



MINUTES

KITSAP COUNTY BOARD OF COMMISSIONERS March 23, 2009 – 7:00 p.m.

The Board of Commissioners met on the above-stated date. Present were Chair Charlotte Garrido, Commissioner Steve Bauer, Commissioner Josh Brown, County Administrator Nancy Buonanno Grennan and Clerk of the Board Opal Robertson. *(The Board of Commissioners' public meetings is audio and video taped. By signing in or speaking at this meeting, you grant your permission to be taped. Minutes of this public meeting are posted on Kitsap County's webpage).*

3:00 PM) Meeting Called to Order with Pledge of Allegiance.

PUBLIC HEARINGS:

**** Please note that start times are estimates and may be impacted by the amount of public input. Unless otherwise announced by the Chair of the Board, public comments will be 3 minutes per person.**

A) Public hearing to consider the following applications for **Current Use-Open Space**:

Tammera Beverage, Assessor's Office, gave a brief overview of the proposed Open Space applications:

1) [Application](#) filed by **Lynn Terry** for a Current Use Open Space classification on approximately 4.88 acres located on Clear Creek Road in North Kitsap, Commissioner District #1.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves the Current Use Open Space application filed by Lynn Terry. Motion carries unanimously.

2) [Application](#) filed by **Beverly Frances Leake Good** for a Current Use Open Space classification on approximately 4.06 acres located on Fox Glove Lane in North Kitsap, Commissioner District #1.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves the

Current Use Open Space application filed by Beverly Frances Leake Good. Motion carries unanimously.

- 3) [Application](#) filed by **Robert Thompson** for a Current Use Open Space classification on approximately 4.00 acres located on West Kingston Road in North Kitsap, Commissioner District #1.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves the Current Use Open Space application filed by Robert Thompson. Motion carries unanimously.

- 4) [Application](#) filed by **Michael and Sally Helland** for a Reclassification from Current Use Farm & Agricultural Land to Current Use Open Space on approximately 5.13 acres located on Golpher Hill Place in South Kitsap, Commissioner District #2.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Garrido and seconded by Commissioner Brown that the Board approves the Current Use Open Space application filed by Michael and Sally Helland. Motion carries unanimously.

- 5) [Application](#) filed by **Warren E. Lumsden** for a Reclassification from Current Use Farm & Agricultural Land to Current Use Open Space on approximately 19.32 acres located on Sidney Road and Lider Road in South Kitsap, Commissioner District #2.
(Note: Application withdrawn at request of applicant)

- 6) [Application](#) filed by **Black Jack Creek, LLC** for a Reclassification from Current Use Farm & Agricultural Land to Current Use Open Space on approximately 54.29 acres located on Sidney Road and Lider Road in South Kitsap, Commissioner District #2.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Garrido and seconded by Commissioner Brown that the Board approves the Current Use Open Space application filed by Black Jack Creek, LLC. Motion carries unanimously.

- 7) [Application](#) filed by **Dale Finholm** for a Reclassification from Current Use Timber Land to Current Use Open Space on approximately 3.27 acres located on Klahowya Road in Central Kitsap, Commissioner District #3.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the Current Use Open Space application filed by Dale Finholm. Motion carries unanimously.

- 8) [Application](#) filed by **Marjorie Thorne** for a Current Use Open Space classification

on approximately 5.09 acres located on Bucklin Hill Road in Central Kitsap, Commissioner District #3.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the Current Use Open Space application filed by Marjorie Thorne. Motion carries unanimously.

9) [Application](#) filed by **Brock Bergeson** for a Reclassification from Designated Forest Land to Current Use Open Space – Farm & Agricultural Conservation Land on approximately 10.25 acres located off Big Valley Road in North Kitsap, Commission District #1.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves the Current Use Open Space application filed by Brock Bergeson. Motion carries unanimously.

10) [Application](#) filed by **Doug & Linda Johnson** for a Classification as Current Use Open Space on approximately 1.53 acres located on Paulson Road in North Kitsap, Commission District #1.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves the Current Use Open Space application filed by Doug & Linda Johnson. Motion carries unanimously.

11) [Application](#) filed by **Sarah Parrington** for Reclassification from Current Use Farm & Agricultural Land to Current Use Open Space Land on approximately 0.92 acres located on Tarree Drive in North Kitsap, Commission District #1.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves the Current Use Open Space application filed by Sarah Parrington. Motion carries unanimously.

12) [Application](#) filed by **Martin Duenhoelter** for a Reclassification from Current Use Farm & Agricultural Land to Current Use Open Space – Farm & Agricultural Conservation Land on approximately 24 acres located on 160th Street in South Kitsap, Commission District #2.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Garrido and seconded by Commissioner Brown that the Board approves the Current Use Open Space application filed by Marin Duenhoelter. Motion carries unanimously.

13) [Application](#) filed by **Thomas Tucker** for a Transfer from Designated Forest Land

to Current Use Open Space on approximately 7.86 acres on two parcels located on Peter Hagan Road in Central Kitsap, Commission District #3.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the Current Use Open Space application filed by Thomas Tucker. Motion carries unanimously.

14) [Application](#) filed by **Hendrick Barner** for Current Use Open Space on approximately 23.90 acres on two parcels located on Stavis Bay Road in Central Kitsap, Commission District #3.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Brown and seconded by Commissioner Barer that the Board approves the Current Use Open Space application filed by Hendrick Barner. Motion carries unanimously.

15) [Application](#) filed by **Craig and Lesa Keith** for a Current Use Open Space classification on approximately 6.52 acres located on Seabeck-Holly Road in Central Kitsap, Commissioner District #3.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the Current Use Open Space application filed by Craig and Lesa Keith; subject to the tax shift changed from 50% to 60%. Motion carries unanimously.

16) [Application](#) filed by **Johann & Billie Jo Schoberl and Scott E & Connie Davis** for a Current Use Timber Land classification on approximately 12.87 acres located on Peter Hagan Road in Central Kitsap, Commissioner District #3.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the Current Use Open Space application filed by Johann & Billie Jo Schoberl and Scott E & Connie Davis. Motion carries unanimously.

17) [Application](#) filed by **James J and Susanna M. Lane** for a Current Use Open Space classification on approximately 1.93 acres located on NE Twin Spits Road in North Kitsap, Commissioner District #1.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves the Current Use Open Space application filed by James J and Susanna M. Lane. Motion carries unanimously.

Public meeting recessed at 3:49 p.m.

Public meeting reconvened at 7:00 p.m.

7:00 PM) Meeting Called to Order with Pledge of Allegiance.

#1) Recognition of the Employee Service Awards. **Staff Contact:** Joy Crema, 3377185.

Congratulations and Certificates/Plaque of Appreciation is presented to the following employees for their years of service to Kitsap County: Opal Robertson, *Commissioners Office* and Tina Coberly, *Sheriff's Office*.

#2) [Resolution](#) proclaiming the month of March as **Traumatic Brain Injury Awareness Month** in Kitsap County. **Staff Contact:** Opal Robertson, 337-4428.

Discussion is held, comments received and hearing no objection a **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board adopts **Resolution No. 043-2009*** proclaiming the month of March as **Traumatic Brain Injury Awareness Month** in Kitsap County. Motion carries unanimously.

#3) [Resolution](#) proclaiming the month of April as **Autism Awareness Month** in Kitsap County. **Staff Contact:** Opal Robertson, 337-4428.

Discussion is held, comments received and hearing no objection a **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board adopts **Resolution No. 044-2009*** proclaiming the month of April as **Autism Awareness Month** in Kitsap County. Motion carries unanimously.

**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD ON REGULAR
BUSINESS AGENDA, INCLUDING CONSENT AGENDA & ANY GENERAL ISSUES:
TOTAL TIME LIMITED TO 15 MINUTES**

(Please limit individual comments to **3 minutes**. Written comments may also be submitted to the Board, if this timeframe is insufficient.) Comments on items slated for public hearing will be deferred until the hearing.

- A. Rheanna Johnston, Julia Swanson and Jenna Warner asked the Board to adopt a resolution proclaiming 8:30 – 9:30 a.m. (one hour) on March 28, 2009 as “Earth Hour” in Kitsap County.
- B. Vivian Henderson addresses the Board with concerns about the 25 Conditions placed on the Farmhouse Montessori School application.
- C. Mayor Lary Coppola, City of Port Orchard, submits a letter and addresses concerns about annexation of the Bethel Corridor.
- D. Laura Kahle, Kitsap Recovery Center, addresses the Board with concerns about

the cuts in funding for the ADATSA Program (Alcohol Drug Abuse Treatment Support Act).

- E. John Hamilton addresses the Board with concerns about the cuts in funding for the ADATSA Program (Alcohol Drug Abuse Treatment Support Act).
- F. J. Fluck and C. Erwin address the Board with concerns about the lack of justice in a sexual assault case involving their daughters.

CONSENT ITEMS AND OTHER BUSINESS:

Note: Unless otherwise noted, all expenditures for the remaining agenda items have been included in the Annual Budget.

- A. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves the Consent Agenda. Motion carries unanimously.

1) MISCELLANEOUS ITEMS:

- B. Approve Minutes of March 9, 2009.
- C. Approve Warrant Nos. 3404991 – 3406022 in the amount of \$3,396,401.24.
- D. Approve Payroll Warrant Nos.
- E. Refer to the Prosecutor's Office and Risk Manager: 1) Claim for Damages filed by J. Gibson; 2) Claim for Damages filed by E. Dumbaugh; 3) Claim for Damages filed by S. Cain; 4) Complaint for Damages and Demand for Jury Trial filed by T. Cousins; 5) Claim for Damages filed by J. Houston; 6) Claim for Damages filed by T. Erickson; and 7) Claim for Damages filed by M. Little.

2) DEPARTMENT OF PERSONNEL & HUMAN SERVICES:

- A. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves the [Contract amendment](#) with the **WA State Family Policy Council (KC-307-07C)** to decrease funds as a result of WA State budget shortfall for community public safety and health network for services to children and families. **Fiscal Impact:** (\$12,494) is 100% grant funded by WA State Family Policy Council. **Staff Contact:** Gay Neal, 337-4879. Motion carries unanimously.
- B. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves the [Contract amendment](#) with **Kitsap County Health District (KC-352-08A)** terminating services provided through El Cento de la Familia due to lack of sufficient funding for on-going operations. **Fiscal Impact:** (\$3,695) is 100% grant funded by WA CTED. **Staff Contact:** Mary Ellen de la Pena, 337-4878. Motion carries unanimously.
- C. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown

that the Board approves the [Contract amendment](#) with **Olympic Consortium and Kitsap Community Resources (KC-308-08A)** to increase funding for 18 additional eligible welfare recipients participating in the Community Jobs Program in Kitsap County. **Fiscal Impact:** \$200,000 – TANF). **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.

- D. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves the [Collective Bargaining Agreement](#) amendment with the **Kitsap County Office of the Sheriff and the Corrections Officers Guild (KC-225-07C)** providing a 4% wage adjustment for 2009. **Fiscal Impact:** \$170,000 – General Fund. **Staff Contact:** Fernando Conill, 337-4484. Motion carries unanimously.

3) DEPARTMENT OF PUBLIC WORKS:

- A. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves the [Contract](#) with **Advanced Construction, Inc (KC-122-09)** for repairs to the SE Lund Avenue Bridge over Blackjack Creek in South Kitsap, Commissioner Dist #2. **Fiscal Impact:** \$224,765 – Road Fund. **Staff Contact:** Dick Dadisman, 337-5777 x3556. Motion carries unanimously.
- B. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves the [Request](#) for a water line easement filed by Jann Stimac, et al to install a private water line within Norum Road NE in North Kitsap, Commissioner Dist #1. **Fiscal Impact:** \$200 - Requestor. **Staff Contact:** Molly Foster, 337-4688. Motion carries unanimously.
- C. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Contract amendment](#) with **Brown and Caldwell (KC-490-06A)** for upgrades to the Central Kitsap Waste Water Treatment Plant. **Fiscal Impact:** \$3,340,324 – Sewer Construction Fund. **Staff Contact:** Barbara Zaroff, 337-5777 x3663. Motion carries unanimously.
- D. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Contract](#) with **Quigg Bros, Inc (KC-108-09)** for the Chico Way NW Chico Bridge replacement in Central Kitsap, Commissioner Dist #3. **Fiscal Impact:** \$717,239 – Road Fund. **Staff Contact:** Dick Dadisman, 337-5777 x3556. Motion carries unanimously.
- E. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves the [Contract amendment](#) with **Burlington Environmental LLC (KC-109-07B)** providing transportation and management services for the Household Hazardous Waste Collection Facility. **Fiscal Impact:** \$360,500 – Solid Waste, Moderate Risk. **Staff Contact:** Pat Campbell, 337-4626. Motion carries unanimously.

F. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves the [Contract amendment](#) with **Environmental Partners Inc (KC-163-08A)** providing quarterly and annual monitoring reports for the closed Olalla Landfill Facility. **Fiscal Impact:** \$31,000 – Solid Waste Olalla Landfill. **Staff Contact:** Pat Campbell, 337-4626. Motion carries unanimously.

G. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board adopts **Resolution No. 045-2009*** authorizing the [Proposed Settlement agreement](#) of *Brian J. Robinson v. Kitsap County* Cause No. 06-2-02288-3. **Staff Contact:** Stella Vakarcs, 337-4979.

4) DEPARTMENT OF PARKS & RECREATION:

A. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Contract amendment](#) with **Blew's Construction (KC-446-08A)** for additional grading at the Illahee Preserve Parking lot in Central Kitsap, Commissioner Dist #3. **Fiscal Impact:** \$26,647 – Parks Capital Improvement Fund. **Staff Contact:** Martha Droge, 337-5361. Motion carries unanimously.

5) JUVENILE SERVICES DIVISION:

A. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves the [Interlocal agreement](#) with the **Jefferson County (KC-064-09)** providing Juvenile Detention beds for the housing of Jefferson County youth in the Kitsap County Juvenile Detention Facility. **Fiscal Impact:** Minimum amount revenue of \$109,500-Jefferson County Juvenile Dept. **Staff Contact:** William Truemper, 337-5406. Motion carries unanimously.

6) DEPARTMENT OF ADMINISTRATIVE SERVICES:

A. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Contract](#) with the **Kitsap Peninsula Visitor & Convention Bureau (KC-081-09)** for promotion of tourism and events in Kitsap County. **Fiscal Impact:** \$134,498 –Lodging Tax Fund. **Staff Contact:** Shawn Gabriel, 337-4504. Motion carries unanimously.

B. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Contract](#) with the **Admiral Theater Foundation (KC-080-09)** for advertising, marketing to promote tourism and building maintenance. **Fiscal Impact:** \$52,166 –Lodging Tax Fund. **Staff Contact:** Shawn Gabriel, 337-4504. Motion carries unanimously.

C. A **motion** is made by Commissioner Bauer and seconded by Commissioner

Brown that the Board adopts [Resolution No.046-2009](#)*establishing incentive rates for the Kitsap County Commute Trip Reduction and Parking Program. **Staff Contact:** Shawn Gabriel, 337-4504.

- D. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board adopts [Resolution No. 047-2009](#)* adopting the Kitsap County Commute Trip Reduction Program and Parking Policy. **Staff Contact:** Shawn Gabriel, 337-4504. Motion carries unanimously.
- E. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Contract](#) with **Kitsap Economic Development Alliance (KC-069-09)** for promoting economic development and diversification in Kitsap County. **Fiscal Impact:** \$64,980 GA&O Fund. **Staff Contact:** Shawn Gabriel, 337-4504. Motion carries unanimously.

7) **DEPARTMENT OF COMMUNITY DEVELOPMENT:**

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Contract](#) with the **Salmon Recovery Board (KC-114-09)** for grant funding to complete the Chico In-stream Restoration Phase 2/3 Design. **Fiscal Impact:** \$75,000 –Salmon Recovery Funding Board. **Staff Contact:** Susan Donahue, 337-3354. Motion carries unanimously.
- B. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Contract](#) with the **Salmon Recovery Board (KC-113-09)** for grant funding to complete the West Kitsap Hood Canal Nearshore Assessment. **Fiscal Impact:** \$64,800 (\$55,000 –Salmon Recovery Funding Board/\$9,800-Community Development). **Staff Contact:** Susan Donahue, 337-3354. Motion carries unanimously.
- C. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Contract](#) amendment with **Northern Con Agg, Inc (KC-341-08A)** increasing the contract amount by \$12,668 to complete Phase 1 Chico Creek Restoration in Central Kitsap, Commissioner Dist #3. **Fiscal Impact:** \$12,668 - Salmon Recovery Funding Board. **Staff Contact:** Susan Donahue, 337-3354. Motion carries unanimously.

8) **COMMISSIONERS OFFICE/COUNTY ADMINISTRATOR:**

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board adopts [Resolution No. 048-2009](#)* appointing **Maya Clark and Chris Kasperek** to the *Commission on Children and Youth* to 3-year terms ending March 22, 2012 and correcting the term endings of members appointed on February 23, 2009 to 3-year terms ending February 22, 2012. **Staff Contact:** Jan Koske, 337-4650.

- B. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board adopts [Resolution No.049-2009](#)* appointing **Riki Jacobs** (Dist #2) and **Jeanette Leino** (Dist #1) to the *Kitsap County Council for Human Rights* for 3-year terms ending March 22, 2012. **Staff Contact:** Jan Koske, 337-4650. Motion carries unanimously.
- C. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board adopts [Resolution No.050-2009](#)* appointing **Charity Swedberg** (Dist #2) to the *Kitsap County Parks Advisory Committee* for a 3-year term ending March 22, 2012. **Staff Contact:** Jan Koske, 337-4650. Motion carries unanimously.
- D. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board adopts [Resolution No. 051-2009](#)* appointing **Christopher Lemke** (Dist #2) to the *Citizens Budget Committee* for a 2-year term ending March 22, 2011. **Staff Contact:** Jan Koske, 337-4650. Motion carries unanimously.
- E. **Resolution** requesting review with the Boundary Review Board for Kitsap County regarding the Bethel/Sedgwick Annexation request submitted by the City of Port Orchard. **Staff Contact:** Eric Baker, 337-4495. **(NOTE: This matter continued to the March 25, 2009 Work Study Session).**

PUBLIC HEARINGS:

**** Please note that start times are estimates and may be impacted by the amount of public input. Unless otherwise announced by the Chair of the Board, public comments will be 3 minutes per person.**

A) Public hearing to consider a **Petition to Vacate** a portion of Berry Street located east of Arvick Road in South Kitsap, Commissioner Dist #2 filed by Linda Heleniak on behalf of Eugene Breitenstein. **Fiscal Impact:** \$635 Application Fee–Petitioner. **Staff Contact:** Robert McGinley, 337-5777 x3924.

Rob McGinley, Public Works, gave a brief overview of the proposed Petition to vacate stating the right of way was dedicated in 1892 per the Plat of Supplemental Plat of First Addition to South Colby. He said the area requested for vacation is approximately 7,170 square feet (60' in width by approximately 119.5' in length). McGinley said improvements have been constructed within the northern portion of the right of way and all abutting property owners have been contacted and are in favor of vacating the right of way. He said various county departments and review agencies have determined the road will not be useful for vehicular, pedestrian or park/greenway purposes in the foreseeable future.

Discussion is held, comments called for and hearing no objection, a **motion** is made by

Chair Garrido and seconded by Commissioner Bauer that the Board approves the Petition to vacate filed by Linda Heleniak on behalf of Eugene Breitenstein; further that a Final Order be executed so stipulating. Motion carries unanimously.

B) Public hearing to consider an **Appeal** filed by **Mark Kuhlman** of the Hearing Examiner's decision to approve subject to conditions the Preliminary Plat/Performance Based Development/Short Subdivision application to subdivide a 2.50 acre parcel creating a 20-lot Performance Based Development that includes a preliminary subdivision, a short plat creating lots for the construction of zero-lot line, two unit single-family townhomes and one detached unit to remain consistent with Kitsap County Code 17.110.240. The proposed project is located at 4816 Lupine Lane NW, north of NW Knute Anderson Road in Central Kitsap Commissioner District #3. **Staff Contact:** Jeff Smith, 337-7022.

Chair Garrido explains the guidelines for the closed record appeal process.

Jeff Smith, Community Development, gave a brief overview of the proposed project stating the Hearing Examiner approved the Preliminary Plat/Performance Based Development/Short Subdivision following a public hearing held on October 9, 2008. The applicant's representative filed a timely appeal of the Hearing Examiner's Findings, Conclusions, Recommendations and Decision dated November 4, 2008. The applicant presented six minor issues to correct typographical errors and provide clarification on inconsistencies in the conditions of approval. The Hearing Examiner submitted a Revised Recommendation dated November 25, 2008 clarifying the intent of decision to be consistent with the record, however, only revising Conditions of Approval 1, 4, and 20. The Department met with the applicant on March 5, 2009 to resolve the appeal issues. The applicant accepted the corrections/clarifications made on three issues by the Hearing Examiner, accepted staff's clarification of two appeal issues and ultimately agreed to the recommended trail location by the Hearing Examiner. Smith said staff recommends the Board approve the clarifications of Hearing Examiner conditions and proposed modifications.

Mark Kuhlman, applicant's representative, said they agree with what has been presented in the record as a resolution of these issues. He believes conditions of approval must be very clear, concise and correct. He said he appreciates that the county's review of the Procedures Ordinance and its intentions to re-institute the request for reconsideration in the Hearing Examiner's process.

Discussion is held and a **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the staff's recommendation dated March 23, 2009 that provides clarification of the Hearings Examiner Conditions as proposed. Motion carries unanimously.

C) Public hearing to consider Kitsap County's proposed revisions to the *Silverdale Design Standards and Kitsap County Code Title 17* (Zoning) as they relate the *Waaga Way Town Center*. **Staff Contact:** Eric Baker, 337-4495.

Eric Baker, Special Projects Manger, gave a brief overview of the proposed revisions

stating over the course of 18-months, Kitsap County has conducted a planning process to address a connector road location and design, as well as design standards for the area abutting the new Waaga Way Extension Road in Silverdale. He said the goal of this project is to provide a coordinated connector road system that links properties to the new Waaga Way Extension Road and define a sense of place and vision for the 450 acres of newly designated employment lands. Baker said proposed amendments to the Silverdale Design Standards and Title 17, Consolidated Use Table includes under *Silverdale Design Standards-Waaga Way Town Center* – amendments to the design standards include prescriptive standards that reduce building scale and bulk, reduce visual impacts of parking lots and ensure pedestrian pathways are coordinated “on and off” site; and under *Title 17(Zoning) Consolidated Use Tables* – the purpose of these amendments provides a narrower focus on the types of land use activities that may occur within the Town Center to ensure the design intents are implemented. He said on February 24, 2009, the Planning Commission hosted a public hearing to consider testimony on the proposed amendments and on March 3, 2009, they deliberated on the proposed amendments and made recommendations. Generally, he said the recommended revisions to the draft documents include: increasing the allowed retail and office uses from 100,000 square feet to 125,000 square feet; allowance for flexibility if applying low impact development techniques; acknowledgement of the Clear Creek Trail and incorporating these trails into future development design; allowed angle parking along roadways interior to the development; required pedestrian pathways a minimum of every two parking lot drive aisles rather than every three aisles; and including clarifying language regarding prohibition on parking being allowed between buildings and the public roadways.

- 1) Bill Mason believes a road running east/west to the intersection of Old Frontier Road NW and Westgate Road would not service the area well. He said it would create a traffic flow through a residential area and destroy a lot of valuable building sites. He said it seems unnecessary to add another access road to Old Frontier since the Waaga Way Extension Project (that is underway at this time) will allow access to this road.
- 2) Susan Bird asks that the Waaga Way North Extension road “dead end” just north of the development. She said there is a creek/canyon that runs down to Clear Creek and believes the road location will cause pollution to the creek. She said the road would be located too close to Trigger Avenue causing more “standing” traffic.
- 3) Mark Kuhlman said he appreciates the town center concept with pedestrian friendly walk ways. He believes the requirement for pitched roof elements are appropriate and acceptable but is concerned that the high percentage requirement will create conflicts with maximum building height limitations that may result in unattractive, very low sloped roof elements. He recommends the requirement be reduced to 25% of the overall roof area. He also addressed concerns for landscaping requirements for parking spots.
- 4) Bob Moyer, CK Community Council, said the Council has looked at the location of

the connector road and supports staff's proposal. He believes the northern area should connect with Old Frontier and located at Westgate.

- 5) Wayne Green – yields time to Tom Wells
- 6) Tom Wells said there is a distinct difference between the northern and southern areas and questions why the County is moving towards expensive design criteria. He said he disagrees with the Planning Commissions revisions to the Waaga Way Town Center Design Standards. He believes the design standards are too restrictive to facilitate creative site oriented design solutions; would diminish functionality and marketability of a commercial project thereby increasing the risk that leasing commercial spaces in a timely manner will not occur; over emphasizes the pedestrian use of the area to the south of Waaga Way which is not near existing or future residential development; and adds substantial site improvement and building costs. He also requests the road alignment and related design criteria be completed as soon as possible and the moratorium terminated consecutively.
- 7) Steve Ruggiero, First American Properties, said the intent of staff was consistent with what his group has intended all along...a finished product that will be a source of pride, gathering and revenue for Kitsap County in a master plan setting. Unfortunately, he said the pendulum has swung too far as it relates to the cost effectiveness of certain design guidelines and the ability to economically develop property by requesting too many stringent requirements for setbacks, landscaping and pedestrian access – all necessary and worthwhile components for a development. He said as written, the guidelines do not take into consideration the specific characteristics of these collective properties which offer many challenges including severe grade changes, critical areas and related mitigation and the need for proper traffic and pedestrian circulation. Ruggiero said he believes it is achievable to accomplish the intent of many of the stated requirements of the guidelines in an economic manner and welcomes the chance to work with staff to accomplish this task.
- 8) Eric Koch said he is in favor of design guidelines for the Waaga Way Town Center that will make it a success for customers, business owners and the county. He addresses the Board with concerns about steep grades; Zoning Use Table (Footnote #62-limitation of 125,000 square feet retail stores); site development standards; architectural and buildings design and height standards and pedestrian infrastructure standards.
- 9) Sam Rosenwald, Black Equities Group, commends staff for their efforts on this project. He believes this area can generate an economic engine for Kitsap County to create jobs and result in an attractive meeting place. He said reasonable standards should be imposed. He said the intent is to assemble as much as of this land as possible and to create up to a million square feet of mixed use projects over time. He said relative to the pitched roof issue, arbitrarily limiting the size of a retail anchor - architecture treatments need to be cost effective and to make sense.

- 10) John Johnson thanks staff for their work on this project. He said the real road that he would like to see the county take is to facilitate economic development. He said many of the people in this room are the ones that are creating jobs and attracting economic growth. Johnson believes the county is at a point of making a decision that will discourage people coming into community as this will be a very competitive environment for the next five years for attracting economic growth. He said it is easy to talk about and to spend tax payers monies but the people in this room are the ones generating and creating economic opportunities that the citizens of this county are going to be relying on. He encourages the Board to “step back” from the precipice as far as setting limits on the size of the buildings and look at individual sites and projects to make sure they are working with the county on some of the design criteria as mentioned by M. Kuhlman. He also addresses concerns about fast food businesses in the center area.
- 11) Ron Ross encourages the Board to be as flexible as possible with the regulations.
- 12) John Taylor, Central Kitsap citizen, said he does not support “micro-management”. He said this property is owned by a developer, it’s his money and he has to be profitable or he will not move forward with the project. He believes the developers are well qualified, have lots of help and there need to be “give and take” on these regulations. Taylor said he supports the connection of the road at Westgate.
- 13) Vivian Henderson, Kitsap Alliance of Property Owners, questions why restaurants would not be allowed with drive-thru amenities. She believes this is social engineering and the county should listen to the developers.
- 14) Edward Bird asks that the connection road “dead-end” just north of the town center. He is concerned with the associated increase in traffic on Old Frontier Road if the “extension road” is built as proposed. He said he is against it as it would encourage more traffic on Frontier and Westgate with individuals taking a “short cut” through the Town Center development. Bird said he is also concerned about the increase in taxes to those in the impacted area and therefore opposed to the “extension road” connecting to Westgate.

Further discussion is held between the Board and staff with additional written comments accepted through the close of business on March 26, 2009. Board deliberation is scheduled for April 13, 2009 at 2:00 p.m.

9) **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD:**

(Please limit comments to **3 minutes**. Written comments may also be submitted to the Board if this timeframe is insufficient.)

- A. Pauline Carlton addresses the Board with concerns about health care issues (ADATSA). She said she asked legislators if they would be willing to come to Kitsap County to address health care issues regarding budget cuts. Carlton asks if the Chambers would be available to house such a meeting.

- B. Sherry Thornton said she was an active participant in the Drug Court Program and supports funding for the program.
- C. Maury Saunders said he is a graduate of the Drug Court program and supports funding for the program.

10) COUNTY ADMINISTRATOR’S COMMENTS:

11) BOARD OF COMMISSIONER’S COMMENTS:

Public meeting adjourned at 10:03 p.m.

**BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY WASHINGTON**

CHARLOTTE GARRIDO, CHAIR

JOSH BROWN, COMMISSIONER

STEVE BAUER, COMMISSIONER

ATTEST:

OPAL ROBERTSON, Clerk of the Board

DATE APPROVED

* See Resolution Journal Volume No. 64

** See Ordinance Journal Volume No. 18

OTHER MEETINGS ATTENDED BY THE BOARD:

03/23/09	11:00 a.m.	Lunch with Elected Officials – BOCC Chambers
	2:00 p.m.	PM Briefing – Port Blakely Conf Room
	3:00 p.m.	BOCC Public Meeting (Open Space Applications) BOCC Chambers
	7:00 p.m.	BOCC Public Meeting – BOCC Chambers
03/25/09	8:30 a.m.	Work Study – Port Blakely Conf Room

	12:15 p.m.	Lunch with Employee of the Month, Amy's on the Bay
03/30/09	10:00 a.m. 2:00 p.m.	Admin Briefing - Port Blakely Conf Room Admin Briefing - Port Blakely Conf Room
04/01/09	8:30 a.m.	Work Study – Port Blakely Conf Room
04/06/09	10:00 a.m. 2:00 p.m.	Admin Briefing - Port Blakely Conf Room Admin Briefing - Port Blakely Conf Room
04/07/09	8:00 a.m. 6:00 p.m.	KRCC/Health Dist Board Meetings – Gov Center 26 th Legislative District Meeting
04/08/09	8:30 a.m. 3:35 p.m.	Work Study – Port Blakely Conf Room Kids Day Closing – Admin Building Lobby
04/09/09	2:15 p.m.	Transpol Meeting – Norm Dicks Gov Center
04/13/09	2:00 pm. 7:00 p.m.	Admin Briefing - Port Blakely Conf Room BOCC Public Meeting – BOCC Chambers

(The Board of County Commissioners public meetings are televised on public access television BKAT (ComCast Ch.12 and Wave Broadband Ch. 3) Mondays at 7:00 PM and Tuesdays at 11:00 AM and 1:00 AM).

Next regular Board of Commissioners public meeting will be held **April 13, 2009 at 7:00 p.m. in the Board of Commissioners Chambers, 619 Division St, Port Orchard, WA.**

NOTE: Kitsap County does not discriminate on the basis of disability. Individuals who require accommodations should contact the Commissioners Office at (360) 337-7146 or TDD (360) 337-7275 or 1-800-816-2782. (Please provide five business days notice for interpreter services).