

**Kitsap County Planning Commission Minutes – January 21, 2020**

**KITSAP COUNTY PLANNING COMMISSION**

**Administration Building – Commissioner’s Chambers**

**January 21, 2020 @ 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: Kim Allen (Chair), Aaron Murphy (Vice Chair), Amy Maule, Richard Shattuck, Jim Svensson, Joe Phillips, Mike Eliason, Ed Galliway

Members absent:

Staff present: Peter Best, Darren Gurnee, Jeff Rimack, Angie Silva, Amanda Walston (Clerk)

**5:30:46**

**A. Introductions**

- Chair Allen welcomes new PC Ed Galliway.

**B. Adoption of Agenda**

- **Chair Allen proposes a revision to the agenda to postpone Approval of Minutes and General Elections to follow Item F (Public Hearing).**
- **MOTION: Mike Eliason moves to adopt the agenda as revised**
- **SECOND: Joe Phillips**
  - **VOTE: Unanimous in Favor – Motion carries**

**C. General Elections**

- **Move to Item H, to follow the Public Hearing**

**D. Approval of Minutes**

- **Moved to Item I, to follow the General Elections**

**E. General Comment:**

- **Chair Allen notes this period is for comment on items not scheduled on the agenda, calls for any speakers.**
- **Hearing None, Chair Allen closes the comment period.**

**5:32:45**

**F. Work Study: 2019 Comprehensive Plan Amendment (CPA) Update: Peter Best, DCD PEP Planner**

- **Mr. Shattuck notes a potential conflict of interest related to the Dickey Pit Site and recuses himself** after confirmation that the work study will focus on the Dickey Pit site specific application.
- Mr. Best provides a brief, general overview of the CPA Update process to date, noting that public comments received as of 1/21 were provided to the Planning Commission (PC) last week; since then 10 additional comments have been received, which will be

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1 forwarded along with comments heard tonight, and any others received through the  
2 end of the comment period.

3 **5:48:05**

- 4 • Mr. Best provides an overview of the Dickey Pit Site Specific Amendment, site and  
5 department’s recommendation and alternatives for consideration, noting the Staff  
6 Report is quite large, with multiple attachments.
- 7 • Mr. Best references a visual presentation, noting current and proposed zoning,  
8 surrounding properties; the department recommends denial of this site specific  
9 amendment.
- 10 • Mr. Best notes the original application was submitted in 2018, then withdrawn,  
11 revised and submitted in 2019 with 3 alternative proposals that addressed some of  
12 the issues raised in the SEPA Determination of Non-Significance (DNS); proposed non-  
13 motorized connections as well as a proposed road connection from Dickey Road to  
14 Willamette Meridian with a gated connection for emergency access. Staff’s preference  
15 is to open this up to a Right-of-Way for transportation improvement.
- 16 • Mr. Best reviews a conceptual graphic submitted by the applicant, clarifying this is not  
17 the proposed project, but a concept of what could be done.

18 **6:05:25**

- 19 • Mr. Best reviewed the 4 main points of rationale for recommendation of denial.
  - 20 • Additional growth capacity is not needed for population or employment,  
21 and has been slower than projected.
  - 22 • Proposed up-zone would attract growth outside the Silverdale Regional  
23 Growth Center, intended to be areas of high intensity residential and  
24 employment development.
  - 25 • Incompatible with adjacent land uses, nearby surface mine has planned  
26 expansion with operations likely to continue for 40 – 50 years.
  - 27 • Reduces supply of vacant Industrial zoned land.
- 28 • Mr. Best reviews suggested conditions or alternatives if approval is considered:
- 29 • **QUESTION/ANSWER:** Chair Allen asks, and Mr. Best confirms, a development  
30 agreement addressing all the elements would be a condition of approval.
- 31 • **QUESTION/ANSWER:** Chair Allen asks, and Mr. Best confirms, there is no current  
32 proposal before the County.
- 33 • **QUESTION:** Chair Allen asks if conditions of the rezone would travel and bind the land  
34 for any successors or owners.
  - 35 • **ANSWER:** Mr. Best notes the development agreement would have an  
36 expiration date of June 2021, to keep aligned with the next Comprehensive  
37 Plan update in 2024, and would stay with the land during that time period,  
38 but if conditions are not met, the rezone will expire and zoning will revert.  
39 Maps will be unchanged until conditions are met.
- 40 • **QUESTION: Mr. Svensson asks if staff is recommending approval with the listed**  
41 **conditions.**
  - 42 • **ANSWER:** Mr. Best clarifies staff recommends denial but wanted to provide  
43 recommendations to include if approval was considered.



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1 • **QUESTION/ANSWER:** Mr. Eliason asks, and Mr. Best confirms, adjacent property pits  
2 are not owned by same company.

3 • **QUESTION/ANSWER:** Mr. Eliason asks, and Mr. Best confirms, the road connection  
4 currently proposed is a gated emergency only connection, which the Fire Marshal  
5 approved, but Public Works would like to see opened as a Right-of-Way.

6 **6:46:00**

### 7 **G. Public Hearing: 2019 Comprehensive Plan Amendment Update: Peter Best, DCD PEP Planner**

8 • Chair Allen briefly reviews the guidelines for public comment, based on the number of  
9 speakers, assigns 4 minutes per speaker.

10 • Applicant Representative, Levi Holmes, has requested additional speaking time during  
11 the hearing, the Department does not object, and the PC will grant 8 minutes.

12 **6:47:00**

### 13 • **SPEAKER: Levi Holmes, JWJ Group, Applicant Representative**

14 • More than 50% of Kitsap County residents live in a detached single-family  
15 residence (SFR), but SFR detached housing is not allowed in a high  
16 percentage of Kitsap County.

17 • Regarding the regional center, it's really important throughout this process  
18 and decision, to stick with assumptions in the land capacity analysis plan. It  
19 can be easy to get lost in some of the details and what could be. There is a  
20 specified range of minimum/maximum allowable.

21 • Went through regional center, approx. 660 acres if multiplied by the  
22 maximum density, could be a population of 71,000. It's important to stick to  
23 that or it will not be apples to apple comparison.

24 • Proposing this project, could be a great mixed-use community, with urban  
25 low next door, neighborhood commercial, could be live/work units,  
26 commercial, with living above, there is lots of potential.

27 • We are not submitting a development project on this site; again, it's  
28 important to stay at a Comprehensive Plan level, not a project specific level.  
29 There will be lots to configure with setbacks, community, neighbors, that  
30 would be figured out in the project.

31 • As far as neighboring airport, this is considered a public/private airport. The  
32 landing strip is the only part considered public; there is no public road  
33 connection, no way they could land and then drive to Silverdale, unless they  
34 have specific permission from property owners. Future expansion would not  
35 be allowed for the airport. In discussions with neighbors, they view it more  
36 as a use for medical transport to hospitals.

37 • This is a non-project action. Details are addressed in the staff report, but  
38 many are project-specific; A lot of these details and questions came up  
39 about the SEPA checklist, but DNS and no mitigation is what was provided –  
40 all the other questions issues can be provided in project specific plans later.

41 • For Roads, Public Works asked to make a public connection, but our current  
42 easement does not allow us to extend the road beyond. It would be onerous  
43 to put that action on us when we don't own adjacent properties. Maybe  
44 down the road, when a project is submitted, but we have been speaking to

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1 neighbors who don't want full access, they want it limited to gated and  
2 locked emergency access only, which is allowable by the Fire Marshal.

- 3 • On Compatible Use, look at an entire area 100% surrounded by  
4 Residential , Urban Low or Urban Residential use. They are compatible  
5 next to each, other.
- 6 • None of the application exhibits and submittals were included in the Staff  
7 narrative or presentation, but I will provide those to the PC, for inclusion  
8 into the record.
- 9 • If a development agreement would be subject to the County leaving a  
10 portion as industrial, as part of the buffer, it would pose a significant  
11 burden.
- 12 • Additional comments and exhibits will be submitted through written  
13 comment to address additional concerns that we haven't been able to  
14 address in the time given.

15 **6:56:20**

- 16 • **SPEAKER: Richard Shattuck, Resides and works in Central Kitsap**

- 17 • Has recused himself from the Planning Commission dais, as he served as a  
18 trustee of the blind trust for 20 of the 30 acres added to this project, on the  
19 map the legend shows an area that says abandoned mine.
- 20 • Tried to have an industrial development put on the site, and we tried to get  
21 different bites, but we got nothing for years and years. Planning  
22 Commissioner Maule mentioned environmental concerns, and what we did  
23 experience was a lot of dumping, including medical waste and syringes, that  
24 were dumped on this site, which is on the way to the dump. This is what led  
25 to us bringing in and having an environmental site clean-up.
- 26 • Planning Commissioner Phillips asked me over the years to let my issue with  
27 the West Hills area-imposed zoning go but I just couldn't do it, and I can't do  
28 it here. We tried for 7 years to get this site sold, but if we leave this zoning,  
29 we are damning this area to sit fallow. I can't sell a piece of property, that  
30 already has infrastructure, when there is the cost and burden of reclamation  
31 with the current zoning.
- 32 • What we will get is use compatible with use, getting fill and bring dumping  
33 from other areas and fill in the old mine.
- 34 • Let's do something that actually has a market that we can take the  
35 opportunity and make it into something good.

36 **7:00:15**

- 37 • **SPEAKER: Patty Charnas, Resident Clear Ridge Avenue in Silverdale**

- 38 • Expressing strong support for this rezone and categorical opposition to the  
39 staff report reasons for denial. Lives less than a mile away and walk the area  
40 often. This project would be a welcome addition to the area.
- 41 • Was previously the manager of Kitsap County DCD Long Range Planning, 3  
42 years ago, left to be the director of a neighboring jurisdiction; Familiar with  
43 multiple projects and area plans, as well as the County's obligations under

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- 1 the Growth Management Act (GMA) and Puget Sound Regional Council  
2 (PSRC) and Kitsap Regional Coordinating Council (KRCC).
- 3 • After reviewing the staff report, I do not find consistent compelling reasons  
4 to support the staff recommendations, instead there are areas of support,  
5 opposition and contradiction but no defensible cause for denial.
  - 6 • In classic sense, this is consistent with GMA policy, by driving growth to  
7 designated Urban Growth Areas (UGAs) and provided services. There is also  
8 no clear basis showing a punitive impact on the Silverdale Regional Growth  
9 Center.
  - 10 • Last weekend walked the site with a friend, and there are concerns, with the  
11 site and limitations, but these appear to have been addressed in the staff  
12 report.
  - 13 • Thank you for your consideration. As a member of the community in the  
14 immediate area, this is the right thing to do, it is a good project. I encourage  
15 the PC and the Board of County Commissioners (BoCC) to do the right thing  
16 and support the rezone.
- 17 • **SPEAKER: Holly Blinn, former Planner Kitsap County DCD, current planner employed**  
18 **by the project proponent JWJ Group.**
    - 19 • Have reviewed many projects for compatibility with Kitsap County Code  
20 (KCC), allowed uses, zoning, density and dimension, and collaborated with  
21 other staff and departments for transportation, road requirements.
    - 22 • Most of the concerns raised in the staff report are non-project specific and  
23 are not at the rezone level.
    - 24 • Staff has prepared other reports for non-project actions, such as the UVC  
25 zone, to remove density, and done a good job at review and  
26 recommendation for these non-project actions.
    - 27 • Addressing the Industrial land supply, staff contends it would reduce vacant  
28 available industrial land by 50% and 36% of vacant land, but the subject  
29 properties were considered developed at the time of analysis, so they were  
30 never included in those numbers, and the County should not choose to  
31 include them now in a possible future state.
    - 32 • Only Attachment C13 was prepared by independent analysts, the other  
33 reports were prep by staff planners.
    - 34 • As noted throughout staff report, subject properties were considered  
35 developed and not part of the available Industrial lands inventory, and it  
36 also leaves the Puget Sound Industrial Center (PSIC) out of the analysis.  
37 There has been very little development since then, and many have included  
38 low impact development projects.
    - 39 • Note that Staff Report Exhibit A, should be referencing exhibit C1, just a  
40 possible typo.
    - 41 • Additional comments and exhibit items will be submitted to the record.
- 42 **7:07:00**
- 43 • **SPEAKER: Joanne Bartlett, Biologist/Scientist for Ecological Land Services, worked**  
44 **for the project proponent on critical areas.**

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- 1 • There are a lot more requirements for residential use for critical areas, if the
- 2 pit stays the same, there will be no improvement; but opportunities exist.
- 3 • Portions of the watershed have been impacted by the previous pit, but
- 4 there are further opportunities for improve protections and habitat for
- 5 other wildlife, not birds though, due to the airport and its considerations
- 6 and restrictions.
- 7 • Restoration of sediment ponds that were not part of critical areas, but they
- 8 could be improved to create additional critical or habitat areas for wildlife.
- 9 • By improving the upper portion of Strawberry Creek, as well as Little
- 10 Anderson creek, you can improve water quality, mitigating pit activities,
- 11 improving them to current standards.

12 **7:09:50**

- 13 • **SPEAKER: Norm Olson, NL Olson, Provided Engineering and Geotech services (no site**
- 14 **design) for the applicant.**
  - 15 • Comments are not so much project related or specific, but want to speak
  - 16 anecdotally on County development.
  - 17 • There are 34 finished lots across from this pit, also the Silverthorne
  - 18 development with 36 lots. Those 2 plats essentially border this project, and
  - 19 whatever it becomes, whether it be residential or commercial and industrial.
  - 20 After this land, there is no other land available, it is built out.
  - 21 • Regarding the recommendation for denial, based on land capacity reduction,
  - 22 our firm does many plat work designs, with the complexity of what we do,
  - 23 the only way we can do it is based on how high the cost is of these lots; an
  - 24 example is Woodbridge in Silverdale, half million yards of material moved up
  - 25 the road, and lots of required mitigation. That is feasible because of what it
  - 26 costs. If 80 acres of rock is required to be moved to allow for housing, it's
  - 27 only possible due to demand and price costs; if there were a great deal of
  - 28 developable land, they wouldn't be so high priced. This is market driven.
  - 29 • Regarding not having adequate industrial land, lots of work is done in the
  - 30 South Kitsap Industrial Area (SKIA), it's not included for various reasons; that
  - 31 cross-SKIA connector road has cost millions, and since the road was
  - 32 constructed no new industrial development has been put in.
  - 33 • This proposed area is prime for development.

34 **7:13:00**

- 35 • **SPEAKER: Steve Sego, of Waterman Mitigation Partners; Port Orchard resident**
- 36
  - 37 • Has worked on evaluation of habitat inventory for sites appropriate for
  - 38 restoration, enhancement and preservation. From this area, but spent
  - 39 decades around Alaska and other areas, developing a wetland mitigation
  - 40 bank. After returning 10 years ago, realized the need for this inventory, and
  - 41 also balance of growth management and development needs all over the
  - 42 area.
  - 43 • Heard about this proposal a few years back, and it is most intriguing. This is
  - 44 the origin, or headwaters, for salmonid stream system.

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- 1 • This is an exciting opportunity because the headwaters can be more
- 2 important than the mouth, which is where many energies focused; but
- 3 could be important for critical improvements.
- 4 • Current owners are based on the buffers, setbacks required in that zoning,
- 5 and doing what they are supposed to, and were intended to do.
- 6 • This is an opportunity to do something that will benefit those both of those
- 7 stream systems and positively affect the eco system in Kitsap County.
- 8 • Mr. Best stated this has been zoned industrial since before the 1<sup>st</sup>
- 9 Comprehensive Plan, and as Mr. Shattuck noted, planning is about planning
- 10 as best as we can but now, we are in a position where we can do something
- 11 good.
- 12 • Please consider rejecting the denial and supporting this rezone.

13 7:17:46

- 14 • **SPEAKER: John Johnson, Kitsap resident since 1984.**
- 15 • Completed my first short plat in 1987, and have done many since then,
- 16 including multiple projects with Gary Lindsey.
- 17 • Couple points, we only had 7 business days to respond to the staff report;
- 18 we have worked closely with and established a relationship with the County.
- 19 Very disappointed in the staff report; it seemed they took every opportunity
- 20 to turn it down after all that work.
- 21 • We have created a matrix that takes every reason for denial and countered
- 22 it with facts and additional comments to consider, not summaries, but
- 23 actual facts.
- 24 • If you decide to approve with conditions, we do feel it would be
- 25 unreasonable to require roads such as the County asked for.
- 26 • Levi is a real fan of SEPA and has been looking for an opportunity to achieve
- 27 mixed use, achieve the goals; we spent a lot of time working with Mr. Best.
- 28 • This is an opportunity to reclaim something. If you look at properties for
- 29 sale in that industrial area, there are just a few and very little buying
- 30 opportunity. There is no demand for industrial land in Kitsap, and this
- 31 property won't be bought and reclaimed, the setbacks, the wildlife,
- 32 environmental opportunities will be gone.
- 33 • Appreciate the time the PC puts into the process, it is the one time citizens
- 34 can ask you to look at the facts and make decision for what is truly best for
- 35 the County.
- 36 • Our additional comments will be submitted.

37 7:21:35

- 38 • **SPEAKER: Chuck Madwell, Attorney on behalf of applicant**
- 39 • Few points of support, regarding denial, we prepared a matrix because
- 40 there are so many facts, allegations and points from this staff report and
- 41 recommendation to be addressed and the matrix responds to each issue.
- 42 • Invites the PC to review the matrix and see why the evidence in staff report
- 43 does not support the denial recommendation.





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- 1 • In support of the project. Have been in redevelopment of mining plans for  
2 over 15 years. This project is well thought out; this is an opportunity for the  
3 PC to do something different and allow this developer to bring in a high-  
4 quality project. Dupont is a similar site; citizens have access to commercial  
5 properties, shopping, and it has a real community feel. I think this project  
6 would do the same.
- 7 • Mining is not meant to be forever, when project is complete and mining is  
8 done then it's time for a new project; that is this time for this project.

9 • **SPEAKER: Rick Smith, RTS Enterprises**

- 10 • Speaking about the Mineral Resource Overall (MRO) Removal. I am a  
11 neighboring property owner; I am mainly here because I purchased a small  
12 parcel, south of the Apex Airport, and it was not disclosed as MRO when I  
13 bought it. After going through the entire permitting process, 2 months later  
14 we got a letter stating it was a mistake.
- 15 • Here to ask for support in removal of the MRO.

16 **7:46:45**

17 • **SPEAKER: Tyler Hunt, Lifelong community member, Southworth neighbor**

- 18 • I am not in opposition but want to speak of traffic flow in and out of  
19 Silverdale. Have lived on Newberry Hill for 5 years, 10 years as a teacher at  
20 Central Kitsap High School (CKHS), my wife teaches at Silverdale Elementary.
- 21 • Have seen students time and time again, we all sit stuck in this traffic,  
22 unfortunately also had a friend killed in the same area.
- 23 • Opposed to project without any upgrades to traffic flow opportunities into  
24 Silverdale from the west side. It can take 30 minutes to travel half mile up  
25 Provost from CKHS.
- 26 • Our school district was told to change the start times of middle and high  
27 schools, to accommodate the traffic flows. If this is a known issue why isn't  
28 it addressed?
- 29 • Have spoken with Levi (Holmes) about the minimum number of trips which  
30 is projected at 300, I think it is more like 800. With all the potential growth,  
31 where are they going to do, I loop down and around for a mile additional  
32 out of my way, just to avoid the area.
- 33 • County has to recognize the issues of traffic flow in Silverdale already, and  
34 need to widen Silverdale way onto Newberry, Anderson hill is a mess to say  
35 the least. I, and fellow community members also have concerns with  
36 additional flow onto Dickey Road and Willamette. New residential area  
37 means more schools, which means more traffic.

38 **7:50:30**

39 • **SPEAKER: Kathy Sinn, neighbor of the proposed site.**

- 40 • We live west of gravel and asphalt pit. When wind comes from the east, we  
41 smell it, although we don't smell it all the time, because wind flow on our  
42 property is from the south. These new properties are going to be in the  
43 direct path for the smells; even though county has codes on smells, in the

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1 past asphalt hasn't had to worry about it because there haven't been homes  
2 in its path. At times it is very strong for us; just isn't a way to control smells.

- 3 • **Chair Allen calls for any additional speakers.**
- 4 • **Hearing no additional speakers, Chair Allen closes the Public Hearing, the record**
- 5 **remains open until midnight tomorrow.**

6 **7:51:55**

### 7 **H. Approval of Minutes** (*postponed from Item D*)

- 8 • **MOTION: Mr. Shattuck moves to adopt the Minutes of 12/17/2019 as presented.**
- 9 • **SECOND: Mr. Svensson**
  - 10 • **VOTE: Unanimous in favor – Motion carries.**
- 11 • **MOTION: Mr. Eliason moves to adopt the Minutes of 01/07/2019 as presented.**
- 12 • **SECOND: Mr. Murphy**
  - 13 • **VOTE: Unanimous in favor – Motion carries.**

14 **7:54:45**

### 15 **I. General Elections** (*postponed from item C*)

- 16 • **Chair Allen reviews process, calls for nominations for Chair**
- 17 • **NOMINATION: Mr. Murphy nominates Richard Shattuck.**
- 18 • **SECOND: Mr. Phillips seconds**
  - 19 • Mr. Shattuck declines as he may be unavailable during much of the second
  - 20 half of the year.
  - 21 • Nomination withdrawn
- 22 • **NOMINATION: Mr. Svensson nominates Mike Eliason**
- 23 • **SECOND: Ed Galliway**
  - 24 • Mr. Eliason accepts the nomination
  - 25 • **VOTE: Unanimous in favor – Motion Carries**
- 26 • Chair Allen calls for nominations for Vice Chair
- 27 • **NOMINATION: Mr. Shattuck nominates Joe Phillips**
- 28 • **SECOND: Mr. Eliason**
  - 29 • Mr. Phillips accepts the nomination
  - 30 • **VOTE: 8 in favor; 0 opposed**

### 31 **J. For the Good of the Order**

- 32 • Darren Gurnee, DCD PEP Planner, notes the Zoning Use Table Update project was
- 33 previously scheduled to come to the PC in late January, will instead come in late
- 34 February or March.
- 35 • Mr. Shattuck, and the entire Planning Commission, expresses appreciation to Kim
- 36 Allen, who has done an excellent job, kept us on track despite a very busy schedule
- 37 and provided much expertise.
- 38 • Mr. Galliway asks, and Mr. best confirms, Deliberations and Recommendation for the
- 39 2019 CPA Update is on schedule for the 2/4/20 PC meeting. Additional comments and
- 40 submissions to the record will be forwarded to the PC, including the opposing matrix.

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- Kim Allen thanks Mr. Murphy for serving as Vice Chair and stepping in to Chair in her absence.

**Time of Adjournment: 8:010:18 pm**

**Minutes approved this 18th day of February 2020.**



**Michael Eliason, Planning Commission Chair**



*(Amanda Walston for)*

**Robyn Readwin, Planning Commission Clerk**