



# Kitsap County Department of Community Development

2018 Comprehensive Plan Amendments - Planning Commission Consideration - Comment Matrix			
#	Name, Org	Comment	Staff Response
<b>GENERAL COMMENTS</b>			
1.	Roland Arper	Very impressed with level of detail that staff provided at the Port Orchard open house and support their recommendations with the exception of affordable housing proposal.	Thank you for this comment.
<b>AMENDMENT: KITSAP COUNTY NON-MOTORIZED FACILITIES PLAN</b>			
2.	Keith Norbut	<p>Topics: Amendment #6, Kingston Community Map            Reference: Attachment A, Exhibit A3, Kingston Map; Attachment C2, page 15, item #2 (N5)</p> <p>Summary of attached comment:            ISSUE – Change all of East 4th Street to Recreational Use            OPPOSE – This issue changes legal liability and use inconsistent with prevailing use, historical fee simple plat dedication of ROW, and is not consistent with case law.</p> <ul style="list-style-type: none"> <li>• Staff Report Unsuitably Recommends Entire 4th Street Classification as Recreational</li> <li>• Prevailing use is Mixed mode route serving local residents</li> <li>• More appropriate classification would be a Shared-use or Mixed-use Path – Not Recreational</li> <li>• The current use is established and already supports the community and is presently congruent with a pedestrian environment</li> <li>• Exclusive non-motorized use is inconsistent with UVC zoning for current and future use.</li> <li>• Pedestrian connector use for commuters and local residential pathways is consistent use with the Pennsylvania/Illinois pathway segment.</li> <li>• Recreational classification is not appropriate since the area does not lend itself to recreational; use, but rather is appropriate as a connector for local residents.</li> <li>• Recreational classification may cause lingering, loitering, or result in a</li> </ul>	<p>Thank you for this comment regarding the proposed amendment #6 (Kingston Community Map). Identification of public right-of-way (ROW) as a “Trail” does not limit the use of the ROW to recreation. As a ROW, 4th Ave. in Kingston is open to public access and future development for all transportation purposes.</p> <p>The 2013 Kitsap County Non-Motorized Facilities Plan identifies 4th Ave. from Washington Ave. to Illinois Ave. as an “Existing Open Trail”. The proposed map change for 4th Ave. is limited to extending the trail identification approximately 200 feet from Illinois Ave. to Pennsylvania Avenue. The proposed change was recommended by the Kingston Citizens Advisory Committee and incorporated into the Kingston Trails Plan. Prior to adoption of the 2016 County Comprehensive Plan, the Kingston Trails Plan was incorporated by reference into the Kingston Subarea Plan. The proposal was reviewed by and is recommended by the Kitsap County Non-Motorized Facilities Citizens Advisory Committee.</p> <p>The 4th Ave. corridor is predominately undeveloped public (ROW). Identification of the ROW as a “Trail” on the Kingston Community Map notes the Kingston Community’s desire that this corridor be preserved for</p>

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		<p>gathering place for activities. This would disrupt the quiet enjoyment of the abutting residents.</p> <ul style="list-style-type: none"> <li>• Recreational use is only well suited at the existing access trail to the PUD land trail entrance for hiking in the hills. The prior access point to the PUD trail system is land locked by the Bayview Condominiums the Pennsylvania/Illinois pathway provides no benefit for access to that recreation trail system.</li> <li>• RCW 47.14.020 defines "Right-of way" as "area of land designated for transportation purposes."</li> <li>• 79A.05.010 (4) defines "Recreation" means those activities of a voluntary and leisure time nature that aid in promoting entertainment, pleasure, play, relaxation, or instruction.</li> <li>• We strongly urge the recreational classification to only be applied to the PUD lands segment of East 4th Street.</li> </ul>	<p>transportation purposes (ie. not vacated) and that future roadway designs support non-motorized transportation. This corridor was just outside of the Kingston Complete Streets Study (2016).</p> <p>Development within the ROW is subject to County approval and permitting. The public can access a ROW, but any development within a ROW must be permitted by the County.</p>
3.	Dora Norbut	Same as comment #2.	See response #2.
4.	Alice Norbut	<p>Topics: Amendment #6, Kingston Community Map Reference: Attachment A, Exhibit A3, Kingston Map; Attachment C2, page 15, item #2 (N5)</p> <p>I live on an abutting property of the 4th Ave ROW and I have already experienced considerable loitering - with concerning behavior at night and drug/alcohol paraphernalia left on the pathway. I have also experienced strangers trespassing onto the property from the ROW on multiple occasions. I am concerned about the recreational designation because it would reinforce the idea of the route as similar to a park or trail, and lead to increased night/drug use.</p> <p>Similarly, I am concerned about privacy in that the current trees and vegetation provide a privacy screen from the condos and apartments above. It also provides a living sound barrier and shade. I am concerned that the</p>	<p>Thank you for this comment regarding the proposed amendment #6 (Kingston Community Map). Laws regarding illegal behavior such as trespassing on public property, drug use, and "loitering" in an undeveloped ROW are the same as if it were a developed roadway and should be reported to the Kitsap County Sheriff. Minor vegetation management (trimming bushes, cutting grasses) does not typically require a County permit. Tree removal within a ROW does require a County Permit. Suspected tree removal or "excessive" vegetation management should be reported to Kitsap County Public Works. Future development of the ROW such as development/improvements of a "soft trail" (Category 5 ROW Permit) or development of the roadway will include notifications to adjacent property owners to assure that they can express concerns/support about proposed</p>

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		designation will encourage further unauthorized tree removal and private landscaping of the ROW as a recreational area.	developments, design, and potential mitigation measures.  Also see response #2.
<b>AMENDMENT: KINGSTON URBAN VILLAGE CENTER (UVC) ZONE REVIEW</b>			
5.	Jim Pivarnik, Kingston Stakeholders	<p>Summary of attached comment:</p> <ul style="list-style-type: none"> <li>• The Kingston Stakeholders, the urban economic development arm of the Greater Kingston Chamber of Commerce, wishes to recognize and thank Commissioner Gelder and DCD for undertaking the review of policies and development of regulation related to the UVC zone.</li> <li>• A variety of issues have prevented the development and growth of Kingston per the vision put forth by the community.</li> <li>• Strongly support the adoption of the recommendations as proposed.</li> </ul>	Thank you for this comment.
6.	Jason Manges	<p>Topics: Mixed Use, Parking Requirments, Design Standards</p> <p>I would like to give my full support to the proposed changes to the Kingston UVC including elimination of mixed use requirement and reduction of parking requirements. I am a UVC resident and plan to live in this zone for the foreseeable future.</p> <p>I would like to enforce a modest interpretation of the adopted design standards. I think the building that was permitted on the corner of 2nd and Ohio should have never been allowed because it violates the principles of that standard.</p> <p>Town needs to grow and encourage new models of HOUSING. People = activity and support of existing retail.</p>	Thank you for this comment. Your comment regarding the administration of the adopted design standards will be shared with DCD permitting staff.
7.	Kate D'Archangel	I would like to give my full support to the proposed changes to the Kingston UVC including elimination of mixed use requirement and reduction of parking requirements. I am a UVC resident and plan to live in this zone for the foreseeable future.	Thank you for this comment.

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8.	Byron Acohido & Robin Acohido	<p>Summary of attached comment:</p> <p>1.) UVC rule changes. I wholeheartedly applaud and subscribe to the input you've received from Dave Wetter and Rick Lanning. Flexibility for local property owners, and a good working relationship, built on trust, between individual owners and the county, are vital. The county's long term population density goals for the UVC make a lot of sense and should be steadily implemented. That said, property owners should not be hamstrung by obtuse rules, enforced categorically. I'm aware of the details of a handful of cases where the standing rules resulted in UVC property owners not being able to develop their lots in ways that would have reinforced the unique character of our seaside town, while also contributing to population density targets. Moving ahead, foresight and flexible on meeting such things as population density and parking is crucial on each and every proposed project. There must be room in the rules – and in the project approval process – for individual property owners and county staff to collaborate and arrive at creative solutions. The common, shared goal, should be to nurture the unique character of Kingston. These proposed rule changes are a step in that direction.</p> <p>2.) Traffic flow. By far, the biggest thing preventing Kingston from becoming all that it should be is poorly organized traffic flow. With the coming of the walk-on ferry this problem will be exacerbated. The good news is that the local business and civic groups are highly motivated to collaborate on near term improvements. However, what is really needed is a comprehensive, long term plan, with input from professional planners. Clearly this will also require cross jurisdictional collaboration. At the moment, there is a leadership vacuum. If there is anything you can do to identify -- and strongly support -- local, regional or state leaders to take this on, it would be of tremendous benefit. Better yet, perhaps you could take this on personally. The results will be highly visible and make a big impact.</p>	Thank you for this comment.

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9.	Nancy D'Archangel	I support the proposed amendments to the Kingston UVC zone.	Thank you for this comment.
10.	Richard D'Archangel	I support the proposed amendments to the Kingston UVC zone.	Thank you for this comment.
11.	Mark Jovanovich & Paul Groomer, Hinoki, LLC	<p>Topics: Mixed use (Amendment #1-2 &amp; #8), Parking (Amendment #3), Maximum Density (Amendment #5-7)</p> <p>We are property owners in the Kingston UVC zone. We have gone through the Short Subdivision approval process for a 6 unit attached single family development known as Hinoki Terrace, Permit No. 167-05735. In order to win approval for this project, 1/3 of the proposed floor area had to be available for commercial use, a completely arbitrary figure. In order to meet the requirement, two of the six units were designated as possible conversion to commercial applications, along with the required parking for such use. Due to the commercial requirements for parking, our project area is dominated by parking spaces. It's unfortunate that so much space is taken away from the landscape. Two of our potential buyers have only one vehicle yet we are required to have 2.5 spots per unit plus commercial spaces as well. Garages don't count as parking spaces making it all the more difficult to achieve.</p> <p>The process to meet this criteria was time consuming and expensive. One of our objections to the county's review of our plans was their injecting portions of the "complete streets" plan that has not been adopted. Having to address this issue was expensive and really unnecessary, we feel this was an error in the county's assumption. The neighbors who have commented are opposed to more commercial uses in this neighborhood as we are directly adjacent to an under-developed business area in downtown Kingston's core. Having lived in the neighborhood for nearly 3 years has convinced us that more housing is what is really needed here.</p>	<p>Thank you for this comment regarding the proposed amendments #1-3 and #4-8. The described project seems to have experienced most of the regulatory barriers identified by the Kingston UVC Workgroup, which the proposed amendments (and future amendments to Kitsap County Code) are intended to address.</p> <p>The Kingston Subarea Plan includes a policy to increase density allowed in the UVC, which is currently 10-18 dwelling units/acre compared to 10-30 dwelling units/acre for the adjacent commercial zones in the Kingston UGA. Like many municipalities that no longer specify a maximum density in their downtown commercial cores, including Bainbridge Island and Poulsbo, building height/size/form, site development, and community character would continue to be governed by design standards (e.g. height, scale, design characteristics, etc.) and other development regulations (e.g. landscaping, stormwater, parking, etc.). The change in density would only affect how many units could be located within the allowed building envelop.</p> <p>Regarding the referenced project, the proposed amendments will not require revisions to the approved permits. If they wish, the applicant could choose to submit revisions to their permitted project, after the</p>

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		<p>Therefore we are supportive of the proposed elimination of the mixed use requirement.</p> <p>We are opposed however to the proposal to allow an increase in maximum density, as it would alter the small-town character that makes Kingston an attractive place to live , and believe it to be inconsistent with the Kingston design standards.</p> <p>Our main concern going forward is how the proposed changes will affect our project. We would like to amend our proposal to reflect the new reality once the changes are approved.</p> <p>This will incur additional time and expense, which would not be needed if the amendments were not happening. We'd like to hear from County staff as to whether there may be some ways to mitigate going through another approval process.</p> <p>When we discussed this with Peter Best from KCDC at the open house last month he had no information about this. Also he indicated there may be some other changes in the works to address other related issues, specifically the possibility of allowing ADU's in the zone, and elimination of the attached single-family requirement. Both of those are pertinent to the design of our project.</p>	<p>amendments are adopted. Details regarding that process should be directed to the DCD Permit Center.</p>
12.	Keith Norbut	<p>Topics: Mixed use (Amendment #1-2 &amp; #8)</p> <p>I support this Amendment. The UVC change relaxes the mixed-use requirement for new residential construction to reserve space for commercial use. The existing requirement adds significant costs to construction and inhibits affordable housing.</p>	<p>Thank you for this comment.</p>
13.	Dora Norbut	<p>Same as comment #12.</p>	<p>See response #12.</p>

**AMENDMENT: GEORGE'S CORNER LAMIRD BOUNDARY ADJUSTMENT**

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14.	Mike McCown	<p>Summary of Oral Testimony (8/31/2018):</p> <ul style="list-style-type: none"> <li>• Owner of one of the parcels in question in the George's Corner amendment. I am speaking in favor of the adjustment.</li> <li>• When we purchased the property in 2014 we were unaware that there were three zones on the property, we were told that there were two and found out there were three when starting to work on permitting.</li> <li>• History of LAMIRD discussed. Was told by people involved at the time boundary was intended to be drawn away from the wetlands and along intended parcel lines but the [short plat] parcel lines were not approved at the time the LAMIRD boundary was approved and ultimately did not align.</li> <li>• Would like the LAMIRD boundary to align with parcel lines so I can proceed with my development.</li> </ul>	Thank you for this comment.
<b>AMENDMENT: PARKS, RECREATION, AND OPEN SPACE PLAN UPDATE</b>			
15.	Mike Chesmore	Kitsap Co Green	Thank you for this comment.
<b>AMENDMENT: AFFORDABLE HOUSING POLICY REVIEW</b>			
16.	Roland Arper	Do not see the value in spending the time and money to obtain this information. We already know we have shortage of affordable housing and time and money would be better spend developing affordable housing and additional changes to zoning to allow more ADA and other options to provide affordable housing units.	Thank you for this comment. We too are concerned with spending scarce public funding for affordable housing and homeless programs in the most effective way possible. One of the challenges in developing a plan to facilitate additional affordable housing is not having complete information about the existing inventory, particularly those units that are in the private market. Quantifying the need will inform policy decisions about how to spend resources. In addition, the proposed study will include recommendations for policy, code, and zoning changes that will promote the development of affordable housing. We also anticipate a component of the study that will look at how to maximize the development of affordable housing with accessibility to

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			the current and future transportation system. This is important for future residents of affordable housing so that they can easily access employment, health care, and community resources.
<b>AMENDMENT: CLARIFYING EDITS</b>			
17.	Jerry Harless	<p>Topics: Density Calculation Methods (Amendment #6)</p> <p>Summary of attached comment:</p> <ul style="list-style-type: none"> <li>• The zoning code directs maximum densities to be calculated as dwelling units per acre of gross land area. The Comp Plan is silent as to how density should be calculated (gross or net), but the UGAs were sized by applying permitted (allowed) density ranges as dwellings per acre of net developable area as calculated in the land capacity analysis.</li> <li>• DCD proposes bringing the density measurement methods from the zoning code into Appendix B of the Comp Plan. On the surface, this would appear to resolve the inconsistency issue, but it actually exacerbates the problem. The effect is to convert a plan-zoning inconsistency into an internal plan inconsistency.</li> <li>• Amending the plan to require measurement of maximum densities as dwellings per acre of gross land area contradicts the land capacity analysis used to size the UGAs in 2016. Thus, the plan will now be internally inconsistent because the UGAs were sized by a method of measuring density that is at odds with the new language added to Appendix B.</li> <li>• I appreciate DCD's attempt to resolve the plan-zoning inconsistency, but the proposed solution only makes the problem worse.</li> <li>• Please recommend to the Board of Commissioners, as you did in 2016, the reasonable solution.</li> </ul>	<p>Thank you for this comment regarding the portion of amendment #6 related to density calculations. The Growth Management Act (GMA) and the Kitsap Countywide Planning Policies do not specify how to calculate permitted density. The Comp Plan definition of density in Chapter 10 describes two methods (using net and gross acreage) for measuring permitted density. Appendix B of the Comp Plan specifies the permitted density in each zone but does not specify which measurement method to use. The County's development regulations (KCC 17.420.020.A) specifies that minimum permitted density is calculated using net developable acreage and maximum permitted density is calculated using gross acreage.</p> <p>While the County has prevailed before the Growth Management Hearings Board and Superior Court on this issue, the process before the Court of Appeals has not finished. Given that litigation on this issue remains ongoing, this topic is not appropriate as a clarifying edit at this time.</p>
<b>AMENDMENT: CPA 18-00369 (RICHARDSON)</b>			
18.	Roland Arper	Support this change and appreciate the feedback and knowledge of the Kitsap County planner who spoke on this at the Port Orchard open house.	Thank you for this comment. We appreciate the opportunity to inform the public at all of our events.



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<b>AMENDMENT: CPA 18-00431 (UELAND TREE FARM LLC)</b>			
19.	Jack Stanfill, Chico Creek Task Force	<p>Summary of Oral Testimony (7/17/2018 &amp; 7/31/2018) and attached comment:</p> <ul style="list-style-type: none"> <li>• Information that has changed in the last 3 years that affects the proposal</li> <li>• The watershed boundaries were wrongly located during the Gorst watershed analysis of 2012-2013. 500 acres not calculated in the stormwater runoff analysis and was added by Ecology to Hines Basin via Parametrics. Ecology – permitted uses must preserve forest cover and not result in conversion as part of the re-assessment of the Gorst watershed [Exhibits provided].</li> <li>• Green zone, 25 page specific study that included 500 acres that was inadvertently left out in 2012-2013 Gorst watershed analysis. We got it changed since the report was first issued.</li> <li>• I first want to address the comprehensive plan amendment application. Ueland has marked on the lake pond reservoir, which they say is the beaver pond lake. The real beaver pond has been left out of the process since 2007.</li> <li>• Wants to address the trails. It is written in the staff report that there are public trails in the tree farm. These are not public trails, they belong to Ueland and he can control who does and doesn't go on the trails. Since 2011, Mr. Ueland has kept us off the trails. If you are a member of Chico Creek task force, you cannot go on the trails.</li> </ul>	<p>Thank you for this comment. The impacts associated with the proposed quarry operations were evaluated during the State Environmental Policy Act (SEPA) process in 2009 and 2015 as part of the conditional use permit process. The resulting environmental documents were challenged and determined to be adequate by the courts. The proposed amendment does not modify the previous environmental documents and is consistent with the conditions of approval and development agreement between the applicant and Kitsap County.</p> <p>The 'green' or 'protection zone' which was outlined during the Gorst Subarea planning process with the City of Bremerton was a planning tool and was not given any subsequent legislative, regulatory or code-based standing by any agency or jurisdiction. In addition, the site will need to be reclaimed in a manner that would allow for future development on the site consistent with the land uses permitted in the Forest Resource Lands zone.</p> <p>The applicant has stated during oral testimony on 7/31/2018 that the trails are open to the public as long as they are being used for recreational enjoyment.</p>
20.	Mark Mauren, Ueland Tree Farm LLC	<p>Summary of Oral Testimony (7/17/2018):</p> <ul style="list-style-type: none"> <li>• Response to earlier comments (regarding the Gorst watershed). Ecology study was a planning document, not regulatory document, to point out that these are things to consider when permitting a project.</li> <li>• The issue is that the stormwater and the stream were studied when the CUP (Conditional Use Permit) was applied for and approved in 2007 when the mines were put in place. These decisions were challenged and upheld.</li> </ul>	<p>Thank you for providing additional information regarding the environmental documents and approved Conditional Use Permit.</p>

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		<ul style="list-style-type: none"> <li>• It came up again in 2015 and was upheld again, when the CUP was revised to change the location for hauling in and out of the property, moving it to the South End at Warner, which is Industrial, instead of the North Lake, which is residential</li> <li>• We did the studies, on the drainage and the mines to be sure it did not exacerbate any sediment, stormwater or water flow issues.</li> </ul>	
21.	Alex Sidles, Bricklin & Newman LLP Lawyers Working for the Environment	<p>Summary of attached letter:</p> <ul style="list-style-type: none"> <li>• The amendment should be denied. The proposed amendment is forbidden by the Growth Management Act's special protection for forest lands of long-term commercial significance and by Kitsap County's regulations for forest and mineral resource lands.</li> <li>• The proposed amendment violates the Growth Management Act (GMA). The GMA has special protections for forestlands of long-term commercial significance, which our state needs to support the ailing timber industry. By re-designating Ueland's forest resource lands as mineral resource overlay lands, the proposed amendment unlawfully deprives these forestlands of their GMA protection.</li> <li>• Kitsap County Code does not allow mining on forest resources land, except under limited circumstances in support of forestry. Kitsap County has determined that mining is incompatible on forest resources lands. The County may not re-designate the five forest resources land parcel as mining resources land. The comp plan promotes forestry above mining and does not treat them as compatible. These GMA rules for forest resource lands amendments are repeated in substantially similar form in the Kitsap County Code.</li> <li>• Under the Kitsap County Code, any parcels in mineral resource lands must be at least 20 acres in size, unless the entire parcel is used only for extraction. The parcels are smaller than 20 acres, and do not qualify for the mineral designation. Ueland's development agreement with the County does not effectuate a rezone. It provides that the county will consider a possible rezone. Ueland is seeking a post hoc rezone ordinance. This is a violation of</li> </ul>	<p>Thank you for this comment. The impacts associated with the proposed quarry operations were evaluated during the State Environmental Policy Act (SEPA) process in 2009 and 2015 as part of the conditional use permit process. The resulting environmental documents were challenged and determined to be adequate by the courts. The proposed amendment does not modify the previous environmental documents and is consistent with the approved conditional use permit and development agreement between the applicant and Kitsap County.</p> <p>The Mineral Resource Overlay zone does require a minimum lot size of 20 acres unless the property is used for extraction (see Kitsap County Code Section 17.420.060.A.30). A basalt quarry totaling 39.2 acres was approved on the site in 2009 and 2015 via a conditional use permit. The approved conditional use permit was challenged and determined to be valid by the courts.</p> <p>See also response #19.</p>

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		<p>the County Code's procedures for development agreements. Rezoning forest resource lands is not like rezoning other types of properties.</p> <ul style="list-style-type: none"> <li>• Under the GMA and the Kitsap County Code, forest resource lands are preserved for the long term. They cannot be rezoned because a more profitable use presents itself to the landowner. Ueland and the County have failed to make the findings required under the law to re-designate these five parcels.</li> </ul>	
22.	Jack Stanfill, Chico Creek Taskforce	<p>Summary of attached comment: Will you please add Kitsap County Senior Manager, Scot Diener's August 23, 2017 email (below) to my comments concerning Public Comment for Ueland's Site-Specific Comp Plan Amendment 18-00431?</p> <p>Mr. Diener's states, "Please note the zoning is not incorrect and has not been revisited anytime recently, including the 2016 Comprehensive Plan update. There is no error in the zoning, nor is there any plan to change the zoning designation(s)."</p> <p>Mr. Diener also wrote, "Finally, please know that the Ueland Tree Farm mining operation is vested to the code under which it was submitted, so that even additional development or restrictions were put in place, they could not impact what has been approved." The Ueland property, that Mr. Diener responded to me about with his email mentioned above, is NOT zoned with a mineral resource overlay.</p>	<p>Thank you for this comment. In 2016, the County received a request from Ueland Tree Farm to change the land use designation and zoning classification of six parcels (permit 15-00522) from Urban Reserve to Rural Industrial with a Mineral Resource Overlay. The Board of County Commissioners denied the request and instead redesignated the five parcels as Rural Protection with a Mineral Resource Overlay in accordance with the approved Conditional Use Permit.</p> <p>The impacts associated with the proposed quarry operations were evaluated during the State Environmental Policy Act (SEPA) process in 2009 and 2015 as part of the conditional use permit process. The resulting environmental documents were challenged and determined to be adequate by the courts. The proposed amendment does not modify the previous environmental documents and is consistent with the conditions of approval and development agreement between the applicant and Kitsap County.</p>
23.	Mark Mauren, Ueland Tree Farm LLC	<p>Summary of Oral Testimony (7/17/2018 and 7/31/2018): In response to previous comments</p> <ul style="list-style-type: none"> <li>• The wetland that Jack Stanfill mentioned earlier, and the beaver damn are one in the same.</li> </ul>	<p>Thank you for providing additional information regarding the environmental documents and approved Conditional Use Permit.</p>

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		<ul style="list-style-type: none"> <li>• Trails are open to public as long as they are used for recreational enjoyment and we are working with the county to get that formed through an easement process.</li> <li>• Went through a Conditional Use Permit process for the two quarries, and they were permitted. This is a development agreement that went through a hearing and processes.</li> <li>• Discovered in Conditional Use Permit process that we weren't able to mine under forest resource land. Reapplied and it was suggested to do a mineral resource overlay.</li> <li>• Not expanding the sites. Legitimizing what has been approved. Want a mineral resource overlay which is allowed by the Growth management act and county comprehensive plan. Trying to follow what the county rules and regulations allow us to do.</li> </ul>	
24.	Bernie JMW Fleming, Private Landowner on Dickerson Creek	I am concerned about disruption to the ground about the headwaters of Dickerson Creek. I note that the corner of the uppermost lot actually touches these fragile wetlands. Anything done to this creek as shown will flow all the way down to Chico, where the county has invested heavily in restoration.	Thank you for this comment. The impacts associated with the proposed quarry operations were evaluated during the State Environmental Policy Act (SEPA) process in 2009 and 2015 as part of the conditional use permit process. The resulting environmental documents were challenged and determined to be adequate by the courts. The proposed amendment does not modify the previous environmental documents and is consistent with the conditions of approval and development agreement between the applicant and Kitsap County.
<b>AMENDMENT: CPA 18-00490 (CULBERTSON)</b>			
25.	Susan Peterson	I own the property at 3265 Bartolatz Rd. W. which is south and adjacent to the parcels owned by Ronald Culbertson. Our water (in the well) is fed from a spring that is on the neighboring Culbertson land. (The house is currently vacant) The spring also feeds a large pond on my property (frequented by eagles, bear, deer). The house built in 1939 by my father was actually built on the property line (which goes through the dining room, etc). I would be	Thank you for this comment. The Department understands your concerns regarding the potential impacts associated with mineral resource extraction. The Department is recommending a change to Kitsap County Code that would require the applicant to receive a conditional use permit prior to mineral resource extraction on the site. The

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		worried about the future blasting on the 40 acres north on the existing house.	<p>conditional use permit process will ensure public participation and that environmental impacts are identified and evaluated based on the development activities proposed for the site. The conditional use permit process and State Environmental Policy Act (SEPA) process typically results in conditions that address or mitigate identified environmental impacts.</p> <p>The Department has received a lot of public comment regarding this proposed amendment. We are following up on comments and gathering additional information that will be provided for the Planning Commission's deliberations, which is anticipated to occur on September 18, 2018.</p>
26.	Brittany N Gordon, WDFW	<p>On question 3(a)(1) of the SEPA checklist, the staff correction states that according to Kitsap County, there is a non-fish habitat stream located on the northeast corner of the subject property. I suggest adding a sentence that mapped stream types are subject to field verification and prior to development application, the stream type should be verified by a team consisting of representatives from the County, WDFW, and affected tribes.</p> <p>I would recommend including something like this for all SEPAs that have mapped streams nearby. I have gone out to many sites where I determined a stream to be fish habitat, only to have the property owner upset because the County had indicated (based on the map) that the stream was non-fish habitat.</p>	<p>Thank you for this comment. We will incorporate a note to that effect into the next version of the staff report for the Board of County Commissioners.</p> <p>We have also shared this comment with DCD permitting and SEPA staff for their consideration.</p>
27.	Sally and Blake Harrison	<p>Summary of Oral Testimony (7/17/2018) and attached comment:</p> <ul style="list-style-type: none"> <li>• Wishes to share experience living next to a quarry. Bought and cleared land in 1992; after completing a geotechnical study they built a home in 1994 with hopes to recoup some investment at retirement.</li> <li>• Some of the initial blasting shook the home rattling windows, doors and</li> </ul>	<p>Thank you for this comment. See response #25.</p> <p>We understand the desire to develop your property. In addition, once mining has been completed, the site will</p>

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		<p>things inside, like a single percussion earthquake. Realized it was not an earthquake but blasting from the quarry.</p> <ul style="list-style-type: none"> <li>• Less than 10 years after moving in, settling and cracks are forming on their structure now (in the house and on deck). See Attachment. Flooding occurred in basement.</li> <li>• Concerned with their well, located at the corner of the property (182 ft from Culbertson property). If blasting continues and ruins their water supply, what measures will be in place or available to help repair or at least mitigate the damage. More concerned about well than cracks.</li> <li>• Hopes were to build an additional single-story home on the lower portion of their property, but that planned location is directly next door to the new proposed site.</li> </ul>	<p>need to be reclaimed in a manner that will allow future development on the site consistent with the land uses permitted in the Rural Protection zone (see Attachment C4 in the Staff Report to review a comparison of land uses allowed in the zone).</p> <p>The existing KRM Quarry was approved in 1995 and conditions were placed on the permit to mitigate impacts related to noise and blasting. The County is following up with the quarry operator to evaluate how current operations are complying with approved conditions regarding these issues.</p>
28.	Mark Sandridge	<p>Summary of Oral Testimony (7/17/2018):</p> <ul style="list-style-type: none"> <li>• Moved to the area for the quiet and solitude, existing quarry has ruined the enjoyment of property. Sounds like bombs going off when blasting occurs now.</li> <li>• Bought property in 2009 and began building with incorrect information that there was to be no blasting in quarry.</li> <li>• Concerned about impact of the proposed site and the possibility of additional expansion in the future.</li> <li>• Does not have dates or records on a calendar for how often blasting occurs. Believes he might feel the smaller ones from his property. Sally Harrison approached to add that blasting occurs during the day once or twice per week.</li> </ul>	<p>See response #25.</p>
29.	Elfie Zach	<p>Summary of Oral Testimony (7/31/2018):</p> <ul style="list-style-type: none"> <li>• Owns the property adjacent to the 65 acres. Has lived on the property since the mid 80's. Wildlife in the area is abundant.</li> <li>• They opened as Kitsap Reclamation and Material's and only heard noise on few occasions. Ten years ago, began blasting issues, and at the time her husband spoke with them and it made a difference.</li> <li>• Has dealt with noise pollution, cracking sheetrock, cracked concrete and</li> </ul>	<p>Thank you for this comment. See response #25.</p> <p>The existing KRM Quarry was approved in 1995 and conditions were placed on the permit to mitigate impacts related to noise and blasting. The County is following up with the quarry operator to evaluate how current</p>

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		<p>concern for their well. Main concerns are the aquifer, environment, and damage to homes.</p> <ul style="list-style-type: none"> <li>• Concerned about the quarry being attached to wetlands and bogs. Worried about salmon spawning ground and sediment deposition. Wants the wildlife to stay around her property rather than relocating due to the quarry.</li> <li>• Asking for a SEPA environmental impact assessment before any permit is issued. Recommending to please not enlarge the quarry.</li> </ul> <p>Follow-up Email Comment:                      The gentleman who represented KRM failed say anything about the out of state people that bought KRM who's now trying to make it a quarry not a reclamation. Who will police them? In addition, once it is rezoned and it becomes a quarry. Kitsap code 17.170. last paragraph in the code rules state that it allows them to do whatever they want to do as well as It will be added to my selling Documents. The land owners have no recourse with the blasting, noise pollution, trucks, mud/ sediment and whatever else that results from their actions. When the new owners of the quarry start mining Right Out My Backdoor. I will listen to this all day long, all week long, 11 hrs a day, except on Sunday; how did they get the rock out of the ground without blasting and then truck it to where they grinded which is a mile away. This entire area has had many septic tanks refused because of the springs, bogs and water bubbling out of the ground which all feed into Gorst Creek. Even the developers are having an issue with the sediment that washes down into the sound and the Creek. This is becoming a high density residential. The 1950s short plats have been bought out by developers and they are placing homes on them. This is due to the water and sewer both being brought into this area, as well as zoning protection keeping from short plating. That Hillside would be better used for residential, it's all view property you can see Mount Rainier, Sinclair Inlet, as well as a View of the Cascade Range (territorial View).                      This is not supposed to be a quarry or a mining operation, they're not</p>	<p>operations are complying with approved conditions regarding these issues.</p>

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		following your rules. Running out of materials in 5 years is a good thing. They were only supposed to be for Reclamation of materials. Please let's not reward them by allowing them to ruin our peaceful and beautiful community as well as our well-being.	
30.	David Galligan	I oppose the approval of the amendment because of its negative impact on my property value. Currently there is no view of the quarry. Expansion may expose the quarry. Heavy equipment and blasting noise will increase. Air quality from dust may decrease. Quality of our well water may be compromised. I urge the county to consider these concerns and if approved require mitigation of these issues.	See response #25.
31.	Douglas Lambert	Summary of Oral Testimony (7/31/2018): <ul style="list-style-type: none"> <li>• Opposed to the amendment.</li> <li>• Staff report does not adequately address the true nature of where the new proposed quarry will be. The references address Sherman heights and existing entrance. This is located on Sand Dollar Road.</li> <li>• Concerned with dust, blasting, changing the zoning, noise, and property value. I am within a mile of the quarry currently and already experience all these concerns. Do we have any protection from the noise and dust that this may generate?</li> <li>• Believes the plan should be looked at again. Sherman heights road is a long way away from the quarry.</li> </ul>	Thank you for your comment. See response #25.  In addition, the applicant has stated in their application that all truck traffic will access the site from West Sherman Heights Road.
32.	Debra Lambert	Summary of Oral Testimony (7/31/2018): <ul style="list-style-type: none"> <li>• Resident of Bremerton and has been her whole life. Representing the community on Skipping Stone Lane and is opposed to the proposed amendment.</li> <li>• Several homes will be 300-1200ft from blasting, heavy trucks, the noise, the pollution. Very upset. The community already experiences noise pollution and home damage during operating hours of the quarry.</li> <li>• Concerned about the extending hours, the community already hears it every day for the duration of open hours.</li> <li>• Concerned about the environment and the animal living in these areas</li> </ul>	Thank you for this comment. See response #25.



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		<p>near the quarry.</p> <ul style="list-style-type: none"> <li>• The large power substation is several acres and concerned about it. Are there any impact statements that have been done? How will the blasting effect the substation?</li> <li>• Worried about the Bremerton watershed.</li> <li>• Concerned about traffic caused by quarry use.</li> <li>• How are they going to be accountable for all the possible impacts?</li> <li>• Our sheetrock and foundations are cracking. These are retirement homes, people cannot afford fixes or to move.</li> <li>• Would request EIA and SEPA before application and another public hearing.</li> </ul>	
33.	Phil Struck, Representing KRM Quarry	<p>Summary of Oral Testimony (7/31/2018):</p> <ul style="list-style-type: none"> <li>• I would like to respond to a few of the comment made earlier.</li> <li>• The access should continue to be Sherman Heights road. The crushing plant is intended to stay in the existing quarry.</li> <li>• KRM just completed an air quality study in accordance with EPA standards.</li> <li>• There is a non-fish bearing tributary, but the site does not discharge into a salmon stream or Gorst creek.</li> <li>• Have an easement which requires notifications for blasting, which is followed. Every blast is monitored and compared to the blasting standards. There was one measurement that was barely over the standard.</li> <li>• The mine has tried to be a good neighbor. Has met all the standards. Believe it is an appropriate site and is committed to do the required studies.</li> </ul> <p>Summary of attached comment:</p> <ul style="list-style-type: none"> <li>• Noise and Dust: Future quarry would be approximately 1,000-ft from adjacent existing residences (see attached Exhibit I)</li> </ul>	<p>Thank you for this comment. The Department has received a lot of public comment regarding the proposed amendment. We are following up on comments and gathering additional information that will be provided for the Planning Commission's deliberations, which is anticipated to occur on September 18, 2018.</p>

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		<ul style="list-style-type: none"> <li>• Blasting: Each blast is monitored by seismographs located on the perimeter of the quarry and over the last four years met the federal standard that is based on prevention of plaster cracking.</li> <li>• Environmental Resources: There are no fish bearing streams on the site and the site is not located in the Gorst Creek watershed. An adjacent wetland would only encroach onto a small area on the west side of the site, if at all, and would be buffered pursuant to Kitsap County standards.</li> <li>• Groundwater resources: groundwater is discontinuous within the basalt formation and is typically encountered only in localized fractures. The quarry setback would provide significant protection of localized groundwater that is used for potable supply.</li> <li>• Site Suitability: The existing quarry has been in operation for over 20 years and has complied with applicable standards, and responsive to neighbor concerns. Adjacent residential use is very low density and separated from existing residential structures by approximately 1,000-ft of natural vegetation and slopes.</li> <li>• Consistency with Kitsap County Policy: KRM is committed to conducting the necessary assessments and studies to ensure that future operations mitigate impacts in accordance with applicable policies, standards and regulations.</li> </ul>	
34.	Eric Bennett	<p>Summary of attached comment:</p> <ul style="list-style-type: none"> <li>• My wife and I are homeowners on Quarry Street.</li> <li>• First, I'm curious as to why we didn't receive any type of notice regarding this proposed mining operation?</li> <li>• From what I understand the proposed route for all the trucks will be up and down Quarry street which directly effects my family and I. Disregarding the fact this road isn't large enough for trucks and trailers to be running up and down the road all day and has a 90 degree blind corner, we have serious safety concerns for the families living in the impacted area. There are about 20-30 new houses built up on Sand Dollar Rd. There families with children,</li> </ul>	<p>Thank you for your comment. See response #25.</p> <p>The Department reviewed the mailing list for the postcards that were sent out to property owners and it appears that your property was more than 800 feet from the site which is why you did not receive a postcard. Public notice regarding the proposed amendment was also posted online, on the site, and in the Kitsap Sun. Your email address will be added to Kitsap County's electronic</p>

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		<p>grandchildren, pets. People walk and ride bikes along Quarry all day long, I worry for the safety of everyone on this road.</p> <ul style="list-style-type: none"> <li>• We have submitted multiple noise complaints to Kitsap county regarding the noise levels of the Quarry. Noise levels often times were WELL above the permissible levels of the Kitsap County Noise Ordinance. We've even met with the previous owner of Kitsap Reclamation and Materials. I find it hard to believe that a mining operation on top of that will be within 17.170.030.H.</li> <li>• Although it's not documented I'm sure the blasts from the quarry have structurally affected my house and houses around me. Now we'll have even more to deal with? Are there any safeguards for us?</li> <li>• How can 17.170.070 even be legal? If they throw a rock through my roof or I get some sort of health issue from all the dust and smoke, tough luck?</li> <li>• We're angry we weren't made aware of this until now, as I would've liked to have gone to the open house or public hearing but we're finding out second hand from a Sand Dollar resident. And we're angry that something like this is even being considered.</li> </ul>	<p>notification system so that you can stay informed moving forward.</p> <p>The applicant has stated in their application and at the 7/17/2018 Public Hearing that all truck traffic will access the site from West Sherman Heights Road.</p>
35.	Oliver Hanley, Hanley Property LLC	<p>Summary of Oral Testimony (7/31/2018):</p> <ul style="list-style-type: none"> <li>• Loves Kitsap Reclamation</li> <li>• Supports Culbertson</li> <li>• Asset to the community</li> <li>• Benefit – Recycling (believes it is wonderful)</li> </ul>	Thank you for your comment.
36.	Peggy Bishop	<p>Summary of attached comment:</p> <ul style="list-style-type: none"> <li>• Lived on Quarry St since 1976, built their home in 1984 after the former quarry was permanently shut down</li> <li>• Not provided notices regarding proposed amendment and the sale of KRM to a mega corporation</li> <li>• States history of the quarry. 1983, prior operation shut down. 1986 US Navy request to dump dredged waste is denied. 1993, KRM began recycling center. 2005, KRM started mining operations. 2008, given notice that the quarry was expanding operation.</li> <li>• Numerous complaints sent to Pat Lockhart. Has emailed commissioner</li> </ul>	<p>Thank you for your comment. See response #25.</p> <p>The Department reviewed the mailing list for the postcards that were sent out to property owners and it appears that your property was more than 800 feet from the site which is why you did not receive a postcard. Public notice regarding the proposed amendment was also posted online, on the site, and in the Kitsap Sun. The Department will add your email to Kitsap County's</p>

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		<p>Garrido.</p> <ul style="list-style-type: none"> <li>• Attachments with letters to Kitsap County and Parametrix (KRM’s expert) addressing concerns about the adjacent residential neighborhood</li> <li>• Requests to review enclosed information and deny the proposal.</li> <li>• Cannot sell home next to rock quarry</li> <li>• Taxes should be reduced due to location of home</li> <li>• Pat Lockhart should be made culpable for the damages to our homes, loss of quiet use and enjoyment, nuisance, etc.</li> </ul>	<p>electronic notification system so that you can stay informed moving forward.</p> <p>The existing KRM Quarry was approved in 1995 and conditions were placed on the permit to mitigate impacts related to noise and blasting. The Department is following up with the quarry operator to evaluate how current operations are complying with approved conditions regarding these issues.</p>
37.	Edward and Evelyn Solis	<p>Summary of attached comment:</p> <ul style="list-style-type: none"> <li>• Writing on behalf of entire Solis family.</li> <li>• Extended family owns several developed and undeveloped parcels on Skipping Stone Ln and Sand Dollar Rd.</li> <li>• Allowing the expansion of mineral resource overlay will greatly affect our property values, water, land use, watershed/retention, and wildlife.</li> <li>• Residents of Sand Dollar Rd and Skippin Stone Ln are on wells. If our well water is negatively affected will the mining company fix and compensate surrounding home owners? Will they repair damage to homes from continued blasting?</li> <li>• Yes, we bought land and a home close to a mine. This decision was based on current land use and a new home site development. How could a mine expand with 30-50 new homes being built very close to said mine?</li> <li>• Power substations are also very close to mine, not to mention the cascade natural gas pipeline.</li> <li>• We have a wide array of wildlife in the area. These hills are home to black bear, bobcat, coyote, deer, bald eagles, great heron, wood ducks, mallards, owls, western tanager, american goldfinch, (believe it or not) turkey vultures, etc.</li> <li>• Please be advised that Kitsap Reclamation-Materials was acquired by ACG Materials based out of Oklahoma owned by H.I.G. Capital based out of Miami FL. KRM is no longer a family owned business, it only serves to line</li> </ul>	<p>Thank you for this comment. See response #25.</p>

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		<p>the pockets of ACG Materials and H.I.G. Capital. Many of the surrounding houses are owned by KRM Real Property Investment LLC and Lockhart. The people living in those homes will not speak out in fear of reprisal. Is that really how you want the people of Bremerton to live?</p> <ul style="list-style-type: none"> <li>• Allowing the mine to expand will create irreversible damage to this land, to our homes, and wildlife habitat. Once it is allowed there is no turning back. This project is not right for our community.</li> </ul>	
38.	Blake Harrison, Elfie Zach, Debra Lambert, Douglas Lambert, Evelyn Solis, Edward Solis, Mark Sandridge, Christine Read, Gabriel Serrato, John Izudman, Robert Chate, Earl L. Veach, Ronnie Quitugua, David Rouse, Peggy Bishop, Mary Erickson, Eric Bennett, Jose	Home owners in the area are requesting the Culbertson amendment not be approved. Concerns of proximity to quarry, property value, property damage, safety, traffic, watershed, habitats, loss of peace, noise pollution, and Mineral Reasource overlay issues are all addressed in attachment.	Thank you for your comment. See response #25.

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	Delona, Juan Carlos Serrato		
39.	Sally Harrison	Having accessed the audio recording of the July 31st Planning Commission open house, I would like to submit a rebuttal to Mr. Struck's noise mitigation plan. Our property at 2957 and 2987 Sand Dollar Rd. W. is directly north of the Culbertson property. We are also uphill from the site. There is no berm high enough or setback far enough to reduce the noise of blasting and rock crushing that the proposed quarry will generate.	Thank you for this comment. The existing KRM Quarry was approved in 1995 and conditions were placed on the permit to mitigate impacts related to noise and blasting. The Department is following up with the quarry operator to evaluate how current operations are complying with approved conditions regarding these issues.
<b>AMENDMENT: CPA 18-00528 (HANLEY PROPERTY LLC)</b>			
40.	Oliver Hanley, Hanley Property LLC	<p>Summary of Oral Testimony (7/17/2018 &amp; 7/31/2017):</p> <ul style="list-style-type: none"> <li>• Mr. Hanley thanks the Planning Commission and believes he has been a great neighbor to have. Better neighbor than the fire station. Station has grown in size by 5 times. Water spray sometimes comes over the buildings and gets the employees wet. Fire drills are a little annoying.</li> <li>• When the experts say his business is a Contractor's Storage Yard, he'd like to know where that came from. 1960s, Charlie Ryan was a contractor who owned the site and a business on the top of Mile Hill. Built southpark, Kitsap Bank as a contractor.</li> <li>• In the early 1990's Mark Grimm (a Kitsap County Code Compliance Inspector), told Mr. Hanley his business wasn't zoned correctly and would have to shut down. Used aerial photos and discussed with Fire Chief and Deputy Fire Chief. Business has been there for 38 years, now 49 employees and trucks on site. Current use is an extension of the previous use by Charlie Ryan as construction company.</li> <li>• Mr. Hanley commends DCD but doesn't understand this new zoning problem. He does not want to push this down the road, because it's a pretty closed, simple, case.</li> <li>• He has only ever had 2 complaints in almost 40 years. Mr. Hanley notes he is willing to put in a covenant that the property won't be sold for any intent to change the proposes for something different.</li> </ul>	<p>Thank you for providing this comment. Given the site's current activities, DCD has determined that "contractor's storage yard" (defined as a place where heavy equipment, vehicles, construction equipment or any material commonly used in the erection of any structure, is stored or accumulated. Sites that involve current construction of projects with active permits involving the materials on site shall not be considered a contractor's storage yard) is the most similar use in Kitsap County Code 17.410 for the current use of the property. This use is not allowed by KCC 17.410 in either the existing Urban High Residential zoning designation or the requested Commercial zoning designation. Consequently, an approval of the requested amendment will not change the status of the current use with regards to KCC 17.410 and will create an additional isolated zone in an already fragmented zoning pattern.</p> <p>The area-wide review recommended by DCD and the City of Port Orchard is intended to address the existing fragmented zoning pattern in the immediate area. It would analyze the compatibility between the Fire District</p>

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		<ul style="list-style-type: none"> <li>• (Buskirk - What is happening on these parcels?) Explained history of uses. 3 parcels used to have 3 single family residential rentals in front and equipment in back with trucks, offices upstairs, business from 6:15-7:00am and workers return in the afternoon. Continued business from Charlie Ryan's operations in 1960's. Inspected by Fire District for 14 years until the County took over that responsibility</li> <li>• (Svenson – What about the contractor storage yard term that you don't agree with?) Materials and trucks are not stored for long periods of time. Always been a roofing company that runs the trucks out, toned down from what Charlie Ryan had.</li> </ul>	<p>complex to the south, the approved commercial mixed use project to the north and west, and the Mile Hill Road corridor to the north of the Hanley Property LLC site and propose alternative zoning schemes intended ensure compatible future uses and an orderly development pattern. Zoning classifications that would allow a contractor's storage yard would be considered during that area-wide review. Kitsap County would also coordinate with the City of Port Orchard as the jurisdiction associated with the Urban Growth Area.</p> <p>A separate code compliance investigation is ongoing regarding the Hanley Property LLC site. If the proposed Comprehensive Plan amendment is deferred, as recommended by DCD, any future code compliance actions related to non-life safety issues would be deferred until the completion of the area-wide review.</p>
41.	Brad Wiggins, South Kitsap Fire District	<p>Summary of Oral Testimony (7/31/2018):</p> <ul style="list-style-type: none"> <li>• Always considered them as a commercial occupancy.</li> <li>• The noise from them is limited, we are the noisy neighbors.</li> <li>• The fire department is in favor of making this into a commercial spot. Low impact.</li> <li>• Putting high residential in that space is problematic for the fire department. We are constantly getting complaints about our extra noise we make.</li> </ul>	<p>Thank you for this comment. See response #40.</p>
42.	William Palmer, Representing Hanley Property LLC	<p>Summary of Oral Testimony (7/31/2018):</p> <ul style="list-style-type: none"> <li>• It appeared to me when I read the staff report, the staff had characterized the uses taking place on Mr. Hanley's site one way, when they could have looked at their own commercial code. The uses taking place on this site are compliant with the commercial zone. The 7 subsections of 410 would allow for everything that is taking place on the site.</li> </ul>	<p>Thank you for this comment. See response #40.</p>

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		<ul style="list-style-type: none"> <li>• I thought it was instructive that you have a review of the history of the site (included in attached letter). I want to take point to one of the points in that letter. September 8th, 1995 is when the hearings board invalidated Kitsap counties comprehensive plan and zoning. There was a little over a month period when the county had no zoning or comprehensive plan.</li> <li>• Recommendation to postpone the application, concerned because we presented a good application this year. Postponement without a date is problematic. See no reason to postpone the application.</li> </ul>	