

Kitsap County Planning Commission Minutes – July 31st, 2018

KITSAP COUNTY PLANNING COMMISSION

Administration Building – Commissioner’s Chambers

July 31st, 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).

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

Staff present: Jim Bolger, Darren Gurnee, Dave Ward, Rhea Canas, Amanda Walston (Clerk)

5:30:05

A. Call Meeting to Order, Introductions

B. Adoption of Agenda

- **Motion:** Joe Phillips moves to adopt the Agenda as presented.
- **Second:** Jim Svensson seconds.
- **Vote:** 8 in favor; 0 opposed – motion carries.

C. Approval of Minutes

- **Staff recommends minor changes, as noted in materials.**
- **Motion:** Chair Gina Buskirk moves to amend page 3 lines 1 – 10 to read: “Jim Bolger, DCD Assistant Director, notes there is no formal criteria or process. The Board of County Commissioners (BoCC) considers items on an individual basis. In this instance, the BoCC considered that the County action contributed to the split zoning and decided to sponsor this case. If it was a single landowner, or a different piece of property not subject to a previously completed application and action that resulted in a split zone situation, those requests would likely be taken in as an individual site-specific application.”
 - **Second:** Mr. Svensson seconds
 - **Vote:** 7 in favor; 1 abstain; 0 opposed – motion carries
- **Motion:** Chair Buskirk moves to amend page 4 lines 28-30 to read: “Mr. Bolger notes that DCD is recommending deferral to the next regular CPA Update process, and the BoCC has discretion to allow for area-wide amendments each year.”
 - **Second:** Kim Allen seconds
 - **Vote:** 7 in favor; 1 abstain; 0 opposed – motion carries
- **Motion:** Chair Buskirk moves to amend page 4 lines 31-33 to read: “Mr. Ward notes that while the current application seeks to remedy the situation for current landowner, the amendment process must look at current and future uses.”

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- **Second: Mr. Svensson seconds**
- **Vote: 7 in favor; 1 abstain; 0 opposed – motion carries**
- **Motion: Mr. Phillips moves to adopt the minutes from 7/13/2018 as amended.**
- **Second: Ms. Allen seconds.**
- **Vote: 7 in favor; 1 abstain; 0 opposed – motion carries.**

5:35:36

D. Public Hearing: 2018 Annual Comprehensive Plan Amendment Update Process – Peter Best, Planning & Environmental Programs Planner

- Chair Buskirk reviews the process for the public hearing. Each speaker may address any or all the proposed amendments, or process itself, in the same trip to the podium. Speakers should identify themselves for the record, including their city/town of residence before beginning testimony. Speakers are allowed 3 minutes each.
- The Planning Commission is reminded of their role, and listening function, during the public hearing. Clarifying questions may be asked, but this is not a deliberation or decision.
- Peter Best briefly reviews the process for the proposed 2018 Comprehensive Plan Amendment.

CHAIR BUSKIRK OPENS THE PUBLIC HEARING

5:38:10

- **SPEAKER: Douglas Lambert, resident of Stepping Stone Lane in Bremerton; right around corner from 18-00490 Culbertson**
 - Opposed to this amendment.
 - Doesn't believe the staff report adequately addresses the new quarry's location. Sherman Heights and the existing KRM (Kitsap Reclamation Materials) entrance are mentioned, but this is the top of Sand Dollar Road.
 - Several residents are concerned about dust, blasting and noise while living within 1,000 ft of quarry right now – some will be within hundred feet with this amendment.
 - The RCW (Revised Code of Washington) provides protection and remedies for problems and damages from dust, etc., but not if they are an existing quarry. They are not existing at this site yet. Where are the protections, if this comes to our front door or back yard?
 - Property value is also of concern, after spending a half-million dollars on a new home in this area, will never be able to sell because of blasting.
 - Sherman Heights Road is a long way from the KRM site and the review discusses mixed land use and the utility substation. They will have to drive their dump trucks from the current quarry, kicking up dust just to get to that utility site and they'll most likely have to build another road. This is much more than just an entrance at Sherman Heights.

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- **SPEAKER: Elfie Zach, resident at 2654 Skipping Stone Lane; direct neighbor adjacent to the Culbertson property**
 - **Reads to record from prepared statement:** *"I have lived here since the mid 80's and we built a home on 30 acres butted up to the Bremerton watershed and this 65 acres. Wildlife is abundant; deer, bear, foxes, bobcat, owls, eagles just to name some of the animals.*
 - *At that time, they opened as Kitsap Reclamation and Materials. We only heard noise on a few occasions; about 10 years ago they started mining and we started having blasting issues. My husband spoke with them and it made some difference.*
 - *It was reopened 20 years ago as Kitsap Reclamation and Materials, the old quarry had closed due to blasting and a rock that landed in a home.*
 - *I have dealt with trucks, noise pollution, cracking sheetrock, cracked concrete and a constant concern of my 500 foot well shifting because of the blasting.*
 - *I am concerned about the aquifer, environment, and extensive damage to our homes with the expanding to a quarry which will be at my back door. As well as my property values.*
 - *The expanded quarry would be attached to my 6 acres of Wetlands and bog, there are springs all over our hillside that keep us from overbuilding because of the runoff into Gorst Creek and endangering the salmon runs.*
 - *My area has 30 new homes on Sand Dollar Rd including another 40 on the drawing board for that development. We are zoned for restricted development.*
 - *The hillside has been logged a few years ago. You can see it plainly as you come from Port Orchard and look up to Sherman Heights area. The increased amount of noise pollution, mineral movement, and truck diesel fuel that would be generated from this project could have a significant impact upon the ecosystem around it.*
 - *Specifically, I am worried about the salmon spawning grounds along Gorst creek as well as the Sinclair Inlet. Due to the additional sediment deposition that will flow into these systems and other point sources could cause the salmon to be affected negatively. Other issues such as noise and fuel pollution concern me greatly for the wildlife that already exists in this area. I would be more inclined that the wildlife stays around my property than have to relocate due to fear of large trucks and blasting hours.*
 - *With these concerns, I believe it would do the project planners and the people who already live around this property a great benefit if a SEPA environmental impact assessment was done before determining if a permit should be issued.*
 - *In closing: please do not enlarge this RECLAMATION AND MATERIALS INTO A QUARRY."*

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5:46:36

- **SPEAKER: Deborah Lambert – lifelong resident of Bremerton – representing Skipping Stone area homeowners**
 - Staff Report fails to address Skipping Stone Lane, where several homes will be 300 – 1,200 feet from blasting, heavy trucks, noise and dust pollution. This is very upsetting.
 - Our community already experiences noise pollution and damages, hearing heavy equipment every day from open to close and they are now talking about extending the hours.
 - As mentioned, lots of wildlife natural springs, bogs and wetlands will be affected – several species are living up in those forested areas because of what has already happened in the area.
 - A large power substation providing power to the County, covers several acres, crossing up the hills through our properties – and have any impact studies been done to see how expanding the quarry would affect that? All our homes are likely powered by that substation.
 - The Bremerton Watershed, private wells and septic will also be affected and to cite no traffic impact would be wrong.
 - How will accountability measures be met? Will seismic measuring devices be installed in each home to report when limits are exceeded?
 - What recourse do we have when sheetrock and foundations are cracking from the blasting? This is happening to people right now, and the new proposal will bring the quarry to 300 feet from the homes they have, several are retirement homes, some are elderly and can't afford these major fixes or to move, because property values are affected.
 - Requests a detailed SEPA Environmental Impact Statement and another Public Hearing for this serious issue.
 - Invites the Planning Commission to come to their properties any time to look at the impact, to her neighborhood and home, of this proposal.

5:51:50

- **SPEAKER: Jack Stanfill, President of Chico Creek Task Force, resident of North Lake Way – speaking on the Ueland Tree Farm application**
 - *Referencing the Site-Specific application* – Ueland (Applicant) has indicated a 'Lake, Pond, Reservoir' and noted the body of water is Beaver Dam Lake, but what has not been called out is Wetland 4, shown as 'W4' on the map, and this is 17 ½ acres, which was left out of the entire process since 2007.
 - This is referenced in a few pages of Dr. Cooke's report (included in written comment materials provided) and Wetland Assessment
 - Staff indicates trails on Ueland's property are open to the public, but in the email from Eric Baker titled Ueland CUP Conditions Public Trail Legal Review

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1 (included in written comment materials provided) the County concludes
2 these are not public trails. Ueland controls who comes in and out.

3 • Ueland has kept us out since 2011, and in 2017 an email was sent to Mr.
4 Mauren asking to join a trip with a Kitsap Sun reporter to Dickerson Creek
5 waterfalls, but members of the Chico Creek Taskforce are not allowed up
6 there. Mr. Mauren replied, thanking us for asking and said ‘...*We remain*
7 *hopeful that one day we will have a mutual respectful relationship with*
8 *Chico Creek Task Force and can reopen the tree farm to you for recreational*
9 *access, as we have done with other past members of your group.*’

10 • Our attorney, from Bricklin, Newman in Seattle addresses the agreement in
11 a 7-page letter, stating in the last paragraph says: ‘*There are never any*
12 *concurrent rezone ordinance, instead Ueland is seeking a post-hoc rezone*
13 *ordinance. This is a violation of the County code procedure for development*
14 *agreements. Ueland should have sought this rezone at the time the*
15 *agreement was signed. The County has no obligation and would in fact be*
16 *violating the County code on development agreements, to grant it now.*’

17 • **QUESTION/ANSWER:** Richard Shattuck asks if the agreement is part of the record at
18 this time. Mr. Best responds that it is referenced in the Staff Report but not currently
19 in the materials binder. It was requested by Planning Commissioner Nevins and will be
20 provided in response to that request.

21 **5:57:38**

22 • **SPEAKER: Mike McCowan, Poulsbo – owner of one of the parcels in the proposed**
23 **George’s Corner LAMIRD (Limited Area of More Intensive Rural Development)**
24 **amendment**

25 • Speaking in favor of the adjustment. Purchased property in 2014, believing
26 there were 2 zones, then found out there were 3 when beginning the
27 development process. It has been a challenging process to find out how 3
28 zones ended up on this property.

29 • Back in 2004 the original boundary advisory group offered 4 alternatives, to
30 the Planning Commission based on criteria including: bodies of water,
31 streets and highways, land forms and contours, irregular boundaries were
32 avoided by following parcel lines and boundaries were delineated primarily
33 by 1990’s development.

34 • The Planning Commission used the same criteria in consideration, but the
35 boundaries didn’t follow the parcel lines when they were drawn.

36 • Boundary lines had been submitted but not approved; the LAMIRD was
37 proposed, but they didn’t have any parcel lines yet, because they were
38 splitting that property. When the two were combined, they didn’t match up.

39 • Our property had 3 zones according to the County, but 2 zones according to
40 the group that proposed the zoning at the time, and by individuals who
41 came out and walked the property and confirmed the specific parcel lines
42 were drawn to take the wetlands and provide plenty of room for setbacks to
43 comply with neighborhood commercial and wetland boundaries.

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- 1 • Because the LAMIRD lines did not match, some areas in these parcels
2 crossed into wetlands, leading to trouble for my neighbor and for me in
3 trying to develop.
- 4 • This proposal will fix the boundaries, and take care of the wetland issues,
5 and having 3 zones on one property, and will also let me move forward to
6 put an eye care business on my property.

7 6:00:40

- 8 • **SPEAKER: Brad Wiggins, Port Orchard resident, South Kitsap Fire & Rescue Deputy**
9 **Fire Marshal – speaking to Hanley Site Specific application**
- 10 • Inspected the Hanley site for between 1999 – 2013, when the County Fire
11 Marshal took over those duties. It was always considered and inspected it as
12 a commercial occupancy.
- 13 • The Fire Department is a direct neighbor, we hear very little noise. What
14 limited impact we have is very low and is done by 7:30 am and again in the
15 later afternoon as trucks returning and parking at the end of the day.
- 16 • The Fire Department is in support of the proposal and zoning as
17 commercial.
- 18 • Putting a high residential zone in that space would be problematic for the
19 fire department. There are currently apartments across the street from our
20 site, and we frequently get complaints about our regular activities,
21 performing drills, chainsaws and other noise.

22 6:02:350

- 23 • **SPEAKER: William M Palmer – Representing Oliver and Morgan Hanley**
- 24 • Has provided written comment but would like to highlight a few points.
- 25 • After reading the Staff Report in March, it appears that staff characterized
26 the uses on the Hanley site one way, but in Kitsap County Commercial Code,
27 the same uses, which have been taking place on the site for the past 40
28 years, are also compliant in the Commercial Zone.
- 29 • (References written comment provided) I have highlighted 7 subsections of
30 section 410 in the code that would permit, if Commercial Zoning is in place,
31 everything he is doing onsite.
- 32 • A letter (included in the written comment provided), addressed to Scott
33 Diener, reviewing the relative history of this particular site, notes that on
34 September 8th, 1995 the Growth Management Hearings Board (GMHB)
35 invalidated Kitsap County's Comprehensive Plan and zoning. This was
36 reconciled by the County in October that same year, but for a little over a
37 month, the County had no Zoning and No Comprehensive Plan.
- 38 • Concerned by Staff's proposed postponement to next year. This is a valid
39 application right now, with all the criteria addressed and met.

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- 1 • An open-ended postponement, with no action aside from recommending
2 the postponement until further study and no end date, is of great concern.
- 3 • If the County wants to do a proposed study next year and finds a need to
4 change the zoning, they can just do it then.
- 5 • **SPEAKER: Phil Struck, Poulsbo resident – representing KRM Quarry**
- 6 • Wishes to address some comments expressed earlier tonight.
- 7 • Specifically, would like to state that access will continue to be off Sherman
8 Heights Road. There is no plan for entry to the quarry through Sand Dollar
9 Lane.
- 10 • The crushing plant also would remain in the existing quarry. It would not
11 move to the Culbertson property. Material would be removed from and
12 transported back down to the crushing plant.
- 13 • KRM just commissioned a comprehensive air quality study in accordance
14 with Department of Ecology and EPA (Environmental Protection Agency)
15 standards. All the air quality and emission standards were met.
- 16 • Regarding the fish-bearing stream comment, there is a non-fish bearing
17 tributary on the far northeast corner, but there is no fish-bearing stream on
18 the site and the site does not discharge to a salmon-bearing stream or Gorst
19 Creek. No wetlands are onsite to our knowledge or mapped as part of public
20 wetland mapping, but a further study would be performed when the site is
21 developed.
- 22 • Regarding the power lines, BPA (Bonneville Power Administration) has an
23 easement with the owners of KRM and Culbertson and it specifies the
24 notification requirements for blasting, which have always been met.
- 25 • The quarry monitors every blast and compares to the Federal Bureau of
26 Mine Blasting standards. 65 blasts in the past 4 years, and over 200
27 measurements. Only 1 measurement has been over the standard, and this
28 was 300 feet from the blast itself and 100 feet from the mine.
- 29 • The mine has tried to be good neighbor, adheres to standards and has
30 letters from neighbors agreeing to that effect. We think it's an appropriate
31 site, with the applicant committed to performing the needed studies when
32 that time comes.
- 33 • **QUESTION:** Mr. Svensson asks if Mr. Struck completed the SEPA checklist
- 34 • **ANSWER:** Mr. Struck confirms he completed the checklist when submitting
35 the application, and staff then reviews the checklist
- 36 • **QUESTION:** Mr. Svensson questions the statement on page 21 of the checklist that the
37 proposal is very compatible and is not likely to affect the surrounding area, based on
38 comments heard tonight.
- 39 • **ANSWER:** Mr. Struck acknowledges there are some concerns, and also notes
40 that other surrounding perimeter to the site includes substantial
41 undeveloped forest land. Offers any concerned property owners may

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- 1 contact him and they can address those concerns, quarry operators can
2 share information and results of seismographic tests and how they can
3 mitigate concerns.
- 4 • **QUESTION:** Ms. Gonzales-Harless notes that a few years ago the County reviewed and
5 adopted ordinances dealing with gun ranges handling noise, containment and impact.
6 Asks what similar mitigation might be done by the quarry during the Conditional Use
7 Permit (CUP) process that goes beyond the standard?
- 8 • **ANSWER:** Mr. Struck reviews a variety of ways to deal with impact. Dust is
9 one example and planning and maintenance of the roads is important, there
10 are dust suppression methods, and for mines, noise modeling is done, noise
11 receptors, structured buffer setbacks, screening berms.
- 12 • Ms. Gonzales-Harless notes the gun clubs adopted noise limit times to ease
13 the neighbors, but it was more than the standard. Asks about methods in
14 this industry that exceed standards.
- 15 • Mr. Struck notes the CUP process provides a good mechanism for sorting
16 out thresholds, standards and starting points. Standards can be exceeded
17 based on the mitigation being applied, could be increasing setbacks or
18 modification or levels of buffers or berms
- 19 • **QUESTION:** Ms. Allen asks for clarification on ingress/egress and the truck route
- 20 • **ANSWER:** Mr. Struck responds that the primary truck route enters at
21 Sherman Heights Road. Peak traffic bottleneck issues in Gorst have existed
22 for over 20 years when the quarry started and are not unique to this site. It
23 may be a regional discussion.
- 24 • **QUESTION:** Ms. Allen asks about the proposed expansion of hours, mentioned in
25 earlier testimony.
- 26 • **ANSWER:** Mr. Struck states it is not an expansion of operating hours, but an
27 expansion of the duration of the project.
- 28 • Ms. Allen asks if there is an estimated time frame. Mr. Struck estimates 5 –
29 15 years but not decades, depending on the mitigation.
- 30 • **QUESTION:** Mr. Shattuck notes the proposal includes a change to County Code,
31 instead of a Permitted Use, this would become a Conditional Use Permit and asks if
32 the additional reviews and studies requested by many tonight will be part of the CUP
33 process?
- 34 • **ANSWER:** Mr. Struck confirms.
- 35
- 36 • **CLARIFICATION:** Mr. Best clarifies that the SEPA checklist is prepared by applicant,
37 and Staff’s review reflects comments and corrections in red.
- 38 **6:17:01**
- 39 **CHAIR BUSKIRK CALLS FOR ANY ADDITIONAL SPEAKERS**
- 40 • **SPEAKER:** Mark Mauren, Puyallup resident, representing Ueland Tree Farm

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- 1 • Wetland 4 and Beaver Dam Lake, mentioned by Mr. Stanfill are the same,
2 not different bodies.
- 3 • Our trails are open to the public, we are working with the county on a
4 formalized easement process.
- 5 • To clarify, Ueland went through a CUP process to get these 2 quarries
6 permitted. They were challenged in Superior Court and the permits were
7 upheld.
- 8 • When the Development Agreement went through the hearing and CUP
9 process, we learned the mining wasn't allowed in Forestry Resource Lands.
- 10 • At the time, the County advised that a code change to a footnote could be
11 made during the CPA update and Mineral Resource would be allowed. So
12 we requested that small change through the Planning Commission and
13 BoCC, to open up forest resource lands. It didn't make it through the, so the
14 County suggested applying for the MRO, which was our original intent.
- 15 • There is no expansion or zoning change needed. We are still Forest
16 Resource Lands, we are requesting the MRO, which is encouraged under the
17 County's Comprehensive Plan and by the Growth Management Act to help
18 protect resources.
- 19 • **QUESTION:** Ms. Allen asks about Mr. Stanfill's reference, here and in written
20 comment, that the Chico Creek Task Force is banned from the Ueland trails.
 - 21 • **ANSWER:** Mr. Mauren explains acknowledges this is true and that the
22 approval of the CUP was controversial for some citizens, including the Task
23 Force. Especially in the 3 months following approval.
 - 24 • Mr. Stanfill turned us in for a DDT dump, which brought in a Federal agency
25 that cleared us of that claim.
 - 26 • Mr. Stanfill turned us in for an asbestos dump, which turned out to be a
27 pipe leftover from Kitsap Lake and the water district recommended leaving
28 the 4 inch pipe in place.
 - 29 • This is not meant to accuse anyone directly, but we also did have someone
30 go in and open up our water monitoring wells and dumped gasoline in.
 - 31 • Mr. Stanfill went to the newspaper with claims we would be shipping our
32 rock to China.
 - 33 • We met and said if you're not able to come out to enjoy the property like
34 everyone else, you're not allowed to come on. This is why we say, we are
35 hopeful that he will be able to join the tens of thousands that do come
36 enjoy it, but we're just not there yet.

37 6:23:50

- 38 • **SPEAKER:** Oliver Hanley, Port Orchard resident – speaking on behalf of KRM
39 (Culbertson application)

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- 1 • Has always loves KRM because back in the 1980's tile was very popular to
2 use and expensive to dump, and KRM would accept it for recycling.
- 3 • KRM also accepts cement recycling. As one of the business driving and using
4 dump trucks, and buying new, used and recycled cement, believes KRM is a
5 great asset to Kitsap County.

6 **6:25:20**

7 **CHAIR BUSKIRK CLOSSES THE PUBLIC HEARING PORTION**

8
9 **E. Work Study: 2018 Annual Comprehensive Plan Amendment Update Process – Peter Best,**
10 **Planning & Environmental Programs Planner**

- 11 • Peter Best briefly reviews the process for the Work Study, addressing questions and
12 noting written comments will be accepted through August 7th 2018 for consideration
13 at the meeting on August 21st 2018, along with draft Findings of Fact.

14 **6:30:00**

15 • **CHAPTER 2: PUBLIC WORKS PLAN UPDATE**

- 16 • Mr. Best calls David Forte from Public Works.

17 • **QUESTIONS/ANSWERS:**

- 18 • NONE

19 **6:30:35**

20 • **CHAPTER 3: KINGSTON URBAN VILLAGE CENTER**

- 21 • **QUESTION:** Aaron Murphy asks, for a County Sponsored Amendment, such as this,
22 who makes the SEPA determination?

- 23 • **ANSWER:** Mr. Best states the SEPA checklist was completed by Planning and
24 Environmental Programs (PEP), and reviewed by the County SEPA official.

- 25 • Mr. Murphy asks if there are any checks and balances or other verification.

- 26 • Mr. Best acknowledges this as a universal issue faced by agencies. The SEPA
27 official attends site visits as well as staff. The report is prepared and handed
28 off to the SEPA official, who attends site visits for the same exposure. In
29 cases where there have been questions, communication takes place
30 between he SEPA official and applicant. In Ueland's case, conversations
31 took place with their attorney.

32 **6:33:21**

33 • **CHAPTER 4: GEORGE'S CORNER LAMIRD**

- 34 • Mr. Best addresses a correction and clarification, provided to the Planning
35 Commission, regarding why the County would choose to sponsor an amendment, as a
36 continuation from the discussion at the July 17th 2018 meeting.

- 37 • **QUESTIONS:** Mr. Shattuck asks whether any comments in opposition were received.

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- 1 • **ANSWER:** Mr. Best is not aware of any received to date.
- 2 • **CHAPTER 5: PUBLIC FACILITIES DESIGNATION AND PARKS CLASSIFICATION UPDATE**
- 3 • **QUESTIONS/ANSWERS:**
- 4 • NONE
- 5 • **CHAPTER 6: PARKS AND RECREATION OPEN SPACE UPDATE**
- 6 • **QUESTIONS/ANSWERS:**
- 7 • NONE
- 8 • **CHAPTER 7: AFFORDABLE HOUSING UPDATE**
- 9 • Mr. Best notes staff from Human Services Department is available for questions.
- 10 • **QUESTIONS/ANSWERS:**
- 11 • NONE
- 12 • **CHAPTER 8: CLARIFYING EDITS**
- 13 • Mr. Best notes questions raised by Mr. Nevins have been addressed in materials distributed to the Planning Commission.
- 14
- 15 • Mr. Best also notes Ms. Gonzales-Harless also requested information on the George's Corner amendment, some information has been provided and additional updates will be coming.
- 16
- 17
- 18 • **QUESTIONS/ANSWERS:**
- 19 • NONE
- 20 • **CHAPTER 9: RICHARDSON SITE SPECIFIC APPLICATION**
- 21 • **COMMENT:** Mr. Shattuck doesn't believe we are far enough along in the TDR (Transfer of Development Rights) program process to require it.
- 22
- 23 • **RESPONSE:** Darren Gurnee notes the requirement allows a 5-year time frame, with an extension if needed. There is one individual who has begun the application process to provide TDRs.
- 24
- 25
- 26 • Mr. Shattuck questions if one applicant qualifies as a program.
- 27 • Mr. Gurnee notes this single site could potentially host up to 20 TDR credits.
- 28 • Dave Ward, Planning & Environmental Programs Manager, notes the TDR program has been in place for several years and the BoCC has passed a new resolution establishing ratios. We acknowledge this is a pilot program and are reviewing it as such, learning as we move forward.
- 29
- 30
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- 32 • **COMMENT:** Mr. Nevins will provide a written opinion and another comment regarding boundary line adjustments at the end of the meeting.
- 33
- 34 • **COMMENT:** Ms. Allen echoes concern about the TDR program, or lack thereof today. While one site may yield as many as 20 TDRs, what if it doesn't? Is there any mechanism to build in for the automatic 5 year expiration, based on lack of TDR
- 35
- 36

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1 availability? We know this is certainly a Land Use goal, but should we require
2 something the applicant has no control over?

- 3 • **RESPONSE:** Mr. Gurnee notes that the 5 year time framwe also allows for
4 the departmen't intent, in the next larger, 8-year CPA update cycle, to look
5 at changing that requirement.

6 **6:43:02**

7 • **CHAPTER 10: UELAND TREE FARM SITE SPECIFIC APPLICATION**

- 8 • **QUESTION:** Mr. Shattuck asks why, in comparison to the other application requesting
9 the MRO designation, this one does not request a code change?

- 10 • **ANSWER:** Mr. Best notes there are currently 2 pathways to the MRO
11 designation for an extraction site.
 - 12 • First path, taken by Ueland for multiple sites across their large land,
13 involved going through the CUP process and then through the Development
14 Agreement process. The Hearing Examiner's decision was conditioned on
15 getting this MRO designation. So they went through the process of public
16 comment, hearing and input, to ge the CUP first, then pursue designation.
 - 17 • Second path, taken by Culbertson, is to get the MRO designation first, then
18 go through the permitting process. As this is currently permitted outright,
19 there would be no hearing process. In order to allow for parity, the
20 department recommended the change to code, to allow that process to
21 take place, and address concerns that might not otherwise be considered.

- 22 • **QUESTION/ANSWER:** Mr. Shattuck asks, and Mr. Best confirms, that without code
23 change, property designated as Forest Resource Lands, in this zone, would allow the
24 Mineral Resource Overlay without a CUP.

- 25 • Mr Shattuck asks why they are treated differently in different zones.
 - 26 • Mr. Best responds that it is not the underlying zone, but the (MRO) overlay
27 that moves the requirements from outright to conditional permitting.

- 28 • **QUESTION/ANSWER:** Mr. Shattuck asks, Mr. Best clarifies, and Mr. Gurnee confirms,
29 that on attachment C1, page 5 of 5, in Tab 10 of the CPA materials binder, at the
30 bottom of the Land Use Table, footnote #4 references a limit of up to 2 acres of
31 extraction of materials, which will be included if adopted..

- 32 • **QUESTION:** Mr. Nevins agrees that for all the MRO designations, the use is of concern,
33 but also questions whether the amendment, or Comprehensive Plan, addresses
34 whether the resources are available, when that study hasn't been done. Should needs
35 and availability be determined before we allocate additional lands?

- 36 • **ANSWER:** Mr. Best acknowledges it has long been desired to perform that
37 study, but no timeline has been provided for when, but the applications are
38 allowed by Code for consideration.

- 39 • Mr. Nevins notes that we have a determination process for Buildable Lands,
40 Commercial and other areas, but not for this purpose.

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- 1 • Mr. Svensson believes the Department of Natural Resources (DNR) has
2 some information available on this subject, but it may not be definitive.
- 3 • **QUESTION:** Mr. Svensson asks whether any other opposition to the Ueland
4 application has been received, other than from Chico Creek Task Force?
- 5 • **ANSWER:** Mr. Best is not aware of any received.
- 6 • **QUESTION/ANSWER:** Mr. Murphy asks and Mr. Best confirms that a matric of public
7 comments will be provided before the August 21st 2018 meeting.
- 8
- 9 • **CHAPTER 11: CULBERTSON SITE SPECIFIC APPLICATION**
- 10 • **QUESTION:** Mr. Shattuck asks if the proposed code change is reflected in the
11 footnote.
- 12 • **ANSWER:** Mr. Best notes that the attachment C4 reflects the change from P
13 (Permitted) to C (Conditional) in the Rural Protection zone. When the MRO
14 designation is requested.
- 15 • **QUESTION:** Chair Buskirk asks if the intent was for consistency and to provide the
16 public with a chance to participate and be informed of the process.
- 17 • **ANSWER:** Mr. Best confirms this was part of the intent in addition to looking
18 at appropriateness of the site in its location and coordination with DNR.
- 19 • **COMMENT:** Ms. Allen agrees that Exhibit C4 is confusing, labeled as proposed but
20 with the table appearing to address both current and proposed.
- 21 • **RESPONSE:** Mr. Best appreciates the comment, notes the intent was to
22 show what would change in the table and will update the format for clarity.
- 23 • **QUESTION:** Ms. Gonzales-Harless asks what the approval criteria is for the MRO?
- 24 • **ANSWER:** Mr. Best would like some time to prepare and consider how best
25 to share that information after consulting with Liz Williams, the Planner
26 assigned to this project.
- 27 • Ms. Gonzales-Harless believes that looking at the impacts to the people and
28 environments, as shared here, maybe the criteria is something we really
29 need to see and consider overall, as the the impact here seems unique.
- 30 • Mr. Best notes that at a land use designation level, the review is based on
31 what is required, as opposed to a CUP, which takes more into consideration.
32 This amendment could shift what lines are drawn where.
- 33 • Ms. Gonzales-Harless asks if moving the overaly zone boundaries further
34 from the neighbors could be considered.
- 35 • Mr. Best would like to to consult with Ms. Williams on this specific point. He
36 notes that the CUP process would review mitigation requirements, heights
37 of berms, setbacks, actual footprint of the operation, among other things.
- 38 • Ms. Gonzales-Harless notes the neighbors are asking questions now, and
39 want asnwrs before the CUP process.

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7:01:00

- **COMMENT:** Mr. Svensson toured a home near the original quarry site many years ago, where an accident injury occurred, and is sensitive to testimony heard tonight.
- **COMMENT:** Chair Buskirk clarifies that the designation requirements are being considered now, and that some of the impacts and concerns can be addressed through later processes such as the CUP. Whether the County should weigh those concerns during this stage of this process or wait until the CUP seems to be in question.
- **COMMENT:** Ms. Allen acknowledges the County’s position in this application, noting the CUP process will ultimately be what brings any approval to open the quarry. It is a very formal process requiring testimony, input, requirements and conditions. Options mentioned here, such as scaling it down or moving it are in the Hearing Examiner’s purview and those things may be beyond the scope of the Planning Commission.
 - **RESPONSE:** Mr. Ward states this is largely a question of land use as opposed to a project specific proposal. In other contexts, such as changing from commercial to industrial uses, we don’t usually know yet what might be, instead we view what would potential impact be. In this case, it is obvious because it is a quarry, but our requirements don’t change for the land use.
 - **COMMENT:** Ms. Gonzales-Harless notes the original question for requirements and criteria for approval or disapproval is important here, as we have neighbors who feel impacted already before a proposed expansion.
- **QUESTION:** Mr. Murphy asks if the lines shown on the Culbertson map, in section 4b in the northwest corner, indicate parcel lines or property lines; and whether it is possible to only allow part of a parcel to be attached to the overlay and keep the other part in a different zone, such as residential, which would include other setback requirements.
 - **ANSWER:** Mr. Best believes they follow property lines and is unsure whether excluding some portions of the property would truly achieve setback requirements, and how the underlying zone would be affected.

7:08:44

- **QUESTION:** Mr. Svensson asks about the comment tonight about 40 housing units proposed in the area, and whether it has been reviewed?
 - **ANSWER:** Mr. Best noted that comment as well, and intends to follow up, as it had not been heard before.
- **COMMENT:** Mr. Shattuck notes that in terms of wanting to move boundaries, or make changes to what is put before us today in the application, and doesn’t believe it is in the role of the Planning Commission.
 - **RESPONSE:** Mr. Best notes that based on questions, concerns and comments, staff will provide more clarity about what measures could be considered at this level of legislative process and at the CUP process level

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- **QUESTION:** Ms. Gonzales- Harless asks for clarification, on the site map on what area will be mined and what is exhausted, and about the reclamation process.
- 3
- **ANSWER:** Mr. Best states the existing mining operation will be closed down in order to claim the new site. Map 2 in Attachment 1, in the lower right quadrant of the map just above center, is the area showing stockpiles and bare earth. Moving Northwest of that is a power line corridor, showing the power line easement in green, and subject properties outlined in black show recent logging in photo.
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- Mr. Best notes that from applicant materials and testimony tonight, the applicant would be transporting underneath the powerline easement of the existing site and performing the rock crushing on the existing site. The existing site would not be reclaimed because it would remain active for operation and crushing, while extraction would happen on the new site.
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- **QUESTION:** Ms. Gonzales-Harless asks for clarification between property acreage size and operational footprint.
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- **ANSWER:** Mr. Best states that the actual footprint is yet to be determined, and would be based on mitigation requirements. Reclamation would be designed for intended use of the property after the mining is finished. If the intended use goes back to Forest Resource, it would be based on those requirements.
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- **QUESTION:** Ms. Gonzales-Harless asks if this area was included in the Gorst area plan?
- 21
- **ANSWER:** Mr. Best notes the Gorst study looked beyond the 20-year horizon and identified the property in the long-term sub-area plan.
- 22
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- 7:16:10**
- **QUESTION:** Ms. Gonzales-Harless asks if this site specific request is denied, and code is not changed, will this remain an outright permitted use in this zone?
- 25
- **ANSWER:** Mr. Best confirms that it would, and also notes that DCD would still like to pursue changing the process of applying for this designation to follow the CUP process, regardless of the site.
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- 7:17:30**
- **CHAPTER 12: HANLEY SITE SPECIFIC APPLICATION**
- 32
- **QUESTION:** Chair Buskirk asks why DCD is requesting an area-wide study if, as we heard in testimony, the application is complete and everything is in order.
- 33
- **ANSWER:** Mr. Best notes 2 things are happening with this property. The 1st is the request to designate the property; the 2nd is an administrative process currently underway, to determine the legal conformity and establishment of use on the site – that is a separate admin process related to existing code
- 34
- The existing and proposed uses, with the Fire Department and Hanley being in this neighborhood, caused us to step back during review for additional consideration, asking if this zoning pattern makes sense.
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- 1 • Chair Buskirk asks if there is any pending code violations with the Fire
2 Department.
- 3 • Mr. Best is not aware of any.
- 4 • Chair Buskirk asks if the recommendation here affects the County’s Code
5 Compliance enforcement issue or position.
- 6 • Mr. Best states there is no intent relating to Code Compliance, but rather
7 to look at the appropriateness of this zone in a neighborhood.
- 8 • Mr. Best acknowledges there are conflicting opinions on the dermination of
9 use; DCD believes it is a Contractor’s Storage Yard, and Mr. Hanley does not.
- 10 • **QUESTION:** Chair Buskirk asks if the current use has been ongoing for quite some
11 time, without any Code Compliance enforcement, and whether the enforcement
12 action now taking place prompted this request.
- 13 • **ANSWER:** Mr. Best states the general answer is yes, the same use has
14 occurred for a long time, and the nature of activities happening are in
15 question, and part of the determination
- 16 • **QUESTION:** Ms. Allen asks whether the Code Compliance issue is complaint driven.
- 17 • **ANSWER:** Mr. Best confirms it was initiated by a complaint and additional
18 questions came up through the investigation
- 19 • **QUESTION:** Mr. Murphy asks if this site specific application has come before the
20 Planning Commission previously.
- 21 • **ANSWER:** Mr. Best is not aware of it, but would need to check to confirm.
- 22 • **QUESTION:** Mr. Murphy and Chair Buskirk ask about proposed docketing for review
23 and how it could affect this proposed application.
- 24 • **ANSWER:** Mr. Best notes that this would be proposed for the docket in
25 2019. Waiting would mean the existing zoning stands, and DCD would want
26 to determine at least suspending enforcement activities until a decision is
27 reached, unless there is a safety requirement.
- 28 • Chair Buskirk asks if that is only suggested, or is that written or confirmed.
- 29 • Mr. Best states it has been discussed with Mr. Hanley and Mr. Palmer, as his
30 agent, as a process and steps to get the determination.
- 31 • Jim Bolger, DCD Assistant Director, notes that when parties met to discuss
32 this staff recommendation, DCD indicated we would likely suspend any
33 further action on code compliance, with understanding there would be no
34 further expansion. One exception is that a structure on the site was built as
35 RV storage facility is now being used in support of their operations, and we
36 do have a site visit scheduled to ensure safety.
- 37 • Mr. Bolger notes that Mr. Palmer has indicated they are not opposed to
38 postponing for the area-wide study, but don’t want it to be open-ended. As
39 submitted in his letter, it could be acknowledged as a Contractor’s Storage
40 Yard, but the non-conforming use has implications

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- Ms. Gonzales-Harless asks what should be happening in the designation.
- Mr. Bolger states that if the nature of activity happening there were to change, similar to what happens at his downtown location it might be appropriate. An example would be if there were some shoppers or commerce happening or being brought in,
- Mr. Bolger notes that the Fire Department is there under a Public Facility Overlay. The department wants to look at the area in its entirety, and we want to keep them in business, but in way that makes sense.

7:31:45

- Mr. Best requests questions and changes by August 7th to accommodate the BoCC scheduling changes that have impacted the CPA process timeline.

F. Administrative Update: Jim Bolger, DCD Director


- No update, holdover from last meeting

G. For the Good of the Order:


- Mr. Nevins will not be at the 08/21/18 meeting, and will submit comment to Staff and Planning Commission.
- Mr. Bolger notes that for any legislative process, a full quorum is required, so a minimum of 5 will be required regardless of the number in attendance.

Time of Adjournment: 07:35:30

Minutes approved this 18 day of Sept 2018.



Gina Buskirk, Planning Commission Chair



Amanda Walston, Planning Commission Clerk

