



Executive Summary—Planning Commission

Issue Description: Mineral Resource Overlay: Addition via Site Specific Amendment Request; Deletion via Compliance with Title 17 'Zoning'

Meeting Date: Sept 15, 2009

Attendees: Scott Diener, Manager, Policy and Planning, DCD
Pete Sullivan, Planner, DCD

Action Requested At This Meeting: Conduct a work study, and as appropriate, conduct a public hearing, deliberate and make recommendation(s) on the proposed changes to the County Comprehensive Land Use Map

Recommendation: Staff requests that the Planning Commission provide recommendations of approval for the each of the applied relief to the Mineral Resource Overlay (MRO) zone. The recommendations of approval should be tied to all other necessary approvals and requirements occurring as well (eg, Conditional Use Permit approval, DNR de-certification of site, state law). Staff will provide language for the motions of approval.

Justification: The 2009 docket provides for removal or addition of the MRO district on the County Comp Plan Land Use Map. While rather administrative in nature, and tied to other project-specific approvals and hearings, the addition of the zone is being treated as a Site Specific Amendment and the deletion of the MRO is tied to Section 17.380.065 'Transition of uses from Mineral Resource and removal of the Mineral Resource Overlay':

As an option to the requirements of Section 17.380.060 'Land Restoration' to reclaim a property(s) and extinguish a Washington State Department of Natural Resources (DNR) surface mining permit, the county may accept, review and approve development permits for uses consistent with the property(s) underlying zone. If a permit meets all applicable, zoning, building, storm water, fire and other county codes, such permits shall be forwarded to the DNR to be reviewed as a reclamation plan. *Upon receipt by the county of DNR confirmation of the closing of the surface mining permit for the property(s), the county shall include the property(s) in the next scheduled Comprehensive Plan amendment cycle. At this time, the county shall rescind the Mineral Resource Comprehensive Plan designation and zoning classification, reverting the property(s) back to their underlying zone and compatible designation. (emphasis provided)*

Ueland Tree Farm: Ueland Tree Farm has applied for a Conditional Use Permit (CUP) and MRO designation to develop a mineral resource extraction project consisting of two sand and gravel mines, three basalt quarries, a railroad spur line, a topsoil production facility and a concrete batch plant on 152.3 acres of the 1,710 acre Ueland Tree Farm. The Tree Farm is located west of Bremerton in central Kitsap County. Approximately 11,700,000 cubic yards of aggregate material is proposed to be removed from the site over an estimated 50 year period. Plans include phased development and reclamation of the mine sites, road improvements, and monitoring and preservation of critical areas.

The tentative date for the CUP is Oct 9, 2009, before the County Hearing Examiner. Staff anticipates that extensive public review and testimony will occur on the project. As well, the Final Environmental Impact Statement has been appealed (which will be considered alongside the CUP at its hearing).

Staff requests that the Planning Commission consider the following language: '...make a motion to recommend approval of the addition of the MRO to the Ueland Tree Farm subject property, contingent on all other necessary approvals, including but not limited to approval of the applied-for Conditional Use Permit, requirements by the WA Dept of Natural Resources, and any other necessary requirements or permits.'

Note that staff is formulating the final review and will be prepared to speak to the conditions that need to be satisfied for a recommendation of approval at the Oct 6 Public Hearing.

Cutting Edge Lawn Care: Cutting Edge Lawn Care will be applying for a Administrative Conditional Use Permit for a contractor's storage yard, which is not allowed in the MRO, but is allowed in the underlying Industrial designation. The specific area, as well as much of the area around the subject property has not been developed as a resource extraction, nor is there any intent to do so. (It appears the MRO is a remnant of a broader designation applied historically, but which resulted in the now-inoperative Ace/Dickey mining operation to the south.)

Staff requests that the Planning Commission consider the following language: '...make a motion to recommend approval of the removal of the MRO to the Cutting Edge Lawn Care subject property, contingent on all other necessary approvals, including but not limited to approval of the applied-for Administrative Conditional Use Permit, a letter of site de-certification from the WA Dept of Natural Resources, and any other necessary requirements or permits.'