



# Board of County Commissioner Consideration Comment Matrix - Part 1



The following comments were received during the public comment period open from October 1 through October 31, 2018 and testimony received during a public hearing before the Board of County Commissioners on October 29, 2018.

#	Name, Org	Comment	Staff Response
<b>GENERAL COMMENTS</b>			
1.	Chuck Strahm	Scrap metal recycling has taken a serious blow in the past few years and we need a better plan. The loss of the private metal recycling facility at the Hansville recycling center was a problem for the north end of the county. The loss of the Poulsbo Recycling center has made the problem insurmountable for the north end. We should strive to make all forms of recycling as easy as possible, not more difficult. In a county that prides itself in being GREEN the loss of these facilities is a little hard to comprehend. Scrap metals are difficult enough to deal with without having to drive 100 miles round trip. This make a substantial increase in the expense and difficulty in recycling these materials. Is it possible to bring scrap metal recycling bins to the Hansville transfer station? Please!!!!	Thank you for providing this comment. Since it is not related to the Comprehensive Plan amendments, it has been forwarded to the Kitsap County Department of Public Works.
2.	Michael Tripp	Summary of attached letter: Would like MRO zone removed from property due to the regulatory restrictions. The small lot is not suitable for a pit and should be Rural Residential. I feel an error or change to the use of my property took place which was out of my control.	Thank you for providing this comment regarding the Mineral Resource Overlay (MRO) zone. The Department of Community Development (DCD) recently became aware of many properties like yours when preparing notices for this Comprehensive Plan amendment process. Unfortunately, removing the MRO designation from properties could not be addressed as part of the 2018 Comprehensive Plan amendments. DCD will be proposing a 2019 Comprehensive Plan amendment to remove the MRO designation from properties that clearly do not meet the MRO designation criteria. We will review your property should that amendment move forward in 2019.

#	Name, Org	Comment	Staff Response
3.	Frank Tweten	<p>Summary of public hearing testimony:</p> <ul style="list-style-type: none"> <li>• I live on Beach Drive in Port Orchard.</li> <li>• I met with the Commissioner in June 2017 regarding my project and thought I might have been included in this update.</li> <li>• I had planned a mixed-use project for my lot in Manchester.</li> <li>• The zoning was changed in 2016 and the residential density was taken away.</li> <li>• The uses that are now allowed are not suitable for the neighborhood.</li> <li>• I would like to build four Seabrook-type homes there now.</li> <li>• I have owned the property for 15 years.</li> <li>• I considered a senior care facility, but the market would not support it.</li> <li>• There is not going to be any commercial activity of any scalable size in Manchester. So I am proposing to build four houses instead of the other option I have, which is to build a drinking establishment on Spring Street.</li> </ul>	<p>Thank you for providing this comment. Staff have worked with Mr. Tweten regarding his situation and he is aware that he can apply for a residential rezone at any time (a Comprehensive Plan amendment is not required) since the property is located within the Manchester LAMIRD (Limited Area of More Intensive Rural Development).</p> <p>In order to build four units on his 0.38 acre property, the allowed density would have to increase to 11 du/acre. Mr. Tweten has suggested an amendment that will be included in the 2019 catalog of Comprehensive Plan amendments for the Board’s review.</p>
<b>AMENDMENT: KITSAP COUNTY NON-MOTORIZED FACILITIES PLAN</b>			
No comment received.			
<b>AMENDMENT: KINGSTON URBAN VILLAGE CENTER (UVC) ZONE REVIEW</b>			
4.	Rickard Huget	<p>I'm a resident of the area I'm commenting about which is NE 3rd to NE 4th between Ohio Ave and Washington Blvd. It makes sense to me that this area should be zoned UM, which it was until 2016. As you know Wash. Blvd is to be closed to all auto traffic except for one property [which is in this area] from highway 104 to 3rd ne. As Kingston grows and it will with the new foot ferry it seems that the county may want to think about less auto traffic from here some area residents may never need to get into a vehicle. This plan shows that across the street and up the very steep Ohio Ave is zoned UM I think there should be some consideration for the same. Also there would be little if any views block.</p>	<p>Thank you for providing this comment regarding the amendment. Areas outside the UVC zone were not within the scope of this amendment. The block between 3<sup>rd</sup> and 4<sup>th</sup> Streets and Ohio Avenue and Washington Boulevard is currently designated Urban Low Density Residential (ULDR) and zoned Urban Restricted (UR). The UR zone is intended for urban areas with significantly concentrations of critical areas, which in this case includes geologically hazardous areas, where lower-density development is appropriate.</p>
5.	Mark Jovanovich/ Paul Groomer,	<p>We are property owners and residents in the Kingston UVC. We have an approved short subdivision, the Hinoki Terrace project, Permit #16-05735, that was obtained under the current regulations.</p>	<p>Thank you for providing this comment in support of the proposed amendment. Based on your previous comments, we understand your project has experienced most of the regulatory barriers identified by the Kingston</p>

#	Name, Org	Comment	Staff Response
	Hinoki Terrace, LLC	<p>After going through the lengthy and complex, and frankly, expensive process of designing and permitting, we are strongly in favor of the elimination of the mixed use requirement. While we support the development of a vibrant mixed commercial and residential neighborhood, the regulations have obviously hindered that development.</p> <p>More flexibility is needed in the implementation of the proposed changes, including the allowance of ADU units, as well as detached multiple unit single family housing.</p> <p>Creating more affordable housing, scaled to mesh with the existing community, should be our goal. The proximity of the Kingston UVC to the major transportation hub provided by Washington State Ferries, and the new Kitsap Transit Ferry, makes it an ideal location for the urban village we seek to create. The proposed amendments will help to make this a reality.</p>	<p>UVC Workgroup, which the proposed amendments (and future amendments to Kitsap County Code) are intended to address.</p> <p>This amendment is intended as Phase 1 in removing barriers to achieving the existing vision for downtown Kingston in the UVC zone.</p> <p>Additional amendments to Kitsap County Code addressing additional barriers, including allowed uses such as ADUs and detached single-family residences, are currently in development and should be released for public review before the end of the year.</p>
6.	Idar Siothaug	<p>Summary of public hearing testimony:</p> <ul style="list-style-type: none"> <li>• Live on Ohio Avenue in the Kingston UVC</li> <li>• I don't mind the zoning designation, but don't like the way the County emphasizes that you have to have the maximum density.</li> <li>• Emphasizing the maximum density makes it not desirable for some people.</li> <li>• Currently people want a single-family residence on this parcel.</li> <li>• I don't want the maximum density right now, but 10 years from now I might want to have the maximum density. People change their mind like that all the time.</li> </ul>	<p>Thank you for providing this comment regarding the amendment. For the Kingston UVC zone, the Kitsap County Code currently has a minimum density of 10 du/acre and a maximum density of 18 du/acre. The County Code requires residential development to meet the minimum density, but does not require development to meet the maximum density. The surrounding commercial zones and Urban Medium (UM) residential zone all have the same minimum density of 10 du/acre.</p> <p>The Kingston Subarea Plan includes a policy to increase the maximum density allowed in the UVC, which is currently 10-18 dwelling units/acre compared to 10-30 dwelling units/acre for the adjacent commercial zones in the Kingston urban growth area. Like many municipalities that no longer specify a maximum density in their downtown commercial cores, including Bainbridge Island and Poulsbo, building height/size/form, site development, and</p>

#	Name, Org	Comment	Staff Response
			<p>community character would continue to be governed by design standards (e.g. height, scale, design characteristics, etc.) and other development regulations (e.g. landscaping, stormwater, parking, etc.). The change in density would only affect how many units could be located within the allowed building envelope.</p> <p>See also response to comment #5 regarding future amendments related to the UVC zone.</p>
7.	Steve Smalladen	<p>Summary of public hearing testimony:</p> <ul style="list-style-type: none"> <li>• Realtor (Kingston Windermere) with several parcels for sale in the Kingston UVC zone.</li> <li>• The mixed-use requirement is burdensome and is making marketing some of these parcels difficult.</li> <li>• Some parcels are just not suited for mixed-use, they are so small that single-family is the only suitable option.</li> <li>• Should allow the marketplace to dictate what uses would be built.</li> </ul>	<p>Thank you for providing this comment in support of the proposed amendment. This amendment will remove the mixed-use requirement from the Kingston UVC zone.</p> <p>See also response to comment #5 regarding future amendments related to the UVC zone, including possible changes to allowed uses.</p>
8.	Salimeh Evjen	<p>Summary of public hearing testimony:</p> <ul style="list-style-type: none"> <li>• I own two pieces of land on a dead-end road in the UVC near the Village Green Community Center.</li> <li>• I have not done anything with the land because of the required commercial component, which would not be viable in this location.</li> <li>• This is the first time I got a letter regarding my property. I don't even know what the proposed changes are.</li> <li>• I have started plans for six cottages.</li> </ul>	<p>Thank you for providing this comment regarding the amendment. Staff followed up with Ms. Evjen after the public hearing and explained that the proposed amendment would remove the commercial requirement described in her comment.</p>
9.	Linda Slothang	<p>Summary of public hearing testimony:</p> <ul style="list-style-type: none"> <li>• I have small piece of property in the UVC zone.</li> <li>• At this time, the County has put in stipulations that the property must be maxxed out.</li> <li>• The property is for sale and I have had people interested in the property. Lost a sale because of the County requirements.</li> <li>• I was just told recently that in order to have the property developed</li> </ul>	<p>Thank you for providing this comment regarding the amendment. The proposed amendment would remove at least one of the barriers described in the comment, which is that the mixed-use requirement would be removed.</p> <p>The amendment does not reduce the minimum required density of 10 du/acre in the UVC zone. The surrounding</p>

#	Name, Org	Comment	Staff Response
		<p>according to the County’s stipulations, it would cost \$1 million because more than one home would have to be built along with commercial development.</p>	<p>commercial zones and Urban Medium (UM) residential zone all have the same minimum density of 10 du/acre, which is the County’s standard minimum density for areas like downtown Kingston.</p> <p>See also response to comment #5 regarding future amendments related to the UVC zone, including possible changes to allowed uses which may also address some of the barriers described in the comment.</p>
<b>AMENDMENT: GEORGE’S CORNER LAMIRD BOUNDARY ADJUSTMENT</b>			
10.	<p>Bill Broughton, DJM Construction</p>	<p>Summary of public hearing testimony:</p> <ul style="list-style-type: none"> <li>• I am requesting you to defer what is really a spot zone for two pieces of property and do an area-wide review of the entire LAMIRD.</li> <li>• I have owned Lot D since 2006.</li> <li>• I had a conditional use permit application in 2012 that was withdrawn because expensive road improvement requirements made it not viable.</li> <li>• I had a 2015 site-specific amendment on Lot D to change the LAMIRD portion of the property to face Miller Bay Road. The wetland is a Category 3 wetland, not a significant wetland, a portion of which was filled for the Rite-Aid development.</li> <li>• I have no objection to the LAMIRD adjustment of the McCown property (Lot C). My objection is that it is being done at the expense of my property. The staff proposal is to move the commercial zoning from my property to the McCown parcel.</li> <li>• I do not support removing the commercial zoning from my parcel.</li> <li>• Referenced letters in opposition from the Suquamish Tribe and Planning Commissioner Karan Gonzales-Harless.</li> <li>• I want to make sure that the record includes that in 2015 we had a wetland delineation done and I will coordinate with staff on that.</li> <li>• I met with Director Garbo and staff and thought they supported doing an area-wide review. Makes no sense to spend resources on what is a site-specific spot zone.</li> </ul>	<p>Thank you for providing this comment in opposition to the proposed amendment. Most of these comments were provided in a letter submitted after the comment period closed for the Planning Commission’s consideration. The letter is included in Attachment C5 and analyzed in the staff report (Section 4.D, page 14).</p> <p>This amendment is not a spot zone since it is adjusting the boundaries of existing zones to improve consistency with the Comprehensive Plan. The commercial zoning of Lot D was previously analyzed in a 2015/16 site-specific amendment submitted by DJM Construction as well as part of this amendment. The staff recommendations are consistent, in that Lot D should not be zoned neighborhood commercial and should not be included in the LAMIRD. Among other factors analyzed in the staff report, including Lot D in the LAMIRD would result in a net increase in the size of the LAMIRD.</p> <p>Announcements regarding this amendment process were sent to Mr. Broughton’s email address beginning in</p>

#	Name, Org	Comment	Staff Response
		<p>Additional online comment:                      There is no reason for this change. The existing LAMIRD boundaries have been upheld by the Growth Management Hearings Board and nothing has changed since then other than this staff amendment. The intent seems to be to take the commercial zoning from my Lot D to allow more development on Lot C. This request should be deferred until all stakeholders including the Suquamish Nation and the Nature Conservancy can agree on a LAMIRD revision that addresses all issues of concern including enhancement of the Grover's Creek watershed, road improvements and better storm and wastewater management. I was given no notice of this amendment until after the Planning Commission hearings.</p>	<p>November 2017 and notices were mailed to the address of record for Lot D beginning in June 2018.</p> <p>The Suquamish and Port Gamble S'Klallam Tribes have been consulted throughout this amendment process.</p>
11.	Mike McCown, 20/20 Eyecare Centers	<p>Summary of attached letter and public hearing testimony:</p> <ul style="list-style-type: none"> <li>• My wife and I own Lot C affected by the amendment and are in favor of the amendment.</li> <li>• Purchased the property in 2014 to expand eyecare business.</li> <li>• We were not aware that the lot was split-zoned. At the time of purchase, we were relying on a master site plan that did not have the split-zone and showed buildings across that area of Lot C.</li> <li>• The history of the LAMIRD boundary was summarized, including:                             <ul style="list-style-type: none"> <li>○ Boundary advisory group in 2004 proposed four alternatives. They were using the landforms and contours and trying to avoid irregular boundaries by following property lines.</li> <li>○ The LAMIRD boundary was drawn before the parcel boundaries were established.</li> <li>○ Wetlands ended up being included within the LAMIRD on Lot D.</li> </ul> </li> <li>• Language in Ordinance 326-2004 (Section 4.7 and 4.8) regarding a requirement for a boundary line adjustment was cited in the letter and testimony.</li> <li>• In response to comments from the Suquamish Tribe:                             <ul style="list-style-type: none"> <li>○ There is no increase in land use intensity since the same amount of NC zoning exists in either case.</li> </ul> </li> </ul>	<p>Thank you for providing these comments in support of the proposed amendment. A comprehensive summary of the LAMIRD boundary history is provided in Attachment C2 of the staff report. Some of the history of the LAMIRD boundary recited in the testimony was not quite correct, including:</p> <ul style="list-style-type: none"> <li>• The boundary line adjustment required by Ordinance 326-2004 was regarding the NW corner of the LAMIRD, not the SE corner, and is not applicable to this amendment.</li> <li>• The split-zone was created by Short Plat 7278, which was submitted following the establishment of the LAMIRD boundary.</li> <li>• There was a conceptual site plan as early as 2003 that showed a potential configuration of development within the LAMIRD, but this did not align with the LAMIRD boundary adopted in 2004.</li> </ul> <p>See response to Suquamish Tribe comments in the staff report (Section 4.D, page 14) and to comment #12 below.</p>

#	Name, Org	Comment	Staff Response
		<ul style="list-style-type: none"> <li>○ This issue was not “evaluated and decided” by Ordinance 534-2016, the circumstances associated with Lot C were never evaluated.</li> </ul>	
12.	Alison O'Sullivan, Suquamish Tribe	<p>Summary of attached letter:</p> <ul style="list-style-type: none"> <li>• The objectives of this amendment is to “better align with the platted parcel lines and critical areas” and “re-designate and rezone portions of two affected parcels”.</li> <li>• The LAMIRD boundary was established in 2004 and appealed. The Hearings Board made specific note of the boundary and the Staff Report for the 2015/2016 DJM Construction site-specific amendment cited that the LAMIRD boundary was based (in part) on the presence of critical areas, which is likely to result in permanent boundaries that are less subject to pressures for commercial expansion and sprawl (see attached letter for lengthy citations).</li> <li>• The property boundaries and the LAMIRD boundary do not align as the LAMIRD boundary was defining the disturbed environment. In order to comply with the GMA, more than 50% of the LAMIRD boundary must be delineated by the existing (1990) built environment (see attached letter for more on the definition of the built environment). Since including areas of clearing is not encouraged, revising a boundary to include undisturbed forested area is clearly not appropriate.</li> <li>• The Tribe’s salmon hatchery is already impacted by problems associated with changes in water quality and quantity (see attached letter for more details). To prevent continued degradation we need to maintain wetland function throughout the watershed, prevent additional wetland filling and impervious surfaces, and ensure that the most up to date stormwater protection is implemented on any pending development with the watershed.</li> <li>• The Suquamish Tribe does not support increased land use intensity and removal of the rural protection designation proposed at George’s Corner.</li> <li>• It is also the Tribe’s understanding that this amendment was proposed without notification to one of the property owners affected.</li> </ul>	<p>Thank you for providing this comment in opposition to the proposed amendment.</p> <p>The Department of Community Development (DCD) does not want to establish precedent for expanding or intensifying development within Type I LAMIRDs. DCD has carefully analyzed this amendment for compliance with the Growth Management Act and the 2005 Hearings Board ruling and believes this proposed amendment will continue to minimize and contain development in the area as well as improves the consistency of the LAMIRD boundary with applicable criteria and local circumstances for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The Growth Management Act (GMA) explicitly allows LAMIRD boundary adjustments provided the original criteria are used. [WAC 365-196.425(6)(c)(i)(E)]</li> <li>2. The 2004 LAMIRD boundary was drawn based (in part) on approximate wetland boundaries available through the County GIS system. This amendment will specifically adjust a small portion of the boundary to align with a more recent and more accurate wetland survey, which will result in:                         <ul style="list-style-type: none"> <li>• The removal of wetland and wetland restoration areas from the LAMIRD, which are currently within the LAMIRD.</li> <li>• No encroachment into the wetlands and wetland buffers associated with Grover’s creek.</li> </ul> </li> <li>3. The SE corner of the George’s Corner LAMIRD was included in the LAMIRD as a vacant infill portion of a crossroads-type LAMIRD, which was upheld by the Hearings Board ruling. The proposed boundary</li> </ol>

#	Name, Org	Comment	Staff Response
		<ul style="list-style-type: none"> <li>For these reasons and considering the information discussed above, we request that the proposed amendment be removed from the docket and/or denied.</li> </ul>	adjustment is minor in nature and will not cause land use intensification or degradation of adjacent rural areas for the following reasons: <ul style="list-style-type: none"> <li>No net increase in the size of the LAMIRD area.</li> <li>No net reduction in rural area adjacent to the LAMIRD.</li> <li>Less forest cover will be included in the LAMIRD (see 2005 photo in attachment B1).</li> </ul>
13.	Roma Call, Port Gamble S'Klallam Tribe	The County-sponsored amendment for the George's Corner LAMIRD, proposes to reduce the size of the rural protection zone to accommodate a LAMIRD boundary adjustment for commercial use. This adjustment would result in a net loss of rural protection area, directly impacting forested lands in the Grovers Creek watershed and increasing the land use intensity. It is concerning that the amendment as proposed is inconsistent with Kitsap County Comprehensive Plan Land Use Policy 54 in accordance with RCW 36.70A.070(5)(c), for protecting critical areas, as provided in RCW 36.70A.060, and surface and groundwater resources. We request that the County remove the amendment from the docket or deny its adoption.	Thank you for providing this comment in opposition to the proposed amendment.  The staff report analyzed the amendment and found it would improve the consistency of the LAMIRD with Land Use Policy 54. The amendment will not increase the size of the LAMIRD or reduce the size of the surrounding rural area. There is no requirement for no net loss of area within the Rural Protection zone.  See response to comment 12 regarding protecting critical areas.
<b>AMENDMENT: PARKS, RECREATION, AND OPEN SPACE PLAN UPDATE</b>			
No comments received.			
<b>AMENDMENT: AFFORDABLE HOUSING POLICY REVIEW</b>			
No comments received.			
<b>AMENDMENT: CLARIFYING EDITS</b>			
No comments received.			
<b>AMENDMENT: CPA 18-00369 (RICHARDSON)</b>			



#	Name, Org	Comment	Staff Response
14.	Mark Timkin (for applicant)	<p>Summary of public hearing testimony:</p> <ul style="list-style-type: none"> <li>• We are asking that you go with the 2024 deadline for acquiring TDRs.</li> <li>• We have no immediate plan to develop the front parcels (subject to this amendment). We are selling the back parcels.</li> <li>• We want ample time to acquire the TDRs since the intent of the owner is to remain on the property in her current residence for the remainder of her life (currently 90 years old).</li> </ul>	<p>Thank you for providing this comment supporting the Planning Commission’s recommendation regarding the amendment.</p> <p>Staff analysis regarding the TDR acquisition deadline is provided in the staff report (Section 4.E, page 12).</p>
<b>AMENDMENT: CPA 18-00431 (UELAND TREE FARM LLC)</b>			
15.	Lenora Ayers	<p>We have been very thankful for the development of the Ueland Tree Farm and utilized their trails frequently. We live on Kitsap Lake Road, and are often impacted by the constant large truck traffic. Our concern is the constant maintenance of the Kitsap Lake Road, including the speed of the trucks, their negligence of foot traffic not been given extra "cushion". This is a matter of safety as these trucks have rocks in them and if consideration is not given to frequent foot traffic serious harm could be a consequence. If this amendment would increase the amount of trucks traveling our road.</p>	<p>Thank you for providing this comment regarding the amendment. Traffic impacts associated with the quarry were analyzed under a conditional use permit process and appeal. As a condition of that permit, truck traffic will exit the site to Werner Rd.</p>
16.	Jack Stanfil, Chico Creek Task Force	<p>Summary of public hearing testimony:</p> <ul style="list-style-type: none"> <li>• I am president of the Chico Creek Task Force and live on North Lake Way.</li> <li>• A history of issues associated with the Ueland Tree Farm were summarized, including the following: <ul style="list-style-type: none"> <li>○ Wetland analysis is incorrect and ignored one wetland.</li> <li>○ Watershed boundary location was incorrect and has changed.</li> </ul> </li> <li>• If you approve this amendment, we will appeal.</li> </ul>	<p>Thank you for providing this comment in opposition to the amendment.</p> <p>These comments were previously submitted to the Planning Commission. A more detailed summary and staff response are included in Attachment C2 of the staff report along with the documents submitted by Mr. Stanfil.</p>
17.	Charles Ely	<p>Summary of public hearing testimony:</p> <ul style="list-style-type: none"> <li>• I live on North Lake Way.</li> <li>• I am a strong advocate of private property rights and don’t expect Ueland Tree Farm to lose money on the property.</li> <li>• I have been on the property and appreciate the public access they provide.</li> <li>• While I certainly respect the Ueland Tree Farms right to make a profit on the property, the area we are talking about has become magical -</li> </ul>	<p>Thank you for providing this comment in opposition to the amendment. This amendment is related to the designation and protection of mineral resources. The development of a mine was addressed through a project-specific permitting process.</p> <p>The impacts associated with the proposed quarry operations were evaluated during the State Environmental</p>

#	Name, Org	Comment	Staff Response
		<p>largely based on the private and public efforts to protect and restore the watershed. It includes beaver, salmon, bear, and cougar.</p> <ul style="list-style-type: none"> <li>To expand the mineral resource overlay on the Ueland Tree Farm would be a big mistake. There are other gravel areas that are being developed in the County. We need to look very closely at what is going on there. There certainly are questions about whether the mine would have impacts on the watershed.</li> <li>I want the Ueland Tree Farm to be successful, but we cannot allow what has become a valuable resource to be impacted.</li> </ul>	<p>Policy Act (SEPA) process in 2009 and 2015 as part of the conditional use permit process. The resulting environmental documents were challenged and determined to be adequate by the courts. The proposed amendment does not modify the previous environmental documents and is consistent with the conditions of approval and development agreement between the applicant and Kitsap County.</p> <p>The environmental review referenced above did not identify unmitigated significant adverse impacts and requires monitoring.</p>
18.	Mark Mauren, Ueland Tree Farm (for applicant)	<p>Summary of public hearing testimony:</p> <ul style="list-style-type: none"> <li>We share the same passion as previous speakers for environmental protection.</li> <li>We put a lot of time and effort into designing these mines. Has been reviewed by the court system, tribes, local and state agencies.</li> <li>We have done the CUP and the environmental analysis and are now asking for the MRO needed to allow us to operate on that property into the future.</li> <li>We will be the first ones to step forward, if there are issues, to correct those issues. The 144 conditions put on us through the CUP process will help ensure that there will not be any impacts to the environment.</li> <li>Regarding prior comments tonight:                             <ul style="list-style-type: none"> <li>Our 2007 technical reports all mention the Gorst Creek watershed.</li> <li>The wetland issue was reviewed by county staff, Dept of Ecology, and a hearing examiner and adjudicated in court. All found that we did the right thing in terms of protecting that wetland.</li> </ul> </li> </ul>	<p>Thank you for providing this comment in support of the amendment. This amendment is related to the designation and protection of mineral resources. As noted in the comments, the development of a mine was addressed through a project-specific permitting process.</p>
<b>AMENDMENT: CPA 18-00528 (HANLEY PROPERTY LLC)</b>			
19.	Bill Palmer, Bill Palmer &	<p>Summary of public hearing testimony:</p> <ul style="list-style-type: none"> <li>We did agree with staff for a deferment for an area-wide study of the</li> </ul>	<p>Thank you for this comment regarding the proposed amendment. The Department of Community</p>

#	Name, Org	Comment	Staff Response
	Associates (for applicant)	<p>general vicinity.</p> <ul style="list-style-type: none"> <li>• My concern is that we do not have a time certain for when that area-wide planning process would occur. We have a general understanding that it would take place next year, but I have no record that timeline is for certain.</li> <li>• My client wants to improve his property with some formalized parking, that fits in stormwater requirements. Deferring the amendment will postpone these improvements perhaps, but the need is now.</li> <li>• My proposal to the Planning Commission was to go ahead with the requested change to Commercial zoning now so the improvements can be made (no new structures would be built) and then do the area-wide study to consider Business Center or Industrial zoning.</li> <li>• We did have very good support from Fire District 7 because the roofing business is a much better fit with the fire district facility then residential.</li> </ul>	<p>Development will be proposing the area-wide review recommended in the staff report for the 2019 Comprehensive Plan amendment docket. The Board of County Commissioners has full discretion regarding the scope of the docket and can choose whether or not to include the area-wide review. The 2019 docket should be finalized before the end of 2018.</p> <p>The Department of Community Development recommends against adopting the requested Commercial zone before completing the area-wide review because it would be inconsistent with the required decision criteria in Kitsap County Code. As documented in the staff report, the existing use (i.e.: contractor storage yard) is not an allowed use in the current zone or the requested Commercial zone. Therefore, adopting the requested Commercial zone will not improve the ability of the landowner to make the described improvements.</p>

# **Attachment A**

619 Division Street MS-36  
Port Orchard, WA. 98366  
October 29, 2018

Board of County Commissioners  
Kitsap County  
Port Orchard, WA. 98366

Dear County Commissioners

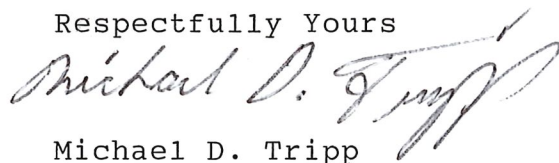
The Mineral Resource Overlay (MRO) zone enacted in 1995 and revised in 2003 has apparently restricted a portion of my property from being used for rural residential use. As I was unaware of this and only became aware after receiving a notification of a proposed amendment to the (MRO) in August, 2018 of the restriction of rural residential use. I would point out that my lot is only a 1.24 acre piece of property, and can in no way support a sand, gravel, or rock mining pit. (See Attached Map of Lot A).

The fact that the property is boarded on the south property line by an existing residence and boarded on the north property line by a site zoned for mini storage development leaves no room for expansion of a pit and does not lend itself to mining use. Lot A does however lend itself to rural residential use. Allowing rural residential use of Lot A will have no adverse effect on existing or future mineral extraction at all on Kitsap County. I feel an error or change to the use of my property took place which was out of my control.

I am therefore requesting the restriction of the (MRO) zone on Lot A be removed.

Thank you for your time and consideration of my request.

Respectfully Yours



Michael D. Tripp

1. Responsibility and expense for maintenance of roads leading to or serving lots within this Short Subdivision unless such roads have been accepted into the County's road system shall rest with the lot owner.

2. Any further division of lots within the Short Subdivision shall be subject to the approval of the Board of Supervisors of Kitsap County Short Subdivision Ordinance No. 108-E-1991.

**DIRECTOR'S APPROVAL**  
 Approved for recording pursuant to Kitsap County Ordinance No. 108-E-1991.

Director of Community Development  
 Date:

**TREASURER'S CERTIFICATE**  
 I hereby certify that real property taxes are current for the subdivided property shown hereon to:

Date:

Kitsap County Treasurer:



**SURVEYOR'S CERTIFICATE**  
 I, **HARRY M. IRVIN**, registered as a professional land surveyor by the State of Washington, hereby certify that this Short Plat is based upon an actual survey of the land described herein, conducted by me or under my supervision, during the period of **MAY 1, 1994** through **MAY 31, 1994**, that the distances, courses, and angles are shown hereon correctly, and the lot corners have been staked on the ground as depicted hereon.

Date: **JUNE 8, 1994**  
 Certificate No. **P.L.S. No. 12434**  
 Signature: **Harry M. Irvin**

**AUDITOR'S CERTIFICATE**  
 Filed for record this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
 on the request of \_\_\_\_\_ of Short Plats at Page(s) \_\_\_\_\_  
 Auditor's File No. \_\_\_\_\_  
 Kitsap County Auditor  
 Deputy

**KITSAP COUNTY, WASHINGTON**  
**SHORT SUBDIVISION No. 6698**  
**34-2301-4-008-2002**  
**34-2301-4-007-2001**  
 Assessor's Tax Account Note:

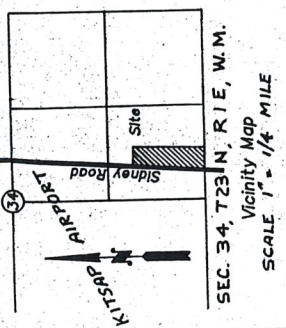
Comment Matrix - Part 1  
 Comment #2

Name of Applicant: **MIKE TRIPP**  
 OWNER: **MIKE TRIPP**  
 12311 SIDNEY ROAD SW  
 PORT RICHARD, WA 98366  
 PHONE: 876-8807

SURVEYOR: **HARRY M. IRVIN**  
 IRVIN ENGINEERING  
 924 S. 28TH STREET  
 TACOMA, WA 98405  
 PHONE: 272-7851

JOB NO. 10,131  
 F.B. 11,13 Pg 22

SHEET 1 OF 1 SHEETS



SEC. 34, T23N, R1E, W.M.  
 Vicinity Map  
 SCALE 1" = 1/4 MILE

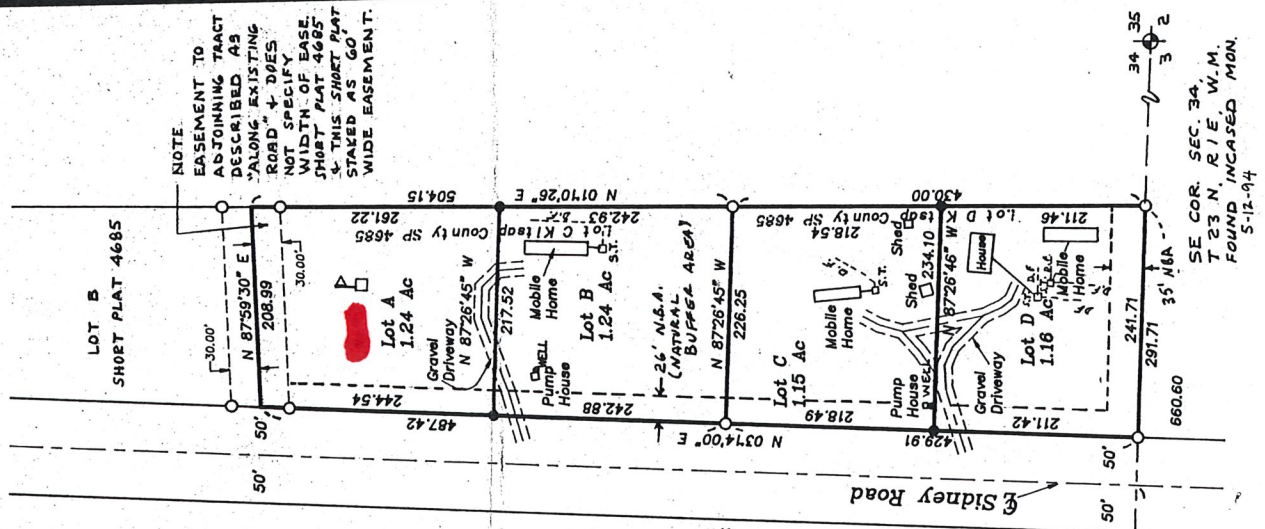
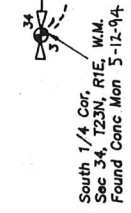
**APPROVAL OF THIS SHORT PLAT IS SUBJECT TO THE FOLLOWING CONDITIONS**

1. Lot A. All building permits issued on these lots shall be subject to impact fees pursuant to Ordinance No. 143-1992 and 144-1992.
2. A road approach permit will be required by the Department of Public Works prior to land clearing or construction of roads.
3. The property owner must, prior to the issuance of building permits, submit a sketch for approval by this department showing the design and location of a stormwater infiltration system for the distribution of surface run-off. This system must be installed and inspected prior to occupancy of any buildings.
4. Construction of roadways within the development must include adequate drainage facilities. Drainage improvements should address impacts to adjacent properties as well as the sites under development. Any drainage structures that are incidental to roadway construction and site development must be installed as necessary. When in excess of 50 cubic yards of earth is to be moved, a separate grading permit application must be submitted to the Hydraulics Division for review and approval.
5. Control of erosion on site under development is the responsibility of the person(s) developing the lot(s). Kitsap County policy requires that areas stripped of vegetation be stabilized using Best Management Practices. Information regarding these practices is available at the Public Works Office located at 507 Austin Place in Port Orchard, Kitsap County reserves the right to require submittal and compliance with erosion control plans as deemed necessary. Discharge of sediment laden run-off from construction sites is prohibited by RCW 90A88080 and is punishable by fines.
6. Approval is limited to the proposal as depicted on the short plat. Approval is not to be construed as implied approval of more extensive utilization of the site or commercial development.
7. **NOTICE TO POTENTIAL PURCHASERS:** This short plat is located in the vicinity of an airport and commercial area. The short plat applicant and all heirs, successors and assigns are hereby notified of the existence of these uses and the noise, dust, air and truck traffic which may be generated. Kitsap County shall not be held responsible for mitigation of possible noise, dust or traffic. The applicant shall be held responsible for mitigation of possible noise, dust or traffic. The applicant shall be held responsible for mitigation of possible noise, dust or traffic. The applicant shall be held responsible for mitigation of possible noise, dust or traffic.
8. A natural vegetation buffer shall be maintained as depicted on the plat. No cutting or clearing shall occur within this buffer, except for hazardous trees, and except that vegetation which needs to be removed for driveway access.

**NOTE**  
 LOT TO HAVE ITS OWN INDIVIDUAL DRIVEWAY ACCESS TO SIDNEY ROAD. EXISTING COMMON DRIVEWAYS TO BE REPLACED WITH INDIVIDUAL DRIVEWAYS FOR EACH LOT.



**SOIL LOG**  
 S.T. & D.F. - EXISTING SEPTIC TANK DRAINFIELD (APPROX. LOCATION)  
 SURVEY EQUIPMENT AND METHODS  
 Nikon 5" Total Station  
 200' Calibrated Steel Tape  
 Sectional Traverse and closed perimeter traverse of surveyed tract



INDEX: SW 1/4 SE 1/4 SEC. 34, T 23 N, R 1 E, W.M.

**LEGAL DESCRIPTION**  
 Lots C and D Kitsap County Short Plat 4685 recorded July 20, 1988 in Volume 3 of Short Plats, Page 25, under Auditor's File No. 8807200112, records of Kitsap County, WASHINGTON.

**BASIS OF BEARINGS**  
 Kitsap County Short Plat 4685 recorded July 20, 1988 in Volume 3 of Short Plats, Page 25, under Auditor's File No. 8807200112, records of Kitsap County, Washington.

October 30, 2018

Commissioners:

My name is Mike McCown, my wife and I are the owners of property affected by the George's Corner LAMIRD adjustment at 8229 NE State Hwy 104 (Lot C Odell's Corner.) I spoke briefly in favor of the amendment at the public hearing on Monday but wanted you to consider two additional points and encourage you to support this proposed adjustment to the LAMIRD.

First, in response to input from Mr. Forsman of the Suquamish Tribe, I respectfully suggest that there is no increase "in land use intensity" since the same amount of NC zoning exists in either case. He further references ORD 534-2016 and asserts this issue was "evaluated and decided" in 2016. I want to point out that my situation of having three zones on one lot, and a conflicting Master Plan showing different zoning uses approved by the county in 2006, was never evaluated or addressed in 2016.

Second, in reading through the long and colorful history of this process I noted:

ORD 326-2004 Sec 4 Sub-sec 7) & 8)

7) The Planning Commission determined that the Logical Outer Boundary for the George's Corner LAMIRD should be the alternative that DCD recommended, *INCLUDING THE CONDITION FOR BOUNDARY LINE ADJUSTMENT* (emphasis added).....once these conditions are met, the property within the LAMIRD LOB should be designated Neighborhood Commercial...

8) The Board of Commissioners adopts the Planning Commission's recommendations and finds that Alternative 11, *WITH CONDITIONS* (emphasis added)....constitutes a Logical Outer Boundary...

The original short plat for this parcel was submitted in April 2003 but was not finalized until November 2005. It was likely delayed to await the ruling of the Growth Management Hearings Board, which later ruled that the county's process for establishing the LOB was reasonable and that the challengers of the LOB had "not met their burden of proof" in this matter. I presume that in giving approval to the LOB process, the GMH Board implicitly approved of the boundary line adjustment referred to in ORD 326-2004.

If ORD 326-2004 was not subsequently repealed or abrogated by the GMH Board or the Kitsap Board of County Commissioners (and I don't see any evidence of that) then it appears the county should have adjusted the George's Corner LOB to the newly approved boundary lines in 2005 and this whole exciting process could have been avoided.

By taking action now, the Board can complete this LOB adjustment as set forth in ORD 326-2004 and put an end to this episode of the LAMIRD wars.

Respectfully submitted,

Mike McCown



PHONE (360) 598-3311  
Fax (360) 598-6295  
<http://www.suquamish.nsn.us>

## THE SUQUAMISH TRIBE

PO Box 498 Suquamish, WA 98392-0498

October 30, 2018

Dave Ward, Long Range Planner  
614 Division Street, Department of Community Development  
Port Orchard, WA 98366

Re: 2018 Comprehensive Plan Amendments

Mr. Ward,

This letter transmits the Suquamish Tribe's comments on the 2018 Comprehensive Plan Amendments.

### **18-00490 Culbertson**

The proposal consists of an amendment for the creation of a 69-acre Mineral Resource (MR) overlay on two parcels of rural property. The amendment will change the zoning from rural protection to rural protection with a MR overlay.

The County needs to inventory mineral resources that currently exist throughout the County. In addition to existing resources, an inventory of all current mines (working, inactive and abandoned) needs to be completed.

This would provide a more comprehensive understanding of the current status of mineral resources and mining in Kitsap County to foster better decision-making that is a more protective of natural resources and will result in better use of resources in areas that have already been disturbed. This will also prevent the random development of mines throughout the county while considering the cumulative impacts on-site as well as on a watershed and county-wide scale.

Making a significant zoning change without fully understanding and field verifying the environmental constraints on the property is concerning. Documentation states that the stream onsite is non-fish, however, there is no verification that it is non-fish. The Tribe requests that all streams typing be verified by WDFW and the Tribe. County staff (and others) use the Department of Natural Resources (DNR) hydro layer and the National Wetlands Inventory (NWI) Maps. These resources are only to be used as preliminary information and should always be field verified before making regulatory decisions.

### **Georges Corner LAMIRD**

The objective of the Georges Corner amendment is to "better align with platted parcel lines and critical areas" and "re-designate and rezone portions of two affected parcels".

The George's Corner LAMIRD boundary was established in 2004. After appeal and adjudication in 2004, the Washington State Growth Management Hearings Board made specific notice of the boundary. The Growth Board excerpt is below:



Mr. Ward  
October 30, 2018  
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*The County chose to use the physical contours of the land and the presence of wetlands to define the boundary of the LAMIRD. Consistent with .070(5)(d)(iv)(B), this is likely to result in permanent boundaries that are less subject to pressures for commercial expansion and sprawl. The wetlands and critical areas may help buffer the commercial uses from the surrounding rural lands. The County required a lot-line adjustment on the Bjarnson property to further contain the LAMIRD.*<sup>1</sup>

The 2015 Staff Report for DJM construction associated with George's Corner also states the same.

“The existing LAMIRD boundary was based *in part* on the presence of wetlands and geologic hazards on the subject property. The complex of wetlands is directly associated with Grover's Creek, an important fish-bearing stream which empties into Miller Bay. As shown in Short Plat (200511300408/409) that was recorded following the establishment of the LAMIRD new lots and split-zoning were created. *This split-zoning (RP, RR, NC) was not created by an action of the County.*(emphasis added)<sup>2</sup>

The property boundary and the LAMIRD boundary do not align as the LAMIRD boundary was defining the disturbed environment (see aerial photograph provided in staff report link provided below). In order to comply with the Act, more than 50 percent of a given LAMIRD's outer boundary must be delineated by the existing (1990) environment. The built environment does not include patterns of vesting or preexisting zoning, nor does it include roads, clearing, grading, or the inclusion within a sewer or water service area if no physical improvements are in place. Since including areas of clearing is not encouraged, revising a boundary to include undisturbed forested area is clearly not appropriate.

The staff suggested using the natural contours of the land to define and limit the LAMIRD. “*The non-built or natural environment can provide useful assistance in delineating a LOB.*” Index 24122, at 7. “This intersection area is considered a plateau region, with delineated drainage basins and headwaters for Grover's Creek (ESA listed stream) and Gamble Creek located on the east and west respectively. These areas can easily be depicted on the CAO [critical areas ordinance] map and include identifiable features such as wetlands, hydric soils, open water and forest cover (aerial photos).” The staff report concludes with two options: a LAMIRD recognizing only pre-1990 development, or a LAMIRD recognizing both pre-1990 and post-1990 “infill” development, with natural features providing additional delimitation. Index 24122, at 10. The staff report provides this caveat: “These recommendations can be viewed as a calculated risk, because the overall intent of the 1997 amendment to GMA allowing the designation of LAMIRDs was to recognize historical (pre-GMA) developments that were not considered rural in nature. However, the County can't undo what has already taken place, [i.e., the Albertson's development], but can utilize the guidelines established under the Growth Management Act to minimize the future impacts to the rural areas of Kitsap County.” Index 24122, at 9.<sup>3</sup>

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<sup>1</sup> *Futurewise, Harless, KCRP v. Kitsap County, CPSGMHB 04-3-0031c, Final Decision and Order (FDO) (6/28/05).*

<sup>2</sup> [http://compplan.kitsapgov.com/Documents/DJMConstruction\\_1500378\\_Reclassification\\_DSEIS\\_2015%201116\\_knk%20sek%20revisions.pdf](http://compplan.kitsapgov.com/Documents/DJMConstruction_1500378_Reclassification_DSEIS_2015%201116_knk%20sek%20revisions.pdf)

<sup>3</sup> <http://www.gmhb.wa.gov/Global/RenderPDF?source=casedocument&id=1557>

Mr. Ward  
October 30, 2018  
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The Tribe does not support the inclusion of undeveloped forested property immediately adjacent to significant environmental constraints (Grovers Creek and associated wetlands) within the Georges Corner LAMIRD. The Tribe operates a Chinook salmon hatchery on Grovers Creek near the head of Miller Bay. The hatchery uses water from the creek to raise fish. The purpose of the Suquamish enhancement effort to restore salmon on- and near- the reservation. As a result all fisheries (non-Indian sport and commercial) are intended to benefit. The incubation and rearing success of these juvenile salmon is very important to the overall Chinook program throughout Kitsap County to provide broodstock. The Grovers Creek hatchery is also the mid Puget Sound indicator stock for Chinook salmon under the U.S. Canada Salmon Treaty. The Tribes salmon hatchery is already impacted by problems associated with changes in water quality and quantity. The incidence of bacterial gill disease, which is generally associated with water quality degradation, has increased at the hatchery even though the number of fish reared and hatchery practices did not change. Also, Chinook rearing time has been truncated due to insufficient water quantity at progressively earlier dates in the spring thus further compromising rearing practices. To prevent continued degradation we need to maintain wetland function throughout the watershed, prevent additional wetland filling and impervious surfaces associated with the residential and commercial development and ensure that the most up to date stormwater protection is implemented on any pending development within the watershed.

On September 21, 2018, Leonard Forsman, Chairman of the Suquamish Tribe, sent an email requesting that the County withdraw the current Georges Corner site-specific proposed plan amendment sponsored by the County. The Suquamish Tribe does not support increased land use intensity and removal of the rural protection designation proposed at George's Corner.

It is also the Tribes understanding that this amendment was proposed without notification to one of the property owners affected (see letter from Karanne Gonzales to planning director Louisa Garbo dated August 31, 2018). For these reasons and considering the information discussed above we request that the proposed amendment be removed from the docket and/or denied.

Thank you for the opportunity to comment on the above referenced material. Please keep us informed of project status and any relevant project related actions. If you have questions regarding the comments stated above please don't hesitate to call 360-394-8447.

Sincerely,



Alison O'Sullivan  
Senior Biologist, Environmental Program



**PORT GAMBLE S'KLALLAM TRIBE**  
**NATURAL RESOURCES DEPARTMENT**  
31912 Little Boston Rd. NE – Kingston, WA 98346

October 31, 2018

David Ward  
Department of Community Development  
614 Division Street  
Port Orchard, WA 98366

Subject: 2018 Comprehensive Plan Amendments

Dear Mr. Ward,

Thank you for the opportunity to comment on the 2018 Comprehensive Plan Amendments. On behalf of the Port Gamble S'Klallam Tribe, I am submitting the following paragraphs summarizing our concerns with the amendments as proposed.

The County-sponsored amendment for the George's Corner LAMIRD, proposes to reduce the size of the rural protection zone to accommodate a LAMIRD boundary adjustment for commercial use. This adjustment would result in a net loss of rural protection area, directly impacting forested lands in the Grovers Creek watershed and increasing the land use intensity. It is concerning that the amendment as proposed is inconsistent with Kitsap County Comprehensive Plan Land Use Policy 54 in accordance with RCW 36.70A.070(5)(c), for protecting critical areas, as provided in RCW 36.70A.060, and surface and groundwater resources. We request that the County remove the amendment from the docket or deny its adoption.

Amendment 18-00490 (Culbertson) proposes to change the rural protection area to a mineral resource overlay. This amendment would result in a net loss of rural protection land use for the purpose of mineral resource extraction. The County should deny the adoption of this amendment as proposed, make aggregate extraction a conditional use in the mineral resource overlay zone and complete a county-wide mineral resource inventory consistent with Land Use Policy 78.

Please contact me with any questions or comments. I appreciate your continuing efforts to communicate about 2018 Comprehensive Plan Amendment status and other County land planning activities.

Sincerely,

A handwritten signature in blue ink, which appears to read "Roma Call", is located below the word "Sincerely,".

Roma Call  
Environmental Program Manager

# **Attachment B**

### 2005 Aerial Photo of the SE Corner of the George's Corner LAMIRD

2005 aerial photo shows tree cover from the approximate time the LAMIRD was established in December 2004 and tree cover areas that would be removed/added to the LAMIRD by the 2018 LAMIRD boundary adjustment. The proposed 2016 LAMIRD boundary adjustment would result in a net reduction of tree cover within the LAMIRD and a net increase in tree cover in the surrounding rural area.

