



MINUTES

KITSAP COUNTY BOARD OF COMMISSIONERS April 27, 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).*

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

#1) [Resolution](#) designating April 26 - May 2, 2009 as *Crime Victims' Rights Week* in Kitsap County. **Staff Contact:** Kelly Pelland, 337-4840.

Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Garrido and seconded by Commissioner Bauer that the Board adopts **Resolution No. 061-2009*** designating April 26 - May 2, 2009 as *Crime Victims' Rights Week* in Kitsap County. Motion carries unanimously.

#2) [Resolution](#) supporting the May 5, 2009, *Kitsap Water Festival* at the Kitsap County Fairgrounds. **Staff Contact:** Pat Kirschbaum, 337-3688.

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. 062-2009*** supporting the May 5, 2009, *Kitsap Water Festival* at the Kitsap County Fairgrounds. Motion carries unanimously.

#3) [Resolution](#) proclaiming the week of May 3-5, 2009, as "*Suicide Prevention Week*" in Kitsap County. **Staff Contact:** Hanna Orando/Barb Smithson, 337-5250.

Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board adopts **Resolution No. 063-2009***. 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.

1. Vivian Henderson, Kitsap Alliance of Property Owners, submitted a letter to the Board from Bob Drewel, Puget Sound Regional Council, inviting John Taylor, Kitsap County Planning Commissioner, to take part in a regional conversation on the update of the long-range transportation plan for the central Puget Sound region.
2. Marcus Carter, Kitsap Rifle and Revolver Club, thanked the Board and Park staff for their support of the Newberry Hill/DNR land transfer & sale project.
3. Bill Williams said relative to the Newberry Hill/DNR land transfer, the Kitsap Rifle and Revolver Club have still not received anything in writing between all parties involved.
4. R. Spigert, Kitsap Rifle and Revolver Club, thanked the Board and Parks & Recreation staff for their work with the Newberry Hill/DNR land transfer project. He believes this is positive step for the community and big plus for Kitsap County.

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 April 13, 20, 24 2009.
- C. Approve Warrant Nos.
- D. Approve Payroll Warrant Nos. 3409781 – 3410621 in the amount of \$1,451,883.38.
- E. Refer to the Prosecutor's Office and Risk Manager: 1) Claim for Damages filed by G. Tillett; and 2) Claim for Damages filed by H. Ridge.

2) **DEPARTMENT OF PERSONNEL & HUMAN SERVICES:**

- A. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves and executes the [contract amendment](#) with the **Holly Ridge Center (KC-248-07B)** decreasing the contract amount by \$30,000 for services provided to adults and infants with developmental disabilities. **Fiscal Impact:** -\$30,000 is 100% grant funded by DSHS. **Staff Contact:** Kelly Oneal, 337-4624. Motion carries unanimously.
- B. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves and executes the [contract amendment](#) with the **Pathways to Employment (KC-250-07C)** increasing the contract amount by \$87,000 for services provided to adults with developmental disabilities. **Fiscal Impact:** \$87,000 is 100% grant funded by DSHS. **Staff Contact:** Kelly Oneal, 337-4624. Motion carries unanimously.
- C. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves and executes the [contract amendment](#) with the **Cares of Washington (KC-249-07B)** increasing the contract amount by \$68,000 for services provided to adults with developmental disabilities. **Fiscal Impact:** \$68,000 is 100% grant funded by DSHS. **Staff Contact:** Kelly Oneal, 337-4624. Motion carries unanimously.
- D. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves and executes the [contract amendment](#) with the **Easter Seals (KC-244-07B)** increasing the contract amount by \$30,000 for services provided to adults with developmental disabilities. **Fiscal Impact:** \$30,000 is 100% grant funded by DSHS. **Staff Contact:** Kelly Oneal, 337-4624. Motion carries unanimously.
- E. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves and executes the [revenue contract amendment](#) with **WA State Department of Social & Health Services (KC-334-07B)** decreasing the contract amount by \$43,097 for reduces alcohol and other drug prevention and treatment services due to state budget shortfall. **Fiscal Impact:** -\$43,097 is 100% grant funded by DSHS. **Staff Contact:** Betsy Bosch, 337-4880. Motion carries unanimously.
- F. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves and executes the [contract amendment](#) with **Olympic Consortium (KC-168-08A)** extending the contract end to March 31, 2010 for the Integrated Basic Education and Skill Training program. **Fiscal Impact:** 100% grant funded by DSHS. **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.
- G. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown

that the Board approves and executes the [Collective Bargaining Agreement Memorandum of Understanding](#) with **WA State Council of County and City Employees, AFSCME, AFL-CIO, Local 1308, Courthouse Employees[non-supervisory] (KC-040-07W)** regarding representation status and reclassification of Planner 3 in the Commissioners Office and Pay Grade placement revision of Block Grant Planner 1 and Planner 2 in the Department of Administrative Services. **Staff Contact:** Fernando Conill, 337-4484. Motion carries unanimously.

- H. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves and executes the [contract amendment](#) with **Kitsap Applied Technologies (KC-252-07B)** decreasing the contract amount by \$34,000 for services provided to adults with developmental disabilities. **Fiscal Impact:** -\$34,000 is 100% grant funded by DSHS. **Staff Contact:** Kelly Oneal, 337-4624. Motion carries unanimously.
- I. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves and executes the [contract amendment](#) with **Monica Meyer Consulting (KC-293-08A)** increasing the contract amount by \$10,000 to fund technical assistance and support to individuals with autism living in the community receiving employment support services from Kitsap County contracted employment service providers. **Fiscal Impact:** \$10,000 is 100% grant funded by DSHS. **Staff Contact:** Kelly Oneal, 337-4624. Motion carries unanimously.
- J. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves and executes the [interlocal agreement](#) with the **Port Gamble S’Klallam Tribe (KC-456-08)** for senior nutrition services for the period of January 1, 2009 – December 31, 2009. **Fiscal Impact:** \$18,475 is 100% grant funded by DSHS. **Staff Contact:** Linda Hanna, 337-7068. 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 and executes the [interlocal agreement](#) with **Mason County (KC-125-09)** for Household Hazardous Waste Facility services. **Fiscal Impact:** \$60.00 per documented customer/Approx \$40,000 annually – Mason County reimbursement to Solid Waste Fund. **Staff Contact:** Pat Campbell, 337-4626. Motion carries unanimously.
- B. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board adopts [Resolution 064-2009*](#) accepting maintenance responsibility for a portion of SW Hunter Road in South Kitsap, Commissioner Dist. #2. **Fiscal Impact:** \$5,000 (approx annual maintenance cost) – Road Fund. **Staff Contact:** Jon Brand, 337-4893. Motion carries unanimously.
- C. A **motion** is made by Commissioner Bauer and seconded by Commissioner

Brown that the Board approves and executes the [contract amendment](#) with **Parametrix (KC-484-00H)** for additional services associated with permitting requirements for the Bethel Road Corridor improvements in South Kitsap, Commissioner Dist #2. **Fiscal Impact:** \$13,081 – Road Fund. **Staff Contact:** Kristina Nelson, 337-4891. Motion carries unanimously.

- D. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves the [Septic Effluent Line Easement](#) with *Alicia Cole* to cross a portion of Kitsap County right of way known as Lofall Road in North Kitsap Commissioner Dist # 1. **Fiscal Impact:** \$200 – paid by requestor. **Staff Contact:** Suzie Pride, 337-3638. Motion carries unanimously.
- E. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves and executes the [contract](#) with **Primo Construction (KC-135-09)** for channelization improvements on NW Anderson Hill Road at NW Apex Road in Central Kitsap, Commissioner District #3. **Fiscal Impact:** \$241,222 – Road Fund. **Staff Contact:** Dick Dadisman, 337-5777 x3556. Motion carries unanimously.
- F. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves and executes the [contract amendment](#) with **WA State Department of Transportation (KC-147-09A)** for Suquamish Elementary School Sidewalk improvements in North Kitsap, Commissioner Dist #1. **Fiscal Impact:** \$172,000 – Road Fund. **Staff Contact:** Kristina Nelson, 337-4891. Motion carries unanimously.

4) SHERIFF'S OFFICE:

- A. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves and executes the [contract amendment](#) with **WA State Department of Corrections (KC-438-06A)** for housing inmates from the Department of Corrections for the period of January 1, 2009 – December 31, 2009. **Fiscal Impact:** \$80 per person confined for each 24-hour period or a portion thereof – WA State DOC. **Staff Contact:** Ned Newlin, 337-7107. Motion carries unanimously.

5) JUVENILE SERVICES DIVISION:

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves and executes the [interlocal agreement](#) with the **Kitsap County Health District (KC-074-09)** providing medical services for youth detained or residing in the Kitsap County Juvenile Department Facility for the period of January 1, 2009 – December 31, 2009. **Fiscal Impact:** \$282,000-General Fund expenditures already included in the 2009 budget. **Staff Contact:** William Truemper, 337-5406. Motion carries unanimously.
- B. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown

that the Board adopts [Resolution No. 065-2009*](#) authorizing payment of a stipend in the amount of \$50 to volunteer veteran parents involved in the Dependency 101 Grant award. **Fiscal Impact:** Approx \$6,300 – Children’s Home Society of WA & Admin Office of the Courts. **Staff Contact:** Saeed Saber, 337-5480. Motion carries unanimously.

6) **AUDITOR’S OFFICE:**

- A. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board adopts [Resolution No. 066-2009*](#) creating and amending voting precinct boundaries as a result of city annexations. **Staff Contact:** Dolores Gilmore, 337-7130. Motion carries unanimously.
- B. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board adopts [Resolution No. 067-2009*](#) establishing the Kitsap County Parks and Recreation Department Change Fund in the amount of \$500 to be used to provide change to customers paying fees at the Village Green Golf Course. **Staff Contact:** Lillian Shierk, 337-4909. Motion carries unanimously.

7) **PROSECUTOR’S OFFICE:**

- A. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves the [Order of Dismissal](#) - Re: Tahuyeh Lake Community Club v. WA State Department of Fish and Wildlife in Central Kitsap, Commissioner Dist #3. **Staff Contact:** Lisa Nickel, 337-4974. Motion carries unanimously.

8) **DEPARTMENT OF CENTRAL COMMUNICATIONS:**

- A. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board approves the [lease agreement](#) with **Clearwire US (KC-118-09)** for rental space on the CENCOM Facility Tower site for the period of February 2007 – December 2016. **Fiscal Impact:** \$232,879 in revenue – Clearwire Inc. **Staff Contact:** Richard Kirton, 307-5800. Motion carries unanimously.

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

- A. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board adopts [Resolution No. 068-2009*](#) appointing **Jeff Pfost** to the *Citizens Budget Committee* (Dist #1) to a 2-year term ending April 26, 2011. **Staff Contact:** Jan Koske, 337-4650. Motion carries unanimously.
- B. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board adopts [Resolution No. 069-2009*](#) confirming the appointment of **Liz Henden** as the Kingston Farmers Market representative to the *Kingston Citizen*

Advisory Council (Dist #1) for a 3-year term ending April 26, 2012. **Staff Contact:** Jan Koske, 337-4650. Motion carries unanimously.

- C. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board adopts [Resolution No. 070-2009](#)* approving bylaws and appointing **Dennis Sheeran** to the *Central Kitsap Community Council* (Dist #3) to a term ending December 31, 2011. **Staff Contact:** Jan Koske, 337-4650. Motion carries unanimously.
- D. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board adopts [Resolution 071-2009](#)* acknowledging the partnership with the Log Cabin Historic Society regarding the Log Cabin Project (Dist #3). **Staff Contact:** Dana Daniels, 337-4667. Motion carries unanimously.
- E. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board adopts [Resolution No. 072-2009](#)* appointing **Carol Malmquist** to the *Manchester Citizens Advisory Committee* (Dist #2) to a 1-year term ending April 26, 2010. **Staff Contact:** Jan Koske, 337-4650. Motion carries unanimously.
- F. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board adopts [Resolution No. 073-2009](#)* reducing the Kitsap County 2009 adopted budget. **Fiscal Impact:** \$4,217,332 – Various Funds. **Staff Contact:** Shawn Gabriel, 337-4405. Motion carries unanimously.
- G. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board adopts [Resolution No. 074-2009](#)* authorizing benefit changes and other strategies to minimize impact of reductions in force necessitated by the 2009 budget revenue shortfall. **Staff Contact:** Fernando Conill, 337-4484/Nancy Grennan, 337-4403. Motion carries unanimously.
- H. A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board adopts **Resolution No. 075-2009*** establishing new hours of operations for Kitsap County’s Administrative and Public Works Buildings. **Staff Contact:** Nancy Grennan, 337-4403. Motion carries unanimously.

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 **Resolution amending the 2009 Kitsap County Annual Budget** and if approved will increase the budget authority to utilize Federal Stimulus and other grant funds as well as reallocate funds for accounting purposes; impacting the General Fund by \$18,896 and specified funds by

\$2,848,910. **Staff Contact:** Shawn Gabriel, 337-4504.

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.076-2009*** amending the 2009 Kitsap County Annual Budget thereby increasing the budget authority to utilize Federal Stimulus and other grant funds as well as reallocate funds for accounting purposes; impacting the General Fund by \$18,896 and specified funds by \$2,848,910. Motion carries unanimously.

- B)** Closed Record hearing to consider an **Appeal** filed by **Ryan Vancil, Counsel for Peter Boorman and William Simmons** of the Hearing Examiner's decision to approve subject to conditions the Preliminary Plat (**Ridgeline**) application to subdivide 18.28 acres into 102 single family residential lots. The site will be served by public sewer and water. Proposed housing types include permitted single family detached. The proposal includes construction of associated streets, sidewalks, parks, street trees, utilities and street frontage improvements along Phillips Road SE and SE Baker Road to serve the lots in the plat. The proposed project is located in South Kitsap Commissioner District #2. **Staff Contact:** Dennis Oost, 337-7027.

Chair Charlotte Garrido states prior to being elected to office, she had discussions with one of the parties and therefore recuses herself from the hearing process.

Both Commissioners Brown and Bauer state that they know the applicant as he serves on the Planning Commission but that did not preclude them from hearing this closed record appeal.

Commissioner Bauer presides over the meeting and gives guidelines for a closed record appeal hearing.

Dennis Oost, Community Development, gave an overview of the proposed project stating following a public hearing held by the Hearing Examiner on January 24, 2008, the decision was remanded to staff for further review and comment. He said by report and decision dated June 26, 2008, the Hearing Examiner remanded the matter requesting further clarification on what was remanded to the SEPA Official. He said the first appeal of the Hearing Examiner's Decision was received on July 14, 2008 and a second appeal was received on December 19, 2008 prior to the final decision being received by the Department of Community Development. Oost said the amended final decision by the Hearing Examiner was received on January 14, 2009. He said on the two appeal items received, there were eight issues listed: 1) the Hearing Examiner erroneously determined that the county properly determined the buffers around Lake Emelia; 2) the Hearing Examiner erroneously determined that the county adequately reviewed environmental impacts of channeling storm water under Phillips Road and to the west of the proposed project; 3) the request that the building setbacks near the Simmons' property and other portions of the project be revised; 4) the Hearing Examiner erroneously determined that the project

application was complete; 5) the appellants believe that the project traffic impacts to roadways adjacent to the project have not been sufficiently analyzed and that the traffic plan for the project should be revised to address these impacts; 6) the appellants due process rights have been violated by the county; 7) the Hearing Examiner's decision to remand issues to the Dept of Community Development was insufficiently vague; and 8) the Hearing Examiner should find the project inconsistent with the comprehensive plan and did not address a statement in the staff report concerning annexation into the City of Port Orchard.

Discussion is held between the Board and staff regarding the final plan for the retention pond and where the stormwater goes after coming out of the retention pond, a possible culvert under the road, impact of the stormwater into the lake...the quality and quantity, the use of chemicals or fertilizers that would add nutrients to the lake, reducing buffers due to the presence of the road and recognizing a break in a buffer.

Dave Greetham, Community Development, said the pipe that crosses under Baker Road from this property to the north to Lake Emelia would not be relied on for the stormwater exchange and that the pond would be separate from that pipe. He said on review of the site after a storm event, he noticed a small amount of water flowing through. Greetham believes after review of the record it will indicate the storm pond is not relying on interchange into Lake Emelia. He said it would be designed to go in a different direction or infiltrate. Greetham also said County Code Title 12 requires that stormwater quality and quantity be addressed and that water quantity and quality treatment must occur on the site prior to release. He said further study and detail would be provided with the Site Development Activity Permit. Relative to a break in a buffer, Greetham said it is the practice to recognize when there is a break whether building or road and determine whether it is a canopy break. He said the westerly portion of Baker Road creates a canopy break and there is a clear break in the buffer from the lake to the project. He said the Department of Ecology representative who has wetland over-site for state and counties, visited the site and concurred with staff that there was a clear buffer break created by the road between the project and Lake Emelia.

Dennis Oost said according to the memorandum from Doug Frick dated September 12, 2008 (exhibit #108) and relative to the stormwater quality treatment proposed within the plat, it was bio-filtration ditches along some of the interior roads. He said swales were designed by the detention pond to circulate the water through grass swales before entering the pond. Oost also explains the additional information that was discussed in exhibit #102.

Discussion is held regarding a provision in the Critical Areas Ordinance for reducing buffers due the presence of a road, clear buffer breaks created by the road, treatment techniques for potential stormwater infiltration from the pond, surface water connection to Lake Emelia and redesign from West Sound Engineering. Ryan Vancil, representing appellants, said one issue not listed by staff during

presentation and that was left out partly due to how confusing the record is – is the final decision by the Hearing Examiner. He said the Hearing Examiner made a final decision in June but subsequent to that remand (a remand is a final decision) there was new information sent from the department to the Hearing Examiner after a decision had been made and an appeal already submitted. He believes this is an unprecedented county process, the Hearing Examiner has made two supplemental decisions on this case and there is no provision in the Kitsap County Code for something called a supplemental decision and yet this is an action that the Hearing Examiner made. He said the problem with a supplemental decision is when things are brought back before the Hearing Examiner there is no opportunity for the public to hear about the revisions. Vancil feels this was “made up” by the Planning Dept and the Hearing Examiner and did not believe this is an appropriate manner to handle a land use process. He then listed the appellants issues on appeal: a) the hearing examiner erroneously determined that the county properly determined the buffers for Lake Emelia; b) the hearing examiner erroneously determined that the county adequately reviewed environmental impacts of channeling stormwater under Phillips Road and to the west of the project; c) the request that building setbacks near the Simmons property and other portions of the project be revised; d) the hearing examiner erroneously determined that the project application was complete; e) the appellants believe the project traffic impacts to roadways and adjacent to the project have not been sufficiently analyzed and the traffic plan for the project should be revised to address these impact issues; and f) appellants due process rights have been violated by the county.

Discussion is held between the Board and staff regarding supplemental decisions from the hearing examiner, the provision in the Critical Areas Ordinance for reducing buffers to the presence of a road, Critical Areas Ordinance being silent on issues of breaks in buffers and clarification of the term “remand”.

Richard Shattuck, representing the applicant, said in the first decision there were no conditions associated and clearly believes the Hearing Examiner contemplated bringing this matter back to the county for further review and then a final decision which imposed 66 Conditions on the preliminary plat. Shattuck said relative to the public having an opportunity to comment, public comments did make a difference as noted in Condition #66 which is the exact language proposed by the appellant’s expert in dealing with stormwater. He said relative to water quality and discharge in to Lake Emelia, there will be no discharge into Lake Emelia (exhibit #102) even in the 100 year storm circumstance. Shattuck said relative to a break in the canopy, exhibit #84 shows that there is a fence and no canopy break. He said this is a preliminary plat and this is not the final in regards to this project. He said there was testimony that specifically addressed the County Code in regards to buffers, there was also testimony that addressed stormwater under Phillips Road and testimony on the screening and setback issues. Shattuck said the Hearing Examiner specifically provided items that the responsible official should consider. Shattuck said relative to traffic impacts, the County required a traffic study and acknowledged potential traffic impacts by imposing three conditions on the proposal to mitigate those impacts. He

said relative to due process rights, the opponents of the preliminary plat were given an opportunity to provide supplemental information to the responsible official, in fact both their attorney and their engineering expert provided supplemental documentation and information. He said the appellants fully participated in the open record hearing and specifically added a condition based on their expert's report during the extra period. He said this preliminary plat has been carefully reviewed and there is no basis to overturn the Hearing Examiner's decision.

Discussion is held and a **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board continue this matter to May 4, 2009 for decision only. Motion carries.

- C) Resolution** granting the WA State Department of Transportation's (WSDOT) request for a Variance from the County's Noise Ordinance as authorized by Kitsap County Code 10.28.090, to conduct noise-generating, road construction activities on Sedgwick Road (SR 160) between the hours of 7 PM and 6 AM in excess of 30 days. (**Note:** A public hearing on this matter is scheduled for May 11, 2009 to receive public input). **Staff Contact:** Larry Keeton, 337-5683.

Larry Keeton, Community Development Director, gave a brief overview of the proposed resolution stating it was not an emergency but a request from the WA State Department of Transportation for a variance on the County's noise ordinance. He said the purpose of this request is to grant a temporary variance for thirty days and then on May 11, 2009, at a public hearing, the public will have the opportunity to address the next variance that might be required. He said the total timeframe for project completion is the end of October.

Discussion is held and a **motion** is made by Commissioner Garrido and seconded by Commissioner Brown that the Board adopts **Resolution No.077-2009*** granting the WA State Department of Transportation's (WSDOT) request for a Variance from the County's Noise Ordinance as authorized by Kitsap County Code 10.28.090, to conduct noise-generating, road construction activities on Sedgwick Road (SR 160) between the hours of 7 PM and 6 AM in excess of 30 days. Motion carries unanimously.

10) 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.)

1. Chris Lemke asked if the County changes his zoning, to include information on his tax statement denoting this change.
2. Tim Matthes questions why the Harborside Condos were not open for public viewing.
3. Carl Mogling addresses the Board with concerns about Heritage Park and the Heritage Foundation.

- 4. Joseph Mogavaro asked if the land transfer (Newberry Hill/DNR land transfer) goes through please support the sale to the Kitsap Rifle and Revolver Club and if the transfer does not happen please support a long-term lease.
- 5. Ed Korch said the Kitsap Rifle and Revolver Club has been a safe place for shooting sports since 1926 and has a legacy in Kitsap County. He said he appreciates the Board’s open-mindedness on this project.
- 6. Ed Crowell thanked the Board for taking a pay-cut from their own salaries as well as other county employees. He also spoke in support of the Kitsap Rifle and Revolver Club.

11) COUNTY ADMINISTRATOR’S COMMENTS:

- A. Nancy Grennan announced that there would be a public meeting on May 4, 2009 at 7:00 pm and the first Friday closure for the Administrative Building and the Public Works Building will be May 8, 2009.

12) BOARD OF COMMISSIONER’S COMMENTS:

- A. Each Commissioner comments on the public process regarding the Comprehensive Plan updates and the expansion of urban growth areas.

Public meeting adjourned at 9:48 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:

04/27/09	11:00 a.m. 2:00 p.m. 7:00 p.m.	Lunch with Elected Officials – BOCC Chambers Admin Briefing – Port Blakely Conf Room BOCC Public Meeting – BOCC Chambers
04/28/09	12:00 p.m.	Board of Health – Island Lake Community Center
04/29/09	8:30 a.m. 11:30 a.m.	Work Study – Port Blakely Conf Room “Oil Spill Drill” Demo – Harborside, Bremerton
05/01/09	8:30 a.m.	Kitsap County “Law Day” Ceremony - Chambers
05/04/09	10:00 a.m. 12:15 p.m. 2:00 p.m.	Admin Briefing– Port Blakely Conf Room Lunch with Employee of the Month Admin Briefing– Port Blakely Conf Room
05/05/09	8:00 a.m. 8:00 a.m. 1:00 p.m.	Kitsap County “Awareness Day” KRCC/Health District Board Meetings KCCHA Board Meeting- Bremerton Gov Center
05/06/09	8:30 a.m. 12:45 p.m.	Work Study – Port Blakely Conf Room Leadership Kitsap Ribbon Cutting-Naval Ave Learning Center
05/11/09	2:00 p.m. 5:30 p.m. 7:00 p.m.	Admin Briefing– Port Blakely Conf Room Mike Levi Retirement Party-Kitsap Conference Center BOCC Regular Business Meeting - 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 **May 11, 2009 at 7:00 p.m. in the Board of Commissioners Chambers – 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).