

Kitsap County Planning Commission Minutes – July 17<sup>th</sup>, 2018

KITSAP COUNTY PLANNING COMMISSION

Administration Building – Commissioner’s Chambers

July 17<sup>th</sup>, 2018 @ 5:30 pm

These minutes are intended to provide a summary of meeting decisions and, except for motions made, should not be relied upon for specific statements from individuals at the meeting. If the reader would like to hear specific discussion, they should visit Kitsap County’s Website at <http://www.kitsapgov.com/dcd/pc/default.htm> and listen to the audio file (to assist in locating information, time-stamps are provided below).

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Members present: Gina Buskirk (Chair), Karanne Gonzalez-Harless (Vice Chair), Kim Allen, Joe Phillips, Tom Nevins, Richard Shattuck, Jim Svensson

Members absent: Aaron Murphy

Staff present: Jim Bolger, Louisa Garbo, Darren Gurnee, Dave Ward, Liz Williams, Amanda Walston (Clerk)

05:30:16

**A. Call Meeting to Order, Introductions**

- Chair Buskirk acknowledges the resignation of Planning Commissioner Spencer Stegmann, submitted 7/10/18.

**B. Adoption of Agenda**

- Motion: Jim Svensson moves to adopt Agenda as presented.
  - Second: JP seconds.
  - Vote: 7 in favor; 0 opposed – motion carries.

**C. Approval of Minutes**

- Motion: KGH moves to approve minutes from 07/03/18 meeting as presented.
  - Second: KA seconds.
  - Vote: 5 in favor; 2 abstain; 0 opposed – motion carries.

5:32:44

**D. Work Study: 2018 Annual Comprehensive Plan Amendment Update Process – Liz Williams, Planning & Environmental Programs Planner**

- Liz Williams briefly reviews the process to be followed for this Work Study, and provides an overview of the Comprehensive Plan Amendment Process thus far, including background, timeline, phasing and requirements
  - 8 of 11 proposed amendments were presented in Work Study on 07/03/18; the remaining 3 will be presented tonight with the public hearing following.
  - July 31<sup>st</sup> will be a special meeting and continuation of the 7/17 public hearing, which is in addition to open houses held around County, and other

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1 opportunities for public input including electronic and social media  
2 platforms, postcard and legal (newspaper) noticing and coordination with  
3 area Tribes.

- 4 • Anticipating PC work study following the Public Hearings on August 21<sup>st</sup> and the  
5 recommendation will follow on 9/4 or 9/18
  - 6 • Reviews and gives brief description of each proposed amendment (County  
7 Sponsored and Site-Specific Applications), including those which were  
8 presented at Work Study on 07/03/18
- 9 • Ms. Williams reviews the new, standardized format for Staff Reports presented to the  
10 Planning Commission for the 2018 CPA process and going forward.

11 **5:54:39**

- 12 • **CHAPTER 4: George’s Corner Limited Area of More Intensive Rural Development**  
13 **(LAMIRD) Boundary Adjustment**

- 14 • Ms. Williams briefly describes the project, referencing the provided Staff Report and  
15 noting:
  - 16 • Minor adjustment to LAMIRD boundary, as proposed by DCD as a County-  
17 Sponsored amendment
  - 18 • References map showing the proposed 0.87 acre portion currently within  
19 the boundary that would be removed, and the 0.88 for acreage that  
20 would be moved within the boundary for no net loss.
  - 21 • The existing boundary was appealed to the Growth Management Hearings  
22 Board (GMHB), which upheld the County’s boundary decision.
  - 23 • Later, the corner of Miller Bay Road was subdivided and two resulting lots  
24 no longer aligned with the LAMIRD boundaries, creating split-zoned lots.  
25 Additional environmental determination and information has been made  
26 available since the original boundary creation as well.
  - 27 • DCD recommends approval. This proposal is consistent with GMA,  
28 countywide planning policies, and decision criteria in Kitsap County Code  
29 (KCC). Overall size will not increase, the boundary will realign to exclude  
30 Critical Areas and buffers, and will aid in preventing permanent low density  
31 controlled sprawl, abnormal irregular boundaries.

- 32 • **CHAPTER 4 QUESTIONS/ANSWERS:**

- 33 • Karanne Gonzales-Harless asks how the County determines which applications will be  
34 sponsored and which will be submitted as individual Site –Specific applications.
  - 35 • Dave Ward, DCD Planning and Environmental Programs Manager, responds  
36 that the County reviewed the case from an ongoing catalog of docket items  
37 and the Board of County Commissioners (BoCC) recommended this  
38 application be moved forward.
- 39 • Ms. Gonzales-Harless asks for clarification on decision criteria and whether an  
40 individual can ask the County to sponsor their application.

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- 1 • Jim Bolger, DCD Assistant Director, notes there is no formal criteria or  
2 process. The BoCC considers items on an individual basis. In this instance  
3 the BoCC considered that the County action contributed to the split zoning  
4 and decided to sponsor this case. If it was a single landowner, or a different  
5 piece of property not subject to a previously completed application and  
6 action that resulted in a split zone situation, those requests would likely be  
7 taken in as an individual site-specific application.

- 8 • No other questions heard

9 **6:05:52**

- 10 • **CHAPTER 5: Public Facility Designations and Park Classifications Update**

- 11 • Liz Williams briefly describes the project, referencing the provided Staff Report and  
12 Zoning Map, noting this update is essentially an edit to update the incorporation of  
13 approximately 2,883 acres acquired by Kitsap County for the Port Gamble Forest  
14 Heritage Park and redesignate the zoning appropriately.

- 15 • DCD recommends approval. This proposal is consistent with GMA,  
16 countywide planning policies, and decision criteria in KCC.

- 17 • **CHAPTER 5 QUESTIONS/ANSWERS:**

- 18 • None heard.

19 **06:08:40**

- 20 • **CHAPTER 12: CPA 18-00528 (HANLEY PROPERTY LLC)**

- 21 • Liz Williams briefly describes the project, referencing the provided Staff Report and  
22 Zoning Map noting this is a redesignation from Urban High Residential to Urban High  
23 Commercial, needed for infill and redevelopment and requested for expansion of  
24 existing use, which is not currently allowed in existing zone. This proposal would also  
25 require 4 TDRs (Transfer of Development Rights).

- 26 • DCD recommends deferral to allow for area wide review and consideration.
- 27 • Site is part of a larger area of fragmented zoning, this proposal would  
28 exacerbate that pattern by creating a commercial zone island within a UGA  
29 that currently has an existing surplus of similarly zoned property.

- 30 • **CHAPTER 12 QUESTIONS:**

- 31 • Chair Buskirk asks for and Ms. Williams clarifies that the 2018 docket allows for site  
32 specific amendments only, a deferral would put this application back into the catalog  
33 for the 2019 CPA process, in which the BoCC could allow for area-wide amendments.

- 34 • Ms. Williams notes that the intent of an annual update is to make minor  
35 tweaks and adjustments, while standard review and update intervals would  
36 typically review area-wide amendments that may have a substantive effect.

- 37 • Dave Ward notes that the County has been in contact with the City and  
38 other surrounding jurisdictions.

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- 1 • Karanne Gonzales-Harless asks how long the site has been a contractor storage yard,  
2 and whether the applicant has tried through other Comprehensive Plan Amendments  
3 to change this zoning.
- 4 • Darren Gurnee responds that the applicant states it has existed for over 30  
5 years, and no record of application for a change in zoning was found.
- 6 • Joe Phillips asks if this was a result or part of the 2016 UGA pullback that affected  
7 some property owners with existing businesses when the UGA and zoning changed
- 8 • Darren Gurnee clarifies that this area remained within the UGA, so it was  
9 not affected by the pullback, since no change occurred.
- 10 • Jim Svensson and Karanne Gonzales-Harless ask if and Dave Ward confirms there is an  
11 active Code Enforcement complaint currently being investigated at this time
- 12 • Jim Bolger clarifies further the property owner indicated this application  
13 intended, in part, to remedy the Code Enforcement complaint.
- 14 • Part of DCD's recommendation for deferral would help ensure it meets the  
15 applicant's need and is compatible for the area. South Kitsap Fire uses part  
16 of the site, there have not been many neighbor or nuisance complaints.  
17 Current Land Use actions will likely be suspended until some resolution is  
18 found.
- 19 • There is agreement this is a Contractor's Storage Yard, and we are  
20 determining whether that is a legal non-conforming use within that zone.  
21 We understand they do intend to expand use, and right now the  
22 Commercial designation does not allow that.
- 23 • Kim Allen asks and Mr. Bolger confirms that applications submitted are public  
24 documents and are available for viewing. Ms. Williams can send a direct link to the  
25 document, as housed on the 2018 CPA site.
- 26 • Mr. Bolger notes that DCD is recommending deferral to the next regular  
27 CPA Update process, and the BoCC has discretion to allow for area-wide  
28 amendments each year.
- 29 • Mr. Ward notes that while the current application seeks to remedy the  
30 situation for the current landowner, the amendment process must look at  
31 current and future uses.
- 32 • Chair Buskirk defers a request to speak from the public to the Public Hearing portion,  
33 which will follow the Work Study
- 34 • **DISCUSSION:**
- 35 • Tom Nevins asks, given the lengthy material provided, how DCD wishes to  
36 address a considerable amount of comments and questions from the  
37 Planning Commission for Staff.
- 38 • Chair Buskirk asks and Tom Nevins clarifies that the questions for Staff  
39 range from simple to complex, could be covered now or in deliberations.

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- 1 • Kim Allen suggests submitting questions to Staff in writing, so they can  
2 compile a matrix and prepare responses to present and engage in discussion  
3 with the Planning Commission at the next meeting.
- 4 • Chair Buskirk appreciates the organization of the binder of information, given the very  
5 large volume of material.

6 6:30:20

### 7 E. Public Hearing: 2018 Annual Comprehensive Plan Amendment Update Process – Liz 8 Williams, Planning & Environmental Programs Planner

- 9 • Chair Buskirk reviews the process for the Public Hearing and clarifies that this is an  
10 opportunity for the Planning Commission to listen and hear testimony. Clarifying  
11 questions are allowed, but deliberation is not an agenda item tonight.

12 6:31:25

### 13 CHAIR BUSKIRK OPENS THE PUBLIC HEARING

- 14 • **SPEAKER: Sally and Blake Harrison**, Property Owners at 2987 and 2957 Sand Dollar  
15 Road W, directly neighboring the Culbertson site, KRM. (Submit pictures, as exhibit,  
16 to Clerk)
  - 17 • Neighbors for many years to KRM, and wish to share experience of living  
18 next to a quarry.
  - 19 • Bought and cleared land in 1992; surveyed, drilled a well, installed a drain  
20 field and built a home in 1994 with hopes to recoup some investment at  
21 retirement time, which is nearing close.
  - 22 • KRM began operations again around the time they moved into their home.  
23 Some of the initial blasting shook their home rattling windows, doors and  
24 things inside, like a single percussion earthquake. This only happened during  
25 the day, and by watching the news they realized it was not an earthquake,  
26 but blasting from the pit or quarry.
  - 27 • Recently registered for their call list, which notifies when blasting will occur,  
28 and has been very helpful
  - 29 • Less than 10 years after moving in, settling and cracking began. The curtain  
30 drain (references pictures) on the northeast corner of their property  
31 shattered, flooding their basement so badly it had to be dug out and  
32 repaired.
  - 33 • Small cracks began forming in walls of their house and deck below  
34 (references pictures), requiring repairs to cracks in beams going from upper  
35 loft to the main floor, as well as repairs to the loft floor.
  - 36 • Rock wall (references pictures) crumbled and slid down the hill which had to  
37 be replaced, at great cost, with additional drainage added.
  - 38 • Large and small insulated windows failed, but were eligible for replacement  
39 under original ownership warranties, although one window in the northeast  
40 corner will not open or close.

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- 1 • When the quarry at the end of winter road closed, we noticed an increase in  
2 activity at KRM and an extreme increase in cracking in our deck, below the  
3 house, they now extend all the way across (references pictures).
- 4 • Their biggest worry is what happens to their well, located at the corner of  
5 the property. If blasting continues and ruins their water supply, what  
6 measures will be in place or available to help repair or at least mitigate the  
7 damage. The settling and cracking is of concern, but the water supply is a  
8 huge concern.
- 9 • Original plans and hopes were to build an additional single-story home on  
10 the lower portion of their property, but that planned location is directly  
11 next door to the new proposed site. With this issue coming up, it puts our  
12 plans for retirement in flux.

13 **06:38:24**

- 14 • **QUESTION/ANSWER:** Joe Phillips asks and Sally Harrison confirms that they own two  
15 parcels off Sand Dollar Road, north of the Culbertson site. The parcel at 2957 is  
16 located directly next to the proposed site and the parcel at 2987, where they live, is  
17 just up the hill.
- 18 • Blake Harrison invites the Planning Commission to come visit their  
19 properties if it would help provide a better perspective.

20 **06:38:10**

- 21 • **SPEAKER: Jack Stanfill, President and Registered Agent of Chico Creek Task Force.**  
22 (Submits written comments, as exhibit, to Clerk)
- 23 • Sharing some information on changes taking place in the last three years. In  
24 2013 the water shed between the Gorst Watershed and Chico Creek  
25 Watershed was located in the wrong place on the drawings for the Gorst  
26 Watershed Analysis in 2012 and 2013.
- 27 • That was corrected, and during the process, the Department of Ecology  
28 (DOE) revised and added a new area, 21, to the upper Heins Creek Basin.
- 29 • It is important to understand where the Watershed boundary is (references  
30 map) in relation to Heins Lake and Alexander Lake, the headwaters, creek  
31 and gravel Quarries B and C, in the new area 21, designated by DOE.
- 32 • Their revision (referencing Parametrix report in exhibit) states permitted  
33 uses ‘must preserve the forest cover, and not result in conversion’ based on  
34 the revised DOE assessment of the Gorst Watershed.
- 35 • That area has definitely changed since that time. It says the area is not for  
36 conversion, but sediment export is high, habitat results are high, salmon  
37 refuge is moderately high and is for protection of the headwaters.
- 38 • This is a green zone, subject to a very specific 25-page study on what that  
39 watershed was intended to do. 500 acres was left out, inadvertently, but we  
40 caught it and they fixed it for the protection of people in Gorst. There was

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1 500 acres not being calculated into the area for stormwater runoff in 2012  
2 and 2013.

3 **06:43:49**

4 • **SPEAKER: Mark Sandridge**, Property Owner at 2880 Sand Dollar Road, neighbor  
5 across the street from the Culbertson site.

6 • Bought the property in 2009 and started building with, probably incorrect,  
7 information that they weren't supposed to dynamite in the quarry. Since  
8 then there has been quite a bit of blasting.

9 • They chose the area for quiet and solitude, but it sounds like bombs going  
10 off there, and it ruins their enjoyment of their property whenever the  
11 quarry is blasting.

12 • He doesn't know for sure or specific on how much impact this will have, but  
13 likens extending the Mineral Resource Overlay to include these two new  
14 areas to 'letting the brakes off a big heavy truck parked at the top of a hill, it  
15 just keeps rolling until it crashes into something at the bottom' and worries  
16 a redesignation would 'get that truck moving.'

17 • Karanne Gonzales-Harless asks how often blasting happens.

18 • Mr. Sandridge doesn't have dates or records on a calendar

19 • Sally Harrison steps forward to note that blasting happens, it happens 1 – 2  
20 times per week, always during the day and sometimes you hear the blast,  
21 sometimes you feel it, some big or small.

22 • Mr. Sandridge concurs, although believes he might feel more of the smaller  
23 ones from his location facing the site.

24 **6:47:15**

25 • **SPEAKER: Oliver Hanley**, owner of Hanley Property LLC and applicant for 18-00528.

26 • Mr. Hanley thanks the Planning Commission and believes he has been a  
27 great neighbor to have, especially compared to the South Kitsap Fire  
28 Station, which has grown about 5 times in size since the 1970's.

29 • Sometimes an expert is someone 50 miles away from a site with a briefcase  
30 who doesn't know the area or the site. When the experts say his business is  
31 a Contractor's Storage Yard, he'd like to know where that came from.

32 • In the 1960's. the previous owner, Charlie Ryan, opened a construction  
33 business on top of Mile Hill and developed top projects all over Port  
34 Orchard. He had bulldozers, trucks and an office and things and sometimes  
35 he used part of my property and Mr. Hanley ended up buying some of what  
36 he had when he purchased the land for his business in 1976.

37 • In the early 1990's Mark Grimm (a Kitsap County Code Compliance  
38 Inspector), told Mr. Hanley his business wasn't zoned correctly and would  
39 have to shut down. Mr. Hanley had photos and history of over 49  
40 employees and trucks running from the site in its 38 years in business.

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- When Charlie Ryan was the owner, it was an intense construction site, the Annapolis Fire Department bought the neighboring property, then the Fire Station came along as well as a cell tower. The Fires Station and Mr. Hanley consider each other to be good neighbors.
  - Mr. Hanley never worried about zoning, as he’s always been a construction company and states that Mark Grimm clarified that.
  - A tragic accident occurred in the lower lot, so Mr. Hanley decided to enlarge the parking lot and got demolition permits, asbestos testing and a stormwater engineer who says he is enlarging, but he doesn’t feel he is.
  - Mr. Hanley has a main office downtown but still has one on this site. He feels his property rights have been jettisoned out the window after 35 years, plus probably another 20 before he was there. He states this was a construction company site ‘long before many of you were born’ and doesn’t know where or why Contractor’s Storage Yard came into play.
  - 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.
  - He has only ever had 2 complaints in almost 40 years. A truck hit a tree root and started all this with a neighbor concern. Before that, a complaint that a building was too big, but it was properly permitted by the County.
  - Chair Buskirk asks for clarification on what is happening, as it appears there are two parcels involved in the application.
    - Mr. Hanley notes that 3 related parcels are owned by him. The Fire Department inspected for 14 years, before the County took over and haven’t had an inspection since.
    - There are 3 rentals on the first parcel. In the back parcel, previous owner Charlie Ryan used it as part of his business with an office and trucks and equipment. When he went under, Mr. Hanley continued to use those in his own business.
    - Mr. Hanley had one large building, and Mr. Ryan had a few smaller ones with an office upstairs. Trucks come in and out, but the key is that most traffic happens between 6:15 – 7:00 am and then it’s quiet until they return between 5:00 – 6:00 pm.
  - Jim Svensson asks why Mr. Hanley is opposed to the term Contractor’s Storage Yard.
    - Mr. Hanley states while he had up to 30 – 40 trucks for a long time and material coming and going very fast, some propane and gasoline, some roofing materials, but it isn’t stored for very long. We use it.
    - 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.

40 6:55:26

- 41
- **SPEAKER: Mark Mauren**, representing Ueland Tree Farm, Puyallup resident.



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- In response to comments brought up earlier regarding the Department of Ecology study presented earlier (regarding the Gorst Watershed) was a planning document, not a regulatory document. It outlines what should be looked at and considered when reviewing a permit. It's a good document that provides good information.
- 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. 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.
- Mr. Mauren wants to explain that they did do the studies, on the drainage and the mines to be sure it did not exacerbate any sediment, stormwater or water flow issues.

**6:57:20**

- **Chair Buskirk adjourns this portion of the public hearing, to be resumed July 31<sup>st</sup>, 2018 at 5:30 pm**

**F. Administrative Update: Jim Bolger, DCD Director**

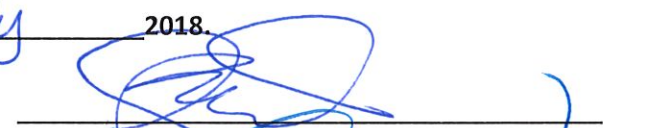
- Jim Bolger provides an informational update regarding DCD, including the new standardized report format, requesting feedback from the Planning Commission.
- Mr. Bolger distributes materials referenced by Louisa Garbo, DCD Director, at the previous meeting including the Puget Sound Regional Council framework and DCD's 5-year Strategic Plan.


**G. For the Good of the Order:**

- Planning Commission should email questions to the Clerk, who will forward to Staff.

**Time of Adjournment: 07:12:00**

Minutes approved this 31 day of July 2018.

  
 \_\_\_\_\_  
 Gina Buskirk, Planning Commission Chair

  
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 Amanda Walston, Planning Commission Clerk

