehensive Plan 3-15 December 2006 Rural and Resource Lands

Policy RL-50 Allow residential uses in the Mineral Resource overlay, at a maximum density of 1 du/20 ac.

Policy RL-51 Allow industrial uses associated with mineral resource extraction and forestry activities in the Mineral Resource overlay.

Policy RL-52 Encourage the preservation of lands identified as mineral deposits.

Policy RL-53 Discourage the conversion of identified aggregate lands to uses incompatible with extraction activities.

Policy RL-54 Use the Mineral Resource overlay to serve as interim protection of mineral resource areas until a comprehensive geologic study is undertaken to determine the extent of additional mineral deposits.

Policy RL-55 Prohibit residential building in the rural areas adjacent to Mineral Resource zoned lands within 100 feet from any property line unless the applicant for a building permit (1) acknowledges the possible occurrence of resource activity on the adjacent property, and (2) waives any damages which might occur to the residence or occupants because of such activities which are conducted within generally accepted management practices and in compliance with applicable laws which regulate such activities. Such waivers must be filed with the County Auditor.

Policy RL-56 Recognize those sites with valid surface mining permits from the State DNR as well as those that have been identified by the property owner as mineral resource lands. Mineral Resource overlay lands that currently appear on the Comprehensive Plan Land Use Map which have been identified by the property owner must submit a geologic study, conducted by a qualified geologist, pertaining to the presence of commercial quality mineral deposits by the second annual review of the plan in order to keep such a designation. Resource designations for lands for mineral resource use may only be added or deleted during the annual review of the adopted Comprehensive Plan. Any additions or deletions will be based upon submission of a geologic study, conducted by a qualified geologist, pertaining to the presence, or lack of commercial quality mineral deposits.

Goal 12. Encourage the reclamation of exhausted mineral extraction sites and their conversion into viable uses consistent with the Kitsap County Comprehensive Plan.

Policy RL-57 Prohibit development under the underlying zoning of a mineral resource reclamation site until completion of the reclamation.

Comprehensive Plan 3-16 December 2006 Rural and Resource Lands

Policy RL-58 Coordinate with the DNR to ensure that future reclamation plans are consistent with the comprehensive planning for the site and surrounding area, as well as any permits issued by the DNR.

Goal 29. Prevent the loss of life, property damage, and environmental degradation from stormwater and related flooding and contaminants using appropriate regulatory means.

Policy LU-131 Implement development regulations to manage stormwater to: a) protect human life and health; b) protect private and public property and infrastructure; c) protect resources such as shellfish beds, eelgrass beds, kelp, marine and freshwater habitat and other resources; d) prevent the contamination of sediments from urban runoff; and e) achieve standards for water and sediment quality by reducing and eventually eliminating harm from pollutant discharges.

Policy LU-132 Implement development regulations that avoid, minimize, and mitigate unavoidable erosion, sedimentation, and stormwater runoff problems including stream and shoreline erosion related to land clearing, grading, development and roads.

Policy LU-133 Implement development regulations to control stormwater runoff that meet or exceed the state's minimum stormwater technical requirements. Require stormwater facilities concurrent with development. Emphasize source control for stormwater and nonpoint pollutants. Emphasize water quantity and quality protection of natural drainages, fish and wildlife habitat and wetlands. Utilize infiltration to the fullest extent practicable to minimize downstream impacts and maximize groundwater resources.

Policy LU-134 Protect property from excess stormwater runoff, erosion and sedimentation.

Policy LU-135 Consider and adopt ordinances and programs to control stormwater runoff through approaches including, but not limited to, the following:

- a. adopt a stormwater technical manual that meets the state minimum requirements;
- b. control offsite effects of runoff pollution, erosion, flooding and habitat damage;
- c. protect natural drainages, fish and wildlife habitat and wetlands;
- d. implement source control and treatment Best Management Practices (BMPs); and
- e. require adequate stormwater facilities concurrent with development and roads.

Policy LU-136 Require that all surface water and stormwater entering a project site in its predevelopment state be received at the naturally occurring or otherwise

legal location. Require all surface and stormwater leaving a project site to be discharged at all times during and after development at the naturally occurring or otherwise legally existing locations so as not to be diverted onto or away from downstream properties.

Policy LU-137 Require that runoff resulting from development activity and roads be controlled so that the peak rates, durations and volumes of runoff leaving the postdeveloped site do not exceed the capacity of receiving drainage conveyance facilities, do not increase the potential for stream bank erosion, and do not add significant volume to an offsite closed depression. Seek to maintain the quantity of runoff, flow peaks, and flow durations at pre-development levels to reduce runoff and related flooding.

Policy LU-138 Require in development regulations site design that minimizes impervious surfaces, limits grading, and protects areas of undisturbed soils and vegetation in order to decrease stormwater runoff and hydrologic changes and maintain rural character. Minimize and mitigate for impervious surfaces and loss of natural vegetative cover.

Policy LU-139 Require that all sites meeting the definition of a major development as defined in KCC section 12.08.010 provide permanent facilities for the treatment of water runoff quality and quantity control through the application of BMPs. Encourage monitoring of larger-scale development projects and roads to assess their impacts to surface water quality.

Policy LU-140 Require individuals and groups responsible for operation and maintenance of stormwater facilities to operate and maintain their facilities in accordance with the requirements of Title 12 of the KCC, Stormwater Management Ordinance and Design Manual.

Policy LU-142 Maintain wetland hydrology and provide stormwater treatment prior to discharge into wetlands.

Goal 34. Safeguard the quantity and quality of long-term groundwater supplies for people, fish, and wildlife using appropriate nonregulatory means.

Policy LU-163 Promote construction of facilities and technologies that maximize the retention and recharge of stormwater.

NATURAL SYSTEMS

Goal 1. Protect public safety and health, maintain water quality and habitat, minimize erosion of soils and bluffs, and diminish the public cost of repairing areas from damage due to landslides, erosion and seismic activities.

Policy NS-1 Ensure that development in geologically hazardous areas occurs in a manner that poses no hazard to health or property and that minimizes impacts to the natural environment, including stream and shoreline processes.

Policy NS-4 Review building and land use applications in geologically hazardous areas to see that public health, safety and welfare are protected.

Policy NS-5 Restrict development in Geologically Hazardous Areas unless the site is demonstrated by a qualified geotechnician to be suitable for building.

Goal 4. Protect the water quality, flows and ecological integrity of rivers, streams, lakes, wetlands, the Puget Sound and Hood Canal by appropriately regulating through the development review process stormwater and land use while allowing for compatible growth and development.

Policy NS-19 Protect marine and fresh surface water resources by ensuring that development, including rights-of-way, in critical areas is consistent with the CAO, Shoreline Management Master Program, and other applicable local regulations.

Policy NS-20 Evaluate, avoid, minimize, and mitigate unavoidable impacts to surface water quality and quantity during the planning and development review process. Consider the cumulative impacts of existing and future development on surface water quantity and quality.

Policy NS-21 Require native vegetation buffers along streams and wetlands to protect the functions and values of those surface waters.

Policy NS-22 Strive to achieve no net loss of wetland function in the short term, and a measurable gain of wetland function in the long term, in the following manner: Avoid direct impacts on wetlands and buffers; minimize direct impacts to wetlands and buffers; and mitigate impacts through creation, restoration, or enhancement of wetlands or buffers.

Goal 5. Maintain accurate and scientifically sound development regulations that protect the water quality, flows and ecological integrity of rivers, streams, lakes, wetlands, Puget Sound, and Hood Canal while allowing for compatible growth and development.

Policy NS-23 Maintain a CAO that protects surface water resources including fish and wildlife habitats and wetlands with special consideration for anadromous fish.

Policy NS-27 Develop and implement a mitigation banking program with sites in multiple watersheds to mitigate for unavoidable impacts to wetlands, streams, and

their buffers. Ensure that replacement of altered or displaced wetland or stream functions occurs within the drainage basin or service area designated by the department.

Goal 8. Preserve the biological diversity of Kitsap County and Puget Sound by appropriately regulating terrestrial and aquatic habitat areas.

Policy NS-35 Minimize habitat fragmentation and maximize connectivity of open space corridors when designating land use and zoning classifications, and reviewing development proposals.

Policy NS-36 Identify and protect habitat conservation areas throughout Kitsap County, where appropriate.

Policy NS-40 Require vegetative buffers along surface waters to protect fish and wildlife habitat. Larger or enhanced buffer areas may be required to adequately protect priority fish and wildlife species. Buffer enhancement, restoration, and/or mitigation shall be required where buffers have been degraded or removed during new development.

Policy NS-42 Encourage developers to protect continuous corridors of native vegetation wherever possible, to disturb as little natural vegetation as feasible, and to enhance or restore wildlife habitat by transplanting or planting native vegetation in the developed landscape.

Policy NS-43 Encourage cluster development to protect fish and wildlife habitat and, where possible, plan cooperatively with adjacent property owners to provide maximum habitat potential.

TRANSPORTATION

Goal 14. Maximize the opportunity for non-motorized travel, including development of greenways that are safe for all ages.

Policy T-63 Require the provision of accessible bicycle/pedestrian facilities within the roadway system of new developments.

Goal 15. Build a greenways network of non-motorized on-road commuter trails and off-road recreational trails, within and outside of road rights-of-way, that interconnect open spaces, urban areas, communities, and recreational areas.

Policy T-66 Develop a system of non-motorized transportation facilities that:

- Are constructed primarily within the rights-of-way of existing and proposed public streets or roads.

- Provide safe transportation among a variety of regional, inter-community and local Kitsap County destinations for bicyclists and pedestrians.

Goal 16. Encourage development of rights-of-way to safely accommodate motorized and non-motorized travel.

Policy T-67 Evaluate publicly owned, undeveloped road ends, tax title lands, and rights-of-way for use in implementing the bicycle/pedestrian system.

Policy T-68 Construct bicycle facilities in accordance with recommended design standards and allowed deviations consistent with guidelines set by the American Association of State Highway and Transportation Officials (AASHTO).

Goal 17. Create a continuous non-motorized transportation system that connects neighborhoods and integrates on- and off-road facilities.

Policy T-69 Where future bicycle and/or pedestrian facilities are planned in corridors in which future Kitsap County roadway improvement projects (both new construction and rehabilitation projects) are planned, include the bicycle/pedestrian facilities as part of the roadway project.

Policy T-70 Coordinate with WSDOT, Kitsap Transit and WSF to encourage adequate bicycle parking at all ferry terminals, park-and-ride lots, and public facilities.

Policy T-71 Preserve public access to public shoreline areas that are under jurisdiction of government entities.

Goal 18. Develop a system of non-motorized transportation facilities that are constructed primarily within the right-of-way of existing and proposed public streets or roads and that provide safe transportation between a variety of regional, inter-community and local county destinations for bicyclists and pedestrians.

Policy T-72 Designate a system of pedestrian/bicycle facilities and include at a minimum a network composed of:

- Regional facilities that provide principal bicycle connections to regionally significant destinations such as large existing communities, major transportation facilities or significant commercial/employment districts.

- Sub-regional facilities that provide supplementary pedestrian/bicycle connections to regionally significant destinations identified above or to significant sub-regional destinations such as smaller existing communities, secondary commercial/employment districts or state parks.

- Local facilities that provide connections between locally significant destinations such as residential neighborhoods, community facilities, schools,

parks and the overall “trunk” network of bicycle facilities.

Policy T-73 Assign top priority to the implementation of bicycle facilities and/or pedestrian facilities designated in the Kitsap County Bicycle Facilities Plan.

Policy T-74 Develop criteria, standards and procedures that allow the designated Bicycle Facilities Plan to expand to include future facilities that link to facilities designated on the Kitsap County Bicycle Facilities Plan.

Policy T-75 Implement the Mosquito Fleet Trail Master Plan. All improvements in the Bicycle Facilities Plan that overlap with the Mosquito Fleet Trail Plan are considered high priority projects

Policy T-76 Support continued development of non-motorized connections to establish commuter routes from residential areas to major employment and business centers, and interconnect urban areas and communities such as Silverdale with Bremerton, Kingston with Indianola; and Port Orchard with Belfair.

Goal 20. Achieve minimum LOS standards for transportation facilities in accordance with the requirements of the GMA.

Policy T-88 Maintain a transportation concurrency management system that tests new development for its impacts on the network at the site-specific level (area of influence), and also periodically monitors the cumulative effect at the countywide level.

Policy T-90 Transportation improvements shall be available to support planned growth at adopted LOS levels concurrent with development. “Concurrent” shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. Proposed development shall not be approved if it causes the adopted LOS to decline below the minimum standards adopted in the Comprehensive Plan.

Public Comment:

To date, the County has received numerous inquiries and comments from interested parties. Most of these letters were received as part of the EIS scoping, comment period and appeal. (see exhibit 33,29,41,47,48)

The issues stated address many topics. The most frequent comments are related to traffic safety concerns and concerns for water quality and quantity for fish and wildlife.

Agency Comment:

County Health District: Recommends approval

County Development Engineering: Recommends approval, subject to conditions in a memo dated October 6th, 2009

County Fire Prevention Bureau: Recommends approval

Findings:

A. The hearing examiner may approve, approve with conditions, or deny a hearing examiner 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;
The proposal is consistent with the comprehensive plan goals and policies as outlined above.
2. The proposal complies with applicable requirements of this title;
The proposal complies with all applicable provisions of this title.
3. The proposal will not be materially detrimental to existing or future uses or property in the immediate vicinity; and
As conditioned the project will lessen impacts on surrounding properties.
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 conditioned the project incorporated features and activities to minimize impacts to the surrounding vicinity.

B. 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 compatibility 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.
- C. 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.

Maintain continuous stream low flow monitoring of Dickerson Creek unless such monitoring is accomplished by Kitsap Public Utility District (KPUD). Regardless of who gathers the data, it shall be provided by the applicant to DCD, KPUD and Suquamish Tribe by December 1st of every year to allow review of summer low flows. Along with the raw data in electronic format will be an hydrographs and an analysis of standard low flow statistics and confidence intervals (e.g., seven day minimum average flow, seven day, ten year flow (7Q10), etc.).

Recommendation:

Based upon the above findings, it is recommended that the Ueland Mineral Resource Development, Alternative #2, be **approved**, subject to the following conditions:

Land Use:

1. Adoption and compliance with all proposed project mitigations and best management practices outlined in the Draft EIS (dated February 2009) for the proposed Development Alternative. These mitigations can be found in chapters:
 - 2.5 Geology and Soils
 - 3.4 Air Quality
 - 4.5 Surface Water and Wetlands
 - 5.5 Groundwater
 - 6.5 Vegetation and Wildlife

7.5 Noise and Vibration

8.5 Land Use

9.5 Transportation

10.4 Aesthetic Quality

11.5 Cultural Resources,

12.4 Recreation

13.4 Public Services and Utilities

(Exhibit 73, Conditions 1-157 adopted from the EIS)

158. Maintain continuous stream low flow monitoring of Dickerson Creek unless such monitoring is accomplished by Kitsap Public Utility District (KPUD). Regardless of who gathers the data, it shall be provided by the applicant to DCD, KPUD and Suquamish Tribe by December 1st of every year to allow review of summer low flows. Along with the raw data in electronic format will be an hydrographs and an analysis of standard low flow statistics and confidence intervals (e.g., seven day minimum average flow, seven day, ten year flow (7Q10), etc.).
159. If baseflow impacts are found, the applicant shall submit an adaptive management plan to the same parties which outlines steps the applicant will take to augment streamflows to pre-mining or better levels. Such steps may include direct augmentation of stream flow. The adaptive management plan will be approved by the County and implemented by the applicant.
160. If the review of the data leads the County to suspect that the stream may be experiencing low flows exacerbated by mining operations, the applicant shall fund the County hiring an independent firm to analyze the data and provide an opinion as to whether baseflows in the stream are being negatively impacted by mining operations. The standard for this opinion shall be "a preponderance of the evidence."
161. Mandatory tarping of loads will be required in any lease arrangement for trucking services.
162. Hours of operation will be limited to those proposed in the EIS. Operational hours shall be limited to 7:30am to 5pm Monday through Friday, 51 weeks per year. Operations will be closed on weekends and holidays.
163. Total daily trips shall not exceed 186.

Development Engineering

Development Engineering has reviewed the above land use proposal and finds the concept supportable in its approach to civil site development. A site evaluation was conducted on September 16, 2009. These comments are based

on a review of the Preliminary Drainage Report and Preliminary Engineering Plans stamped received April 23, 2008 to Kitsap County Development Engineering.

Development Engineering accepts the concepts contained in this preliminary submittal and requires the following conditions as an element of the land use approval:

GENERAL

164. 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 said plan acceptance.

STORMWATER

165. 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.
166. 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 application.
167. 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 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.
 - The extent of drainage improvements to be installed during the various phases.
168. 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.
169. Any project that includes off site 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).
170. 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. This permit is required prior to issuance of the SDAP.

171. 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.
172. 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.
173. 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.
174. 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.
175. 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.
176. 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.

177. 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 materials 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.

TRAFFIC AND ROADS

178. At Building Permit application, submit (KCPW Form 1601) for issuance of a Concurrency Certificate, as required by KCC Section 20.04.030 Transportation Concurrency.
179. Roads shall not exceed 12% grade.
180. Horizontal curves for public roads shall have minimum centerline radii as outlined in the Kitsap County Road Standards unless a technical deviation is granted.
181. 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**.
182. Wheelchair sidewalk ramps shall conform to the current requirements of the Americans with Disabilities Act per WSDOT standard plans at the time of construction.
183. The property owners shall be responsible for maintenance of all landscaping within the existing and proposed right-of-way including any structures other than roadway, storm drainage facilities, and traffic signage. Maintenance shall include, but not be limited to, mowing of lawn areas. A note to this effect shall appear on the accepted construction plans. In addition, Development Engineering reserves the right to require that covenants be recorded to address special maintenance requirements depending on final design.
184. Provide surveyed cross-sections at 50-foot intervals on the entire length of Northlake Way NW and Lebers Lane NW, as well as the proposed improved portion of NW Grover Lane. The cross-sections should show existing and proposed pavement, shoulders, ditches and slopes. The cross-sections should also depict centerline of pavement and right-of-way, the right-of-way lines, and easements.
185. Submit plans for construction of the road approaches between the edge of

existing pavement and the right-of-way line at all intersections with county rights-of-way. Approaches shall be designed in accordance with the Kitsap County Road Standards as established in Chapter 11.22 of the Kitsap County Code. Please denote the design vehicle on the plan set if different than the Kitsap County design vehicle. Existing approaches may need to be improved to meet current standards.

186. Due to the heavy tare weight per axle for the project trucks this land use will generate on county roads, the developer shall evaluate the existing pavement structures on Northlake Way NW and Chico Way NW to State Highway 3 to determine what impacts (i.e., premature failure) these loads could cause. This evaluation shall be submitted with the SDAP. If it is determined that premature road failure will occur due to the heavy truck traffic then the applicant shall contribute a proportional share toward road reconstruction to be determined by the Equivalent Single Axle Load (ESAL) equation.
$$\frac{[\text{ESAL (w/ development)} - \text{ESAL (w/out development)}]}{\text{ESAL (w/out development)}} = \text{proportional share (\%)}$$
187. If it is determined that impacts will occur [i.e., premature failure- defined as reaching a TSI (terminal serviceability index) of less than 2.5 prior to the end of the 20-year service life], the owner/applicant will sign a covenant with this proportional share condition prior to issuance of the SDAP.
188. Any required sidewalk shall be constructed prior to roadway paving. This note shall appear on the face of the final construction drawings.
189. Road frontage improvements consisting of curb, gutter, and sidewalk shall be constructed on the north side of Lebers Lane NW and on the north side of NW Grover Lane to Northlake Way NW.
190. Paved shoulders shall be constructed on both sides of Northlake Way NW from NW Grover Lane to Chico Way NW in order to maintain community health, safety and welfare (pedestrians, bicyclists, disabled vehicles, emergency vehicles, and maintenance vehicles and crews). The shoulders shall be constructed per Kitsap County Road Standards, Table 3-6 Design Values for Arterial Roadway Features.
191. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of NW Grover Lane and Northlake Way NW. Such certification shall note the minimum required sight distance, the actual sight distance provided, and a sight distance diagram showing the intersection geometry drawn to scale, topographic and landscaping features, and the sight triangle. The sight distance shall meet the requirements of the Kitsap County Road Standards. The certification shall also note necessary measures to correct and maintain the minimum sight triangle.
192. Any work within the County right-of-way shall require a permit to perform work on County right-of-way and possibly a maintenance or performance bond. This application to perform work in the right-of-way shall be submitted as part of the

SDAP process. The need for and scope of bonding will be determined at that time.

SURVEY

193. It appears from the project site plans that the North Quarter Corner and West Quarter Corner of Section 19, Township 24 North, Range 1 East of the Willamette Meridian are in the path of construction. Prior to approval of a Site Development Activity Permit, provide proof that an application for permit to remove or destroy a survey monument has been secured with the Department of Natural Resources. This compliance is pursuant to RCW 58.24.040(8).

SOLID WASTE

194. Prior to SDAP approval, Waste Management (360) 674-3166 shall be contacted for information on implementing the solid waste/recycling storage requirements influenced by the service provider (e.g. dumpster size and location) for the project. Pay particular attention to the access requirements of collection trucks. Provide documentation from the solid waste/recycling service provider that their requirements for this project have been met.
195. 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. Details 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.
196. 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.

OTHER

197. Construction of rock walls or other retaining facilities that exceed four feet in height shall require a building permit.
198. Rock and retaining walls shall meet all applicable setback requirements of KCSDM 4.7.5.
199. 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.

cc: Applicant

Engineer

Interested Parties :

Bremerton-Kitsap County Health District, MS-30

Kitsap County Parks & Recreation Dept., MS-6

Kitsap County Development Engineering / Public Works

DCD Staff Planner: Dennis Oost

DCD Code Enforcement

Hearing Examiner

Clerk of Hearing Examiner

DCD File

DCD Building Permit File

DCD Fire Marshall