

**JEFFERSON COUNTY  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
UNIFIED DEVELOPMENT CODE  
TYPE I LAND USE PERMIT**

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**APPLICANT:** DANAE LARRANCE  
SHINE QUARRY  
9861 HWY 104  
PORT LUDLOW WA 98365

**DATE ISSUED:** June 23, 2004  
**DATE EXPIRES:**

**MLA NUMBER:** MLA04-00314

**PROJECT PLANNER:** G BALLARD

**PROJECT DESCRIPTION:**

The proposal is for the Shine Quarry to expand from 20 acres to 40 acres. A revised DNR Reclamation Permit is required. DNR will conduct SEPA for this proposal. A Stormwater Permit is required from Jefferson County.

**PROJECT LOCATION:**

Parcel Number 821 302 001 in Section 30, Township 28, Range 01 East, WM, Located at 9861 Hwy 104, Port Ludlow, WA 98365

**FINDINGS:**

- 1.) The Administrator finds that this application complies with applicable provisions of the Unified Development Code, all other applicable ordinances and regulations, and is consistent with the Jefferson County Comprehensive Plan and Land Use map.
- 2.) The application was reviewed by the Jefferson County Department of Community Development staff on June 22, 2004 for the potential presence of Environmentally Sensitive Areas (ESAs) under the provisions of the Unified Development Code (UDC). After an initial Geographic Information Systems mapping review and an investigative site inspection, the following ESAs were confirmed to be present on the subject property: Adjacent to Type 4 (west), Type 5 and wetland east, slight landslide hazard, slight seismic hazard, Forest Land (Commercial Forest), mineral lands, and stormwater.
- 3.) A biologist conducted a site visit and evaluated the wetland to the east, and this information was submitted in conjunction with the application to address the adjacent streams and wetlands.
- 4.) Jefferson County has determined that the use of real property for agriculture and forestry operations is a high priority and favored use in the county. The county will not consider to be a nuisance those inconveniences or discomforts arising from such operations, if such operations are consistent with commonly accepted best management practices in compliance with local, state, and federal laws. If your real property includes or is within five hundred (500) feet of real property designated as Rural Residential 1:10 or 1:20, Rural Industrial, Rural Commercial, Agriculture, or Forestry, you may be subject to inconveniences or discomforts arising from such farming and forestry operations, including but not limited to noise, tree removal, odors, flies, fumes, dust, smoke, the operation of farm and forestry machinery during any 24-hour period, the storage and disposal of manure, and the application of permitted fertilizers and permitted pesticides. One or more of these inconveniences may occur as a result of agricultural and forestry operations which are in conformance with existing laws and regulations.
- 5.) A Type 4 Stream (Fish and Wildlife Habitat Area) has been identified to the west of the Shine Quarry. The stream will require a setback of 100-feet. There is a Type 5 stream located east of the Shine Quarry. The stream will require a setback of 50 feet. The setback shall be measured horizontally from the Ordinary High Water Mark (OHWM). Fish and Wildlife Habitat Areas shall also have Buffers and Building Setbacks established.
- 6.) Stream and wetland buffers are areas that shall be maintained in their natural condition, however, minor pruning or alteration of vegetation may be permitted as long as the function and character of the buffer are not diminished.
- 7.) Among the native conifer species which may be used in buffers or for re-vegetation include, but are not limited to: Grand Fir (*Abies grandis*), Sitka Spruce (*Picea Sitchensis*), Shore Pine (*Pinus Contorta*), Douglas Fir (*Pseudotsuga Menziesii*), Western Red Cedar (*Thuja Plicata*), and Western Hemlock (*Tsuga Heterophylla*).

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Among native tree species which may be used includes: Vine Maple (*Acer Circinatum*), Big-Leaf Maple (*Acer Macrophyllum*), Red Alder (*Alnus Rubra*), Pacific Madrone (*Arbutus Menziesii*), Quaking Aspen (*Populus Tremula*), Black Cottonwood (*Populus Trichocarpa*), Bitter Cherry (*Prunus Emarginata*), Oregon White Oak (*Quercus Garryana*), Cascara (*Rhamnus Purshiana*), Pacific Willow (*Salix Lasianдра*), and Scouler's Willow (*Salix Scouleriana*).

Among the native shrub species which may be used are: Sevice-Berry (*Amalanchier Alnifolia*), Red Osier Dogwood (*Cornus Stolonifera*) Salal (*Gaultheria Shallon*), Ocean Spray (*Holodiscus Discolor*), Indian Plum (*Oemlaria Cerasiformis*), Pacific Ninebark (*Physocarpus Capitus*), Red Flowering Currant (*Ribes Sanguineum*), Wild Rose (*Rosa Nutkana*), Swamp Rose (*Rosa Pisocarpa*), Willows (*Salix ssp.*), Red Elderberry (*Sambucus Racemosa*), Snowberry (*Symphoricarpos Albus*), Evergreen Huckleberry (*Vaccinium Ovatum*), Red Huckleberry (*Vaccinium Parvifolium*).

- 8.) Minimal additional impervious surface is proposed with the expansion of the mineral extraction activity. The proposal is to expand the size of the existing Shine Quarry from 20 to 34 acres. This would result in an additional 14 acres of land disturbing activities. Sections 6.6 and 6.7 of the Jefferson County Unified Development Code requires that your proposal submit a stormwater plan for a Large Project.
- 9.) The site plan as submitted with the Stormwater Application (BLD 04-00355) on May 28, 2004 has been reviewed for consistency under the UDC, and has been approved by Jefferson County Department of Community Development. Any modifications, changes, and/or additions to the stamped, approved site plan dated June 23, 2004 shall be resubmitted for review and approval by Jefferson County Department of Community Development.
- 10.) This approval is for a expansion of the existing Shine Quarry from 20 to 40 acres only. Any future permits on this site are subject to review for consistency with applicable codes and ordinances and does not preclude review and conditions which may be placed on future permits.
- 11.) The Shine Quarry has leased 40 acres from Pope Resource for over 10 years and the expansion is based on the diminishing assets doctrine.

Mineral extraction is a permitted use in the Commercial Forest designation. Section 4.0 of Ordinance 09-0525-95 effective June 5, 1995 states that all mineral extraction activities operating under a DNR permit and not within 1/2 mile of an Urban Growth Area are designated Interim Mineral Lands of Long Term Significance. The Shine Quarry was operating under DNR Reclamation Permit 70-012619 and is not within 1/2 mile of UGA. When the Unified Development Code was adopted these interim Mineral Lands of Long Term Significance were considered Mineral Resource Lands Overlay District (see Section 3.6.3 of the UDC).

- 12.) The property is designated Commercial Forest by the Jefferson County Comprehensive Plan Adopted August 28, 1998.
- 13.) Section 6.13.2(a) of the UDC states that existing trees and/or topographic features that meet or exceed landscaping/screening requirements can fulfill these requirements. There is forested area between the quarry and SR 104, which meet the landscaping requirement.
- 14.) The edge of the quarry is over 300 feet from the Type 4 stream located west of the quarry.
- 15.) SEPA for the expansion of the pit will be conducted by Washington State DNR.

#### CONDITIONS:

- 1.) All construction activities shall not encroach upon the stream and wetland buffers. This includes the storage or preparation of materials.
- 2.) A setback of 75-feet, measured perpendicularly from the edge of the Category 3 Wetland. This area shall be permanently maintained as a buffer. No filling, grading, clearing, or other alteration of the wetland or its buffer is allowed.
- 3.) A permanent physical separation along the upland boundary of the wetland buffer area shall be installed and permanently maintained. Such separation can include installing logs, trees, a hedgerow, or any other prominent physical marking approved by the UDC Administrator.
- 4.) The identified Fish and Wildlife Habitat Area Type 4 Stream, shall maintain a vegetative buffer setback of 100 feet. A 50 foot setback shall be maintained from the Type 5 stream. The identified setback shall be measured horizontally from the Ordinary High Water Mark (OHWM) to the mineral extraction activity.
- 5.) A permanent physical separation along the boundary of the buffer area shall be installed and permanently maintained. Such separation can include installing logs, trees, a hedgerow, or any other prominent physical marking approved by the UDC Administrator.
- 6.) The project shall adhere to the Best Management Practices (BMPs) to control stormwater, erosion and sediment during construction. BMPs shall address permanent measures to stabilize soil exposed during construction, and in the design and operation of stormwater and drainage control systems.
- 7.) The Stormwater Plan approved by the Jefferson County Department of Community Development incorporates the existing Stormwater Pollution Prevention and Erosion Sediment Control Plan, which is a component of the

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WA State Department of Ecology Sand and Gravel General Permit (WAG-50-1097). Once the subject permit has been issued the applicant shall fully implement the provisions of the submitted plan and contact the Jefferson County Department of Community Development to arrange a schedule to inspect the property for plan compliance. A Certificate of Occupancy will not be issued until the Department verifies plan compliance. No clearing for roadways or utilities shall occur on the project site until clearing necessary for the installation of temporary sedimentation and erosion control measures have been completed.

- 8.) All extraction and reclamation activities that create a noise disturbance must take place between 7:00 a.m. and 7:00 p.m. on weekdays, unless extended hours of operation are authorized for emergency purposes by the Administrator. Mineral extraction and processing may be conducted outside of these hours provided that the noise standards established in 173-60 WAC (adopted by Jefferson County through Resolution 67-85) are met. (Section 4.24(6) of the UDC).

No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, electrical interference to the detriment of adjoining property or the persons having the quiet use and enjoyment of that adjoining property. (Mineral Extraction Performance Standards 4.24 (6) of the UDC).

- 9.) Spoils shall be placed outside of environmentally sensitive areas and shoreline areas. Final slope angle shall be no steeper than 1.5:1. Best management practices shall be employed for drainage and other controls so that 1) spoils are properly drained and do not cause ponding, 2) runoff water meets the requirements and standards of this Code and other applicable County, state and federal codes and regulations, and 3) mass soil movement is prevented. (4.24(5) of the UDC).
- 10.) All extraction, surface mining, and reclamation operations must, to the extent possible, employ best management practices (see Section 6 of this Code) for drainage and erosion and sedimentation control, buffer zones, and other precautionary measures as appropriate to protect adjoining lands, surface and groundwater quality and quantity, natural drainage systems, environmentally sensitive areas, wildlife habitat, and scenic resources from adverse impacts resulting from the extraction operations and to meet the standards of this Code and other applicable county, state, and federal codes and regulations. (Section 4.24(3) of the UDC.)
- 11.) Exterior lighting for commercial and industrial uses shall not exceed thirty feet (30') in height from the finished grade. Exterior lighting for residential uses shall not exceed twenty feet (20') in height from the finished grade, excepting when such lighting is an integral part of a building or structure. Ground level lighting is encouraged.
- 12.) The alteration, intensification, and expansion of existing gravel pits and surface mining operations is allowed subject to reasonable performance standards to ensure that alteration, intensification, and expansion of such uses have minimal adverse impacts on surrounding areas and uses, and provided that:

a. If increased off-site impacts (noise, vibration, dust, traffic) would result from expansion, intensification, or modification, a conditional use permit shall be required.

b. Modification to include a new use or operation (e.g., a rock crusher) shall require a conditional use permit subject to a Type III permit approval process. (Section 4.24(7)).

- 13.) Lighting fixtures shall be designed and hooded to prevent the light source from being directly visible from outside the boundaries of the property. The intensity or brightness of all lighting, during construction and after project completion shall not adversely affect the use of surrounding properties or adjoining rights-of-way.

**NOTICE:** This permit does not excuse the proponent from complying with other local, state, and federal ordinances, regulations, or statutes applicable to the proposed development.

Development pursuant to this permit shall be undertaken subject to the applicable development and performance standards of the Jefferson County Unified Development Code.

If during excavation or development of the site an area of potential archaeological significance is uncovered, all activity in the immediate area shall be halted, and the Administrator shall be notified at once.

The Federal Endangered Species Act rules to protect threatened Chinook and Summer-run Chum salmon became effective on January 8, 2001. Bull trout have been listed as threatened since early 2000. Under the ESA, any person may bring lawsuit against any individual or agency that "takes" listed species (defined as causing harm, harassing, or damaging habitat for the listed species). In addition, the National Marine Fisheries Service can levy penalties. All areas in Jefferson County are included as "critical habitat" for a listed species. Development of property along any marine shoreline, freshwater shoreline, or floodplains could harm habitat if protective measures are not taken. To minimize the potential to damage habitat, all property owners developing adjacent to marine shoreline, freshwater shoreline, or floodplains are advised to do the following:

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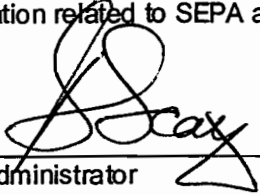
- Set back buildings, utilities and roads as far as possible from surface waters (streams, rivers, lakes, marine waters), or at least 150 feet from the edge of the water
  - All development activities should avoid unstable slopes, wetlands, and forested areas near surface waters
  - Remove minimal vegetation for site development, especially large trees
  - Allow trees that have fallen into surface waters to remain there
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- Infiltrate stormwater from buildings and driveways onsite through drywells rather than discharging directly into surface waters or roadside ditches

Any individual, group, or agency can bring suit for a listed species "taking," even if you are in compliance with Jefferson County development codes. The risk of a lawsuit against you can be reduced by consulting with a professional fisheries habitat biologist, and following the recommendations for site development provided by the biologist. For more information, contact the National Marine Fisheries Service in Seattle at (206)526-6613, or the U.S. Fish and Wildlife Service at (503) 231-6121.

**APPEALS:**

Pursuant to RCW 36.70C, the applicant or any aggrieved party may appeal this final decision to Jefferson County Superior Court within twenty-one (21) calendar days of the date of issuance of this land use decision. For more information related to judicial appeals see UDC Section 8.5.2.

The Threshold Determination for this Type I Permit may not be appealed to the Hearing Examiner. For more information related to SEPA appeals see UDC Section 8.10.12.



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UDC Administrator

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