



MINUTES

KITSAP COUNTY BOARD OF COMMISSIONERS

(Special Meeting)

November 28-30 & December 1, 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).

1:30 PM) Meeting Called to Order with the Flag salute.

Givens Community Center, Kitsap Room

1:30) Continuation of the public hearing for Board deliberation and possible decision to adopt an **Ordinance**, Relating to Growth Management, amending Title 19 (**CRITICAL AREAS**) Of the Kitsap County Code. **Staff Contact:** Dave Greetham, 337-4603.

Chair Endresen said this is a continuation of November 14, 2005 public meeting.

Jim Bolger, Community Development, introduces staff - Dave Greetham, Robin Meyers, Patty Charnas and Arnica McCarthy. Bolger states the State requires cities and counties planning under the State's Growth Management Act must review their critical areas ordinance every seven years. He said one of the elements that jurisdictions must consider when reviewing these ordinances is the best available science for the various critical areas. He said the changes to the existing ordinance as proposed by staff is primarily a result of the review of best available science, new information and new studies that have come out since the adoption of the existing critical areas ordinance. Bolger said there are also changes reflecting housekeeping and administrative changes that made sense to incorporate at this time. Relative to today's process, he said the Board has been given a 146-page matrix that reviews the ordinance section by section and that there are four different drafts reflected that includes: the second public draft released May 17, 2005, the final staff draft, the Planning Commission's majority opinion draft and the Planning Commission's minority report. He said staff has highlighted certain areas in the matrix in order to bring attention to the areas of change in the various drafts. He said there are some sections that do not have color-coding or highlighting which means there were no substantive changes among the four drafts. Bolger said the yellow highlight denotes the second public draft and the red highlight

denotes controversy over developing the various drafts and represents substantive changes as well significant variations in terms of consideration of best available science. Bolger suggests that if the Board decides to make changes to either of the drafts, that a formal motion be adopted prior to moving on to any other changes.

Discussion is held among the Board and staff regarding housekeeping items, pointing out minor changes, comparisons made to the existing ordinance.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.100.105 A, Statement of Purpose & Goal Statement. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.100.105 B, Policy Goals – #1 *Conserve and protect the environmental factors that add to the quality of life within the federal, state and county regulations that protect critical areas for the benefit of current and future residents of Kitsap County and the State of Washington*; and further to approve items #2 - #3 as listed. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.100.105 B, Policy Goals, #4 - #12 as listed. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.100.110 Applicability, A – E. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.100.115, Relationship to other County Regulations A - M. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.100.120, Review Authority A (1-4); Section 19.100.120 B – Planning Commission's majority opinion; and Section 19.100.120 C – Staff Draft second recommendation. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.100.120, Review Authority, Time Limitations (1) a (Expiration of Approval) – *approvals granted under this title shall be valid for the same time period as the underlying permit (e.g. preliminary plat, site development, building permit). If the underlying permit does not contain a specified expiration date, then approvals granted under this title shall be in writing and shall be valid for a period of three years from the date of issue, unless a longer period is specified by the department.* Section 19.100.120 Review Authority, Time Limitations (1) b (Expiration of Approval), approve as written; and Section 19.100.120 Review Authority, Time Limitations (2) a - d (Time Extensions) approve as written. Motion carries unanimously.

A **motion** is made by Chair Endresen and seconded by Commissioner Lent that the Board approves Section 19.100.120, Review Authority, Time Limitations D (2) e–g (Time Extensions) as amended adding the language in (g) ... *be granted in writing*. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.100.125, Exemptions (A-E) as written. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.100.125, Exemptions (F) as written; deletes (G-I); and with the existing ordinance remaining as is. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.100.130, Standards for Existing Development, Shorelines, A – Existing Nonconforming Structures (1-3) as written; and (4) modified to read *Nonconforming structures which are damaged or destroyed by fire, explosion or other casualty, may be restored or replace if reconstruction is commenced within 24 months of such damage. The reconstruction or restoration shall not serve to expand, enlarge or increase the nonconformity except as allowed through the provisions in 19.100.125 G*. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.100.130, Standards for Existing Development, B – Danger Trees Removal modified to read ... *(2) the critical area or its buffer shall be replanted as determined by the department and the property owner. The department shall coordinate review with the property owner, WA State Dept of Fish and Wildlife as determined necessary to assure ...* Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.100.135, Variances, A (1-6) as outlined in the second draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.100.135, Variances as outlined in the staff draft modified to read (B) *Kitsap County shall conduct a public hearing on all variance applications pursuant to the review process and notice requirements established in title 21 of the Kitsap County Code "Land Use Procedures" as now or hereafter amended*. Paragraph C, D and E remain as is. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.100.135, Variances G (1- 3) as outlined in the second draft with paragraph (1) modified to read: *Application of this title to the utility's activities would be inconsistent with the Comprehensive Plan and the utility's public service obligations*. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.100.140, Reasonable Use Exception in it's entirety as outlined in the second draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.100.145, Appealable Actions A (1-3) as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.100.145, Appeal Process B (1-3) as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.100.155, Application Requirements General (A-D) as outlined in the second draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.100.155, Application Requirements General (G) as outlined in the second draft and as modified to read: *All site plan applications...that regulated activities subject to State Environmental Policy Act (SEPA) (Title 18 Kitsap County Code) are...established in Title 18 Kitsap County Code;* and Paragraph (H) of the staff draft is approved as written. Motion carries unanimously.

Commissioner Lent clarifies that the word "adjacent" would be addressed before Board deliberations are completed.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.100.160, Inventory Provisions in its entirety as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.100.165 Enforcement in its entirety as outlined in the second draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.150.050, Section 19.150.100 and Section 19.150.105, Definitions as outlined in the staff draft with modification to Section 19.150.100 to read: *"Adjacent" means an area of review as defined by 19.100.110.G.* Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.150.110 and Section 19.150.115, Definitions as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.150.120-145, Definitions as outlined in the second draft,

and Section 19.150.147, Definitions as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.150.150; 19.150.155; 19.150.160; 19.150.165; and 19.150.170, Definitions as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.150.175; 19.150.185; 19.150.190; and 19.150.195, Definitions as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.150.200; 19.150.205; 19.150.210; 19.150.215; and 19.150.225, Definitions as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.150.230; 19.150.235; 19.150.240; 19.150.245; 19.150.250; 19.150.255; and 19.150.260, Definitions as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.150.265; 19.150.270; 19.150.275; and 19.150.280, Definitions as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.150.290; 19.150.295; and 19.150.300, Definitions as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.150.305; 19.150.315; and 19.150.320, Definitions as outlined in the second draft. Motion carries unanimously.

A **motion** is made by Chair Endresen and seconded by Commissioner Lent that the Board approves Section 19.150.330, Definitions, Fisheries Biologist as outlined in the staff draft modified to read: *“Fisheries Biologist” means a person with experience and training in fisheries within the past 10 years who is able to submit substantially correct... Qualifications of a fisheries biologist include: A) Certification by the American Fisheries Society; or B) Bachelor of Science degree...minimum three years professional field experience.* Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.150.335; 19.150.340; 19.150.345; and 19.150.350 Definitions as outlined in the second draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.150.355; Section 19.150.360; and 19.150.365,

Definitions as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.150.370; 19.150.375; and 19.150.385, Definitions as outlined in the second draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.150.395; 19.150.400; 19.150.405; 19.150.410; 19.150.415 and 19.150.420, Definitions as outlined in the second draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves the definitions of Section 19.150.423 as outlined in the Planning Commission Majority Opinion; deletes Section 19.150.145; approves Section 19.150.430, 19.150.435, 19.150.440 and 19.150.450 as outlined in the second draft and Section 19.150.445 as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.150.455, 19.150.470 and 19.150.475, Definitions as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.150.480; 19.150.485 and 19.150.490, Definitions as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Chair Endresen that the Board approves Section 19.150.495; 19.150.500; 19.150.505; 19.150.510 and 19.150.515, Definitions as outlined in the second draft. Motion carries unanimously.

Chair Endresen asks staff to check whether the definition of Performance Based Development is the same in this ordinance as in the County Zoning Code.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.150.520, Definitions, Practicable Alternative as outlined in the Planning Commission Majority Opinion. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.150.525; 19.150.530; 19.150.535; 19.150.540; 19.150.545 and 19.150.550, Definitions as outlined in the second draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.150.552 and 19.150.559, Definitions as outlined in the Planning Commission Majority Opinion and approves Section 19.150.555; 19.150.560; and 19.150.565 as outlined in the second draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.150.570, 19.150.575 and 19.150.580, Definitions as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.150.585, 19.150.590, 19.150.595 and 19.150.600, Definitions as outlined in the second draft and Section 19.150.605 as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.150.610, Definitions, Shorelines as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.150.615, 19.150.620, 19.150.625, 19.150.630, 19.150.635 and 19.150.640 as outlined in the second draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.150.645, 19.150.650, 19.150.655, 19.150.660, 19.150.665 and 19.150.670, Definitions as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.150.671, Definitions, Wellhead Protection Area as outlined in the Second Draft, Section 19.150.674, Wetland Delineation as outlined in the staff draft and Section 19.150.675, Wetland Determination as outlined in the Planning Commission Majority Opinion modified to read: "*Wetland determination*" means an on-site determination as to whether a wetland exists on a specific parcel, completed by either a wetland specialist or the department. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.150.680, 19.150.685, 19.150.690, 19.150.695 and 19.150.700 Definitions as outlined in the second draft and Section 19.150.705, 19.150.710 and 19.150.715 as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves Section 19.150.720 (A-C), Definitions as outlined in the second draft with (A) modified to read: *Certification as Professional Wildlife Biologist through the Wildlife Society; or...* Motion carries unanimously.

A **motion** is made by Chair Endresen and seconded by Commissioner Lent that the Board directs staff to prepare a hybrid of Section 19.200, Wetlands so that single family residences will have the option to use the fixed buffers without having to go through wetland delineation reports and that the fixed buffers would be 200 feet for Category I, 100 feet for Category II, 50 feet for Category III and 30 feet for Category IV; all other

intense uses would use the flexible rating system and any variances to the fixed buffers would use the flexible system using the Proposed Buffers (Flexible) rating system as outlined in the staff report modified to read for Category II: *Range = 50-225 feet*. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board not include Section 19.200.207, Measurement in the ordinance. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.200.210 Wetland Identification and Function Rating, A. General (1 & 2) as outlined in the staff report with the modification to (2) to read: *Kitsap County uses the Washington State Department of Ecology Washington State Wetland Rating System for Western Washington, revised 2004, or as amended...and replacement ratios for wetlands*. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.200.210, Wetland Identification and Function Rating, B. Regulated Wetlands (1-6) as outlined in the second draft with the modification to (4) to read: *Category IV Wetlands: Category IV wetlands are those regulated wetlands, 7,500 square feet or greater, that score less than 30 points out of 100 on the wetlands ratings system*. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.200.210, Wetland Identification and Function Rating C. Non-Regulated Wetlands (1 & 2) as outlined in the staff draft with the modification to (2) to read: *Category IV Wetlands: Isolated wetlands less than 7,500 square feet and (3) as outlined in the Planning Commission Majority Opinion*. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.200.210, Wetland Review Procedures, D. Criteria for Determining Wetlands Divided by a Manmade Feature, 1 (a-c) as outlined in the second draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.200.210, Fencing and Signs D (1 & 2) as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Chair Endresen and seconded by Commissioner Lent that the Board approves the removal of the "Regulated Use and Activities" Table, as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.200.230, Additional Development Standards for Regulated Uses, (A) Docks as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.200.230 Additional Development Standards for Regulated Development (C) Agricultural Restrictions as outlined in the Planning Commission's Majority Opinion as modified and added to the second draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.200.230 Additional Development Standards for Regulated Development, (D) Road/Street Repair and Construction as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves an addition to Section 19.200.230, Additional Development Standards for Regulated Development, (C) Agricultural Restrictions to read: *In all development proposals which would permit introduction of agricultural uses, damage to Category I, II, III and IV regulated wetlands shall be avoided. These... not closer than the outer buffer edge.* Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.200.230 Additional Development Standards for Regulated Development, (E) Land Divisions and Land Use Permits as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.200.230, Additional Development Standards for Regulated Development, (F) Surface Water Management as outlined in the staff draft with a specified reference to be corrected. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.200.230 Additional Development Standards for Regulated Development, (G) Trails and Trail-Related Facilities as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.200.230 Additional Development Standards for Regulated Development, (H) Utilities in Wetlands (1-4) as outlined in the staff draft with modification to (3) reflecting deletion of the last sentence "*Special Use Review (Section 19.200.23540) will be required when such activities occur in wetland buffers*". Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.200.230, Additional Development Standards for Regulated Development, (H) Utilities in Wetlands or Wetland Buffers, 5 (a-d) as outlined in the Planning Commission Majority Opinion. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that

the Board approves Section 19.200.230 Additional Development Standards for Regulated Development, (H) Utilities in Wetlands or Wetland Buffers, 6. (a & b) as outlined in the staff draft with (a) modified to read: *Where feasible, painting of utility equipment such as power towers shall not be sprayed or sandblasted unless appropriate containment measures are used nor should lead-based paints be used.* Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.200.230, Additional Development Standards for Regulated Development, (I) Parks as outlined in the staff draft removing the reference to the actual table and putting in the specific reference. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.200.250 Wetland Mitigation Requirements, (C) Mitigation for Regulated Activities in Wetlands (1-7) as outlined in the staff draft. Motion carries unanimously.

Public meeting recesses at 8:19 PM.

November 29, 2006

8:15 AM) Continuation of the public meeting regarding the proposed Critical Areas Ordinance for deliberation and possible decision by the Board.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.200.255, Incentives for Wetland Protection as outlined in the Planning Commission Majority Opinion as transferred to the staff draft and modified to read: *Kitsap County recognized... Ordinance. Buffers dedicated as permanent open space tracts will qualify for the open space taxation program and will be offered the opportunity to be entered into the program. Kitsap County may offer to purchase these lands through the Conservation Futures Fund.* Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Chair Endresen that the Board approves Section 19.300 Fish and Wildlife Conservation Areas – Streams as outlined in the staff draft. Motion carries. Commissioner Angel votes no.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.300 Fish and Wildlife Conservation Areas – Shorelines as outlined in the staff draft. Motion carries. Chair Endresen votes no.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.300 Fish and Wildlife Conservation Areas – Wildlife Conservation Areas as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that

the Board approves Section 19.300.305, Purpose (A-C) and 19.300.310, Fish and Wildlife Conservation Areas Categories (A) as outlined in the staff draft and as modified in the first sentence to read: *This section applies to all regulated uses included in this title, or uses within the largest potential buffer of area designated as fish and wildlife habitat conservation areas, as categorized in Section 19.300.310.* Motion carries unanimously.

A **motion** is made by Commission Lent and seconded by Commissioner Angel that the Board not include Section 19.300.307, Measurement in the ordinance as outlined in the Planning Commission's Majority Opinion. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.300.310, Fish and Wildlife Conservation Areas Categories B (1, 2a and 2b) as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.300.310, Fish and Wildlife Conservation Areas Categories B (3) a (1-3) and (b) as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Chair Endresen that the Board approves Section 19.300.315, Development Standards, A (1) as outlined in the staff draft with the modification to A (1) to read: *Buffers - Buffers shall remain undisturbed natural...not be placed in buffers.* Motion carries. Commissioner Angel votes no.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.300.315, Development Standards (A) Buffers and Building Setbacks, (2) Buffer Measurement as outlined in the staff draft with the second to the last sentence modified to read: *In braided channels, the ordinary high water mark or top of bank shall include the entire stream feature.* Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.300.315, Development Standards, (A) Buffers and Building Setbacks, (3) Buffer Widths and Setbacks for Shorelines as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.300.315 Development Standards (A) Buffers and Building Setbacks, (4) Provision for Decreasing Buffer as outlined in the staff draft with modifications to sentence (4) to read: *The department may reduce the buffer width for streams by up to fifty percent for construction of a single family dwelling or up to twenty five percent for all other development, but the buffer shall not be less than twenty-five feet.* Motion carries. Chair Endresen votes no.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that

the Board approves Section 19.300.315 Development Standards (A) Buffers and Building Setbacks, (4) Provisions for Decreasing a Buffer (a-f) as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.300.315 Development Standards, (A) Buffers and Building Setbacks (5-8) as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Chair Endresen that the Board approves Section 19.100.150 Critical Areas and Buffer Notice to Title as outlined in the staff draft with sentence (3) modified to read: *These standards will be referenced on the approved notice to title, which shall run with the land in accordance with Title 19.* Motion carries. Commissioner Angel votes no.

A **motion** is made by Commissioner Lent and seconded by Chair Endresen that the Board approves Section 19.300.315, Development Standards, (A) Buffers and Building Setbacks, (9 & 10) as outlined in the staff draft. Motion carries. Commissioner Angel votes no.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.300.315 Development Standards, (B) Class I Wildlife Habitat Conservation Areas Development Standards as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.300.315 Development Standards, (C) Class II Wildlife Habitat Conservation Area Development Standards and (D) Stream Crossings (1 and 2) as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.300.315 Development Standards, (D) Stream Crossings (3-6) and (E) Stream Relocations (1-3) as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Chair Endresen that the Board approves Section 19.300.315 Development Standards, (F) Pesticides, Fertilizers and Herbicides as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.300.315 Development Standards, (G) Land Divisions and Land Use Permits (1-5) as outlined in the staff draft, (H) Agricultural Restrictions and (I) Trails and Trail-Related Facilities (1-5) as outlined in the second draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that

the Board approves Section 19.300.315 Development Standards, (J) Utilities (1-4) as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.300.315 Development Standards, (J) Utilities (5a-5c) as outlined in the staff draft with (5b) modified to read: *New utility corridors shall be re-vegetated with functionally appropriate native vegetation at not less...ensure that such vegetation survives.* Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.300.315 Development Standards, (J) Utilities (6a and 6b) as outlined in the staff draft with (6a) modified to read: *Utility towers shall be painted with brush, pad or roller and shall not be sandblasted or spray painted unless appropriate containment methods are used, nor use lead base paints.* Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.300.315 Development Standards, (K) Bank Stabilization (1-4) as outlined in the staff draft with the following modifications: (K) to read: *A stream channel... building permit pursuant to Title 14 Kitsap County...improved water quality; (K2) Where bank stabilization is determined to be necessary, soft-shore protective techniques may be required...functions of feeder bluffs; and (K3) Bulkheads and retaining...to provide a stable building area for the subject structure...obtained in all other cases.* Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.300.315 Development Standards, (L) Fencing and Signs and (M) Forest Practice, Class IV General and Conversion Option Harvest Plans (COHPS) as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.300.315 Development Standards, (N) Road/Street Repair and Construction (1-4) as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.400.405 Purpose (A-E) as outlined in the staff draft with modification to the first sentence to read: *This section applies to all regulated uses included in this title, or uses within the largest buffers of area designated as geologically hazardous areas, as categorized in Section 19.400.410 below.* Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.400.410 Geologically Hazardous Area Categories, (A and B) and 19.400.415 Development Standards (A and B) as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that

the Board approves Section 19.400.415 Development Standards, (C) Building/Impervious Surface Setback Requirements (1-3) as outlined in the staff draft with a modification to the first sentence of (2) to read: *Minimum building and impervious surface setback shall be measured from the top of the slope*, and a modification to the last sentence of (3) to read: *Where slope hazard indicators are not identified, the requirements of Title 14 Kitsap County Building and Fire Codes will apply*. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.400.415, Development Standards (D-O), and Section 19.500, Frequently Flooded Areas as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Endresen and seconded by Commissioner Angel that the Board approves Section 19.600.605, Purpose as outlined in the staff draft with the addition of (D) to read: *Balance competing needs for water supply while preserving essential natural functions and processes*. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.600.610, Critical Aquifer Recharge Area Categories, (A) Category I Critical Aquifer Recharge Areas (1 and 2) as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.600.610 Critical Aquifer Recharge Area Categories, (A) Category I Critical Aquifer Recharge Areas (3)(a-e) as outlined in the Planning Commission Majority Opinion with modification of the first paragraph to read: *Areas identified herein as Significant Recharge Areas do to special circumstances or identified in accordance with WAC 365-190-080 (2) (c) as aquifer areas of significant potable water supply with susceptibility to groundwater contamination (see Chapter 19.800). These include but may not be limited to the following...* Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.600.610 Critical Aquifer Recharge Area Categories, (A) Category I Critical Aquifer Recharge Areas, (4) as outlined in the second paragraph of the staff draft. Motion carries unanimously.

Public meeting recessed at 12:45 PM.

November 30, 2006

8:00 AM) Public meeting reconvenes for deliberation and possible decision by the Board regarding the proposed Critical Areas Ordinance.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that

the Board approves Section 19.600.610 Critical Aquifer Recharge Area Categories, (B) Category II (1 and 2) as outlined in the staff draft with the addition of a sentence in the first paragraph to read: *Category II critical aquifer...type of land use activity. The general location of shallow aquifers in Kitsap County is based upon the professional judgment of licensed hydro-geologists with knowledge of the area. The general location...recharge areas include.* Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.600.610 Critical Aquifer Recharge Area Categories, (B) Category II (3 and 4) and (C) Mapping as outlined in the Planning Commission Majority Opinion. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.600.615 Development Standards, (A) Category I Critical Aquifer Recharge Areas (1 and 2) as outlined in the staff draft with the modification to the first sentence to read: *Land uses identified in Table 19.600.620 are prohibited in Category I critical aquifer recharge areas unless a waiver is granted by the County.* Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Chair Endresen that the Board approves Section 19.600.615 Development Standards, (B) Category II Critical Aquifer Recharge Areas as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.600.615 Development Standards, (C) Notification and Review (1 and 2), (D) Stormwater and the addition of (E) to read: *Land use decisions within Category I and II critical aquifer recharge areas may be appealed to the Kitsap County Hearing Examiner. Paragraph (1) is modified to read: Affected water purveyors, tribes and the Kitsap County Health District will be notified and invited to comment...appropriate permit conditions.* Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.600.620, Activities with Potential Threat to Groundwater (A-O) as outlined in the Planning Commission Majority Opinion. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.700.705, Purpose (A and B) as outlined in the second draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.700.705, Purpose (C and D) as outlined in the second draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that

the Board approves Section 19.700.710, Wetland Delineation Report (A-C) as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.700.710, Wetland Delineation Report (D-L) as outlined in the staff draft with the modification to (E) to read: *Discussion of wetland boundary. If the wetland extends outside the site, the delineation report shall discuss all wetland areas within the largest buffer of the site, but need only delineate those wetland boundaries within the site.* Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approve Section 19.700.710, Wetland Delineation Report (M) Administrative Wetland Boundary and Ranking Evaluation (1-4) and Section 19.700.715 Wetland Mitigation Report (First paragraph) as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.700.715, Wetland Mitigation Report (A-C) as outlined in the staff draft, with corrections made to the numbering system in (A and C). Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.700.715 Wetland Mitigation Report, (D-L) as outlined in the second draft with numbering system corrected, and (M-O) as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.700.720 Habitat Management Plan (A and B (1-5)) as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.700.720 Habitat Management Plan, (C) (1-3) as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.700.720 Habitat Management Plan (D1) (a-f) as outlined in the staff draft with (f) modified to read: *Retention of native vegetation on other portions of the site in order to offset habitat loss from buffer reduction.* Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.700.720 Habitat Management Plan (D and E) and 19.700.725 Geotechnical Report (A) Qualifications as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that

the Board approves Section 19.700.725 Geotechnical Report (B-D1) as outlined in the staff draft and (D2) as outlined in the second draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.700.725, Geotechnical Report (E1) as outlined in the staff draft, (E2) as outlined in the second draft and (E (3-5)) as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.700.725, Geotechnical Report (E6) as outlined in the second draft, (E7) and 19.700.730, Hydrological Report (A) as outlined in the staff report. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.700.730 Hydrological Report (B) as outlined in the second draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves 19.800 Appendices (A-D) as outlined in the staff draft and (A) would be deleted. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Chair Endresen that the Board approves 19.800 Appendices (Appendix E) as outlined in the staff draft. Motion carries. Commissioner Angel votes no.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves that no action be taken on 19.800 Appendices (Appendix F). Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves 19.800 Appendices (Appendix G), Wetland Buffer Alteration General Authorization Form as outlined in the second draft *subject to line 27 on the form, Require (blank) Square Feet of buffer reduction under 25% agreement as will be modified at a later date*. Appendix will be renamed Appendix F. Motion carries unanimously.

Public meeting recesses at 12:30 PM.

Public meeting reconvenes at 1:30 PM.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.100.110 Applicability (F and G) as outlined in the second draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that

the Board approves Section 19.100.145 Appeals, (A) Appealable Actions (1-3) as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Chair Endresen that the Board approves the addition to the Critical Area Decision Types Table, under Streams, listing Administrative Buffer Reduction between 25% and 50% as a type two requiring notification. Motion carries unanimously.

A **motion** is made by Chair Endresen and seconded by Commissioner Lent that the Board approves the additional language to Section 19.300.315, Development Standards, (A) Buffers and Building Setbacks (4), sentence (5) to read: *Reductions of buffers of greater than 25% for single family dwellings will be a type two decision requiring notification.* Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.150.180, Channel Migration Zone as outlined in the Planning Commission Majority Opinion and modified to read: *“Channel migration zones” as...Union Rivers or streams which the channel(s)...river and its surroundings.* Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Chair Endresen that the Board approves Section 19.150.220 Definitions, Critical Area Protection Easement as outlined in the second draft. Motion carries. Commissioner Angel votes no.

A **motion** is made by Commissioner Angel and seconded by Chair Endresen that the Board approves Section 19.150.285, Definitions, Excavation as outlined in the second draft and modified to read: *“Excavation” means the mechanical removal of earth material.* Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.150.320, Definitions, Filling or Fill as outlined in the second draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.150.325 Definitions, Fish and wildlife habitat as outlined in the second draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.150.380 Definitions, Grading as outlined in the second draft and modified to read: *“Grading” means any excavating, filling, grubbing, re-contouring or mechanical removal of earth materials of the surface layer, or any combination thereof.* Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.150.390, Definitions, Grubbing as outlined in the second draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Endresen that the Board not include Section 19.150.493 Definitions, Out-of-Category Compensation in the ordinance. Motion carries. Commissioner Angel votes no.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.150.612, Definitions as outlined in the second draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board reconsiders Section 19.150.552 Definitions, Public Welfare. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board deletes Section 19.150.552 Definitions, Public Welfare from the ordinance. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.200.210 Wetland Review Procedures, (D) Criteria for Determining Wetlands Divided by a Manmade Feature (2) as outlined in the staff draft, Section 19.200.220 Summary (Wetland Buffer Requirements) as outlined in the second draft and Section 19.200.220 (E) Buffer Averaging as outlined in the Planning Commission Majority Opinion. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Endresen that the Board approves Section 19.200.220 Dedication of Buffers, (E) Protection of Buffers as outlined in the staff draft. Motion carries. Commissioner Angel votes no.

A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves Section 19.200.220.H Building and Impervious Surface Setback Lines, (F) Building or Impervious Surface Setback Lines as outlined in the staff draft. Motion carries. Commissioner Angel votes no.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.200.230 Additional Development Standards for Regulated Development (B) Forest Practice, Class IV General, and Conversion Option Harvest Plans as outlined in the second draft. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board takes no action on Section 19.200.230 Additional Development Standards for Regulated Development (I) Roads and Structures Within Buffers as outlined in the Planning Commission Majority Opinion. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.200.235 Special Use Review in its entirety with a modification to the first sentence to read: *Development identified as requiring a Special*

Use Review may be approved, conditioned, or denied according to the procedures and criteria outlined in this section. Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.200.250 Wetland Mitigation Requirements, (A) Mitigation (1-3) as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board approves Section 19.200.250 Wetland Mitigation Requirements, (B) Mitigation for Regulated Activities in Wetland Buffers as outlined in the staff draft. Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Chair Endresen that the Board approves Section 19.200.250 Wetland Mitigation Requirements (D) Wetland Replacement Ratios and Table as outlined in the staff draft. Motion carries. Commissioner Angel votes no.

Public meeting recesses at 4:15 PM.

December 1, 2005

Public meeting reconvenes at 8:30 AM.

A **motion** is made by Commissioner Lent and seconded by Commissioner Angel that the Board modifies and approves Section 19.150.190, Definitions "Compensation" to read ... *Creation means the manipulation of the physical, chemical or biological characteristics present to develop a wetlands on an upland or deepwater site, where a wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will support a wetland.* Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board adds and approves the following definitions: Section 19.150.572, *Re-establishment means the manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural or historical functions to a former wetland. Activities could include removing fill material, plugging ditches, or breaking drain tiles;* Section 19.150.582, *Rehabilitation means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historical functions and processes of a degraded wetland. Activities could involve breaching a dike to reconnect wetlands to a floodplain, restoring tidal influence to a wetland or breaking drain tiles and plugging drainage ditches.* Motion carries unanimously.

A **motion** is made by Commissioner Angel and seconded by Commissioner Lent that the Board approves Section 19.150.172, Definitions: *Standard Buffer means the buffer width established by each chapter of this title before any buffer adjustments are applied.* Motion carries unanimously.

A **motion** is made by Commissioner Lent and seconded by Chair Endresen that the Board reconsiders the previously approved Section 19.200 Wetland Buffers. Motion carries. Commissioner Angel votes no.

A **motion** is made by Commissioner Lent and seconded by Chair Endresen that the Board retains the proposed flexible buffers as corrected: Category I - Base 200 with a range of 50 – 250 feet; Category II – Base 100 feet with a range of 50 – 225 feet; Category III - Base 50 with a range of 40 – 150 feet; Category IV – Base 30 feet with a range of 25 – 50 feet; further revising the type of land use that all single family residential units are classified as moderate with an annual report indicating how this is being used within the county. Motion carries. Commissioner Angel votes no.

A **motion** is made by Commissioner Lent and seconded by Chair Endresen that the Board approves the following: *Expedited Approval - applicants proposing a single family dwelling may receive expedited approval by the Department if they choose to adopt the largest buffer width from the appropriate category. Expedited approval removes the requirement for the wetlands certification process for single family dwellings Sub-section D including wetland delineation and rating system report. Administrative buffer reductions or variances will not apply.* Motion carries. Commissioner Angel votes no.

Chair Endresen states that the Board has gone through and discussed each page of the matrix and each section of the proposed Critical Areas Ordinance. The Board has moved and adopted all changes agreed upon in those discussions. For clarity and comprehensiveness, I confirm the adoption of all the changes discussed and voted on during our deliberations on November 28, 29, 30 and December 1, 2005. I also direct staff to make all changes to Kitsap County Critical Areas Ordinance as adopted by the Board and have those changes in ordinance/adoption form by the December 19, 2005 public meeting in order for the Board to sign. The effective date of these changes will be December 1, 2005 and the Board also authorizes staff to make changes in the formatting and to correct any typographical errors and grammar.

Commissioner Angel states as one of three standing commissioners, she believes this is a flawed process and is disappointed that it wasn't able to go through a complete process not only with the Planning Commission but also through a public hearing process with the citizens. She said she would not sign the ordinance, she has worked many hours on this ordinance and believes everyone feels they have done the very best job they could. She said with her vote, one way or the other, wish she could have the satisfaction of saying that, but she can't and it's a very tough day.

Commissioner Lent states this Board appreciates the hours, the days, weeks and months that the Planning Commission has worked on this ordinance. They are always behind the scenes and never get congratulations or accommodations for their efforts. She said the Board did not always move forward on the Planning Commission's recommendations but it helped in the decision-making. She said there has been criticism of the Board, of county government and what the Board is doing regarding its

day-to-day work schedule because of the importance placed on this ordinance. She said it has been two years in the making of this ordinance because of other appeals and circumstances created over the last couple of years. She said this ordinance was placed at the end of the list and everyone felt it could be postponed to eternity but that was not the case. She said appreciation goes out to staff and that the Board could not meet this deadline without their hard work and efforts.

Chair Endresen thanks the Planning Commission for spending a lot of time on this process. She said the Board had lots of citizen comments and input and many hours of testimony. She especially thanks staff and knows that this has been a very long, hard and frustrating process. She said the ordinance isn't perfect, no ordinance is, no legislation is perfect and there is no way that an ordinance that attempts to balance environment with growth can be perfect or something everyone is happy with. It's just not possible. She believes the county tried really hard to make that balance and compromise. She said no one got everything they wanted in the ordinance but that's the way legislation is. She believes it's a good compromise, a fair balance, its defensible and believes it will serve future citizens. She said it is not cast in stone and that ordinances can be changed.

Commissioner Lent requests that when the annual report comes out in December of 2006 that an open, public meeting is scheduled inviting as many of the citizens and users of the ordinance to determine how the county is tracking and monitoring.

A **motion** is made by Commissioner Lent and seconded by Chair Endresen that the Board enacts **Ordinance No. 351-2005****, **Kitsap County Critical Areas Ordinance** as adopted by the Board and directs staff to have changes in ordinance adoption form by the December 19, 2005 public meeting in order for the Board to sign and by this motion, the effective date of said changes is December 1, 2005; further the Board authorizes staff to make changes in formatting, typographical errors/grammar and asks that a legal review accompany the amended ordinance. Motion carries. Commissioner Angel votes no.

Public meeting adjourns at 11:30 AM.

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**

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