



MINUTES

KITSAP COUNTY BOARD OF COMMISSIONERS June 22, 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) Recognition of Employee Service Awards. **Staff Contact:** Joy Crema, 337-7185.

Congratulations and Certificates of Appreciation are presented to *Kathleen Solas*, Juvenile Detention and *Dusty Wiley*, Public Works for their years of service to Kitsap County.

#2) **Resolution** commemorating and supporting the *National Juneteenth Celebration* in Kitsap County. **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. 107-2009*** commemorating and supporting the *National Juneteenth Celebration* 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.

1. Molly Chamberlin-Lee addresses the Board with concerns about the Comprehensive Plan and requests the county allow said petitioners to amend the docket and be removed from Poulsbo's Urban Growth Area and be placed back into the county with the county's designation and with the same consideration being given to a specific applicant.
2. Ron Ross addresses the Board with concerns about the Water Resource Resolution (item 3.A.) and the Silverdale Water District Purple Pipe Project.

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 Brown and seconded by Commissioner Bauer that the Board approves the Consent Agenda.

1) MISCELLANEOUS ITEMS:

- B. Approve Minutes of June 8, 2009.
- C. Approve Warrant Nos. 3416930 – 3417715 in the amount of \$3,044,587.11.
- D. Approve Payroll Warrant Nos.
- E. Refer to the Prosecutor's Office and Risk Manager: 1) Claim for Damages filed by C. Saupbrewster; and 2) Claim for Damages filed by R. Rose.

2) DEPARTMENT OF PERSONNEL & HUMAN SERVICES:

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Contract](#) with **Premera Blue Cross (KC-134-09)** to provide health care services for Kitsap County Employees, Kitsap County Retirees, Sheriff Plan 1 and Sheriff Plan 2 for the period of January 1, 2009 – December 31, 2009. **Fiscal Impact:** Estimated annual cost of \$6,130,104 – General Fund 2009 Budget. **Staff Contact:** Penny Starkey, 337-3517. Motion carries unanimously.
- B. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Revenue contract](#) with **WA State Department of Social & Health Services (KC-199-09)** to provide funds to implement the provisions of the Federal Juvenile Justice and Prevention Delinquency Act for the period of July 1, 2009 – June 30, 2010. **Fiscal Impact:** \$10,000 is 100% grant funded by DSHS if awarded. **Staff Contact:** Gay Neal, 337-4879. Motion carries unanimously.

- C. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Contract amendment](#) with **Agape Unlimited (KC-346-07E)** providing increased adult substance abuse outpatient treatment services and child care services for the period of September 1, 2007 – June 30, 2009. **Fiscal Impact:** \$10,000 is 100% grant funded by DSHS. **Staff Contact:** Betsy Bosch, 337-4880. Motion carries unanimously.
- D. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Contract amendment](#) with **West Sound Treatment Center (KC-347-07E)** providing increased adult substance abuse outpatient treatment services. **Fiscal Impact:** \$10,000 is 100% grant funded by DSHS for the period of September 1, 2007 – June 30, 2009. **Staff Contact:** Betsy Bosch, 337-4880. Motion carries unanimously.
- E. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Contract amendment](#) with **Port Gamble S’Klallam Tribe (KC-339-07C)** provides line item changes in Federal and State funding resulting in an overall decrease in funds for the period of 9/1/07- 6/30/09. **Fiscal Impact:** -\$13,944 is 100% grant funded by DSHS. **Staff Contact:** Betsy Bosch, 337-4880. Motion carries unanimously.
- F. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Contract amendment](#) with **WA State Employment Security Department d.b.a. as WorkSource of Kitsap County (KC-324-08A)** providing for the Senior Community Employment Services Program. **Fiscal Impact:** \$21,809 is 100% grant funded by DSHS. **Staff Contact:** Linda Hanna, 337-7068. Motion carries unanimously.
- G. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Revenue contract amendment](#) with **WA State Department of Social & Health Services (KC-318-08D)** providing an additional allocation to the 2008-2009 State/Federal contract for agency provider/independent provider transition, senior citizen nutrition program and the senior farmer’s market nutrition program. **Fiscal Impact:** \$17,682 is 100% grant funded by DSHS. **Staff Contact:** Linda Hanna, 337-7068. Motion carries unanimously.
- H. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Contract amendment](#) with **WA State Department of Social & Health Services (KC-060-09A)** increasing the contract amount by \$77,066 from the American Recovery and Reinvestment Act, designated for congregate nutrition services and home delivered meals. **Fiscal Impact:** \$77,066 is 100% grant funded by DSHS. **Staff Contact:** Linda Hanna, 337-7068. Motion carries unanimously.

- I. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Revenue contract](#) with **Olympic Consortium and WA State Department of Community, Trade and Economic Development (KC-213-09)** serving eligible recipients from Clallam, Jefferson and Kitsap counties in the WorkFirst Program for the period of July 1, 2009 – June 30, 2010. **Fiscal Impact:** \$2,000,000 is 100% grant funded by TANF Federal Funds. **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.
- J. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board adopts [Resolution No. 108-2009*](#) reclassifying positions in various departments. **Fiscal Impact:** General Fund – 2009 cost is approximately \$4,000 including salary and associated benefits; total projected costs based on 2009 wage rate is \$7,400 including salary and associated benefits. **Staff Contact:** Lynn Cole, 337-7185 x3536. Motion carries unanimously.
- K. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Revenue contract amendment](#) with the **Multi-Service Center (KC-410-08A)** providing an additional allocation of \$921 for the 2008-2009 Regional Long Term Care Ombudsman Program serving over 2,000 person in residential care in Kitsap County for the period of July 1, 2008 – June 30, 2009. **Fiscal Impact:** \$921 is 100% Grant Funded by WA State CTED. **Staff Contact:** Linda Hanna, 337-7068. Motion carries unanimously.
- 3) **DEPARTMENT OF PUBLIC WORKS:**
- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board adopts [Resolution No. 109-2009*](#) establishing Kitsap County “*Water is a Resource not a Waste Stream*” Policy. **Staff Contact:** Dave Tucker, 337-7292. Motion carries unanimously.
- B. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Contract amendment](#) with **WA State Department of Transportation (KC-198-06E)** for the Waaga Way Extension Project in North Kitsap, Commissioner Dist #1. **Staff Contact:** Kristina Nelson, 337-4891. Motion carries unanimously.
- C. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Quit Claim Deed](#) with the City of Port Orchard for conveyance of right of way along the south side of SR 16 in South Kitsap, Commissioner Dist #2. **Staff Contact:** Suzie Pride, 337-5777. Motion carries unanimously.
- D. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Contract](#) with **RV Associates (KC-204-09)** for reconstruction of 2.64 miles of SW Lake Flora Road in South Kitsap,

Commissioner Dist #2. **Fiscal Impact:** \$1,014,454 – Road Fund **Staff Contact:** Dick Dadisman, 337-5777. Motion carries unanimously.

- E. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board adopts [Resolution No. 110-2009*](#) accepting KC-367-08, 2008 Countywide Guardrail Project as complete. **Staff Contact:** Jacques Dean, 337-4671. Motion carries unanimously.
- F. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Contract](#) with **KPFF Consulting Engineers (KC-205-09)** for a pre-design study for improvements to Silverdale Way NW from Anderson Hill Road to State Route 3 in Central Kitsap, Commissioner Dist #3. **Fiscal Impact:** \$110,010 – Road Fund. **Staff Contact:** Jon Brand, 337-4893. Motion carries unanimously.
- G. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board adopts [Resolution No. 111-2009*](#) authorizing the transfer of 25 feet (part of the McCormick Woods Master Plan) of Kitsap County Public Works land into right of way in South Kitsap, Commissioner Dist #2. **Staff Contact:** Suzie Pride, 337-5777. Motion carries unanimously.
- H. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Quit Claim Deed](#) conveying 1.5 acres (part of the McCormick Woods Master Plan) to South Kitsap Fire & Rescue in South Kitsap, Commissioner Dist #2. **Staff Contact:** Suzie Pride, 337-5777. Motion carries unanimously.
- I. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Interagency agreement](#) with **WA State Department of Ecology (KC-219-09)** providing funding assistance for the Community Litter Cleanup Program. **Fiscal Impact:** \$82,000 (State's Share) – Solid Waste Fund. **Staff Contact:** Patricia Campbell, 337-4626. Motion carries unanimously.
- J. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Contract amendment](#) with **WA State Department of Ecology (KC-459-05C)** increasing the grant funding amount by \$21,638 for the cleanup action plan for the Hansville Landfill site. **Fiscal Impact:** \$21,638 – Hansville Landfill Post Closure Fund. **Staff Contact:** Patricia Campbell, 337-4626. Motion carries unanimously.

4) AUDITOR'S OFFICE:

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board adopts [Resolution No. 112-2009*](#) establishing a temporary I/F Loan in the amount of \$75,000 to the Kitsap County Community Development

Block Grant Fund from the county general fund. **Fiscal Impact:** \$75,000 – General Fund. **Staff Contact:** Lillian Shierk, 337-4909. Motion carries unanimously.

- B. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board adopts [Resolution No. 113-2009*](#) establishing the Kitsap County COBRA Fund to be used to subsidize COBRA insurance premiums for involuntarily terminated county employees under the American Recovery and Reinvestment Act and a temporary subsidy up to \$50,000 from the Cumulative Reserve Fund. **Fiscal Impact:** \$50,000 – Cumulative Reserve Fund. **Staff Contact:** Lillian Shierk, 337-4909. Motion carries unanimously.

5) **JUVENILE SERVICES DIVISION:**

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Interagency agreement](#) with the **Olympic Educational Service District #114 (KC-120-09)** for continued provision of educational services to youth while being detained in the Juvenile Detention Facility. **Staff Contact:** William Truemper, 337-5406. Motion carries unanimously.

6) **DEPARTMENT OF EMERGENCY MANAGEMENT:**

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Interlocal agreement](#) with **Douglas County (KC-193-09)** for LiDAR services. **Fiscal Impact:** Related revenue of \$15,000 – Intergovernmental Agreement. **Staff Contact:** Phyllis Mann, 307-5871. Motion carries unanimously.

7) **DEPARTMENT OF PARKS & RECREATION:**

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board adopts [Resolution No. 114-2009*](#) establishing the 2009 Kitsap County Fair & Stampede Change Fund. **Fiscal Impact:** \$45,000 – Revolving Fund. **Staff Contact:** Elizabeth Ratliff, 337-5345. Motion carries unanimously.
- B. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Contract amendment](#) with **Map, Ltd (KC-111-09A)** to provide additional work at the South Kitsap Regional Park as part of the preparation for Phase I development. **Fiscal Impact:** \$25,700 – Parks Capital Project Fund. **Staff Contact:** Martha Droge, 337-5361. Motion carries unanimously.
- C. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Deed of Right](#) with **WA State Department of**

Ecology (KC-224-09) for conservation purposes for the Illahee Preserve in Central Kitsap, Commissioner Dist #3. **Fiscal Impact:** Related revenue of \$29,791 – DOE Grant. **Staff Contact:** Matt Keough, 337-5357. Motion carries unanimously.

- D. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Contract amendment](#) with **Lydel Construction (KC-048-09A)** for Island Lake restroom remodel in North Kitsap, Commissioner Dist #1. **Fiscal Impact:** \$3,258 – Parks Maintenance Fund. **Staff Contact:** Dori Leckner, 337-5362. Motion carries unanimously.
- E. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Deed of Right](#) with **WA State Recreation & Conservation Funding Board (KC-09)** for conservation purposes for the newly acquired 320 acres of land in the Newberry Hill Land exchange. **Staff Contact:** Matt Keough, 337-5357. Motion carries unanimously.
- F. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Deed of Right](#) with the **WA State Recreation & Conservation Office (KC-428-08)** for conservation purposes for the North Kitsap Heritage Park in North Kitsap, Commissioner Dist #1. **Staff Contact:** Matt Keough, 337-5357. 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. 115-2009*](#) authorizing a joint-use agreement with Great Peninsula Conservancy for the Clear Creek Trail in Central Kitsap, Commissioner Dist #3. **Staff Contact:** Dana Daniels, 337-4667. Motion carries unanimously.

9) DEPARTMENT OF ADMINISTRATIVE SERVICES:

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Contract amendment](#) with **BCRA, Inc (KC-002-09A)** for architectural and engineering services for the Central Kitsap Community Campus Project in Central Kitsap, Commissioner Dist #3. **Fiscal Impact:** \$178,000 – Silverdale Project Fund. **Staff Contact:** Carolyn Siems, 337-4412. Motion carries unanimously.

10) SHERIFF'S OFFICE:

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board approves the [Contract amendment](#) with **Kitsap Mental Health Services (KC-157-02D)** providing professional mental health services for prisoners at the jail for an additional two months beyond original contract

expiration date of May 31, 2009. **Fiscal Impact:** Not to exceed \$28,500 for June 1 – July 31, 2009 – Jail General Fund. **Staff Contact:** Ned Newlin, 337-7107. 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 enacting an [Ordinance](#) amending portions of Kitsap County Code Chapter 21.04, Concerning Land Use Procedures (Post card noticing). **Staff Contact:** Katrina Knutson, 337-4201.

Scott Diener, Department of Community Development, gave a brief overview of the proposed Ordinance stating staff began researching postcard noticing in mid-2008 and met with other jurisdictions that utilize postcard noticing for their land use applications. He said postcard noticing would allow the department to send out postcards to all interested parties and all property owners within 400 feet of a land use proposal. He said the postcard includes such information as the permit number, staff contact, site location, type of application, meeting dates, public comment periods and how to obtain more information regarding the project. Diener believes postcard noticing would yield a substantial savings.

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 enacts [Ordinance No. 427-2009](#)** amending portions of Kitsap County Code Chapter 21.04, Concerning Land Use Procedures (Post card noticing). Motion carries unanimously.

- B) Public hearing to consider enacting an [Ordinance](#) amending Kitsap County Code Section 2.10.030, Concerning Hearing Examiner Rules of Procedure; and to consider a [Resolution](#) adopting the Kitsap County office of the Hearing Examiner Rules of Procedure for Application and Appeals. **Staff Contact:** Larry Keeton, 337-5683.

Scott Diener, Department of Community Development, gave a brief overview of the proposed Ordinance and Resolution stating Kitsap County Code Chapter 2.10 provides for the establishment of an Office of Hearing Examiner as well as procedures and duties but does not currently allow reconsideration or opportunities for mediation. He said the Board of Commissioners has found there is an occasional need for the Hearing Examiner to reconsider decisions and that some land use cases may be suited for alternative dispute resolution procedures. He said the proposed Ordinance makes necessary changes to allow for reconsideration and mediation. Diener also said the Hearing Examiner Rules of Procedures will satisfy a contractual obligation with the Hearing Examiner as well

as provide applicants; county staff and the public regulatory awareness for land use applications and appeals that before the Hearing Examiner.

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 enacts an **Ordinance No. 427-2009**** amending Kitsap County Code Section 2.10.030, Concerning Hearing Examiner Rules of Procedure; and adopts **Resolution No. 116-2009*** approving the Kitsap County office of the Hearing Examiner Rules of Procedure for Application and Appeals; subject to amending the resolution adding *review of the Rules after a 2-year period*. Motion carries unanimously.

- C) Public hearing to consider adopting a **Resolution** ordering certain sewer improvements and creating **Utility Local Improvement District #9** in the Manchester area of South Kitsap, Commissioner Dist #2. **Fiscal Impact:** \$1,180,222 – ULID Assessments. **Staff Contact:** Stella Vakarcs, 337-3660.

Stella Vakarcs, Public Works, gave an brief PowerPoint presentation on the proposed Resolution and states the Board of Commissioners adopted Resolution No. 243-2008 declaring its intention to order certain sewer improvements within the county and to create a utility local improvement district. She said this proposed resolution before the Board orders certain sewer improvements and creates a utility local improvement district providing for the payment of the cost of such improvements by special assessments and authorizing payment of such assessments into the utility local improvement district bond fund of the county.

Chair Garrido said the Board of Commissioners for 2008 found the petition of 51% sufficient of the individuals who live in the affected area. She said tonight's meeting is to hear comments and objections from any person affected by the formation of this district.

Bruce Crandall said he believes individuals would have voted differently on the petition if they had the information that had been presented tonight. He said he did not agree that the 51% was necessarily passed by the Board in 2008 because they had the correct information. He said he was not present at the meeting and did not get the information at the Board hearing in 2008. Crandall said he asked where this fit in the master plan as well as asked for a copy of the plan. He said he did not support this concept and believe it is gerrymandering. He questions why ULID #9 was not included in the process with ULID #8.

Jim Avery said he did vote yes on the improvements but he agrees that there are some problems. He said there is a gap between ULID #8 and #9, there are approximately 24 properties between the two. He said there are approximately 13 properties that are not included in ULID #9 and they would be the only properties in Manchester Village that are not on sewer or not required to be on sewer. Avery feels this matter needs to be resolved as it relates to the "gap"

area.

Tom Warren believes this whole process within the last 10 minutes has become very convoluted. He has concerns about the estimated \$20,000 cost which is money he doesn't have to spare. He said votes to form this LID are controlled by parcel area and the larger the property the more the vote counts. Warren said according to the Health District reports, there are no uncontrolled septic problems in the LID area and he believes there are reasonable alternatives to the sewer line.

Tom Warren read and submitted a letter from Ed Miesen. Miesen stated that at this time his family is opposed to the current design and ask the county to reshape the proposal to provide a more typical sewer design that is expandable and delay implementation to a future date. His letter also addressed his concerns about the design, timing, opt in/opt out clause, net benefit and the health of Puget Sound.

Kay Ottenbach asked who voted for and against this ULID and whether this information is available.

Bart Lovely said he supports this project and knows that it is a hardship for most everyone particularly with the construction. He said he is a general contractor and it is tough to put a good system in and make it last for a length of time. He believes the drain fields will fail eventually and the sewer system is a final fix. Regarding the 13 additional lots, Lovely said they could possibly help bring the cost down and it should be investigated.

Ron Rada said he is a resident of Manchester but not in the affected area of the LID. He gave historical background on the project.

Helen Miller asks who stands to gain from this ULID and did not believe it would be the property owners along the water. She asks who the proponents were and the reason for this request. Miller asks what problems the proponents were trying to fix.

Nancy English said she is a one-person household with limited income and knows for a fact that the cost will not just be \$20,000. She believes the boundary change information was clear and did not believe the correct total cost had been given to her. She wants to know the reason for implementing this district at this time and believes economically this is a bad time.

John Watson said he is opposed to the project as proposed. He said as it relates to policy and decision making on behalf of a government official, he did not think the ULID is a reasonable project at this time. He asks how serious was the lack of a sewer system effecting the health and safety of residents in this area? He urged the Board not to proceed with the ULID.

Vivian Henderson said if the county is concerned about keeping water in the ground, there is nothing better than doing that than a septic system. She commends the individuals concerned about letting their septic systems recharge the county's aquifers.

Dan Phillips said he watched his waterline deteriorate approximately 10 years ago. He said this project will cost a lot of money and has concerns about the 13 lots that were not included. He said he is caught in between but knows that homeowners will have systems that will fail.

Alice Watson said she has concerns about the timing of this project as it relates to the economy. She said it seems there is no problem but believes this proposal originated from a community group that decided the sewer system was under utilized and the sewers should be extended. She said it does seem to be gerrymandering when one property is left out and then added back in. Watson also has concerns about the 13 properties that were not included.

Al Frisch said he favors the sewers and believes it is a better solution to the county's wastewater. He believes the septic tank system worked well for larger properties but when density increases there is more wastewater going into the aquifers. He said if there is sewer water along with rain water going into the ground, sooner or later there will be a problem.

Bruce Crandall said he did not agree that there would necessarily be failures due to most homes only having two occupants and the systems are built to handle that. He also addresses concerns about opting out and if anyone was in danger of losing their home, the Board should not move forward with this project at this time.

Chair Garrido said she would like to continue this matter to the next board meeting because she would like to receive the following information: who actually signed the petition, the information that was sent out by staff regarding this project, the failing septic systems in the area, review of the original boundaries that were discussed and the details of why it changed over time.

Discussion is held by the Board and staff regarding the missing 13 lots, response from the Health District and the failing septic systems in the area.

A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board continues this matter to July 13, 2009 for decision only; further that the written record will be left open through the close of business on June 29, 2009. Motion carries unanimously.

- D) Public hearing to consider adopting a [Resolution](#) setting rates for sewer service

for the Central Kitsap Sewer System, the Kingston Sewer System, the Suquamish Sewer System, the Manchester Sewer System and the Navy Yard City Sewer System. **Fiscal Impact:** Approximately \$500,000 – Wastewater Utility Revenue. **Staff Contact:** Stella Vakarcs, 337-3660.

Stella Vakarcs, Public Works, gave an overview of the proposed resolution stating the 2009 increase is based on a Cost of Service Analysis with consideration due to the impact of the economy within the county. She said the increase would provide for cost of operation and maintenance, coverage for debt service for bonding on capital projects and to build, establish and repair/replace some of the aging infrastructure. Vakarcs said the proposed rate increase is 3% (\$51.72) for a single family; 3% (\$43.28) for a multi family; 5% (5.8 cents per hundred cubic feet of water usage) for commercial accounts and 5% for restaurant accounts (.074 for hundred feet of water usage). She said for Navy Yard City the variable rate change would increase to \$3.98 for a hundred cubic feet of water usage. Vakarcs said the fixed rate would remain unchanged.

David Schwab, Kingston resident, asks the Public Works Department to devise a more equitable fee for residential customers that use the sewer system. He believes the fee based on a flat rate rather than on water consumption is unfair. He said he is a single person paying the same rate as a household family consisting of an average of 4. Schwab believes there should be more fair and reasonable fee structure system.

Louis Oliver, Central Kitsap resident, said he does not believe the proposed rate system is fair. He said we live in an electronic age; the company that supplies his water knows how much he uses and in turn sends that information to him electronically...there is no manual meter. He believes the county could do the same. Oliver said he opposes the rate increase.

Helen Miller said the amount that one is paying on the flat rate is not for the amount that one actually uses and it appears that multiple units are being subsidized. She said she opposes the rate increase.

Ron Ross said the notice that he received stated the proposed rate for commercial or industrial facility customers is 5.8 cents per cubic feet which implied to him that that was the only rate increase being discussed. He said the notice did not mention the other rates. He said it would be a lot more efficient to run the sewer system if residents were allowed to use all the pipes that were laid in the ground. He said there would be more users if there was no restriction of use to the property through zoning.

Louis Oliver addresses the Board again relative to a sewer treatment system developed in California.

Chair Garrido closes the hearing.

Discussion is held and a **motion** is made by Commissioner Brown and seconded by Commissioner Bauer that the Board adopts **Resolution No. 117-2009*** setting rates for sewer service for the Central Kitsap Sewer System, the Kingston Sewer System, the Suquamish Sewer System, the Manchester Sewer System and the Navy Yard City Sewer System; further staff will work with the Board to come up with some variable rate structures where feasible. Motion carries unanimously

- E) Public hearing to consider enacting **Ordinance** amending Kitsap County Code Title 12 relating to illicit discharges, construction runoff and post construction runoff control. **Staff Contact:** Dave Tucker, 337-7292. **(At the request of Staff, this matter has been pulled and will be re-advertised for a later date.)**

- F) Closed Record hearing to consider an **Appeal** filed by **Efrain Ramirez** of the Hearing Examiner's decision to approve subject to conditions the Conditional Use Permit application (**Ramirez Landscape Business**) to legalize an existing contractor's storage yard for a landscape business. The proposal includes an inside and outside storage for heavy equipment vehicles and inside storage for small landscaping equipment and tools. There is also an outside storage area for surplus landscape materials. The proposed project is located in North Kitsap Commissioner District #1. **Staff Contact:** Meg Sands, 337-3375.

Chair Garrido gave the guidelines for a closed record appeal.

Meg Sands, Community Development, gave an overview of the proposed closed record appeal stating the Hearing Examiner issued a decision on the Conditional Use Permit for contractor's storage yard located at 5206 See Forever Lane in Poulsbo in the North Kitsap. She said the property is a 4.39 acre parcel zoned Rural Residential. She said the Hearing Examiner approved the Conditional Use Permit application subject to 36 conditions. She said the applicant is the appellant, Efrain Ramirez, and is appealing four of the conditions.

Discussion is held between the Board and staff regarding Condition #12, requirements of the Fire Marshall's Office and Condition #28, the fence requirement.

Thornton Percival, Attorney representing Ramirez, said relative to Condition #12, the Hearing Examiner erred by requiring the appellant to obtain a license to use NE See Forever Lane from the property owner burdened by a private road easement to 1) move equipment and vehicles and 2) use it as an emergency vehicle access. He said the road is a private easement for ingress/egress and utilities for all users. He said a road maintenance agreement was signed wherein the parties to the original road maintenance agreement specified any person who does "significant damage" to the road beyond normal ingress/egress for purposes relating to the property they own is responsible to repair such damage. Percival said the appellant is willing to assume responsibility for road damage

between Port Gamble Road and the driveway to his property as part of the Conditional Use Permit (CUP) so long as he uses his property for his landscaping business. He said the Hearing Examiner made a further requirement that a license must be obtained from the subservient property owner to move heavy equipment and vehicles on the easement. Percival said this required license is contrary to the recorded easement since the appellant has legal rights to use the road as a property owner and is using the property for purposes related to the property. Relative to Condition #15, Percival said the applicant wants to comply with the requirements, however without knowing the requirements, it is unfair and an unreasonable burden to require all parties (most of which were hostile to the CUP) to sign an agreement. He said the appellant is willing to comply with terms and conditions of the Fire Marshall if the required condition to obtain an agreement from third parties is stricken. Relative to Condition # 28, Percival said the appellant's property is just under 5-acres which includes extensive foliage between applicant's and the Edward's property. He said the applicant believes any required fencing should be around that portion of the property which will be under construction, including revised parking and along the road. He said requiring a fence around the entire 5-acre parcel is arbitrary, unnecessary and in error. Regarding Condition #35, Percival said the applicant asks that he be allowed to have some work done on Saturdays due to inclement weather that impacts the landscaping business. He said the record does show that testimony was given relative to workers possibly working a half a day on Saturdays. Percival said the Hearing Examiner's conditions should be revised or remanded for further review as to individual conditions being appealed.

Chair Garrido closes the closed record hearing.

A **motion** is made by Commissioner Bauer and seconded by Commissioner Brown that the Board remands this matter to the Hearing Examiner for potential reconsideration and clarification for the reasoning behind Conditions #12, 15 and 28. Motion carries unanimously.

- G)** Closed Record hearing to consider an **Appeal** filed by **Ron Templeton/Bill Broughton** on behalf of **Annette and Terry Weaver** of the Hearing Examiner's decision to deny the Conditional Use Permit application (**Montessori Farmhouse School**) to operate a Montessori school and day-care center. The proposed project is located in South Kitsap Commissioner District #2. **Staff Contact:** Meg Sands, 337-3375. **(At the request of applicant/appellant, this matter has been continued to July 13, 2009).**

- 11) 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. Vivian Henderson addresses the Board with concerns about the number of 6-foot

cedar board fences in the county.

12) COUNTY ADMINISTRATOR’S COMMENTS:

13) BOARD OF COMMISSIONER’S COMMENTS:

- A. Chair Garrido said the fishing derby at Island Lake was a lot of fun and a great introduction to fishing for the young children.

Public meeting adjourned at 9:57 pm.

**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:

- | | | |
|----------|------------|---|
| 06/22/09 | 11:35 a.m. | Lunch with Elected Officials - Chambers |
| | 2:00 p.m. | Admin Briefing– Pt Blakely Conf Room |
| | 5:30 p.m. | Budget Committee Meeting |
| | 7:00 p.m. | BOCC Regular Public Meeting – BOCC Chambers |
| 06/23/09 | 5:30 p.m. | Leadership Kitsap Graduation – Kiana Lodge |
| 06/24/09 | 8:30 a.m. | Work Study – Port Blakely Conf Room |
| 06/29/09 | 10:00 a.m. | Admin Briefing– Pt Blakely Conf Room |

	2:00 p.m.	Admin Briefing– Pt Blakely Conf Room
07/01/09	8:30 a.m.	Work Study – Port Blakely Conf Room
07/06/09	10:00 a.m.	Admin Briefing– Pt Blakely Conf Room
	2:00 p.m.	Admin Briefing– Pt Blakely Conf Room
07/07/09	8:00 a.m.	KRCC Board & Exec Com Meeting – Brem Gov Center
07/08/09	8:30 a.m.	Work Study – Port Blakely Conf Room
	1:00 p.m.	Coroner Facility Ribbon Cutting Ceremony
07/13/09	12:00 p.m.	Lunch w/ Employee of the Month – Amy’s
	2:00 p.m.	Admin Briefing– Pt Blakely Conf Room
	7:00 p.m.	BOCC Regular 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 **July 13, 2009 at 7:00 p.m. in the Board of Commissioners Chambers 619 Division Street Port Orchard, WA 98366.**

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).