



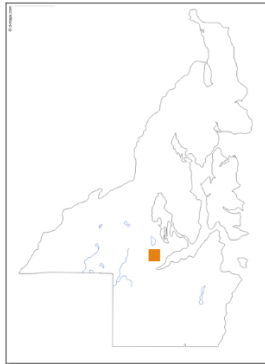
Kitsap County Department of Community Development

Staff Report and Recommendation Annual Comprehensive Plan Amendment Process for 2018 Site-Specific Amendment 18-00431 (Ueland Tree Farm, LLC)

Report Date 6/25/2018
Hearing Date 7/17/2018 and 7/31/2018
Amendment Type Site-specific Amendment
Landowner Ueland Tree Farm, LLC
Applicant Mark Mauren
Request Change from Land Use: Forest Resource Lands
 Zoning: Forest Resource Lands Change to Land Use: Forest Resource Lands with Mineral Resource Overlay
 Zoning: Forest Resource Lands with Mineral Resource Overlay

Geographic Area Affected

Rural South Kitsap



<u>Parcel Tax Acct #</u>	<u>Acres</u>
242401-4-005-1008	20
242401-4-006-1007	20
242401-4-007-1006	20
242401-4-008-1005	20
192401-3-005-2005	16.57
Total	96.57

TDRs Required n/a
SEPA Determination of Non-Significance
Department Recommendation Adopt as proposed

This report and recommendation are based on information available at the time of publication. If new relevant facts are discovered, this staff report will be revised, and the department recommendation may change.

1. Background

The Kitsap County Comprehensive Plan describes the 20-year vision for unincorporated Kitsap County and how that vision will be achieved. The plan covers land use, economic

development, environment, housing and human services, transportation, capital facilities and utilities as well as parks, recreation, and open space. The Comprehensive Plan is mandated by the Washington State Growth Management Act (GMA, RCW 36.70A).

A. Authority

The GMA mandates that Kitsap County's Comprehensive Plan and development regulations be reviewed and, if needed, revised at least every 8-years [RCW 90.70A.130(5)]. The most recent Kitsap County 8-year update concluded with the adoption of the 2016 Kitsap County Comprehensive Plan on June 27, 2016 by Ordinance 534-2016. The GMA also mandates that Kitsap County's Comprehensive Plan and development regulations be subject to continuing review and evaluation, allowing for annual amendments to the Comprehensive Plan and development regulations [RCW 36.70A.130(1)].

Kitsap County Code sets forth a process and criteria for making amendments to the Comprehensive Plan [KCC 21.08]. In making amendments, the County must consider:

- Whether the proposed amendments are consistent with and supports other plan elements and or development regulations, and if not, what additional amendments to the plan and/or development regulations will be required to maintain consistency;
- Whether the proposed amendment to the plan and/or regulation will more closely reflect the goals and policies of the Comprehensive Plan;
- Whether the proposed amendment is consistent with the Kitsap County-wide Planning Policies; and
- Whether the proposed amendment complies with the requirements of the GMA.

The final docket adopted by the Board of County Commissioners on April 4, 2018 (Resolution No. 064-2018) allows for consideration of this amendment during Kitsap County's annual Comprehensive Plan amendment process for 2018.

B. Proposed Amendment

1. Change from (see Attachment A – Map 4A & Map 5A)

Comprehensive Plan Land Use Designation: Forest Resource Lands
Zoning Classification: Forest Resource Lands

The primary land use allowed within the forest resource lands designation and classification is commercial timber production and harvesting. This designation and classification is further intended to discourage activities and facilities which can be considered detrimental to the production and commercial harvest of timber.

2. Change to (see Attachment A – Map 4B & Map 5B)

Comprehensive Plan Land Use Designation:	Forest Resource Lands with a Mineral Resource Overlay
Zoning Classification:	Forest Resource Lands with a Mineral Resource Overlay

The mineral resource overlay designation and classification is intended to be a temporary designation to protect lands with identified mineral resources. The mineral resource overlay is also used to ensure the continued or future use of mineral resource lands without disrupting or endangering adjacent land uses, while safeguarding life, property, and the public welfare.

The Kitsap County Code (Section 17.170.065) establishes a framework for removing the Mineral Resource designation once mineral resource extraction has completed. Upon confirmation that the surface mining permit has been closed by the Washington State Department of Natural Resources (DNR), Kitsap County would include the site on the next scheduled Comprehensive Plan amendment docket. The Board of County Commissioners would rescind the Mineral Resource Overlay designation and zoning classification, reverting the site back to the underlying Forest Resource Lands designation and classification.

C. Geographic Description

The site is located approximately 1 mile southwest of Kitsap Lake in unincorporated Kitsap County (see Attachment A - Map 1). The proposed amendment involves five parcels (242401-4-005-1008, 242401-4-006-1007, 242401-4-007-1006, 242401-4-008-1005, and 192401-3-005-2005) that total 96.57 acres. The site is adjacent to the Bremerton Urban Growth Area boundary on the south and the City of Bremerton boundary on the west.

The site is within the Ueland Tree Farm (UTF), an approximately 1,646-acre area that includes forestry, mining activities, and public trails. The site will contain a 39.2 acres basalt quarry that is anticipated to produce approximately 3.3 million cubic yards of commercial quality rock. The general vicinity includes the City of Bremerton Watershed located south and west of the site and the UTF on the east and north.

The site is located within the Chico Creek watershed. Portions of Heins Creek, a non-fish habitat stream, runs through the northeast and southeast portion of the site. In addition, a wetland is in the northeast corner of the site (see Attachment A – Map 3A). The northern and eastern portion of the site contains Category II Critical Aquifer Recharge Areas (See Attachment A – Map 3B).

2. Department Recommendation

Having analyzed the proposed amendment and other alternatives, if applicable, the Department recommends:

- Adoption of the amendment:
 - as proposed above
 - as described in Alternative ___ below
 - with revisions described below
 - with conditions described below
- Deferral of the amendment to a future docket
- Denial of the amendment

A. Revisions

None.

B. Conditions

None.

C. Rational

- The applicant has demonstrated the site contains significant, commercial quality basalt rock deposits.
- The proposed amendment is consistent with the:
 - conditions of the Conditional Use Permit issued for the site (DCD File 07-449975);
 - conditions of the Conditional Use Permit modification issued for the site (DCD File 14-02844);
 - development agreement between the applicant and Kitsap County (Auditor File No. 201505290067);
 - provision of the Washington State Growth Management Act, the Washington Administrative Code, Kitsap County-wide Planning Policies, and Kitsap County Comprehensive Plan.

3. Other Alternatives Considered

The Department determined that consideration of alternatives was not needed for this application.

4. Analysis

Amendments to the Comprehensive Plan must be consistent with the criteria outlined in Kitsap County Code (KCC) Chapter 21.08. Applicable criteria are analyzed below. A

summary of the State Environmental Policy Act (SEPA) review of this amendment is located at the end of this section.

A. General Decision Criteria (KCC 21.08.070.A)

For each proposed amendment to the Comprehensive Plan, the Planning Commission in reaching its recommendation, and the Board of Commissioners in making its decision, shall develop findings and conclusions, which demonstrate:

1. *How circumstances related to the proposed amendment and/or the area in which the property affected by the proposed amendment is located have substantially changed since the adoption of the Comprehensive Plan or applicable development regulations;*

Staff Analysis: The applicant indicated that the site was inadvertently dropped from the 2016 Comprehensive Plan update process. The proposed amendment will also allow the applicant to fulfill the conditions of the approved Development Agreement between the applicant and Kitsap County (Auditor File No. 201505290067).

2. *How the assumptions upon which the Comprehensive Plan is based are no longer valid, or there is new information available which was not considered during the adoption of, or during the last annual amendment to, the Comprehensive Plan or development regulations; and*

Staff Analysis: The applicant indicated that the site was inadvertently dropped from the 2016 Comprehensive Plan update process. The proposed amendment will also allow the applicant to fulfill the conditions of the approved Development Agreement between the applicant and Kitsap County (Auditor File No. 201505290067).

3. *How the requested redesignation is in the public interest and the proposal is consistent with the Kitsap County Comprehensive Plan.*

Staff Analysis: Approval of the request will enable significant, commercial quality rock deposits to be identified as mineral resource lands. Pursuant to the Washington Administrative Code (WAC), the designation of mineral resource lands should be based on the geology and the distance to market of potential mineral resource lands. The WAC also encourages mineral resources to be located relatively close to population centers and transportation networks to be cost effective and affordable to consumers.

B. Additional Decision Criteria (KCC 21.08.070.D)

In addition to the findings and conclusions above, a proposed site-specific map amendment may be recommended for approval by the Planning Commission and may be approved by the Board of Commissioners if the following findings are made:

1. *All Site-Specific Amendment Requests. Each of the following requirements must be satisfied for a recommendation for approval.*
 - a. *The proposed amendment meets concurrency requirements for transportation, sewer and water, and will not result in significant adverse impacts on adopted level of service standards for other public facilities and services, such as police, fire and emergency medical services, park services, and general government services;*

Staff Analysis: The proposed amendment will not have significant adverse impacts on adopted level of service standards. The County issued a transportation certificate of concurrency for the site as part of the Conditional Use Permit approval and modification.

According to the approved Development Agreement, water to serve the site will be provided by the City of Bremerton. Sanitary sewer utilities will not be required within the site. All storm water mitigation conditions for the site were considered as part of the Conditional Use Permit approval and modification.

The 2016 Capital Facilities Plan identifies level of service deficiency for the South Kitsap School District deficiency within the 20-year planning horizon (see Table 1 below). The identified deficiency is not applicable to the proposed amendment because the Mineral Resource Overlay designation and classification will not generate new households.

Table 1 – Public Facilities

Public Facility	Provider	Concurrency Standard	Level of Service Standard
Transportation	Kitsap County	OK	OK
Water	City of Bremerton	OK	OK
Sewer	City of Bremerton	OK	OK
Solid Waste	Kitsap County	<i>n/a</i>	OK
Police	Kitsap County Sheriff	<i>n/a</i>	OK
Fire/EMS	Central Kitsap Fire & Rescue	<i>n/a</i>	OK
School	South Kitsap School District #402	<i>n/a</i>	OK Deficiency identified within 20-year planning horizon
Transit	Kitsap Transit	<i>n/a</i>	OK
Parks	Kitsap County	<i>n/a</i>	OK
Gov. Admin.	Kitsap County	<i>n/a</i>	OK

- b. *The proposed amendment is consistent with the balance of the goals, policies and objectives of the Kitsap County Comprehensive Plan and reflects the local circumstances of the county;*

Staff Analysis: The amendment is consistent with the goals and policies of the Kitsap County Comprehensive Plan and reflects the local circumstances of the County. The Kitsap County Comprehensive Plan generally encourages appropriate mineral resource lands be identified by landowners, until such time that a more comprehensive geologic study of county-wide mineral resources is completed. In addition, the proposed amendment will promote a healthy and diverse economy by supporting a land use that provides living-wage jobs.

Consistent Goals and Policies

The amendment is particularly consistent with the following goals and policies:

- Land Use Policy 54. In accordance with RCW 36.70A.070(5)(c)...
 -protect against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.
 This policy is implemented through Comprehensive Plan Land Use designations, zoning designations, and zoning code provisions.
- Land Use Goal 15. Develop strategies for future use and compatibility for properties used for minerals.
- Land Use Policy 77. Require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as mineral resource lands, contain a notice that the site is within or near designated mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. The notice for mineral resource lands shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.
- Land Use Policy 78. Kitsap County should determine if adequate mineral resources are available for projected needs from currently designated mineral resource lands.
- Land Use Policy 79. Coordinate with the Washington State Department of Natural Resources (DNR) to ensure that future reclamation plans are consistent with the comprehensive planning for the site and surrounding area, as well as any permits issued by the Department of Natural Resources.
- Economic Development Goal 1. Promote a healthy and diverse economy that provides for a strong and diverse tax base, encourages business formation, retention, and expansion; creates industrial and professional

business and employment opportunities to attract new business to the County.

- Economic Development Policy 3. Provide a diverse mix and appropriate range of commercial, industrial and business land uses that will encourage economic activity capable of providing living-wage jobs and reasonably scaled to the needs of the community.
- c. *The subject parcel(s) is suitable for the requested land use designation based upon, but not limited to, access, provision of utilities, consistency with existing and planned uses, environmental constraints and compatibility with the neighborhood;*

Staff Analysis: The site is accessed from West Werner Road via timber hauling roadways on the UTF property. The City of Bremerton approved the road approach to Werner Road and imposed conditions deemed necessary to mitigate transportation impacts. In addition, Kitsap County issued a transportation certificate of concurrency for the site.

According to the approved Development Agreement with Kitsap County, water to serve the site will be provided by the City of Bremerton. Sanitary sewer utilities will not be required within the site. All storm water mitigation conditions for the site were considered as part of the Conditional Use Permit approval and modification.

According to available environmental data, the site contains high and moderate hazard areas due to a moderate risk for landslide and a high risk of erosion (see Attachment A – Map 3A). In addition, the northern and eastern portion of the site contains Category II Critical Aquifer Recharge Areas (See Attachment A – Map 3B). Portions of Heins Creek, a non-fish habitat stream, runs through the northeast and southeast portion of the site. In addition, a wetland is in the northeast corner of the site (see Attachment A – Map 3A).

As indicated in Table 2, the site is surrounded entirely by forested lands that are managed for timber production or resource protection. The closest residential development in the immediate vicinity is approximately 1 mile east of the site.

Table 2 – Adjacent Land Uses & Zoning

	Current Categorical Use of the Land (KCC 17.410)	Current Land Use Designation	Current Zoning Classification
North	608. Forestry;	Forest Resource Lands and Rural Wooded	Forest Resource Lands and Rural Wooded
South	410. Public facilities and electric power and natural gas utility facilities, substations, ferry	Public Facilities	Urban Restricted

	terminals, and commuter park-and-ride lots; 608. Forestry;		
East	608. Forestry;	Rural Wooded	Rural Wooded
West	410. Public facilities and electric power and natural gas utility facilities, substations, ferry terminals, and commuter park-and-ride lots; 608. Forestry;	Watershed (City of Bremerton)	Watershed (City of Bremerton)

Table 3 – Comparison of Key Density & Dimension Standards (KCC 17.420)

	Current Zone	Proposed Zone
Minimum density (DU/Ac)	n/a	n/a
Maximum density (DU/Ac)	n/a	n/a
Minimum lot size	40 acres	20 acres
Maximum lot size	n/a	n/a
Front setback	140 feet	50 feet
Side setback	20 feet	n/a
Rear setback	20 feet	n/a
Maximum building height (feet)	35 feet	n/a

The following uses will be newly allowed upon the approval of this amendment:

- recreational/cultural uses – club, civic or social; and
- industrial uses including various types of storage and light manufacturing.

The following uses will be newly prohibited upon the approval of this amendment:

- residential uses including new dwelling units and home businesses.

For a full comparison of allowed uses, see Attachment C1.

- d. The proposed amendment does not materially affect the land uses and growth projections which are the basis for the Comprehensive Plan, and reflects local circumstances in the county;*

Staff Analysis: The proposed amendment will not affect the growth projections upon which the Comprehensive Plan is based. The proposed amendment is intended to be a temporary designation to protect lands with identified mineral resources. The Kitsap County Code (Section 17.170.065) establishes a framework for removing the Mineral Resource designation once mineral resource extraction has completed. Upon confirmation that the surface

mining permit has been closed by the Washington State Department of Natural Resources (DNR), Kitsap County will include the site on the next scheduled Comprehensive Plan amendment docket. The Board of County Commissioners will rescind the Mineral Resource designation and zoning classification, reverting the site back to the underlying Forest Resource Lands zone and designation.

- e. *The proposed amendment does not materially affect the adequacy or availability of urban facilities and services to the immediate area or the overall area of the urban growth area; and*

Staff Analysis: The site is not located within an Urban Growth Area and would not materially affect the adequacy or availability of urban facilities and services (see Staff Analysis in Section B.1.a.).

- f. *The proposed amendment is consistent with the GMA, Kitsap County-wide Planning Policy, state and local laws and other applicable inter-jurisdictional policies or agreements.*

Staff Analysis: Staff reviewed and determined the amendment is consistent with the Growth Management Act (GMA) (RCW 36.70A), Kitsap County-wide Planning Policies, state and local laws, and other applicable inter-jurisdictional policies and agreements.

Consistent Goals and Policies

The amendment is particularly consistent with the following goals and policies:

- Revised Code of Washington 36.70A.131 for mineral resource lands review of related designations and development regulations.
- Revised Code of Washington 36.70A.170 for natural resource lands and critical areas designations.
- Revised Code of Washington 78.44 for surface mining.
- Washington Administrative Code 332-18 for surface mine reclamation.
- Washington Administrative Code 365-190-70 for minimum guidelines to classify agriculture, forest, mineral lands, and critical areas.

All Site-Specific Amendment Requests Regarding Parcels located within an associated Urban Growth Area (Including UGA Expansions of Associated Urban Growth Areas).

Staff Analysis: The criteria in KCC 21.08.070.D.2 are not applicable to the proposed amendment and are therefore not recited here.

2. Rural Commercial/Industrial and Type III LAMIRD Site-Specific Amendment Requests.

Staff Analysis: The criteria in KCC 21.08.070.D.3 are not applicable to the proposed amendment and are therefore not recited here.

3. Requests Within the Rural Area Not Pertaining to Commercial or Industrial Requests.

If applicable, each of the following requirements must be satisfied for a recommendation of approval:

- a. *Any proposed amendments to rural and natural resource areas shall not substantially affect the rural/urban population balance;*

Staff Analysis: The proposed amendment will not materially affect the growth projections upon which the Comprehensive Plan is based. The proposed amendment is intended to be a temporary designation to protect lands with identified mineral resources. No housing development is proposed or allowed under the proposed designation. Furthermore, the Kitsap County Code (Section 17.170.065) establishes a framework for removing the Mineral Resource designation once mineral resource extraction has completed. Upon confirmation that the surface mining permit has been closed by the Washington State Department of Natural Resources (DNR), Kitsap County will include the site on the next scheduled Comprehensive Plan amendment docket. The Board of County Commissioners will rescind the Mineral Resource Overlay designation and zoning classification, reverting the site back to the underlying Forest Resource Lands designation and classification.

- b. *Any proposed change to land designated as natural resource land shall recognize that natural resource designations are intended to be long-term designations and shall further be dependent on one or more of the following:*

- i. *A substantial change in circumstances pertaining to the Comprehensive Plan or public policy;*

Staff Analysis: Not applicable.

- ii. *A substantial change in circumstances beyond the control of the landowner pertaining to the subject site;*

Staff Analysis: Not applicable.

- iii. *An error in initial designation; and/or*

Staff Analysis: The applicant indicated that the site was inadvertently dropped from the 2016 Comprehensive Plan update process. The proposed

amendment will also allow the applicant to fulfill the conditions of the approved Development Agreement between the applicant and Kitsap County (Auditor File No. 201505290067). The proposed amendment is intended to be a temporary designation to protect lands with identified mineral resources. Upon confirmation that the surface mining permit has been closed by the Washington State Department of Natural Resources (DNR), Kitsap County will include the site on the next scheduled Comprehensive Plan amendment docket. The Board of County Commissioners will rescind the Mineral Resource Overlay designation and zoning classification, reverting the site back to the underlying Forest Resource Lands designation and classification.

iv. New information on natural resource land or critical area status.

Staff Analysis: Not applicable.

C. State Environmental Policy Act (SEPA)

The Kitsap County SEPA official issued a SEPA threshold determination of non-significance (DNS; Attachment B1) for this amendment after having reviewed the SEPA environmental checklists prepared for this amendment (Attachment B2) and all of the other proposed Comprehensive Plan amendments. The SEPA official's review found that this amendment is not related to or dependent on any of the other amendments and therefore an independent SEPA threshold determination was made regarding this amendment.

Notice of this SEPA threshold determination was:

- Filed with the Washington State Department of Ecology [SEPA Register](#);
- Published in the Kitsap Sun newspaper (6/29/2018); and
- Mailed to property owners within 800 feet of the subject properties;
- Posted on the subject property; and
- Integrated with other public announcements described in Section 5 below.

The SEPA threshold determination and environmental checklist was also distributed to agencies with jurisdiction, the Department of Ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal.

The SEPA comment period will run concurrently with the public comment period for the proposed amendment as described in Section 5 below.

5. Public Involvement and Outreach

Kitsap County's public involvement and outreach in support of this proposed amendment has exceeded the requirements of the Growth Management Act (RCW 36.70A) and Kitsap County Code (KCC 21.08).

Public involvement and outreach in support of this proposed amendment has included the following:

- An [Online Open House](#) with information about previous, current, and upcoming phases of the 2018 amendment process.
- A public comment period (11/27/2017 – 12/15/2017) and a public hearing by the Kitsap County Board of Commissioners (12/11/2017) while setting the initial docket of proposed amendments. Based on public comments, the Board of Commissioners added a review of affordable housing policies to the docket of proposed amendments. Notifications and announcements regarding this comment period and public hearing included the following:
 - Legal notice published in the Kitsap Sun newspaper (11/27/2017);
 - Broadcast announcements via email, text message, Facebook.com, Twitter.com, and Nextdoor.com; and
 - Formal letters to Tribes with usual and accustom area in Kitsap County.
- Legal notice announcing the docket of proposed amendments was published in the Kitsap Sun newspaper (1/8/2018).
- Presentations to various Kitsap County advisory groups and community groups.

Comment Period and Public Hearing

A new comment period regarding the proposed amendment (Attachment A), this staff report, and the SEPA determination (Attachment B1) will run through Tuesday, August 7, 2018.

- During this public comment period, the public may learn more about this and other amendments by:
 - Visiting an [Online Open House](http://tinyurl.com/kitsap2018cpa) (<http://tinyurl.com/kitsap2018cpa>);
 - Attending one of the following Open Houses:
 - July 10, 2018 (5:30-7:30 PM) at the Village Green Community Center (26159 Dulay Rd NE, Kingston)
 - July 11, 2018 (5:30-7:30 PM) at the Givens Community Center (1026 Sidney Ave Rm # 115, Port Orchard)
 - July 12, 2018 (5:30-7:30 PM) at the Silverdale Water District (5300 NW Newberry Hill Rd #100, Silverdale)
 - Attending applicable Planning Commission meetings; or
 - Contacting the staff listed in Section 6 below.
- To be included in the official record, written comments must be submitted to the Department of Community Development before 11:59 PM on Tuesday, August 7, 2018 using one of the following methods:
 - Entered [online via computer or mobile device](#);

- Emailed to CompPlan@co.kitsap.wa.us;
- Mailed to 614 Division St - MS36, Port Orchard, WA 98366;
- Dropped off at the Permit Center at 619 Division St, Port Orchard; or
- Dropped off at one of the open houses listed above.
- Oral and written testimony may also be made to the Kitsap County Planning Commission at the following public hearings in the Commissioner's Chambers on the 3rd Floor of the Kitsap County Administration Building (619 Division St, Port Orchard):
 - 7/17/2018 (5:30 PM); and
 - 7/31/2018 (5:30 PM).
- Notifications and announcements regarding this comment period and public hearing include the following:
 - Legal notice published in the Kitsap Sun newspaper;
 - Broadcast announcements via email, text message, Facebook.com, Twitter.com, and Nextdoor.com;
 - Notice signs posted on site-specific amendment properties;
 - Notices mailed to property owners near site-specific amendments and other geographically specific amendments; and
 - Formal letters to Tribes with usual and accustomed area in Kitsap County.

Additional public involvement and outreach will occur in October through December when the Kitsap County Board of Commissioners will be considering the amendments.

6. Staff Contact

Report prepared by:



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Report approved by:



Jim Bolger, Assistant Director
Department of Community Development

7. Attachments

A. Maps

1. Vicinity
2. Aerial Photo
- 3A. Critical Areas
- 3B. Critical Aquifer Recharge Areas
- 4A. Current Land Use Designation
- 4B. Proposed Land Use Designation

- 5A. Current Zoning Classification
- 5B. Proposed Zoning Classification
- Map Legends

B. State Environmental Policy Act (SEPA)

- 1. SEPA Determination
- 2. SEPA Checklist

C. Supplemental Materials

- 1. Comparison of Allowed Uses