



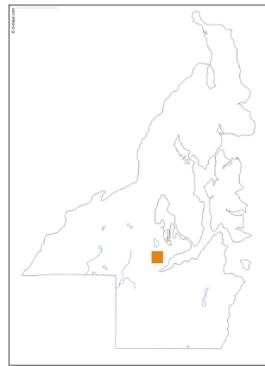
# Kitsap County Department of Community Development

## Staff Report and Recommendation Annual Comprehensive Plan Amendment Process for 2018 Site-Specific Amendment 18-00490 (Culbertson)

**Report Date** 6/25/2018; 10/1/2018; Revised 10/10/2018  
**Hearing Date** 7/17/2018, 7/31/2018, and 10/29/2018  
**Amendment Type** Site-specific Amendment  
**Landowner** Roland Culbertson  
**Applicant** Kitsap Reclamation & Materials, Inc  
**Request** Change from Land Use: Rural Protection  
 Zoning: Rural Protection (1 DU/10 Ac)  
Change to Land Use: Rural Protection with Mineral Resource Overlay  
 Zoning: Rural Protection with Mineral Resource Overlay

**Geographic Area Affected**

Rural South Kitsap



Parcel Tax Acct #      Acres

292401-4-029-2003      29.38

292401-4-005-2001      39.85

---

Total      69.23

**TDRs Required** n/a

**SEPA** Determination of Non-Significance

**Department Recommendation to Planning Commission** Adopt the proposed mineral resource overlay and revisions to the Kitsap County Code to change categorical use 602, aggregate extraction site, from a permitted use to a conditional use in the Mineral Resource Overlay zone (see Attachment A2).

**Planning Commission Recommendation** Deny request to add a mineral resource overlay. Adopt revisions to the Kitsap County Code to change categorical use 602, aggregate extraction site, from a permitted use to a conditional use in the Mineral Resource Overlay zone (see Attachment A2).

**Department** Adopt the proposed mineral resource overlay and revisions to the Kitsap  
**Recommendation** County Code to change categorical use 602, aggregate extraction site, from  
**to Board of County** a permitted use to a conditional use in the Mineral Resource Overlay zone  
**Commissioners** (see Attachment A2).

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.

### Revision History

<u>No.</u>	<u>Date</u>	<u>Description</u>
1	10/1/2018	Incorporates the Planning Commission record and recommendation. Incorporates additional comments received after the Planning Commission public comment deadline (Attachment C5), an inventory of active surface mine permits within Kitsap County (Attachment C6), guidance from the Department of Commerce regarding designation of Mineral Resource Lands under the Growth Management Act (Attachment C7), and a map showing the location of hard rock resources within Kitsap County (Attachment C8).
2	10/10/2018	Incorporates a SEPA checklist (Attachment B4) and threshold determination (Attachment B3) for the proposed revision to Kitsap County Code to require a conditional use permit for aggregate extraction in the Mineral Resource Overlay zone and a list of property within the Mineral Resource Overlay zone (Attachment C9).

## 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).

### 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.

#### Proposed Amendment

B.

##### 1. Change from Current (see Attachment A1 – Map 4A & Map 5A)

Comprehensive Plan Land Use Designation: Rural Protection  
Zoning Classification: Rural Protection

The rural protection designation and classification is intended to promote low-density rural development and agricultural activities that are consistent with rural character and protects environmental features such as significant visual, historical and natural features, wildlife corridors, steep slopes, wetlands, streams and adjacent critical areas.

##### 2. Change to Proposed (see Attachment A1 – Map 4B & Map 5B)

Comprehensive Plan Land Use Designation: Rural Protection with a Mineral  
Resource Overlay  
Zoning Classification: Rural Protection with a Mineral  
Resource Overlay

The mineral resource overlay designation and classification is intended to be a designation and classification to conserve 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 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 Rural Protection designation and classification.

The Department also recommends an amendment to the Kitsap County Code to change categorical use 602, aggregate extraction site, from a permitted use to a conditional use in the Mineral Resource Overlay zone (see Attachment A2).

### Geographic Description

- c. The site is located approximately 1,400 feet northwest of West Sherman Heights Road in rural unincorporated Kitsap County (see Attachment A1 - Map 1). The proposed amendment involves two parcels (292401-4-029-2003 and 292401-4-005-2001) that total 69.23 acres. The site is adjacent to the Gorst Urban Growth Area boundary on the east and the City of Bremerton boundary on the north and west.

An existing overhead utility transmission line is located along the eastern boundary of the site. A parcel containing a wireless telecommunication tower is land-locked by the site. In 2014, the site was issued a forest practices application (FPA #2416624) by the Washington Department of Natural Resources and the timber was harvested in 2012 and 2013. The forest practice application establishes a six-year development moratorium on the site which expires January 3, 2020. Additional permits and environmental review will be required prior to a mineral resource extraction use being permitted to develop on the site (see Attachment C2).

The general vicinity includes a mix of land uses. Vacant forest land owned by the City of Bremerton is located north and west of the site. A utility substation, rural residential uses, and additional vacant forest land is located south of the site. An existing basalt quarry, Kitsap Reclamation and Materials, Inc. (KRM), is located southeast of the site. A residential neighborhood is located on Quarry Street and West Ridge Rock Way, approximately 1,200 feet east of the site, and 300 feet from the existing KRM basalt quarry. In addition, residential uses are located along West Sherman Heights Road.

The site is located within the Gorst Creek watershed. A non-fish habitat stream runs through the northeast portion of the site. In addition, a wetland is located north of the site and an unnamed Type F stream is located east of the site (see Attachment A1 – Map 3). The eastern portion of the site contains Category II Critical Aquifer Recharge Areas (See Attachment A1 – Map 6).

## 2. Department Recommendation

Having analyzed the proposed amendment and other alternatives, if applicable, public comment received to date, and the Planning Commission's recommendation, 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

### Revisions

- A. Categorical use 602, aggregate extraction site, is currently a permitted use within the Mineral Resource Overlay zone (Section 17.410.042). To ensure public participation throughout the permit review process and consideration of project-specific environmental impacts, the Department believes categorical use 602 should require a conditional use permit in the Mineral Resource Overlay zone. (see Attachment A2).

- B. Conditions

None.

- C. Rational

The proposed amendment is consistent with the provision of the Washington State Growth Management Act, the Washington Administrative Code, Kitsap County-wide Planning Policies, and Kitsap County Comprehensive Plan. The purpose of the mineral resource overlay is to conserve mineral resources important for the planned growth in the County from being made inaccessible by the development of other lands. The Department's recommendation is based on the following, recognizing mineral resource land designations can only occur where the resource exists and that future mining activities are difficult to site land use as discussed in Attachment C7:

- Consistency with state and local criteria for designating mineral resource lands.
  - The site is close to regional transportation networks and markets. According to the Washington Department of Natural Resources the cost to transport aggregate doubles every 25 miles traveled by truck from the mine source.
  - The proposed amendment will assure the conservation of mineral resource lands of commercial significance as required by State law (RCW 36.70A.060).
- Need for mineral resource land conservation.

- There are 5 active surface mine permits within Kitsap County for rock and stone quarries. The KRM quarry adjacent to the site makes up 30% of the mineral resource supply by area, which the applicant states will be gone in 5-years (see Attachment C6).
- Hard rock resources are more limited than gravel and sand resources in Kitsap County (see Attachment C8)
- Land use patterns in the surrounding area.
  - The site is immediately adjacent to an existing rock and stone quarry, electric substation, City of Bremerton watershed property, undeveloped land, and rural density residential uses.
  - Residential development increases in density east of the KRM quarry and electric substation within the Gorst Urban Growth Area.
- Consistent permitting process within the existing and proposed zones.
  - The existing zone, Rural Protection, allows mining activities if a conditional use permit (CUP) is approved by the County Hearings Examiner.
  - The Department is recommending a revision to Kitsap County Code that will require the same CUP process within the Mineral Resource Overlay to guarantee surrounding neighbors have the same opportunity to participate during the permitting process for any future mining operation.
  - All future development activities on the site will be required to identify, evaluate, and mitigate significant environmental impacts, typically through an environmental impact assessment process.
  - The proposed amendment, if approved, does not guarantee that a future mining operation will be permitted on the site.

### **A3. Other Alternatives Considered**

#### Deferral of MRO Designation

Based on the information in the record and Land Use Policy 78, the Board of County Commissioners could defer this amendment with a finding that a county-wide mineral resource inventory is needed first to further evaluate if currently designated mineral resources lands are adequate for projected needs. This would be a policy determination by the Board since WAC 365-190-070(1) allows the County to make mineral resource land designations based on individual applications. Further guidance on the criteria for designating mineral resource lands is in Attachment C7.

### **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.

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:*

A.

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 site is located adjacent to the Kitsap Reclamation and Materials, Inc. (KRM) quarry which has been in operation for over 20 years. Since adoption of the 2016 Comprehensive Plan, basalt rock at the existing KRM quarry has depleted. The applicant has stated that approximately 5 years of reserves remain available for extraction on the KRM quarry site. The entire KRM quarry site is currently being mined, so expansion of operations within the existing quarry footprint is not feasible. The applicant has stated the proposed amendment is necessary to allow adequate time to develop plans, obtain permits and complete site development activities on the site which is estimated to take approximately 5 years to complete.

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 completed a geological assessment in February 2018 to determine the presence and extent of commercial quality mineral deposits on the site. The geological report identifies that basalt rock extends 400-ft below the ground surface throughout the site (see Attachment C1). Depending on future site development activity permit approvals, basalt quantities on the site could be expected to range from 1.5 to 2.5 million cubic yards. Given the information supplied in the geological report, the assumptions upon which the 2016 Comprehensive Plan was based have changed.

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

**Staff Analysis:** The applicant's request will identify and designate significant, commercial quality rock deposits 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 applicant has stated the site is located close to major transportation networks and water supply infrastructure and has the potential to provide significant long-term mineral reserves. The applicant has also stated the proposed amendment will designate significant mineral resources and help to ensure that affordable rock-related building materials continue to be available in Kitsap County.

Additional Decision Criteria (KCC 21.08.070.D)

B. *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. Future site development activities will have to avoid impacts to the overhead utility transmission lines that run along the east boundary of the site.

The 2016 Capital Facilities Plan identifies West Sherman Heights Road as a deficient roadway segment based on the existing level of service. The applicant anticipates that traffic generation associated with the site will be consistent with existing KRM quarry operations except for potentially extending the hours of operation. The applicant has stated that the KRM quarry has operated for 20 years and the existing transportation infrastructure has proven to be suitable for the existing and proposed use. In addition, the applicant has stated that a traffic study will be conducted, if necessary, as part of future site development activity permit requests to determine potential impacts and mitigation measures to ensure safe and efficient transportation infrastructure to support the proposed use.

The 2016 Capital Facilities Plan identifies level of service deficiency for the South Kitsap School District deficiency within the 20-year planning horizon. 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 Deficient road segment along West Sherman Heights Road
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	South 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 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. The Gorst Subarea plan discusses the existing KRM quarry and recommends it be designated Neighborhood Mixed-Use once mining and reclamation has been completed. The Gorst Subarea Plan states the following:

*In 2013, several parcels currently zoned by Kitsap County for industrial use are identified for mixed uses in the preferred alternative plan. The current population growth allocation to Gorst is small, and would need to be amended in Countywide Planning Policies to allow for new zoning that would accommodate*

*more residences and population growth. The primary capacity for residential growth is anticipated to be the current quarry on Sherman Heights Road designated as a mineral resource lands with industrial zoning. Reclamation permit information indicates that active mining could be complete during the 20-year period of the Gorst Subarea Plan. Over the 20-year planning period, when mineral extraction ceases and reclamation occurs, residential uses could be desirable. First, the property is a relatively large site located near job centers (e.g. Naval Shipyard and SKIA). Second, sewer service is available in the immediate vicinity. Third, with the gravel mine's location along Sherman Heights Road and with views of Sinclair Bay, residential uses may be attractive (demonstrated in nearby Sinclair Heights development).*

The proposed amendment could potentially defer reclamation of the existing KRM quarry site, as it is anticipated to support the future operations on the site. However, as stated above the Gorst Subarea plan goals and policies recognize and support continued operation of mining activities until population allocations increase for the Gorst Urban Growth Area (UGA). Current population allocations identified in County-wide Planning Policies do not indicate that a significant population increase is anticipated through 2036.

#### 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.
  - Gorst Policy 17. Allocate population to the Gorst UGA based on the Gorst Subarea Plan. Ensure allocations are also consistent with Countywide Planning Policies. Until such time as population is available for allocation to Gorst to support mine site redevelopment following reclamation, the mineral resource overlay will continue.
- 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 an existing road approach located on West Sherman Heights Road on the adjacent KRM quarry. The applicant anticipates that traffic generation associated with the site will be consistent with existing KRM quarry operations. In addition, the applicant has stated that the KRM quarry has operated for 20 years and the existing transportation infrastructure has proven to be suitable for the existing and proposed use.

The applicant has stated that water, sewer, stormwater facilities and electrical power are currently available at the existing KRM quarry site. The applicant does not anticipate that utility service will be extended to the site. Basalt rock extracted from the site will be transported to the existing KRM quarry for processing.

According to available environmental data, the site contains high and moderate hazard areas due to the steep slopes and a high risk of erosion (see Attachment A1 – Map 3). In addition, Category II Critical Aquifer Recharge Areas appear to be present on the eastern portion of the site (see Attachment A1 – Map 6). Prior to development activities occurring on the site, Kitsap County Code (Section 19.600.615) requires a hydrogeological assessment be completed to identify any impacts the proposed land use will have on both the quality and quantity of the water transmitted to the aquifer. A non-fish habitat stream runs through the

northeast corner of the site. The applicant has stated that the stream intermittently contains water depending on precipitation levels. Potential environmental impacts and associated mitigation measures will be further evaluated and addressed prior to development activities occurring on the site.

As indicated in Table 2, the general vicinity includes a mix of land uses that are compatible with the proposed land use designation. Vacant forest land owned by the City of Bremerton is located north and west of the site. A utility substation, rural residential uses, and additional vacant forest land is located south of the site. An existing basalt quarry, Kitsap Reclamation and Materials, Inc., is located southeast of the site. A residential neighborhood is located on Quarry Street and West Ridge Rock Way, approximately 1,200 feet east of the site, and 300 feet from the existing KRM basalt quarry. In addition, residential uses are located along West Sherman Heights Road.

Table 2 – Adjacent Land Uses & Zoning

	Current Categorical Use of the Land (KCC 17.410)	Current Land Use Designation	Current Zoning Classification
North	Undeveloped; 608. Forestry; 124. Dwelling, single family detached (includes manufactured homes)	Rural Protection, Public Facility, and Incorporated City (Bremerton)	Rural Protection and Incorporated City (Bremerton)
South	Undeveloped; 602. Aggregate extraction sites; 124. Dwelling, single family detached (includes manufactured homes)	Rural Protection and Mineral Resource	Rural Protection and Industrial
East	602. Aggregate extraction sites; 410. Electrical substation	Rural Protection and Mineral Resource	Rural Protection and Industrial
West	608. Forestry	Incorporated City (Bremerton)	Incorporated City (Bremerton)

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

- recreational/cultural uses – race track, minor; and
- industrial uses including rock crushing and transshipment facilities.

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

- residential uses including new dwelling units and home businesses;
- commercial uses including day cares, kennels, nurseries, and veterinary clinics;
- recreational/cultural uses including golf courses, recreational facilities, and recreational vehicle camping parks;

- institutional uses including government structures, places of worship, and schools;
- industrial uses – cemeteries; and
- resource land uses – aquaculture practices.

For a full comparison of allowed uses, see Attachment C3.

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	10 acres	20 acres
Maximum lot size	n/a	n/a
Front setback	50 feet	n/a
Side setback	20 feet; 5 feet for accessory structures	n/a
Rear setback	20 feet; 5 feet for accessory structures	n/a
Maximum building height (feet)	35 feet	n/a

- 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 materially affect the growth projections upon which the Comprehensive Plan is based. The proposed amendment is intended to be a designation to conserve 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 Rural Protection zone and designation. Based on the future reversion, the proposed amendment will not substantially affect the rural and urban population balance.

- 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 will not materially affect the adequacy or availability of urban facilities and services (see Staff Analysis in Section F.1.c.).

- 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.
2. 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.

3. 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.

4. 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 designation to conserve 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 Overlay designation and zoning classification, reverting the site back to the underlying Rural Protection 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:** Not applicable.

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

**Staff Analysis:** The February 2018 Geological Report (Attachment C1) presents new information that demonstrates the presence and extent of commercial quality mineral deposits on the site. The report identifies that basalt rock extends 400-ft below the ground surface throughout the site. Depending on site development activity permit approvals, basalt quantities

on the site could be expected to range from 1.5 to 2.5 million cubic yards. There are 5 active surface mine permits within Kitsap County for rock and stone quarries. The KRM quarry adjacent to the site makes up 30% of the mineral resource supply by area, which the applicant states will be gone in 5-years (see Attachment C6).

### State Environmental Policy Act (SEPA)

- C. The Kitsap County SEPA official issued a SEPA threshold determination of non-significance on July 5, 2018 (DNS; Attachment B1) and on October 10, 2018 (DNS; Attachment B3) for this amendment after having reviewed the SEPA environmental checklists (Attachment B2 and B4) 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 the SEPA threshold determination regarding the proposed mineral resource overlay was:

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

Notice of the SEPA threshold determination for the revisions to Kitsap County Code was:

- Filed with the Washington State Department of Ecology [SEPA Register](#);
- Published in the Kitsap Sun newspaper (10/10/2018); and
- Mailed to property owners within the Mineral Resource Overlay zone; and
- Integrated with other public announcements described in Section 5 below.

The SEPA threshold determinations and environmental checklists were 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.

- D. The SEPA comment period for proposed revisions to the Kitsap County Code (Attachment B3 & B4) will run concurrently with the public comment period as described in Section 5 below.

### Public Comment



Twelve public comments focus on compatibility with the surrounding area and environmental impacts that may result from project-specific land use and development activities, such as:

- traffic generation;
- public safety;
- noise and air pollution;
- property damage and loss of value;
- disruption to wildlife in the area;
- contamination of water supply; and
- compatibility with the land use pattern in the area.

Three public comments clarifying application materials and supporting the proposed amendment were received. Public comments and staff responses are provided in Attachment C4.

Additional public comment from interested parties received after the Planning Commission comment period ended on August 7, 2018 is included in Attachment C5.

**Staff Analysis:** Project-specific environmental impacts will be evaluated when a project is proposed on the site. Future development will require compliance with Kitsap County Code and state law. Significant environmental impacts will be identified, evaluated, and must demonstrate they can be mitigated through conditions prior to permitting mining operations on the site. The amendment, if approved, does not ensure mining operations will be permitted on the site. In addition, the existing zone, Rural Protection, allows mining activities if a conditional use permit (CUP) is approved by the County Hearings Examiner. The Department recommends a revision to Kitsap County Code that will require the same CUP process within the Mineral Resource Overlay to ensure substantial opportunity for public input on project-specific impacts.

E.

#### Planning Commission Recommendation

The Planning Commission determined the proposed mineral resource overlay designation is not compatible with the neighboring properties and Rural Protection zone. The Planning commission recommended:

- Denial of the requested mineral resource overlay
- Adoption of the staff recommended revision to Kitsap County Code 17.410.042 making aggregate extraction a conditional use in the mineral resource overlay zone.
- Completion of a county-wide mineral resource inventory consistent with Land Use Policy 78.

**Staff Analysis:** Mineral resource land designations can only occur where the resource exists, and mining activities are a difficult to site land use because of compatibility with neighboring properties as discussed in Attachment C7.

The Mineral Resource Overlay (MRO) is compatible with the Rural Protection zone because:

- MRO designations currently exist in the Rural Protection zone elsewhere in the County; and
- Aggregate extraction is an allowed use, with a conditional use permit, in the Rural Protection zone.

The MRO is generally compatible with the neighboring properties to the extent that can be determined during this legislative process because:

- The site is immediately adjacent to an existing rock and stone quarry, electric substation, City of Bremerton watershed property, undeveloped land, and rural density residential uses.
- Mining operations have occurred on the adjacent site since at least the 1980s.
- The proposed amendment, if approved, does not guarantee that mining activities will be permitted to develop on the site.
- The proposed amendment will assure the conservation of mineral resource lands of commercial significance as required by state law (RCW 36.70A.060).

The compatibility of any mining activity proposed in the future will be determined through a conditional use permit process and environmental impact assessment process. For context and in response to public comments, staff requested monitoring information from the current mine on the adjacent property, which indicates noise and vibration impacts to neighboring properties are currently within regulatory requirements.

## 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 accustomed area in Kitsap County.
- Legal notice announcing the docket of proposed amendments was published in the Kitsap Sun newspaper (1/8/2018).
- A public comment period (6/28/2018 – 8/7/2018) and public hearings by the Kitsap County Planning Commission (7/17/2018 and 7/31/2018) regarding the proposed amendment, staff report, and SEPA determination. Notifications and announcements regarding this comment period and public hearing included 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.
  - Open house meetings were held on 7/10/2018 in Kingston, 7/11/2018 in Port Orchard, and 7/12/2018 in Silverdale.
  - Presentations to various Kitsap County advisory groups and community groups.
  - A site visit with four property owners living on Sand Dollar Road and Skippin Stone Lane was held on August 14, 2018.
  - A site visit to observe a quarry blast at the existing quarry was held on August 16, 2018.

#### Comment Period and Public Hearing

A new comment period regarding the proposed amendments (Attachment A1 & A2), this staff report, and the SEPA determination regarding revisions to the Kitsap County Code (Attachment B3) will run through Wednesday, October 31, 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 applicable Board of County Commissioner 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 by 11:59 PM on Wednesday, October 31, 2018 using one of the following methods:
  - Entered [online via computer or mobile device](#);

- Emailed to [CompPlan@co.kitsap.wa.us](mailto: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 Board of County Commissioners during a public hearing on October 29, 2018 in the Commissioner's Chambers on the 3<sup>rd</sup> Floor of the Kitsap County Administration Building (619 Division St, Port Orchard).
- 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.

## 6. Staff Contact


Report prepared by:



---

Liz Williams, Planner  
(360) 337-5777  
lwilliam@co.kitsap.wa.us

Report approved by:



---

Dave Ward, Manager  
Planning and Environmental Programs  
Department of Community Development

A.

## 7. Attachments

### Proposed Amendment

1. 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

2. Proposed Amendment to the Kitsap County Code

State Environmental Policy Act (SEPA)

1. SEPA Determination for the request to add Mineral Resource Overlay
  2. SEPA Checklist for the request to add Mineral Resource Overlay
  3. SEPA Determination for the revisions to Kitsap County Code
  4. SEPA Checklist for the revisions to Kitsap County Code
- B.

Supplemental Materials

1. Geological Report
  2. Washington Department of Natural Resource Surface Mine Permit Process
  3. Comparison of Allowed Uses
  4. Public Comment and Staff Response
  5. Comments Received after Deadline
  6. List of Active Surface Mine Permits in Kitsap County
  7. Department of Commerce: Designation of Mineral Resource Lands under the Growth Management Act
  8. Hard Rock Resources in Kitsap County
  9. Properties within the Mineral Resource Overlay
- C.