



MINUTES

**KITSAP COUNTY
BOARD OF COMMISSIONERS
November 14, 2005**

The Board of Commissioners met on the above-stated date. Present were Chair Chris Endresen, Commissioner Jan Angel, Commissioner Patty Lent, County Administrator Cris Gears and Clerk of the Board Opal Robertson. (THE BOARD OF COMMISSIONERS' PUBLIC MEETINGS AND PUBLIC HEARINGS ARE AUDIO AND VIDEO TAPED).

10:00 AM) Meeting Called to Order with Flag salute.

PROCLAMATIONS/RESOLUTIONS/RECOGNITION:

1) Resolution proclaiming Tuesday, November 15, 2005, ***America Recycles Day*** in Kitsap County. **Staff Contact:** Terri Washburn, 337-4472.

Terri Washburn, Public Works Solid Waste Division, gave a brief summary of the proposed resolution.

Discussion is held, comments received and hearing no objection, a **motion** is made by Chair Endresen and seconded by Commissioner Angel that the Board adopts **Resolution No. 192-2005*** proclaiming Tuesday, November 15, 2005, ***America Recycles Day*** in Kitsap County. Motion carries unanimously.

2) Presentation and recognition of the *America Recycles Day Poster Contest* winners. Staff Contact: Terri Washburn, 337-4472.

Terri Washburn, Public Works Solid Waste Division, gave brief summary of the poster contest process and introduced this year's winners; McKenzie Seeley, William Leshley, Duchess Ralston, Sydney Brandes, Isabella Sellen, Emma Walker, Abby Hartmann, Clare Cabacungar, Alise McIntyre, Kathryn Pence, Christa Edmonson, Claire Neyman, Emma Engelland, Mitchell Keeton, Kelsey Chase, Asia Voorhees, Clare Mason, Michelle Maleski, Max Crowderly and Madison Munro.

3) Resolution appointing **George Hineman** to serve on the Kitsap County Board of Equalization for a 3-year term ending November 13, 2008 representing South Kitsap, Commissioner District #2. **Staff Contact:** Jan Koske, 337-4424.

Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board adopts **Resolution 193-2005*** appointing George Hineman to serve on the Kitsap County Board of Equalization for a 3-year term ending November 13, 2008 representing South Kitsap, Commissioner District #2. Motion carries unanimously.

4) Resolution appointing **Gayle Alleman** and **Jackie Fojtik** to serve on the Kitsap County Commission on Children and Youth Board for 3-year terms ending November 13, 2008. **Staff Contact:** Jan Koske, 337-4424.

Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board adopts **Resolution No. 194-2005*** appointing Gayle Alleman and Jackie Fojtik to serve on the Kitsap County Commission on Children and Youth Board for 3-year terms ending November 13, 2008. Motion carries unanimously.

5) Resolution appointing **Reed Anderson, Karl Compton** and **Walter Elliott** to serve on the Kingston Ferry Advisory Committee to 4-year terms ending October 31, 2009 representing North Kitsap, Commissioner District #1. **Staff Contact:** Jan Koske, 337-4424.

Discussion is held, comments received and hearing no objection, a **motion** is made by Chair Endresen and seconded by Commissioner Angel that the Board adopts **Resolution No.195-2005*** appointing Reed Anderson, Karl Compton and Walter Elliott to serve on the Kingston Ferry Advisory Committee to 4-year terms ending October 31, 2009 representing North Kitsap, Commissioner District #1. Motion carries unanimously.

6) Resolution appointing **Kristin Schimert** and reappointing **Kristofor Nyquist** as youth representatives to the Central Kitsap Community Council representing Central Kitsap, Commissioner District #3 for terms ending June 30, 2006 and June 30, 2007, respectively. **Staff Contact:** Jan Koske, 337-4424.

Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board adopts **Resolution No. 196-2005*** appointing Kristin Schimert and reappointing Kristofor Nyquist as youth representatives to the Central Kitsap Community Council representing Central Kitsap, Commissioner District #3 for terms ending June 30, 2006 and June 30, 2007, respectively. Motion carries unanimously.

7) Resolution appointing **Conrad Plyler** and reappointing **Rex K. Nelson** to the South Kitsap Ferry Advisory Committee serving 4-year terms ending October 31, 2009 representing South Kitsap, Commissioner District #2. **Staff Contact:** Jan Koske, 337-4424.

Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board adopts **Resolution No. 197-2005*** appointing Conrad Plyler and reappointing Rex K. Nelson to the South Kitsap Ferry Advisory Committee serving 4-year terms ending October 31, 2009 representing South Kitsap, Commissioner District #2. Motion carries unanimously.

8) Resolution appointing **Anna Laurie** to the Kitsap Regional Library Board of Trustees serving a 5-year term ending December 31, 2010, representing Central Kitsap, Commissioner District #3. **Staff Contact:** Jan Koske, 337-4424.

Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board adopts **Resolution No. 198-2005*** appointing Anna Laurie to the Kitsap Regional Library Board of Trustees serving a 5-year term ending December 31, 2010, representing Central Kitsap, Commissioner District #3. Motion carries unanimously

9) Resolution appointing **Greg Albertson, Carol Pacheco and Laquita Pendergrass** and reappointing **Joy Isham and Sharon Maalis** to the Developmental Disabilities Advisory Board. **Staff Contact:** Jan Koske, 337-4424.

Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board adopts **Resolution No. 199-2005*** appointing Greg Albertson, Carol Pacheco and Laquita Pendergrass and reappointing Joy Isham and Sharon Maalis to the Developmental Disabilities Advisory Board. Motion carries unanimously.

10) Resolution declaring **November 16, 2005 as Family Caregivers Day** in Kitsap County. **Staff Contact:** Paul Urlie, 337-7068.

Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board adopts **Resolution No. 200-2005*** declaring November 16, 2005 as Family Caregivers Day in Kitsap County. Motion carries unanimously.

PUBLIC HEARINGS:

**** Please note that starting times are estimates and may be impacted by the amount of public input.**

10:30) Public hearing to consider an “**Innocent Purchaser Status**” request filed by **Bryce and Shannen Clothier** on property located at 1343 SW Minterbrook Road in South Kitsap Commissioner District #2. **Staff Contact:** Eric Baker, 337-4495.

Eric Baker, Community Development, gave a brief summary of the proposed project stating the property is approximately .96 acres that was split from a larger piece of property by the development of Minterbrook Road. He said it was given a separate tax account number

consistent with state RCW. In May of 2005, the Clothiers contacted the Department of Community Development inquiring whether this was a buildable lot and was told that it was. In July of 2005 and due to a number of boundary line adjustments and property segregation issues, the Prosecutor's Office re-evaluated the right-of-way policy that created this type of sub-division. Baker said this re-evaluation created a situation in which the Clothiers newly purchased property was now un-buildable. He said Kitsap County Code sets forth a specific process to deal with these types of issues called "innocent purchaser for value request" thus giving the Board of Commissioners the ability to legalize a lot if demonstrated by the applicant that it met two criteria. First, that the property was purchased for value and second, that the applicant did not or could not know that the property was un-buildable. Baker said the applicants met the criteria and staff recommends the innocent purchaser request be approved based on the criteria set forth in county code.

Discussion was held, comments called for and hearing no objection, a **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approve the "**Innocent Purchaser Status**" request filed by Bryce and Shannen Clother on property located at 1343 SW Minterbrook Road in South Kitsap Commissioner District #2. Motion carries unanimously.

10:40) Public Hearing to deliberate on and consider adopting an **Ordinance** relating to repealing portions of Ordinance No. 311-2003 dealing with the **Rural Wooded Incentive Program**. This retraction of rural wooded policies is in order to comply with a Central Puget Sound Growth Management Hearings Board (CPSGMHB) *Case No. 04-3-0031c* Final Decision and Order rendered on June 28, 2005. **Staff Contact:**

Shelley Kneip, Prosecutor's Office, said the matter before the Board is an ordinance that repeals the comprehensive plan policies adopted in 2003. She said the Rural Wooded Incentive Program set the stage to allow clustering in the rural areas but development regulations had never been adopted. She said the policies were appealed and the Growth Management Hearings Board found that they were not in compliance with the Growth Management Act thus remanding it to the county in order to make changes on the policies and to adopt development regulations. She said Kitsap County requested an extension of the August deadline but was denied and in the Order denying the extension, the Growth Board found that the policies were now invalid. Kneip said staff recommends that the Board repeal the comprehensive plan policies that were enacted in 2003 and reinstate the previous comprehensive plan policies.

Tim Matthes, Kitsap Alliance of Property Owners, asks the Board to consider the implications of the "Vikings-Holmes" case before automatically throwing away a lot of work that had gone into this ordinance. He said the Growth Management Hearings Board may not have the authority that they thought they had when they told the county that portions of the ordinance was invalid.

Charlie Burrow, Kitsap Citizens for Responsible Planning, said relative to Matthes' comments, as he understands, when the Growth Management Board made its original decision on this matter, Kitsap County did not appeal. He said even if the Viking-Holmes

case might some how alter the circumstances, he did not believe the county is in a position to contest the findings of non-compliance. He believes the county has no other choice but to repeal at this time.

Jerry Harless asks the Board to have the county legal staff to review the Vikings Properties case in order to determine what it says.

Discussion is held among the Board regarding the authority of the Hearings Board, denial of an extension and clustering in the rural areas.

A **motion** is made by Commissioner Lent and seconded Chair Endresen that the Board enacts **Ordinance No. 349-2005**** repealing portions of Ordinance No. 311-2003 dealing with the *Rural Wooded Incentive Program*. Motion carries. Commissioner Angel votes No.

11:00) Closed Record Appeal hearing on **November 14, 2005**, beginning at the hour of **11:00 AM**, in its Chambers, Room 104, Kitsap County Courthouse, 614 Division Street, Port Orchard, Washington to consider an **Appeal** filed by **Peter and Heather Ross** of the Hearing Examiner's decision to approve subject to conditions the project known as **Allen's Corner Stormwater Drainage-Shoreline Substantial Development Permit**. The project proposes to repair, replace and upgrade the existing 15-inch conveyance to a 24-inch conveyance and relocate the outfall to the north of the existing system to allow for discharge at a more stable location. The proposed project is located on the eastern shore of Dyes Inlet between Windy Point and Tracyton in Central Kitsap, Commissioner District #3. **Staff Contact:** Dave Greetham, 337-4603.

Dave Greetham, Community Development, states the project is located on the easterly shores of Dyes Inlet and is an upgrade to the existing stormwater system along Tracyton Blvd. Greetham said the project currently runs through several properties and daylight on the shoreline of Dyes Inlet at the Henne parcel. He said the Public Works Department, Surface & Stormwater Management Division (SSWM) is proposing a change to the location that would move the outfall to the northwesterly portion of the Henne parcel and it proposes to upgrade the size of the pipe, to increase water quality and sanitation control to the present water system. He said the existing pipe would be relocated on the Henne property along the edge and adjacent to the appellant's parcel. He said the Hearing Examiner recommended conditional approval of the shoreline permit that was tied to a geo-technical study but was appealed by the Ross party. He said the appeal stated that there were erroneous findings relative to the geo-technical report as well as testimony given at the hearing before the Hearing Examiner. Greetham said the erroneous findings were not specified in the appeal and he was unaware of what those findings are.

Chair Endresen explains the closed record appeal process.

Peter Ross, Appellant, said this has been an on-going project and he purchased the property knowing about the system upgrade proposal that was due to some flooding in the area. He said he had met with county staff and the homeowner prior to purchasing the property. Ross said there was an agreement that the upgrade would occur at the current

location and that the major focus would be tight lining the system. He said the Hennes' really felt strongly about the effects of the outfall on their beach and wanted something to be done. Ross also said at an initial meeting in 1999, SSWM staff made it clear that it would only do what was minimally necessary to install the system. He said he did not believe that the Hearing Examiner had read the geo-technical report because it did not state what SSWM staff claims, that this is the more stable location for the pipe and it was safe to install the pipe there. He said he hired his own geo-technical consultant to review the previous report, do a site visit and give his opinion on the matter.

Discussion was held between the Board and Ross regarding the geo-technical report from his consultant.

David Tucker, Public Works-Surface & Stormwater Management Division, said at the hearing before the Hearing Examiner, the geo-technical consultant contracted by the county gave testimony regarding his report and experience with the site. He said the Hearing Examiner asked specific questions regarding the stability of the proposed site and how much erosion had occurred at the previous site and directed the Board to review those statements in the record. He said this has been a long process but did not believe it had bearing on the geo-technical issues.

Peter Ross said he did not believe the geo-technical consultant who gave oral testimony before the Hearing Examiner added anything to the argument. He believes he spoke in generalities on theories about geo-tech type issues and believes he never made a site visit prior to his final report but believed the sites were the same. He said his consultants, Myers Biodynamic actually did a site visit and it was completely obvious to them that something was amiss.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board continues this matter to November 28, 2005 for decision only. Motion carries unanimously.

11:20) Closed Record Appeal hearings on **November 14, 2005**, beginning at the hour of **11:20 AM**, in its Chambers, Room 104, Kitsap County Courthouse, 614 Division Street, Port Orchard, Washington to consider **Appeals** filed by: **1) William S. and Evelyn Hegge and 2) Neil Dahmen et al**; of the Hearing Examiner's decision to approve subject to conditions the application filed by **Theros Homes Inc** for a Critical Area Variance to allow construction of a single family residence on lot 44 and a single family residence on lot 45 of President Point Seattle View Tracts located on the east side of President Point Road near its intersection with NE Elkern Place in North Kitsap, Commissioner District #1 and to consider an **Appeal** filed by **3) Deborah Flynn** of the Hearing Examiner's decision to approve subject to conditions the application filed by **Theros Homes Inc** for a Critical Area Variance to allow construction of a single family residence on lot 45 of President Point Seattle View Tracts located on the east side of President Point Road near its intersection with NE Eckern Place in North Kitsap, Commissioner District #1. **Staff Contact:** Dave Greetham, 337-4603.

Chair Endresen states that there are three appeals on two different lots but they are similar so we are going to consolidate and hear them both together. Chair Endresen explains the closed record appeal process.

Dave Greetham, Community Development, gave an overview of the proposed project stating the applicant applied for a critical areas variance to allow single-family residential construction on two adjacent lots constrained by an active bald eagle's nest, steep slopes and a Category I wetland. The subject parcels are located on the east side of President Point Road near its intersection with Eckern Place. The long, narrow lots were platted in 1929 and each lot consists of a plateau adjacent to President Point Road with steep slopes descending easterly toward a Category I wetland abutting Puget Sound. Due to an active bald eagle nest, the Washington State Department of Fish and Wildlife Bald Eagle Habitat Plan prohibits clearing for home construction on the upper plateau area adjacent to the county road. Pursuant to the habitat plan and wetland reports contained the record, Greetham states construction is proposed in the center of each parcel, between the toe of the slope and the wetland. He said the variance request is triggered by the fact that the building sites occur within the 200-foot wetland buffer. He said an existing road that traverses the hillside and terminates at the building sites provides access. Greetham said the Hearing Examiner issued an approval decision and staff's recommendation was a reduction to the Category I wetland buffer down to 50 feet to allow construction on what staff viewed as the only buildable portion of the property as driven by the Bald Eagle Habitat Management Plan. Greetham notes for the record that the first condition of approval references a 7000-square foot building envelopes but that is not the house size, it is for clearing, construction, yard, driveway, garage, etc. He said three different parties appealed the Hearing Examiner's decision.

Discussion is held between the Board and staff regarding the driveway to each lot and the roadway to the area.

Richard Shattuck, Attorney representing Theros Homes, said relative to the Flynn appeal, objects to documentation (real estate flyer) that was included that was not a part of the record and asks that it not be considered.

Dave Greetham said staff received a new letter from the Department of Fish and Wildlife this morning and would like to submit it.

Chair Endresen cautions prior to reviewing the letter from the Department of Fish and Wildlife, she would like to get an opinion from legal counsel first. Chair Endresen also notes that Deborah Flynn is a member of the Kitsap County Planning Commission but this is separate from her duties as a commissioner.

Deborah Flynn, Appellant, said her comments apply to both lots and encourages the Board to visit the proposed home sites prior to making a decision. She said they are appealing the Hearing Examiner's decision because it is based on his conclusion that all of the criteria set forth in Section 19.100.135 of the Kitsap County Code were satisfied. Flynn said they believe that this conclusion is wrong and that the landowner has not satisfied all of the

criteria set forth in the county code. She said the county code states a variance may be granted by the county when it can be shown that the application meets all of the following criteria. Flynn references Finding 12.A (“special circumstances”...deprive said lot of rights and privileges enjoyed by other properties in the vicinity) Finding 12.C (granting the variance will not result in substantial detrimental impacts to the critical area itself...); Finding 9 (“the Examiner has difficulty understanding the lack of coordination between environmental experts in the same state agency); and Finding 8 (states the applicant and previous property owner had discussed the possibility of development and the Eagle Management Plan for well over one year). She said there are reasonable alternatives to developing these properties such as they could be sold or turned over to a land trust. She knows that the county cannot require but it can deny the variance and find that the facts in this case provides for reasonable use and hopefully would encourage other reasonable alternatives. She said the wetland will be impacted and is the first criterion that has not been met. Flynn said the applicant proposes something far greater than what the surrounding properties developed prior to this ordinance currently enjoy.

William Hegge, Appellant, said he testified in opposition to this variance before the Hearing Examiner and has concerns that all issues had not been properly addressed prior to the hearing. He contends that the type of investigation that was done for this development was more appropriate for residential but in the process it was proposed to have a significant impact on the wetlands. He recommends that additional investigations be done in order to determine whether there was any way the houses could be relocated or reduced in size yet still developed with fewer impacts to the wetlands. He said he also asked staff to review the issues involving the septic systems, drainage lines and the water supply lines leading to the houses that could affect the stability of the slopes. Hegge said he believes the variance should be denied or remanded to the Hearing Examiner for an additional hearing after all requested information has been obtained.

Neil Dahmen, Appellant, believes the variance that allows Theros to build large homes 50 feet from a Class I Wetland is ill-considered and allowing the required buffer to be reduced by 75% is an excessive relaxation of the critical areas ordinance rules. He believes the Hearing Examiner was mistaken in his approval of this reduction. He said the Hearing Examiner failed to order a thorough investigation and report on the impacts of the development on the wetland by the appropriate scientists and in doing so he failed to provide for the possibility of mitigation or project modification if needed to protect the wetland. He said the Hearing Examiner chose to “footnote” the wetland problem thus bringing the variance process to an end. He believes this was better for the Hearing Examiner, the county and the developer but not better for the environment, the neighborhood or the wetland. He believes this was a mistake on the part of the Hearing Examiner and believes the variance should be denied. He believes a reasonable size home in this restricted environment should be less expansive and more in keeping with the existing small homes and cabins on adjacent low land lots.

Richard Shattuck, representing the applicant Theros Homes, asks the Board to consider what has happened in this case in that the applicant purchased property, contacted to the Dept of Fish & Wildlife and was told that he could not build houses at the top of the hill

instead he has to incur substantial expense, lose some of the view associated with the property and build the homes on a bench in the middle of the property. In response to the Dept of Fish & Wildlife, the property owner agrees to cooperate. He said the Dept of Fish & Wildlife is well aware of the Category I Wetlands at the foot of the hill and despite that asked the property owner to construct the homes on the bench on the property. Shattuck said this is not a policy making process but a quasi-judicial one and suggests that the hearings before both the Hearing Examiner and Board is not to make decisions on what the public might want to do with the land but provide the property owner with his rights if criteria for the variance is met. Shattuck then summarizes the appeal arguments as presented by the appellants stating the Hegge appeal primarily focuses on some of the geo-technical aspects of the process and that his appeal makes no reference to any of the six criteria outlined in the variance ordinance and no reference to any of the standards as mentioned by Chair Endresen at the beginning of the hearing. Relative to the Dahmen's appeal, Shattuck said there was an illusion that the Hearing Examiner took the easy way out or simply footnotes a position. He said the Hearing Examiner did not only rely on portions of the record but also considered the mitigation report, the geo-technical report, the Dept of Fish & Wildlife findings and recommendations regarding the Bald Eagle Management Plan and staff report and findings. He said there has been no SEPA appeal in regards to this issue. He said relative to the Flynn appeal, the Hearing Examiner specifically addressed and reviewed the fact that this is not a circumstance where a reasonable use of this property is a seasonal home. He said that a single-family residence on this property is a reasonable use consistent with single-family residence zoning in this area. Shattuck said the Hearing Examiner took all the evidence and placed it into the criteria for the critical areas variance process and then came up with a decision and conditions reflecting what he heard during the hearing. He said the impacts have been addressed by Wiltermood Associates, by geo-technical experts, by the staff proposals for conditions and by the Hearing Examiner incorporating the proposed conditions by the Dept of Fish & Wildlife. He said relative to criteria #5 raised by Flynn as to whether there was any practical or reasonable alternative exist, states that a recreational property is not consistent with the use that is authorized by zoning and that a decision to declare these lots unbuildable or available for public trust does not constitute a reasonable or practical use. He said the Hearing Examiner's decision was carefully thought out and asks the Board to uphold the decision of the Hearing Examiner.

Deborah Flynn said that reasonable use for a seasonal cabin would legally be considered a reasonable use of the site otherwise all other property owners with houses on the wetlands would not be using their property reasonably. She did not believe the mitigation report was adequate. She believes there is information out there that would support other alternatives for this site.

William Hegge said the applicant's representative stated repeatedly that the Hearing Examiner evaluated all information but he believes the Hearing Examiner evaluated all the information available at that time that he made his decision. He said there are reports and requests that are not done and were not available at the time the Hearing Examiner made his decision. He requests that the matter be remanded to the Hearing Examiner so that new information might be gathered, incorporated, evaluated and put together in a proposal

that would be subject to a public hearing.

Neil Dahmen said if the Hearing Examiner's decision is upheld, this is a big loss.

Discussion is held between the Board and staff regarding surrounding properties in the areas, all criteria needed to be met prior to granting a variance, whether the Hearing Examiner visited the site, discussion by the wetlands biologist v. eagle biologist and how they were notified, the letter received from the Dept of Fish & Wildlife and whether Fish & Wildlife wetlands staff had an opportunity to review the mitigation measures.

A **motion** is made by Chair Endresen and seconded by Commissioner Angel that the Board continue this hearing to November 28, 2005 for decision only. Motion carries unanimously.

11:40) Continuation of the **Closed Record** hearing to consider an **Appeal** filed by **Ron and Peter Ross** of the Hearing Examiner's decision to approve subject to conditions the project know as **Riddell North Preliminary Plat**. The applicant proposes to develop the subject property, totaling 3.64 acres into 42 lots for single-family residences including construction of associated infrastructure to serve the lots in the plat. The proposed project is located off Riddell Road in Central Kitsap, Commissioner District #3. **Staff Contact:** Eric Baker, 337-4495. (**NOTE: Said matter for DECISION ONLY.**)

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board: on Issue #1, Recreational Open Space affirms the Hearing Examiner's decision with regards to Conditions No.4.3 and adopts the Hearing Examiner's decision in support of this decision; on Issue #2, Two-Car Garages finds that the appellants have met their burden of establishing that the Hearing Examiner's decision with regard to Condition No. 4.5 was an erroneous interpretation of the laws and thereby reverses the decision of the Hearing Examiner to the extent that he required a 2-car garage for each dwelling and further, modifies the Hearing Examiner's decision to require that 4 off-street parking spaces be provided for each dwelling constructed within the plat; and on Issue #3, Posting of "No Parking" Notice finds that to the extent that the Hearing Examiner's decision with regard to Condition No. 4.7c may be interpreted as requiring a sign on a post, the condition shall be modified and the applicant may post the required "No Parking" notice by either the posting of signs attached to a post or by painting curbs with red paint and white lettering. Motion carries unanimously.

OPPORTUNITY FOR PUBLIC COMMENTS ON AGENDA ITEMS ONLY:

(Please limit comments to 3 minutes or less. Written comments may also be submitted to the Board if 3 minutes is insufficient.)

- A. Ron Ross addresses the Board with concerns about the development of preliminary plats.

OTHER BUSINESS AND CONSENT ITEMS:

Commissioner Angel asks to have agenda item 3.H taken off the consent for further discussion.

1) MISCELLANEOUS ITEMS:

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approve the consent agenda less item 3.H as well as the following:

- A. Approve Minutes of November 7, 2005.
- B. Approve Warrant Nos. 3206963 through 3208007 in the amount of \$1,735,791.59.
- C. Approve Payroll Warrant Nos. 635503 - 635642 in the amount of \$1,717,257.04.
- D. Refer the following to the Prosecutor's Office and Risk Management: 1) Claim for Damages filed by Qwest, and 2) Complaint for Damages filed by Carlee Sutherland on behalf of Clayton Longacre.

Motion carries unanimously.

- E. A **motion** is made by Chair Endresen and seconded by Commissioner Lent that the Board adopts the Formal Conclusions of Law and Decision by the Board on the **Black's Code Interpretation** Appeal. Motion carries. Commissioner Angel votes No.

2) DEPARTMENT OF PUBLIC WORKS:

- A. A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board adopts **Resolution No. 201-2005*** authorizing cash transfer from Traffic Division to ERR&R. **Total Fiscal Impact:** \$23,000 contribution to ERR. **Source of Funds:** Road Fund. **Staff Contact:** Jeff Shea, 337-5777 x7035. Motion carries unanimously.
- B. A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves and executes the contract amendment with **Pan-Artic (KC-557-05)** providing for the installation of approximately 3,000 linear feet of guardrail at 14 locations throughout Kitsap County. **Total Fiscal Impact:** \$144,821. **Source of Funds:** Road Funds. **Staff Contact:** Dick Dadisman, 337-3556. Motion carries unanimously.
- C. A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves and executes the contract with **WS State Dept of Ecology (KC-584-05)** to assist with funding for the Clear Creek Flood plain Restoration project scheduled to be built in conjunction with a new bridge at Myhre Road in Central Kitsap, Commissioner District #3. **Total Fiscal Impact:** \$150,000 in grant funding. **Source of Funds:** Flood Control Assist Acct Program Grant. **Staff**

Contact: Dave Tucker, 337-7292. Motion carries unanimously.

- D. Discussion is held, comments received and a **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board adopts **Resolution No. 202-2005*** amending Resolution No. 090-1998 setting Kitsap County policy for allowing sewer connections outside of urban growth areas subject to the revisions made in today's meeting. **Staff Contact:** Shelley Kneip, 337-4975. Motion carries unanimously.

3) DEPARTMENT OF PERSONNEL AND HUMAN SERVICES:

- A. A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves and executes the contract amendment with **Kitsap Community Resources (KC-370-05A)** to provide services to 106 eligible welfare recipients in Kitsap County, extending the contract end date to June 30, 2006 and increasing the contract amount by \$363,528. **Total Fiscal Impact:** \$363,528 is 100% grant funded. **Source of Funds:** Temporary Assistance to Needy Families. **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.
- B. A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves and executes the Collective Bargaining Agreement amendment with **Teamsters Local 589 – Public Works, Utilities (KC-508-03B)** implementing a market based wage adjustment based on the results of the joint study. **Total Fiscal Impact:** \$251,000. **Source of Funds:** Solid Waste and Sewer Utility Funds. **Staff Contact:** Rob Gudmundson, 337-4884. Motion carries unanimously.
- C. A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves and executes the contract with **South Sound Outreach Services (KC-580-05)** to provide a Food Stamp Education Program for the period of October 1, 2005 through September 30, 2006. **Total Fiscal Impact:** \$28,415 is 100% grant funded. **Source of Funds:** DSHS. **Staff Contact:** Betsy Bosch, 337-4880. Motion carries unanimously.
- D. A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves and executes the contract with **WA State Dept of Social & Health Services (KC-545-05)** to provide public mental health services in Kitsap, Clallam and Jefferson counties for the period of November 15, 2005 through September 30, 2006. **Total Fiscal Impact:** \$266,000 is 100% grant funded. **Source of Funds:** DSHS. **Staff Contact:** Anders Edgerton, 337-4884. Motion carries unanimously.
- E. A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves and executes the contract amendment with **Bremerton Services Association (KC-008-05A)** for the Senior Citizen Nutrition Program for the period of January 1, 2005 through December 31, 2005. **Total Fiscal Impact:**

\$20,600 is 100% grant funded. **Source of Funds:** DSHS. **Staff Contact:** Linda Hanna, 337-7068. Motion carries unanimously.

- F. A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves and executes the contract with **WA State Dept of Social & Health Services (KC-496-05)** providing services to homeless mentally ill individuals in West Clallam and Jefferson counties for the period of October 1, 2005 through September 30, 2006. **Total Fiscal Impact:** \$47,713 is 100% grant funded. **Source of Funds:** WA State DSHS. **Staff Contact:** Anders Edgerton, 337-3526. Motion carries unanimously.
- G. A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board adopts **Resolution No. 203-2005*** creating a classification and reclassifying a position within the Department of Administrative Services and changing classification titles. **Total Fiscal Impact:** 2005/06 – no additional funds required, approved in 2005/06 Budget. **Source of Funds:** 2005/06 Budget. **Staff Contact:** Lynn Flanig, 337-3536. Motion carries unanimously.
- H. **Resolution** downgrading a position in the Office of the County Clerk. **Total Fiscal Impact:** 2005: cost savings of \$1,707 including salary and associated benefits and 2006: cost savings of \$20,479 including salary and associated benefits. **Source of Funds:** N/A. **Staff Contact:** Lynn Flanig, 337-3536. **NOTE: This item is continued to November 28, 2005.**

4) **DEPARTMENT OF FACILITIES, PARKS & RECREATION:**

- A. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves and executes the interlocal agreement amendment with the **Public Facilities District (KC-199-02C)** providing additional funding for improvements at the Fairgrounds and Event Center. **Total Fiscal Impact:** \$1,050,000. **Source of Funds:** Special Events Center Fund. **Staff Contact:** Mark Mauren, 337-5361. Motion carries unanimously.

5) **DEPARTMENT OF COMMUNITY DEVELOPMENT:**

- A. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves and executes the interlocal agreement with the **City of Port Orchard (KC-463-05)** for revenue sharing of Phase II of the Port Orchard Sub-Area Plan and Integrated Environmental Impact Statement process. **Total Fiscal Impact:** \$0. **Source of Funds:** N/A. **Staff Contact:** Scott Diener, 337-4966. Motion carries unanimously.

6) **SHERIFF'S OFFICE:**

- A. A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves and executes the interlocal agreement amendment with **South Kitsap School District (KC-585-99D)** for the School Resource Officer Program for the 2004/2005 school years. **Total Fiscal Impact:** \$49,746. **Source of Funds:** South Kitsap School District. **Staff Contact:** Dennis Bonneville, 337-7145. Motion carries unanimously.
- B. A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves and executes the contract with **U. S. Dept of Justice (KC-577-05)** for the equitable sharing of monies obtained during drug seizures. **Total Fiscal Impact:** Unknown. **Source of Funds:** N/A. **Staff Contact:** Dennis Bonneville, 337-7145. Motion carries unanimously.

7) **COUNTY COMMISSIONERS/ADMINISTRATOR'S OFFICE:**

- A. A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board adopts **Resolution No. 204-2005*** revising the Board of Commissioner's Policy Manual relating to Inclement Weather conditions (Policy-360.1). **Staff Contact:** Cris Gears, 337-5361. Motion carries unanimously.

8) **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD:**
(Please limit comments to 3 - 5 minutes. Written comments may also be submitted to the Board if this timeframe is insufficient.)

- A. Ron Ross thanked the Board for adopting the sewer resolution in agenda item 2.D and also addressed splitting lots in plats.

9) **BOARD OF COMMISSIONER'S COMMENTS:**

- A. Commissioner Lent states there is Geographic Information System display in the National Geographic displayed in the lobby and invited the public to attend the Friends of the Silverdale Library dinner on December 2, 2005 at the Silverdale Red Lion.
- B. Commissioner Angel said she attended/participated in or will be attending the following meetings: Veterans Day Celebration at the Presidents Hall
- C. Chair Endresen states that the November 16, 2005 work-study meeting has been cancelled due to a lack of quorum.

Public meeting adjourned at 1:20 PM.

**BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY WASHINGTON**

CHRIS ENDRESEN, CHAIR

JAN ANGEL, COMMISSIONER

PATTY LENT, COMMISSIONER

ATTEST:

OPAL ROBERTSON
CLERK OF THE BOARD

DATE APPROVED

* See Resolution Journal Volume No. 60

** See Ordinance Journal Volume No. 14

OTHER MEETINGS ATTENDED BY THE BOARD:

11/14/05	3:00 PM	Critical Areas Ordinance Public Meeting - KC Pavilion
11/15/05	8:00 AM 1:00 PM	Housing/Transit/CenCom Board Meeting - Brem Gov Ctr. Lobbyist Lunch – “Mor Mor”, Poulsbo
11/16/05	8:30 AM	Work-study Session-Pub Works Conf Rm 3 rd Floor Cancelled
11/17/05	9:00 AM	WA Association of Counties Board Meeting
11/21/05	10:00 AM 12:00 PM 2:00 PM	Admin Briefing – Board’s Conference Room Lunch with Kimberly Singer, Employee of the Month Admin Briefing - Board’s Conference Room
11/23/05	8:30 AM	Work Study Session-Public Works Conf Room 3 rd Floor
11/24-25/05	8:00 AM	Office Closed in Observance of Thanksgiving

(The Board of County Commissioners public meetings are televised on public access television BKAT (ComCast Ch.12 and Wave Broadband Ch. 3) Monday nights at 5 PM, Tuesdays at 8 PM and Wednesday at 1 AM).

The next Board of Commissioners meeting will be held on **November 28, 2005.**

NOTE: KITSAP COUNTY DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY. INDIVIDUALS WHO REQUIRE ACCOMMODATIONS SHOULD CONTACT THE COMMISSIONER'S OFFICE AT (360) 337-7146 OR TDD (360) 337-7275 OR 1-800-816-2782. (PLEASE PROVIDE ONE-WEEK NOTICE FOR INTERPRETER SERVICES).

UPCOMING TIMED AGENDA ITEMS:

(PLEASE NOTE: These dates and times are tentative and subject to change)

November 14, 2005:

3:00 PM) Public hearing to consider adopting an **Ordinance**, Relating to Growth Management, Amending Title 19 (**CRITICAL AREAS**) of the Kitsap County Code. (**Note:** This public hearing will be held at the **Kitsap County Fairgrounds Pavilion, 1200 NW Fairgrounds Road, Bremerton WA 98311.**)

November 28, 2005:

10:10) Public hearing to consider a **Resolution** authorizing the County Treasurer to sell certain used equipment deemed surplus and excess to the needs of the various Kitsap County Departments, and the proceeds from the sale thereof credited to the various Kitsap County Departments. **Fiscal Impact:** \$49,000 (credit of auction proceeds). **Source of Funds:** Various ER&R Accounts. **Staff Contact:** Mark Stanisich, 337-5777 x4895.

10:15) Public hearing to deliberate on and consider adopting an **Ordinance** relating to repealing portions of Ordinance No. 336-2005 concerning a correction to the Business Center, Business Park and Industrial Use table codified at Kitsap County Code § 17.370.025. **Staff Contact:** Shelley Kneip, 337-4975.

10:25) Public hearing to consider a **Resolution** adopting the **2006-2011 Six-Year Transportation Program** in accordance with RCW 36.81 and WAC 136-15. **Staff Contact:** Jon Brand, 337-4893.

10:35) Public hearing to consider a **Resolution** adopting the **2006 Annual Road Program** in accordance with RCW 36.81 and WAC 136-15. **Staff Contact:** Jon Brand, 337-4893.