



King County

DEPARTMENT OF PERMITTING AND ENVIRONMENTAL REVIEW (DPER) KING COUNTY, WASHINGTON

PRELIMINARY REPORT TO THE HEARING EXAMINER January 19, 2017- PUBLIC HEARING AT 1:00 PM Hearing Room of DPER 35030 SE Douglas Street Suite 210 Snoqualmie, WA 980065-9266

Cadman Rezone FILE NO: LUT415-0001
PROPOSED REZONE ORDINANCE NO: 2016-0560

A. GENERAL INFORMATION:

Request: Reclassification of the northeast twenty acres of tax parcel #242106-9001 from Rural Area (RA-5) zone to Mineral (M) zoning. One-hundred forty three acres of the parcel is zoned Mineral and is currently operating as a sand and gravel mine.

Location: Parcel 242106-9001 is located northeast of the intersection of SR-169 and SE Green Valley Road. Section 24, Township 21N, Range 6E

Proponent: Cadman Inc.
Attn: Sam Turner
7554 185th Ave NE
Redmond, WA 98052

File Number: LUT415-0001

Threshold Determination: Mitigated Determination of Nonsignificance (MDNS)
Issued November 10, 2016

County Contact: Fereshteh Dehkordi, Project Manager
(206) 477-375
fereshteh.dehkordi@kingcounty.gov

Request: Rezone to Mineral (M)
Existing Zone: RA-5
Section/Township/Range: NW 24-21-6

B. SUMMARY OF PROPOSED ACTION:

The subject parcel in its current configuration is classified as Mineral (M) except for 20 acres in the northeast corner. The classification of the site as Mineral zone was approved under the King County Rezone Application (file L93RZ009) in 1996. The 20-acre section with RA zoning classification was merged with the parcel in 2012 (KC File EMSC12-0003). The rezone application will expand the mining classification for the balance of the parcel, allowing expansion of sand and gravel mining.

C. HISTORY/BACKGROUND:

1. The property was approved for sand and gravel extraction on May 9, 1997 following an approval of a rezone application (L93RZ009). An ongoing sand and gravel operation including extraction and material processing has been taking place since 1959 on the adjoining property across the road by Cadman Sand and Gravel, known as the West Sector Mine. The rezone application under L93RZ009 would expand mining extraction in the East Sector Mine.

2. A grading permit (L93G0121) to allow extraction of sand and gravel was issued on October 23, 1997, allowing mineral extraction on approximately 90 acres of the 143-acre site known as the East Sector Mine. Mining of the site was scheduled for a maximum of 40-acre increments at a time. An Environmental Impact Study (EIS) was prepared to evaluate the expansion of mining into the East Sector Mine site as part of the rezone application request. Key environmental issues were identified such as increased noise level, and potential impacts to water resources and traffic. These environmental issues were addressed through the publication of the final EIS in October 1996.

The original rezone approval required that no material processing to occur on the subject site. The excavated material is transferred via a conveyer belt under SR-169 to the West Sector Mine site for processing. The proposed rezone request will not change this operation.

3. The request for the rezone application was received by the department on April 7, 2015. The proposed rezone application under consideration is to reclassify the balance of the parcel consisting of approximately 20 acres from Rural Area to Mineral zone.
4. The property is owned by the Weyerhaeuser Company and is leased to Cadman Inc. for mining operations. In 2012, the 20-acre section was added to the original parcel through a large lot segregation process under KC File EMSC12-0003. The 20-acre section is zoned Rural Area (RA-5) with a density of one dwelling unit per 5 acres.
5. Pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C a MDNS was issued on November 10, 2016. The MDNS incorporated by reference the Final EIS prepared for the original rezone of the site. The MDNS concluded that the proposal would not cause probable significant adverse impacts to the environment. The MDNS required that a restoration permit for inadvertent disturbance of the on-site critical area buffer by test pits and related access trails be submitted to DPER prior to approval of the rezone request. Additional documentation was provided showing that no wetland buffer or aquatic area buffer disturbance occurred due to test pits or related access trails.

D. AGENCIES CONTACTED:

Comments from pertinent state and local agencies were solicited through the SEPA review process. The department did not receive any comments from any local or state agencies.

E. NATURAL ENVIRONMENT:

1. Topography: The area proposed for rezone has rolling topography with small pockets of steep slopes (over 40%) concentrated southeast of the wetland. Mining is an allowed activity in Steep Slope Hazard Areas. Geotechnical reports by Golder Associates dated December 4, 2014, March 11, 2016 and December 8, 2016 were submitted and have been incorporated into the permit file.
2. Soils: The area proposed for rezone is underlain by glacial outwash and till, consisting primarily of gravel and well-rounded particles within unconsolidated sediment. Subsurface explorations by the applicant's consultant confirmed the presence of approximately 72 feet depth of sand and gravel similar in nature to that being mined at the same site. All the test pits indicate recessional outwash, a fluvial deposit consisting of clean sand and gravel deposited during the retreat of Vashon-age glacier. The recessional outwash was found near the ground surface. The subsurface exploration test results were documented in a report by Golder Associates dated March 11, 2016.
3. Critical Areas: A small .64-acre palustrine emergent wetland is located east of the area proposed for rezone. The wetland is fed by an intermittent spring-fed stream entering the site from the north. The wetland rating was modified during DPER review. This Category III wetland with fewer than 20 habitat points is required to be protected with an 80 foot buffer

from the high impact mining land use. The stream is Type O with a 25-foot buffer on either side. The wetland, stream and their associated buffers are delineated on the site plan. The applicant provided a wetland and stream reconnaissance report by Golder Associates dated December 4, 2014 and a revised Wetland Rating Form dated January 27, 2016, both of which are in the file.

4. Vegetation: The property was logged in 2013 under a Forest Practice permit issued by Washington State. The cleared area included the wetland, and buffers from the wetland and stream. The wetland and stream buffer will require reforestation with native trees prior to or as part of a grading permit.
5. Wildlife: DPER staff observed elk hoof prints along a trail crossing the wetland area. This suggests occasional use of the area by elk for foraging. Other than the Green River corridor less than a 1/4 mile from the site to the east, no portion of the rezone area is identified as a wildlife corridor by the Washington State Department of Fish and Wildlife. The small wetland may provide limited forage for an elk population in the area. The 80-foot wetland buffer will support the use of the wetland by elk and other wildlife in the area.
6. Ground Water: Ground water characteristics are documented in the report prepared by Golder Associates dated March 11, 2016 and prepared for this rezone application request. The report identified ground water seepage in the recessional outwash at a depth of 80 feet bgs only in one of the test holes. The report identified two wells in the area, one located about 2,200 feet west of the expansion area with ground water at 175 feet bgs and the 2nd well located within 3,300 feet of the rezone expansion area at 170 feet bgs. The current mining operation has not had an adverse impact on ground water and wells in the area.

Ground monitoring has been employed at the current mining operation in the past and through a grading permit condition. If warranted, this will be required again when a grading permit for the new rezone area is applied for.

7. Surface Water: Surface water runoff from mining activities in the rezone area will be collected and directed to infiltration ponds as with the current facility. Surface water management in accordance with the King County Surface Water Design Manual (KCSWDM) will be required through the future grading permits for the rezone area.

F. SITE & NEIGHBORHOOD CHARACTERISTICS:

The area proposed for rezones borders a local access road along its north boundary. Across the road to the north there is a large tract of land zoned Forestry owned by the Black Diamond Gun Club. Properties to the west of the rezone area consist of smaller parcels zoned RA-5 also owned by the gun club. Washington State Parks owns large tracts of land east of the proposed rezone area which border the Green River less than ¼ mile from the site and are zoned RA-5 (Rural Area, 1 du/5 acres). Mineral zoning dominates properties to the south of the rezone area containing the Cadman gravel and sand operation. There are small pockets of Neighborhood Business (NB) zone along SR 169 and near the entrance to the mining site. The area in general is characterized by large undeveloped lands in various resource use and sparsely populated.

G. TRANSPORTATION:

The entire site for the Cadman East Sector Mine operation has access to SR-169 via SE Green Valley Road. Under the original rezone application and the preparation of an EIS, a traffic analysis was performed to adequately evaluate and identify any significant traffic impacts from the mining operation. One result of the study was a mitigation condition proposed to address the heavy truck traffic associated with the processing facility and the damage to the SE Green River Road from heavy truck use. The mitigation condition required a compensation cost to be determined to reflect the cost of an asphalt overlay that would be attributable to the Cadman

operation. There is no record that such an agreement with King County Department of Transportation (KCDOT), Roads Services Division is in place. The rezone of the north 20-acre portion of the site will not increase traffic impact, rather it will prolong the use of SE Green Valley Road by truck traffic for additional years in the future. As a result, damage to public roads, specifically that portion of SE Green River Road from SE Green River Road to SR 169, will be anticipated. In addition to all mitigation measures established by the FEIS for operation of Cadman mining, an agreement with the KCDOT, Roads must be prepared through the approval of this rezone.

H. PUBLIC SERVICES:

The proposed rezone will not extend any public services such as public water and sewer into rural areas. No impact to other services such as schools or police is anticipated. The need for emergency services such as fire will remain at the same level as the current operation. Mining operations and material processing will operate in accordance with the findings and conclusion of the FEIS prepared and issued for the original zoning application.

I. COMPREHENSIVE PLAN:

KCCPP R-679: King County shall identify existing and potential mining sites on the Mineral Resources Map in order to conserve mineral resources, promote compatibility with nearby land uses, protect environmental quality, maintain and enhance mineral resource industries and serve to notify property owners of the potential for mining activities. The county shall identify:

- a. Sites with existing Mineral zoning as Designated Mineral Resource Sites;
- b. Sites where the landowner or operator has indicated an interest in mining, sites that as of the date of adoption of the 1994 Comprehensive Plan had potential Quarrying/Mining zoning, or sites that the county determines might support future mining as Potential Mineral Resource Sites;
- c. Sites where mining operations predate zoning regulations but without zoning or other land use approvals as Non-Conforming Mineral Resource Sites; and
- d. Owner-Identified Potential Sub-Surface Coal Sites.

COMMENT: The original parcel consisting of 143 acres is identified as a mineral resource site in the King County Comprehensive plan and has been operating as a sand and gravel mining site since 1993. The 20-acre area proposed for reclassification will convert the balance of the parcel to a Mineral zone and remove the split zoning of the site, allowing excavation of sand and gravel for the balance of the parcel.

KCCPP R-680: The King County may designate additional sites on the Comprehensive Plan Land Use Map as Mining only following a site specific rezone to Mineral zoning. Upon approval of a rezone to Mineral zoning, the Comprehensive Plan Land Use Map shall be amended to designate the site as mining during the next comprehensive plan amendment cycle. King County should approve applications for site –specific rezones to Mineral zoning and applications for permits that would authorize mineral extraction and processing only following site specific environmental study, early and continuous public notice and comment opportunities, when:

- a. The proposed site contains rock, sand, gravel, coal, oil, gas or other mineral resources;
- b. The proposed site is large enough to confine or mitigate all operational impacts;
- c. The proposal will allow operation with limited conflict with adjacent land use when mitigation measures are applied;
- d. The proposal has been evaluated under the State Environmental Policy Act so that the county may approve, condition or deny applications consistent with the county’s substantive SEPA authority, and in order to mitigate significant adverse environmental impacts;

- e. Roads or rail facilities serving or proposed to serve the site can safely and adequately handle transport of products and are in close proximity to the site.

COMMENT: The site contains mineral resources of sand and gravel. Subsurface exploration by Golder Associates confirms the presence of thick sand and gravel deposits (72 feet deep) within the area proposed for reclassification. It is estimated that the total resource is between 1.5 to 3 million tons of aggregate. The balance of the site is currently being mined for sand and gravel which is processed on the adjacent site under the approved grading permit (L93G0121). An EIS was prepared to evaluate the impact of the mining operation in the past. A periodic review of the operation was originally completed in July 21, 2004. The periodic review concluded that the on-going mining operation is operating in accordance with the approved FEIS recommendations.

Surrounding parcels are a mix of large and smaller parcels owned by resource land development companies and recreational uses such as Washington State Parks and a gun club. The large undeveloped parcels to the north of the site may have potential for mining resources.

KCCPP R-604: King County shall promote and support forestry, agriculture, mining and other resource-based industries as a part of a diverse, regional and sustainable economy.

COMMENT: Mining and processing mineral resources are an important part of King County's economy, providing jobs and producing materials used locally and regionally. The property and an adjacent parcel to the west are currently used for mining.

J. KING COUNTY CODE PROVISIONS:

1. *KCC21A.44.060 Zone reclassification. A zone reclassification shall be granted only if the applicant demonstrates that the proposal complies with the criteria for approval specified in K.C.C. Title 20.22.140 and 20.22.150 and is consistent with the Comprehensive Plan and applicable community and functional plans.*
2. *KCC20.24.150- Examiner duties – zone reclassification. When the examiner issues a recommendation regarding an application for a zone reclassification of property, the recommendation shall include findings on whether the application meets both of the following:*
 - A. *The proposed rezone is consistent with the King County Comprehensive Plan; [and]**
 - B.1. *The property is potentially zoned for the reclassification being requested;*
 2. *An adopted subarea plan or area zoning specifies that the property shall be subsequently considered through an individual reclassification application; or*
 3. *The requested reclassification is based on changed conditions. (Ord. 18230 § 33, 2016; Ord. 16950 § 12, 2010; Ord. 16263 § 9, 2008; Ord. 15243 § 2, 2005; Ord. 14047 § 12, 2001; Ord. 4461 § 10, 1979. Formerly K.C.C. 20.24.190).*

COMMENT: The proposed reclassification is in accord the King County Comprehensive Plan policies. The entire parcel (143 acres) is zoned Mineral (M) except for the 20-acre portion proposed for reclassification and is in mineral resource use. If approved, this re- classification will remove the split zoning of the property and will add additional resource to be extracted. Mineral resources are an important part of the county's economy as identified in the King County Comprehensive Plan.

3. *KCC21A.22.010- Purpose. The purpose of this chapter is to establish standards that minimize the impacts of mineral extraction and materials processing operations upon surrounding properties by:*
 - A. *Ensuring adequate review of operating aspects of mineral extraction and materials processing sites;*
 - B. *Requiring project phasing on large sites to minimize environmental impacts;*

C. Requiring minimum site areas large enough to provide setbacks and mitigations necessary to protect environmental quality; and

D. Requiring periodic review of mineral extraction and materials processing operations to ensure compliance with the approved operating standards.

7. *KCC 21A.22.030 Grading permits required. Extractive operations and materials processing operations shall commence only after issuance of a grading permit.*

COMMENT: The existing operation is under an approved grading permit and subject to periodic review every five years. The periodic review allows for a comprehensive evaluation of the mining operation by the department to assure that mining extraction is being done in a manner consistent with the applicable codes and established conditions. The area proposed for reclassification will be subject to a grading permit.

8. *KCC 16.82.010 Purpose.*

A. This chapter is intended to regulate clearing and removal of vegetation, excavation, grading and earthwork construction including cuts and fills, gravel pits, dumping, quarrying and mining operations within King County in order to protect public health, safety and welfare by:

- 1. Minimizing adverse stormwater impacts generated by the removal of vegetation and alteration of landforms;*
- 2. Protecting water quality from the adverse impacts associated with erosion and sedimentation;*
- 3. Minimizing aquatic and terrestrial wildlife habitat loss caused by the removal of vegetation;*
- 4. Protecting sensitive areas from adverse clearing and grading activities;*
- 5. Facilitating and encouraging long term forest practice and agricultural production operations where appropriate;*
- 6. Minimizing the adverse impacts associated with materials processing, quarrying and mining operations;*
- 7. Preventing damage to property and harm to persons caused by excavations and fills;*
- 8. Establishing administrative procedures for the issuance of permits, approval of plans, and inspection of clearing and grading operations; and*
- 9. Providing penalties for the violation of this chapter.*

B. This chapter establishes the administrative procedure for issuance of permits, provides for approval of plans and inspection of clearing and grading operations, and provides for penalties for the violation of this chapter.

COMMENT: Clearing, grading and excavation of material from the site will be subject to provisions of this chapter. The future grading permit for extracting sand and gravel in the area proposed for reclassification will be subject to the standards of this title.

K. OTHER CONSIDERATIONS:

The subject Rezone Notice of Application describing the proposal was posted on the subject property on November 5, 2015 and published in the Seattle Times on November 6, 2015 and in the Maple Valley Black Diamond local newspaper on November 13, 2015. The public notice describing the proposed Rezone and a community meeting was mailed to property owners within a 500-foot radius of the subject property on November 10, 2015. The Notice of SEPA threshold determination was mailed to all parties of records, public agencies and tribes on November 10, 2016.

COMMENT: A community meeting was held on December 14, 2015 in the Black Diamond Bakery Banquet Room. Six people attended including the applicant representative. No concerns were raised by

the citizen attendees at the meeting. KCDPER did not receive any comments from citizens and affected agencies. The SEPA Threshold Determination was not appealed.

CONCLUSIONS:

1. The application and supporting documentation provide a sufficient level of information to insure that the proposed reclassification will be compatible with the surrounding environment and meets the goals and policies of the King County Comprehensive Plan, and that further, it can comply with the King County regulations and standards.
2. The proposed reclassification is in the public interest and will provide construction materials to be used locally and regionally, thus contributing to the local and regional economy.

RECOMMENDATION: **APPROVE** the proposed Rezone request (KC File LUT415-0001)), subject to the following conditions:

1. The mining and processing activities shall conform to the provision of KCC21A.22 with regard to mining. All material processing shall be done on the West Sector site as is done by the existing operation. A 50-foot vegetated setback shall be provide along the perimeter of the rezone area.
2. Prior to any work, a King County Grading Permit shall be obtained. The grading permit application shall comply with applicable provisions of the King County Surface Water Design Manual, the King County Road Design and Construction, the King County Critical Areas Standards (KCC21A.24), Mineral Extraction Development Standards (KCC21A.22) and the Clearing and Grading Standards (KCC16.82) at the time of the grading permit submittal.
3. The site contains a Category III Wetland with fewer than 20 habitat points, and a Type O Aquatic Area. The wetland shall be protected from future development by an 80-foot buffer of undisturbed or restored native vegetation. The wetland and its required buffer shall be shown on the future grading plans.
4. A Type N aquatic area flows onto the site from the north and into the wetland. This aquatic area shall be protected any disturbance and future development by a 25 foot buffer of undisturbed or restored native vegetation on each side of the stream. The aquatic area and its required buffer shall be shown on the future grading plans.
5. A wildlife habitat report shall be required for review with the future grading permit application. The Washington State Department of Fish and Wildlife shall be consulted for listing of designated endangered, threatened and sensitive species.
6. A report providing information about groundwater for the project site shall be prepared and provided with the grading permit application. The report must reference the previous geophysical study and any other available groundwater information for estimating the seasonal high groundwater table throughout the site and immediate surroundings. The report must also discuss uncertainty in the groundwater model and describe in detail how the project will insure that a minimum of 3 feet of vertical separation will be maintained between the mine floor and the seasonal high water table. The report must identify appropriate mitigation if excavation encounters groundwater.
7. At the time of the future grading permit application for the area proposed for rezone, a road maintenance agreement between Cadman Inc. and KCDOT shall be prepared and signed by both parties to assure repair and maintenance of any damages to the public road from site's entrance to the start of the on-ramp into SR-169.

8. The future grading permit is governed by findings and conclusion of the EIS published October 1996. Additional environmental review may be required for the future grading of the proposed reclassified site. A copy of this decision and the FEIS must be submitted with the future grading permit.
9. The following conditions were required as part of the SEPA review of the proposed Rezone application. However, the geotechnical report by Golder Associates dated December 6, 2016 evaluated site conditions and determined that all steep slope areas are outside wetland buffers and that the wetland buffers and aquatic area buffer were not inadvertently disturbed for test pits and access trails. Staff reviewed and confirmed these findings. Therefore a grading permit for critical areas buffer restoration is not required. **The following SEPA conditions are satisfied:**
 - a. The area along the southeast edge of the wetland may contain a slope of 40 percent or greater. A grading permit for restoration of the critical areas buffer must be submitted and approved prior to approval of this rezone application. The future grading permit for excavation must identify the limits of critical areas, including any steep slope and its associated buffer, and shall be field flagged and verified by DPER critical Areas staff.
 - b. Where the wetland and/or aquatic area buffers intercept the steep slope, the wetland buffer shall extend to the top of slope. The extension of these buffers may limit future mining activities.

Attachment A: Parties of Record
Attachment B: Site Plan

ATTACHMENT A

TRANSMITTED TO ALL PARTIES OF RECORD FOR LUT415-0001

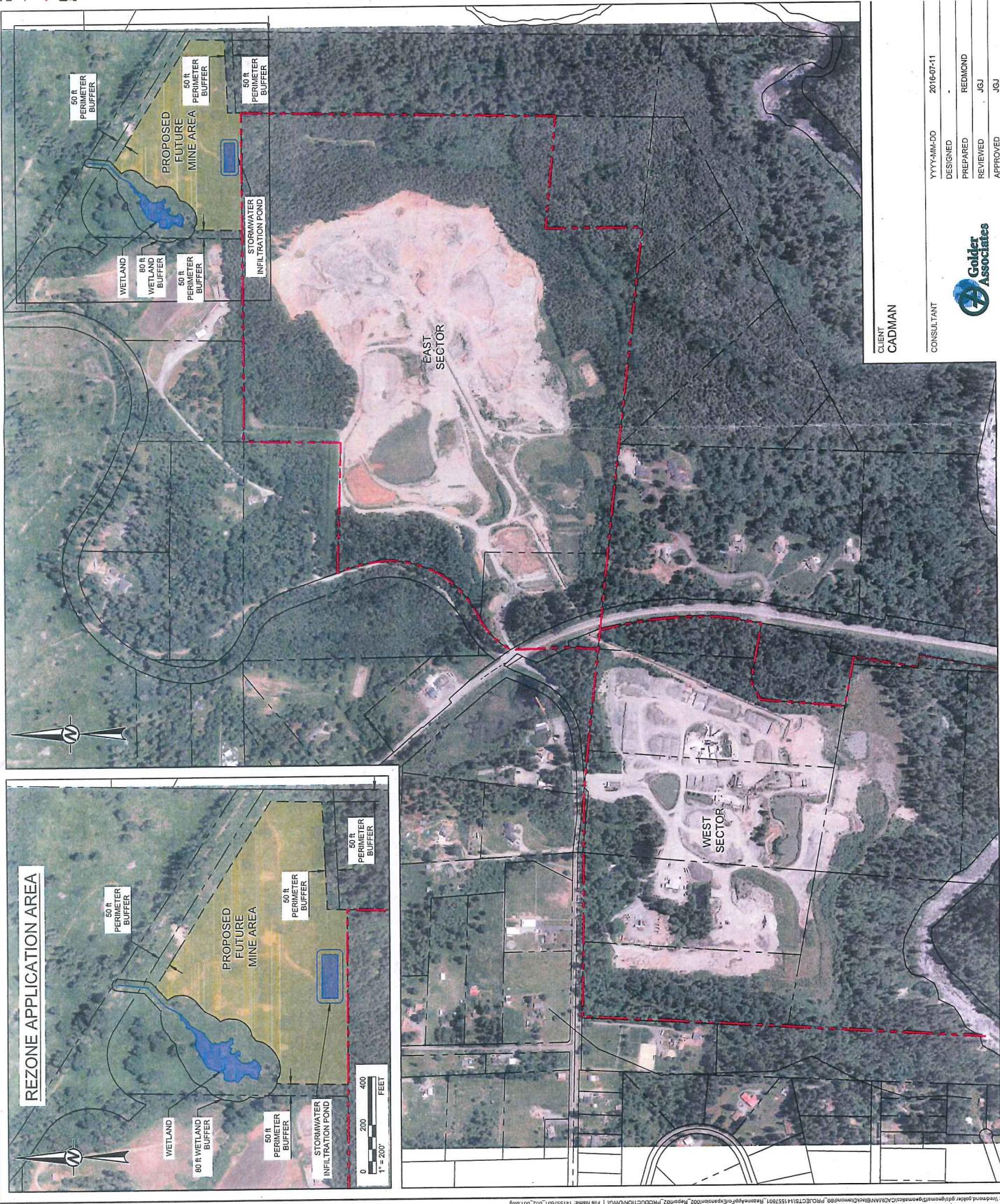
Hanrahan, John & Diane, 26571 SE 354th Pl, Auburn WA 98010
Johnson James, Golder Assoc Inc., 18300 NE Union Hill Rd Ste 200, Redmond WA 98052
Kombol William, Palmer Coking Coal Co., P.O. Box 10, Black Diamond WA 98010
Carrier Judy, 24305 SE Green Valley Rd, Auburn WA 98092
Turner Sam, Cadman Inc., 7554 185th Ave NE, Redmond WA 98052
Steve Bottheim, Environmental Scientist III - Geologist, DPER
Fereshteh Dehkordi, PPMIII, DPER
Laura Casey, Environmental Scientist III - Ecologist, DPER
Joe Barto, Engineer, DPER
Randy Sandin, Resource Product Line Manager, DPER
Fred White, Site Development Specialist II, DPER

- LEGEND
- PARCEL BOUNDARY
 - - - SUBJECT PROPERTY BOUNDARY
 - - - PROPOSED FUTURE MINE AREA EXTENTS

MAIN FILE COPY

RECEIVED
AUG 22 2016
KING COUNTY
D.P.E.R.

REFERENCE(S)
BASE MAP PROVIDED CADMAN, DELIVERED 2016-06-07 IN DWG FORMAT.



CLIENT
CADMAN

YYYY-MM-DD	2016-07-11
DESIGNED	
PREPARED	REDMOND
REVIEWED	JGJ
APPROVED	JGJ



PROJECT
BLACK DIAMOND REZONE APPLICATION
BLACK DIAMOND, WA

TITLE
SITE LAYOUT & Conceptual plan
LWT 415-0001

PROJECT NO. 1411557601
PHASE 002
REV. *****

FIGURE 01

ATTACHMENT B

ATTACHMENT B