



MINUTES

**KITSAP COUNTY
BOARD OF COMMISSIONERS**
(Special Meeting)
November 14, 2005 - PM

NOTE: *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).*

3:00 PM) Meeting Called to Order with the Flag salute.

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 was held at the Kitsap County Fairgrounds Pavilion, 1200 NW Fairgrounds Road, Bremerton WA 98311). Staff Contact: Jim Bolger, 337-7165/Cindy Baker, 337-5683.

Chair Endresen read the ground rules for this afternoon's hearing and states that a "sign-in sheet" has been provided for those who wish to speak on this matter. She said additional written comments would be accepted through November 16, 2005 by 4:30 PM.

Cindy Baker, Department of Community Development, gave an overview of the proposed ordinance stating the Critical areas Ordinance is mandated by the state and that every seven years there is an update to the ordinance. She said the state mandate includes a review and the best available science. She said relative to public input, various meetings, round tables, open houses, public forums and question and answer forums were held on this matter.

Jim Bolger, Department of Community Development, briefly summarizes the key issues that emerged as staff was in the process of developing the "staff draft" and during the Planning Commission recommendation phase. He discusses the need to identify the problem that this ordinance is meant to address, comments received from the public, process for considering the best available science, buffer comparisons between the existing ordinance, the final staff draft, the Planning Commission's majority draft and the Planning Commission's minority report.

Discussion is held between Bolger and the Board regarding whether flexible buffers and the 50% administrative variance apply to the stream buffers and the wetland buffers and the

definition of a buffer.

Lisa Nickels, Prosecutors Office, said relative to sanctions if the county did not meet the December 1, 2005 deadline, RCW 36.70A.130(7) states that only those cities and counties in compliance with the schedules of this section which is December 1, 2005 or those demonstrating substantial compliance (which the legislature determines to be less than twelve months out of compliance) may receive grants, loans, pledges or financial guarantees from those accounts established. She said those established accounts are the Public Works Trust Fund in which the county gets money from the state for public works or the Water Quality Account which the county receives funds for doing water quality and sewer control measures. She said if Kitsap County did not meet the December 1, 2005 deadline, it risk losing those funds and additionally, only those cities and counties noted in the last sentence of this statute that comply with the schedules may receive preference for grants or loans subject to the provisions of RCW 43.17.250 which is the general account in which the county receives money for public facilities. Nickels said the County would still be eligible to receive those monies but would be placed at the bottom of the list if the December 1, 2005 deadline is not met. She said these monetary sanctions are automatic but there is also a litigation component in that the county can be sued to the Growth Management Hearings Board.

Cindy Baker states that all information submitted, BKAT presentations, email documents and all public participation should be considered and evaluated by the Board as part of the record.

Public Comments:

1. Tom Nevins, Poulsbo resident, said he supports the suggestions in the Planning Commission's minority report.
2. Jennifer Gerstel, Silverdale resident, said she supports a strong critical areas ordinance and would like to see more protection rather than less.
3. Jenny Annan, Bremerton resident, suggests that the Board support the minority report and keep development at least 150 feet from the beaches.
4. Jerry Hebert, Poulsbo resident, supports a strong critical areas ordinance and recommends that the Board adopt guidelines even stronger than the minority report if possible.
5. Mary Ellen Madison, North Kitsap resident, believes the Planning Commission has overstepped its bounds in producing the proposal before the Board. She advises the Board to pay close attention to staff recommendations and strike from consideration any portion that did not meet the standards of WA Administrative Code 365.195.905.
6. Gordon Bemrose, South Kitsap resident, questions if the Board adopts staff recommendations for the second draft what would be done about low-income housing?

7. Naomi Maasberg, North Kitsap resident, read a letter into the record from Still Waters urging the Board to adopt the staff's recommendation or the minority report from the Planning Commission.

8. Florrie Brassier, Bremerton resident, said she strongly supports the critical areas ordinance and more specifically the Planning Commission's minority report.

9. Eugene Brennan, Bremerton resident, said he supports the critical areas ordinance update and urges the Board to accept it un-amended unless it is made stronger. He believes the public right to clean water and healthy ecosystems supersedes any so-called property rights.

10. Steve Miller, Central Kitsap resident, questions what is water quality, where it is going what it has been and the Board's goal for water quality. He asks the Board to address these issues on the county's web page.

11. Jack Hamilton, Silverdale resident, said he provided comments and recommendations for both the first and second draft and was surprised that only the Planning Commission comments were addressed during the November 7, 2005 work study session. He strongly recommends that the Board rejects all versions of the proposed ordinance and further recommends that the Board immediately implement a plan that completes development of the critical areas ordinance that correctly implements the basic requirements of the Growth Management Act no later than July 1, 2006.

12. Bob Burkholder, Bainbridge Island resident, said he submitted information previously recommending strengthening the critical areas ordinance. He said the critical areas ordinance should be about protecting sensitive habitats and not about devising schemes to allow the maximum encroachments on the natural areas.

13. Sally Adams, Bainbridge Island resident, said she expects the Board to do the right thing for the community at large to assure that protection in the critical areas ordinance will not be further weakened. She asks the Board not to increase the risk to the fragile and vulnerable areas with a misstep just because a few community voices are clamoring for changes that would allow them to build in areas never before considered buildable.

14. Bruce Danielson, Port Orchard resident, said residents are stewards of our land and believes the critical areas ordinance as proposed is overbroad and an unconstitutional "taking" of land. He said the ordinance is not understandable as written and believes it is vague and unenforceable.

15. Kris Danielson, Port Orchard resident, said this critical areas ordinance is not going to stop development, it is not stop going to stop the building of 18 homes per acre but it would stop her and her daughter going to the pond to look at tadpoles or the neighbor playing fetch with their dog down by the creek. She states it would not stop development but would stop people from using their own personal property.

16. Richard E. Anderson, Kingston resident, said he supports the staff draft of the critical areas ordinance and that Kitsap County needs a strong critical areas ordinance. He said a strong critical areas ordinance would be fair because everyone benefits from clean water and habitat conservation.

17. Mary Bertrand, Chums of Barker Creek, said it is wearisome that the recommendations of the Planning Commission do not represent the majority of citizens in Kitsap County regarding the preservation of the wetlands, riparian zones and buffers. She said she hopes the Board will strengthen the present draft by including the recommendations of the September 22, 2005 letter from the Suquamish Tribe to the Planning Commission. She states the Chums of Barker Creek commends the Planning Commission minority report and endorses the editorial in the November 13, 2005 Kitsap Sun.

18. Richard Boughna, Johnson Creek resident, said he is concerned about the salmon in the stream.

19. Jim Petersen, Poulsbo resident, said he is not anti-environment, he has approximately 10-12 acres that truly are wetlands that should be set aside but the problem is with the proposed buffers which are based on debatable science. He believes landowners are being asked to subsidize everyone else's enjoyment in the form of open spaces, greenways, etc. He said since there is no policy in place to compensate for land that has been taken away suggests that every tax payer that is not adversely affected by the critical areas ordinance be taxed at whatever rate it would take to reimburse all of those that are being hurt.

20. Morgan Johnson, Silverdale Water District, supports the Critical Areas Ordinance relative to the critical aquifer recharge areas and recommends the Board adopt the proposed ordinance.

21. Cris Shardelman, Poulsbo resident, said that the language in the proposed ordinance is subjective and vague and if a property owner encroaches on the water or land of a neighbor, that property owner should be subject to sanctions and penalties.

22. Jim Aho, Central Kitsap resident, believes the county is fortunate to have such well-qualified staff working on the critical areas ordinance. He believes a few of the buffers in document should be increased but would take the staff's draft over the Planning Commission's majority report.

23. Amy Zarrett, WA Environmental Council, asks the Board to adopt a strong critical areas ordinance beginning with the staff's second draft and making a number of improvements detailed in letters submitted jointly with several organizations on July 7, 2005 and today.

24. Jean Bradford, Silverdale resident, believes there is an environmental conspiracy across the state and country and believes that's what the critical areas ordinance is all

about. She urges the Board to accept the body of work submitted by the Planning Commission as it was done in the most fair and balanced way possible.

25. Harriett Norwood, South Kitsap resident, believes the Planning Commission listened carefully and believes they responded to the 2,000 plus individuals who signed a petition presented to the Commissioners regarding the 200-foot setback or buffers.

26. Don Davidson, North Kitsap resident, said he trust the Board and the legal system to deal with property rights and to compensate individuals if the county goes beyond what it can legally do in regulating for the various uses. He said he supports the strongest legal protections possible for critical areas specifically the staff report or the alternative Planning Commission report.

27. Derek Schruhl said he believes that this ordinance is merely patched up on protecting the environment and an excuse to develop any land outside the protected areas designated in this ordinance. He said this ordinance is a poor excuse for bad planning outside these areas and is sad that some people want to further degrade the protection of these valuable areas.

28. Helen Daly, Hood Canal resident, said as population increases in the county problems with the critical areas will increase proportionally. She said there would be more flooding during storm events, more pollution and much more withdrawals from the aquifers. She asks the Board not to weaken the protections.

29. George Warrington believes the critical areas ordinance has been working just fine and as far as he could tell there are no problems.

30. Robert Crittendon, Sequim resident/Kitsap Alliance of Property Owners, said the salmon crisis was not caused by a lack of fresh water habitat and believes the critical areas ordinance is based merely on recommendations made by the Dept of Ecology. He said there is really no scientific basis for the critical areas ordinance as recommended by the staff due to the fact that the Dept of Ecology did not provide recommendations that had a scientific basis.

31. Dorothy Guice, Poulsbo resident, states she agrees with many of the individuals who believe that private property rights are assured by amendments by the United States Constitution. She asks that the Board to take the time to read the information she submitted to the Planning Commission.

32. Buz Whiteley said he has asked repeatedly over the past several years why the existing critical areas rules needed to be changed specifically. He did not believe that emails, mail or some oral comments was legitimate to use as votes for or against the critical areas ordinance. He believes the reason all this trouble has come about is due to taxes already paid for real estate or property.

33. Virginia Whiteley questions the Board as to why they believe it is necessary to change the current critical areas ordinance, what real science supports these changes, what visible damage is being done and what is not working. She urges the Board to leave the critical areas ordinance as is.

34. Gene Bullock, Poulsbo resident, said the county needs to take strong action now to protect our critical areas. He urges the Board to adopt the staff draft that provides better environmental safeguards and more flexibility in dealing with individual properties.

35. Marie Hebert, Port Gamble S'Klallam Tribe, said the Tribe supports protection of the environment and natural resources with a strong critical areas ordinance. She said the Tribe shares the County's goal of protecting the functions and values the critical areas because these areas are essential for the preservation of clean and safe drinking water, stream and wetland habitats critical to salmon and other wildlife and Hood Canal which sustains Tribal families with important subsistent fisheries.

36. Ted Labbe, Port Gamble S'Klallam Tribe, said the Tribe supports a strong critical areas ordinance and that over the last two years the Tribe has worked with county staff to help develop that stronger critical areas ordinance.

37. Art Castle congratulates the County on the section that eliminates the prohibition for storm water facilities buffers for wetlands. He suggests that the ordinance creates a manner to eliminate the property tax (ex: if 25% of a parcel of land is critical area that's a buffer then eliminate or reduce the property tax on that portion of the property only).

38. Clyde Hinton, Brownsville resident, said he owns approximately five acres located approximately one quarter of a mile from the Brownsville marina and is restricted on what he can do with his land by the Growth Management Act. Hinton questions the meaning of LAMRID.

39. Robert Benze, Silverdale resident, said he is concerned about the science used to support this ordinance.

40. Rod Reid, Alpine Evergreen, said when he commented before the Planning Commission he pointed out an error but noticed that the error has not been corrected. He said it is on either page 76 or 52 in Section 19.300.310, Fish & Wildlife Habitat Conservation Area Categories. He said there are more streams shown on the new map than on the old map and the old map is the one displayed at the meeting tonight. He said the maps do not correspond to what is on the paper. He asks the Board to look into this.

41. Vivian Henderson, Kitsap Alliance of Property Owners (KAPO), said from the beginning of the critical areas ordinance update KAPO has pleaded with the county to include the citizens in the process and to hold open meetings in which there could be an open exchange of information and questions. She said they have merely asked that the law be followed as outlined in the RCW. She said this issue isn't just about property rights but about citizens and taxpayers being sold down the river so Kitsap County can get a pat on

the head by un-elected state bureaucrats.

42. Tim Matthes, Kitsap Alliance of Property Owners (KAPO), said he would like to remind the county that the constitution specifically protects against deprivation of property rights without due process. He said the constitution also does not grant any government or staff of any government the power to ignore or legislate away any of our guaranteed property rights. He said KAPO believes the critical areas ordinance written by staff is a thinly veiled attempt to do just that. Matthes said the critical areas ordinance did not give affordable housing opportunities and is very prohibitive as far as building.

43. Merton Cooper, South Kitsap resident, said he did not know that much about the critical areas ordinance but he did know about property rights. He said properties did not have rights but rather people had rights. He said if some of the use of his property is taken away then his property has been taken and he should be compensated for it according to the constitution.

44. Ann Sleight, Poulsbo resident, said she is favor of the critical areas ordinance and did not want to see protections diminish. She would like to see the habitats reserved so that the birds, animals, fish and plants will thrive.

45. Charlie Burrow, Indianola resident, believes this is a good document but it could be even better. He said in previous written testimony he supported the staff's version of the ordinance with a number of enhancements most of which have incorporated into the Planning Commission's minority opinion that is also endorsed.

46. Richard Nerf, Bremerton resident, states with all due respect to the Planning Commission believes they made a mistake ignoring the best available science recommendations for critical areas buffers.

47. Randena Walsh, Kingston resident, states she supports a strong critical areas ordinance and believes the buffers are very important for the environment, humans, wildlife, esthetics and is glad we have buffers to protect the critical areas and the water.

48. Richard Brown said he has yet to find where the staff has provided any answer to what the problem is. He believes the comments from the Prosecutor's staff regarding somehow we would be thrown in jail and lose all our money is a bunch of trash. He said none of the best available science has proven that we need any more than 50-feet. He also said this ordinance affects affordable housing. Brown said he does not agree with Planning Commission's minority report.

49. William Palmer said relative to the proposed ordinance he is opposed to all of them, draft one and draft two, the Planning Commission's majority report and the staff's recast of the ordinance. He said according to RCW 36.70.130 (subsections 1-10) the county has no obligation to update its critical areas ordinance, there is no deadline for work that is not required and there are no state funding sources for Kitsap County projects that are in jeopardy for failure to update the critical areas ordinance that does not have to be revised.

50. Joanne Weber, Silverdale resident, asks the Board to support a very strong critical areas ordinance and support the Planning Commission's minority opinion.

51. Tom Anderson, Poulsbo resident, believes the value of his property has been reduced due to the lack of a strong and enforceable critical areas ordinance. He said that a strong critical areas ordinance would not only protect the ponds, streams but it is important if we do not want Kitsap County to eventually look like the suburb of Los Angeles.

Chair Endresen announces that the public meeting will recess for a break from 6:00 – 6:45 PM.

Public meeting reconvenes:

52. Faye Henden, Poulsbo resident, said that staff's development of the Critical Areas Ordinance is egregious to property owners and most parts of it should be dismissed. The definitions are full of subjective words that are unclear. She asks that the testimony and recommendations of the Planning Commission and the previous scientific data provided by citizens and specialists in their field be reviewed.

53. Ayvon Card, Manchester resident, disagrees with Section 19.300.315n.3n which states that if you build anything legal in your buffer, you may be obligated to put in a bicycle path, a walking path and a view point, which contradicts the idea of keeping people and animals out of the buffers.

54. Becky Stanley, Preservation Chair for the Cascade Chapter of the Sierra Club, has 1300 members in Kitsap County and supports a strong Critical Areas Ordinance that provides clear guidelines for the residents of Kitsap County as to their responsibilities of our critical areas.

55. Judith Krigsman supports a strong critical areas ordinance that protects the environment before it has been damaged. Too many mistakes have been made that will now be expensive to fix.

56. Helen Hoover, Kingston resident, asks that the critical areas ordinance not be weakened and agrees with the staff draft and the Planning Commission minority report.

57. Joseph Bell, Bremerton resident, agrees with the protection that a strong critical areas ordinance offers but believes that there are offensive encroachments to liberties that responsible landowners ought to have. His concern is that the subjective draft may cause inconsistent staff responses to requests, over time, due to different interpretations of the ordinance. He also disagrees with the large and complex number of mitigation requirements needed for flexible use of buffers.

58. Irwin Krigsman said he owns 15 acres in Kitsap County and supports staff recommendations for the Critical Areas Ordinance to protect his rights of preservation of his property.

59. Karl Duff said that peer reviewed, scientific journal published papers show that pollution is easily protected by 50 foot buffers and asks that the 10 science papers he submitted in 2004 be considered and added to the best available science.
60. Lisa Remlinger, Audubon Washington, said their organization has about 800 members in its Kitsap County Chapter and they support the critical areas ordinance update.
61. Nadean Ross, Poulsbo resident, feels the critical areas ordinance infringes on the rights of Kitsap County residents and is against it.
62. Lois McMahan, Olalla resident, asks that the current ordinance be reviewed only for solutions to any problems that may currently exist. She feels that minimum buffers should be used, unless the County can prove that extended buffers are needed.
63. Jerry McMahan, Olalla resident, feels the critical areas ordinance infringes on an individual's property rights and wants it to be rejected.
64. John Taylor, Tracyton resident, made comments on Kitsap County's form of government, but did not express an opinion on the critical areas ordinance.
65. Jay Newhouse expresses his opinion on environmentalists, but did not express an opinion on the critical areas ordinance.
66. Jim Dawson, People for Puget Sound, said they have members in Kitsap County and supports most of the version of the staff's draft and the Planning Commission's Minority Report. He said he would be submitting additional information from representatives of his group, Washington's Environmental Council and Future-wise and West Sound Conservation Council who believes the critical areas ordinance is important because there is a need to preserve the shorelines of Puget Sound. Dawson said tying the shoreline buffers to environmental designations in the 1997 Shoreline Master Program is not based on the best available science.
67. Ed Bass, Poulsbo resident, supports the planning staff recommendations and the Planning Commission minority report that encourages property owners to take responsibility to be good stewards of their land.
68. Ron Ross said he has seen no evidence that there is a failure in the existing buffers or the regulations. He said the fish are running and are living healthy right now. He suggests that the findings and recommendations of the Planning Commission should weigh heavily in the Commissioners' decision on the Ordinance and not to adopt an ordinance if is not needed.
69. Richard Robohm, Department of Ecology, states staff developed reasonable regulations that include best available science. He supports the Minority Report of the Planning Commission. His concerns with the Majority Report are 1) proposing the use of an outdated wetland rating system, 2) proposing standard buffers that fall at or below the

low end of the range indicated by the science, and 3) language on wetland mitigation and wetland replacement ratios that fails completely to include the best available science on mitigation.

Chair Endresen reiterates the ground rules for tonight's meeting.

70. Ann Lovell, Bremerton resident, believes poorly planned development causes taxpayer dollars and threatens our property and quality of life and urges the Board to adopt a strong ordinance as proposed by staff.

71. Paul Dorn, North Kitsap resident, said the critical areas ordinance is an attempt to get back to what once was, believes that everyone is concerned about our environment, believes we all need to work together on this issue and leave a legacy for the future to both our tribal and non-tribal kids.

72. Tom Ostrom, Suquamish Tribe, said the Tribes culture and economy depends on habitat and clean water for abundant fish and harvestable shellfish. He said the Tribes shares the county's goal of preserving the values and functions of the critical areas for the benefit of present and future generations as stated the draft critical areas ordinance. He said the Tribes supports the Planning Commission's minority report that calls for a 150-foot shoreline buffer and supports staff's logic in setting a standard buffer width of 150 feet for fish bearing streams.

73. Pete Ross, Chico resident, believes the best available science is one of the worst things he has ever come across in that it is selective and you only have to pick out what portions you want. He said the Board has selected the Planning Commission to do a job and they have done it. He asks the Board to respect the Planning Commission and approve their recommendations.

74. Jean Sherrard said he is concerned that the county did not start at the right place and if you don't start at the right place how can you end up at the right place. He said he has never seen any data that states what need to be fixed with the old ordinance. He said this a very complicated ordinance and that's a problem within itself.

75. Robert Ross, Bremerton resident, said he has heard a lot testimony tonight on changing the current critical areas ordinance but no one has testified that the current CAO is not working. He said the state requires the county to review the ordinance and that has been done now leave it alone.

76. Jim Trainor, Kitsap Trees, has concerns about the "danger trees" language in the ordinance and about the property owner making the decision on removing a danger tree. He did not believe that was good language to be included in the ordinance.

77. Audrey Boyer, Bremerton resident, said this a wonderful place to live and suggests that language be included in the ordinance regarding trees because the trees in the rural areas needed to be protected.

78. Bruce Gunderson, Lofall resident, said the critical areas ordinance is one of the most important issues facing our county. He urges the Board to support the staff's draft ordinance and that a strong critical areas ordinance will help Puget Sound, Hood Canal, aquifers and our public health by protecting our drinking water. He said a strong ordinance makes good economic sense.

79. Norma Card – not present to speak.

80. Michael Gustavson, Southworth resident, said the critical areas ordinance contains no solid rule for impacts or the method for measuring its effectiveness. He said impacts become a judgment call. He said there is no definition for critical – critical for what? He did not believe that adequate time had been taken to understand the legal constraints, the science or publicly agree on the county's vision for the critical areas to begin with.

81. Jim Sommerhauser, Bremerton resident, believes the Board should not make its final decision based on numbers but should be based on trust in staff and the reading materials provided. He said instead of the current ordinance in its one-size fits all buffers we now have a plan that addresses sites specific. He believes the second draft is good.

82. Fiona Shannon – not present to speak.

83. William Stratton, South Kitsap resident, said he is a property rights advocate and a reluctant advocate for the critical areas ordinance. He said there is a need for these rules and regulations and hopes the Board makes the right decision.

84. Lori Leite, Port Orchard resident, said the county is in a situation where it needs to combine both property rights and environmental rights.

85. John Hager – not present to speak.

86. Scott Hall, Olalla resident, said the critical areas ordinance encourages public and private mitigation banking but fails to define what mitigation banks are, where they would be appropriate or what the baseline conditions are in selecting those pieces land. He suggests that public lands that are used for wetland mitigation banking should be viewed as having no other reasonable purpose.

87. Eric Scounten, Poulsbo resident, believes there is a need for protection for our air, land and water and urges the Board to adopt the stronger version on the critical areas ordinance as outlined in the Planning Commission's minority report.

88. Scot Henden – not present to speak.

89. Dick D'Archangel – not present to speak.

90. Nancy Woodman said she believes in a strong critical areas ordinance, in protecting

habitats, wetlands, streams and wildlife. She said the quality of our community is directly related to a sustainable environment. She said a strong critical areas ordinance also protects property and the county needs to protect the critical areas for the long-term health of our environment.

91. Kate Jackson, Future Wise & Friends of Washington, believes one of the reasons the critical areas ordinance needs to be updated is due the fact that Kitsap County is a fast growing county. She said she is pleased with the staff report and Planning Commission's minority report because they recognize the growth of the county and the values we hold dear.

92. Jacob Metcalf, Bremerton resident, urges the Board to adopt a strong critical areas ordinance that protects the environment of our beautiful county for future years. He said its bad politics that weaken our protection laws and the citizens of Kitsap County will remember it on elections day.

93. Ginger Sommerhauser, Central Kitsap resident, urges the Board to be good stewards of Kitsap County lands.

94. Mike Eliason – not present to speak.

95. Barry Joe Aiken said he is very skeptical when what he can and what he cannot do with his property lies in the hands of three politicians. He said neither the community nor the county owns his property.

96. Melanie Delker – not present to speak.

97. Beth Wilson, Olalla resident/West Sound Conservation Council, said this matter is complicated and has been a learning process for everyone. She said the West Sound Conservation Council supports the staff's draft and the Planning Commission's minority report.

98. Anita Rose, Port Orchard resident, believes the "great almighty" has given us this wonderful land and if we do not keep every bit of land and water we have been given as precious then we do no less than spit on the great hands that have given the land.

99. Deborah Gates, Lofall resident, urges the Board to adopt a strong environmentally protected critical areas ordinance and has particular concerns about any change that might expand the opportunity to obtain a variance from the ordinance.

100. Anthony Miles - not present to speak.

101. Matt Thomas – not present to speak.

102. Bill Matchett, Seabeck resident/Hood Canal Environmental Council, supports the

staff's draft of the ordinance and the Planning Commission's minority report. He asks the Board to incorporate the Sunday Kitsap Sun editorial as part of the record.

103. Scott Henden said it is too bad that we are here tonight because there are so many important issues facing the county. He states he is concerned about our constitution and about what it means to our kids. He said Growth Management has hurt many individuals from the entry level all the way up.

104. Rex Nelson, Olalla resident, said Kitsap County is the second most densely populated county in this state. He said with these requirements, approximately 90% of what were his previous rights are just out there.

105. Dave Ellingson, Poulsbo resident, said it seems like most of the information is based something called best available science and he did not see a scientific method used to come to those conclusions and in his estimation is more like a best available guess. He said the information seems very subjective and open to interpretation.

106. Charles Bickel, Poulsbo resident, believes the Planning Commission's plan was shortsighted and rather selfish in what they recommended. He encourages the Board to review the hard work done on the plan by staff and adopt something that is tuff enough and strict enough that would do the right thing for Kitsap County citizens.

107. Craig Jensen believes citizens need to be good stewards of what we have but not go the point where nobody else is allowed in. He said the way things are going, his kids will not have an opportunity to buy a house in this county.

108. Pat Waters, Port Orchard resident, recommend the Board endorse the Planning Commission's majority report. He said there were too many subjective things in the ordinance.

109. Anthony Miles believes a lot of the environmentalists are new to the area and probably unaware that if one goes to a realtor in search of a property, they will not find it because there are none. He said even if the ordinance is adopted it will have very little impact because there just isn't that much land.

110. Mike Eliason, Kitsap County Association of Realtors, said he is submitting detailed information and would like the Board to consider it.

111. Joseph Bell, Bremerton resident, addresses the Board with concerns about notice of title in that he felt it was out of place and that "due diligence" has always been the responsibility of the purchaser of the property. He also said he supports tax relief for "taking" of one's property.

112. Vivian Henderson, Kitsap Alliance of Property Owners, believes this is the most thorough and hardest working Planning Commission that she has witnessed. She said the Tribes could help develop the critical areas ordinance but they don't have to follow the rules

because they don't have a critical areas ordinance or a comprehensive plan. She objects to the Tribes help in developing rules for her to live by.

113. Merton Cooper addresses the Board with concerns about danger trees and did not believe the county should be liable if these are allowed to remain standing. He also addresses the "taking" of land and being compensated for such.

114. Karl Duff believes best available science has been taken captive by extremists and county staff has bought off on it. He said in respect to the law, there has been no word mentioned tonight distinguishing between public benefit for which it is illegal to seize land without compensation and public harm. He said pollution is public harm but establishing wildlife corridors is a public benefit and it is not legal to do that without compensation.

115. Lois McMahan, Olalla resident, recognizes that private property and private property rights are essential to freedom. She said the second draft of the critical areas ordinance as written goes a long way towards taking away private property. She urges the Board to reject the ordinance as written for the sake of freedom conceived in the minds of our founding fathers.

116. Jerry McMahan, Olalla resident, believes it is human arrogance to think that unless we submit ourselves to nature, unless we put our rights below nature's right –the world will fall apart, the sky will drop down and our water will boil with pollution. He did not believe this would happen.

117. Craig Jensen said so far this ordinance has already affected him in that he has property that he is attempting to sub-divide but thus far staff has been unable to review it because they are dealing with critical areas ordinance.

118. Mike Gustavson addresses the Board concerning the limited 25% one-time increase in the footprint of a house that is located in a buffer, wetland mitigation, danger trees and road contamination run-off.

119. Jacob Metcalf addresses the Board with concerns about clean water protection and where will the money come from to compensate property owners for the "taking" of their land. He asks the Board to do what's right when they on vote on the critical areas ordinance.

120. Nadean Ross, Poulsbo resident, said she objects to the definition of some of the words in the current proposed critical areas ordinance such as the word "adjacent". She said the definition of words should be standard.

121. Susan Weinstein, Silverdale resident, states she supports the critical areas ordinance update as originally proposed by the staff. She believes it is important to safeguard clean water, restrict harmful activities allowed inside buffers, to improve the identification of aquifer recharge areas, to protect our streams and shorelines, to apply the 150-foot shoreline buffer for development and asks the Board to give sufficient notice of

buffer reduction to any interested individuals.

122. Scott Hall suggests that the Board be honest with everyone including the Growth Management Hearings Board and let them know that the County is continuing to work on this process. He did not see where the county needed to decide anything by a certain date.

123. Jim Sommerhauser, Central Kitsap resident, believes there is one glaring piece of testimony from all sides and that is the general agreement on some sort of tax reduction provision relating to where properties are affected by buffers.

124. Jim Arborgast said he has all kinds of restrictions on what he can do with his property and supports a strong critical areas ordinance.

125. Rex Nelson, Olalla resident, said relative to tax relief, if the County Assessor is doing his job by assessing the property at market value which will be reduced by some of the rules and regulations, we would not need more government programs.

126. Ron Ross addresses the Board with concerns about "best available science" regarding danger trees. He said we really don't know what the best available science is, there are opinions and they are both valid. He believes there should be a policy for variances but not necessarily a liberal policy.

127. Lucy Johnson, Silverdale resident, said she supports the critical areas ordinance.

Chair Endresen thanks everyone for following the ground rules and said the record will be held open until November 16, 2005 for additional written comments.

Discussion is held among the Board and staff regarding automatic sanctions, preparing a frequently asked questions & answer sheet for the Board's review, comparison of buffers posted to the county's web page, setbacks from the current ordinance, this ordinance being very flexible, areas in the current ordinance that are viewed as problems and best available science.

Chair Endresen states the Board's next deliberation meeting would be held on November 28, 2005.

Public meeting adjourned at 10:05 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

NOTE: Kitsap County does not discriminate on the basis of disability. Individuals who require accommodations should contact the Commissioner's Office at (360) 337-4428 or TDD (360) 337-7275 or 1-800-816-2782. (Please provide five business days notice for interpreter services).