



MINUTES

**KITSAP COUNTY
BOARD OF COMMISSIONERS
February 25, 2008 – 7:00 p.m.**

The Board of Commissioners met on the above-stated date. Present were Chair Steve Bauer, Commissioner Josh Brown, Commissioner Jan Angel, 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 of the Month for February. **Staff Contact:** Erin Neff, 337-4447.

Congratulations and Certificates of Appreciation are presented to **Ronica Pisz**, and **Kathy Marquardt**, *Public Works Department* on being selected Employees of the Month for February.

#2) Recognition of Employee Service Awards. **Staff Contact:** Joy Crema, 337-7185.

Congratulations and Certificates of Appreciation are presented to **David Gilmore**, *Administrative Services* and **Nancy Wilson**, *Juvenile Services Department* for their years of service to Kitsap County.

Congratulations and a Certificate of Appreciation is presented to **David Dixon**, *Public Works Department* on his retirement from Kitsap County.

#3) **Resolution** proclaiming the month of March as *Traumatic Brain Injury Awareness Month* in Kitsap County. Staff Contact: Debbie Austin, 337-7097.

Suzanne Griffin spoke in support of the proposed resolution.

Discussion is held, comments received and hearing no objection, a **motion** is Commissioner Angel and seconded by Commissioner Bauer that the Board adopts **Resolution No. 036-2008***proclaiming the month of March as *Traumatic Brain Injury Awareness Month* in Kitsap County. Motion carries.

**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD ON REGULAR
BUSINESS AGENDA, INCLUDING CONSENT AGENDA & 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 noted for public hearing will be deferred until the hearing.

- A. John Wiegenstein, Robert Austin, Dick Boughner, Barb Fox and Gerry Kearney addresses the Board regarding the removal of the Hansville speed tables/speed bumps on Twin Spits Road, Hood Canal Drive and Bridgeview Drive.

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 Angel and seconded by Commissioner Bauer that the Board approves the Consent Agenda. Motion carries.

1) MISCELLANEOUS ITEMS:

- B. Approve Minutes of February 11, 2008.
- C. Approve Warrant Nos. 3351610 – 3352647 in the amount of \$5,740,214.15.
- D. Approve Payroll Warrant Nos. 657716 – 657808 in the amount of \$1,879,232.21.
- E. Refer to the Prosecutor's Office and Risk Manager: 1) Claim for Damages filed by M. Carlsund; 2) Claim for Damages filed by CMR; 3) Claim for Damages filed by R. Nelson; 4) Claim for Damages filed by G. White; 5) Claim for Damages filed by J. Park; and 6) Claim for Damages filed by N. Beck.

2) DEPARTMENT OF PERSONNEL & HUMAN SERVICES:

- A. A **motion** is made by Commissioner Angel and seconded by Commissioner Bauer that the Board approves and executes the grant [agreement](#) with **Olympic Consortium and WA State Employment Security (KC-042-08)** providing training funds for eligible incumbent workers in the local marine and healthcare industries for the period January 1, 2008 – June 30, 2008. **Fiscal Impact:** \$53,221 is 100% grant funded via Workforce Investment Act. **Staff Contact:** Bob Potter, 337-4873. Motion carries.

- B. A **motion** is made by Commissioner Angel and seconded by Commissioner Bauer that the Board approves and executes the contract [amendment](#) with **Consolidated Food Management, Inc (KC-337-02F)** providing food services to clients of the Recovery Center for the period of January 1, 2008 – December 31, 2008. **Fiscal Impact:** \$105,000 – Kitsap Recovery Center State Contract. **Staff Contact:** Bert Furuta, 337-3532. Motion carries.
- C. A **motion** is made by Commissioner Angel and seconded by Commissioner Bauer that the Board adopts [Resolution No. 037-2008*](#) regarding position, salary and annual leave accrual for Tina Holguin. **Fiscal Impact:** \$11,869.52 including salary and associated benefits. **Staff Contact:** Lynn Cole, 337-7185 x3536. Motion carries.
- D. A **motion** is made by Commissioner Angel and seconded by Commissioner Bauer that the Board adopts [Resolution No. 038-2008*](#) transferring and reclassifying three (3) positions from the Department of Public Works to the Information Services Department. **Staff Contact:** Lynn Cole, 337-7185 x3536. Motion carries.
- E. A **motion** is made by Commissioner Angel and seconded by Commissioner Bauer that the Board adopts [Resolution No. 039-2008*](#) implementing classification changes within the Board of Commissioners Office. **Staff Contact:** Lynn Cole, 337-7185 x3536. Motion carries.

3) DEPARTMENT OF PUBLIC WORKS:

- A. A **motion** is made by Commissioner Angel and seconded by Commissioner Bauer that the Board approves the Septic Effluent Line Easement [request](#) by **Michael Keating** to cross County right of way known as Lemolo Shore Drive NE in North Kitsap, Commissioner District #1. **Fiscal Impact:** \$200 paid by petitioner. **Staff Contact:** Molly Foster, 337-4688. Motion carries.

4) AUDITOR'S OFFICE:

- A. A **motion** is made by Commissioner Angel and seconded by Commissioner Bauer that the Board approves the [Certification](#) of the 2007 Capitalized Assets Inventory. **Staff Contact:** John Zampardo, 337-4672. Motion carries.

5) CENTRAL COMMUNICATION DEPARTMENT:

- A. A **motion** is made by Commissioner Angel and seconded by Commissioner Bauer that the Board approves the interlocal [agreement](#) with **Kitsap Emergency Response Network (KC-028-08)** to create, manage and maintain an intergovernmental intra-net network in and among the local governmental entities and federally recognized Indian Tribes residing in Kitsap County. **Fiscal Impact:** \$500 – CenCom Operations. **Staff Contact:** Ron McAfee, 307-5810. Motion carries.

6) SHERIFF’S OFFICE:

- A. A **motion** is made by Commissioner Angel and seconded by Commissioner Bauer that the Board approves the grant [agreement](#) with **WA State and WA State Patrol (KC-020-08)** for purchase of a marine patrol boat for use in Tactical Marine Homeland Security. **Fiscal Impact:** \$165,824.55 –Sheriff/Marine/Special Investigative Unit/Administrative Funds. **Staff Contact:** Dennis Bonneville, 337-4860. Motion carries.

7) JUVENILE SERVICES DEPARTMENT:

- A. A **motion** is made by Commissioner Angel and seconded by Commissioner Bauer that the Board approves the interlocal [agreement](#) with the **Kitsap County Health District (KC-022-08)** providing medical services to detained youth for the period of January 1, 2008 – December 31, 2008. **Fiscal Impact:** \$253,626 – General Fund. **Staff Contact:** William Truemper, Jr., 337-5406. Motion carries.

8) COMMISSIONERS OFFICE:

- A. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board adopts [Resolution No. 040-2008*](#) appointing **Annie Humiston and Shane Phillips** to the *Transportation Planning Advisory Committee* representing North Kitsap, Commissioner District #1. **Staff Contact:** Jan Koske, 337-4650. Motion carries.
- B. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Angel and seconded by Commissioner Bauer that the Board adopts [Resolution No. 041-2008*](#) appointing **Jane Bedinger** to the *Southworth Ferry Advisory Committee* representing South Kitsap, Commissioner District #2. **Staff Contact:** Jan Koske, 337-4650. Motion carries.

7:15 PM 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.**

Chair Bauer gave the guidelines for a Closed Record Appeal hearing.

- A) Closed Record Hearing to consider an **Appeal** filed by **Desmond Policani, FSB, LLC** of the Hearing Examiner’s decision to deny the request for a **Shoreline Substantial Development Permit (Beach at Driftwood Cove)** to allow improvement of an existing 2,200 foot long access road, to construct a new 780 foot

long spur road and to upgrade the access to nine existing undeveloped residential lots within the Conservancy Shoreline Designation located in the 9300 – 9400 blocks of Southeast View Park Road in South Kitsap, Commissioner District #2. **Staff Contact:** Dave Greetham, 337-4225.

Dave Greetham, Department of Community Development, gave a brief overview of the proposed Closed Record Appeal stating on a procedural note, one of the original SEPA appellants (Don & Suzanne Gard) is in attendance tonight but they are not a party to this appeal. He said the Hearing Examiner ruled the SEPA appeal a “moot” point because of his denial of the permit. He said the neighbors who opposed the project have submitted a brief and the Board needs to determine prior to continuing tonight’s hearing whether they would be allowed to speak since they are not a party to the appeal. Greetham said the appellants are also the applicants for the project. Continuing on, he states the project is for a Shoreline Conditional Use Permit to develop an access road that serves nine existing platted lots located south of the Southworth Ferry on Colvos Passage. He said the access will involve upgrading an existing road and then cutting a new “spur” road across the lower portion where the eight lots on the shoreline are located. He said the “spur” road is the subject of this appeal and staff recommends denial of this Conditional Use Permit primarily due to the slope hazards. He said based on their proposal, staff found it to be inconsistent with both County Code Critical Areas and Shorelines Management and recommends denial. Greetham said the Hearing Examiner issued his decision upholding the recommendation and the appellants appealed the decision based on some fairly technical and specific geo-technical issues.

Desmond Policani, Appellant representing FSB/LLC, said the reason for the “spur” area is to increase property values by presenting a completely paved and serviceable asphalt road to the platted areas below. He said it is simply a margins issue and they would like to make the property more presentable than it currently is which is accessed via a dirt road with erosion ruts and structural failures in the upper portion of the road. He said samplings were taken which indicated that slope stability was not an issue and their geo-technical advisors presented information recommending design parameters for the slope areas were within the specifications for the county. Policani said the area of prime concerns extends approximately 35-40 feet out and approximately 70-feet long into the Conservancy area and the rest of the road is perfectly accessible. He said they would be open to relocating that spur if they had to but the desire is to improve the road conditions. He said slope stability would also be enhanced due to the fact that they would be de-watering the slope. Policani said on the upper portion on lots 2 – 9, there are no homes below and all of the “spur” road work is being done where it meets ground zero is in an unoccupied area. He said they are not looking to build homes but to improve lot conditions so they could be sold individually. Relative to the area of concern for landslides, Policani said they are not proposing to move out into that area but proposing to move away from the critical area into a more stable zone.

Commissioner Angel said she did not believe it is necessary to hear the Gard’s memorandum in support of the Hearing Examiner’s decision as it was not a part of the original record at the time and should not be considered “as added” at this late date.

Discussion is held and a **motion** is made by Commissioner Angel and seconded by Chair Bauer that the Board upholds the Hearing Examiner's decision thereby denying the appeal. Motion carries.

B) Closed Record Hearing to consider an **Appeal** filed by **David Horton, Attorney** representing **Bruce Pineo/Skyline West Enterprises, Inc.** of the Hearing Examiner's decision to deny the request for appeal of the Department of Community Development Determination that a drainage ditch on the subject property is a Type "Ns" Stream under Washington Administrative Code 222-16-030 and thereby denying the applicant's Site Development Activity Permit application to fill and grade-in the area of the stream. The proposed project is located at 1737 Corbert Drive in Central Kitsap, Commissioner District #3. **Staff Contact:** Dave Greetham, 337-4225.

Dave Greetham, Department of Community Development, gave a brief overview of the proposed Closed Record Appeal stating the applicant applied for a Site Development Activity Permit to import fill to cover the drainage course and pipe it to the property. He said Kitsap County had issued a similar permit in error on last year to property to the south and that raised a question as to whether this was a stream or not. He said this is the "crux" of this appeal. He said the property is located north of Kitsap Way and the stream/drainage course generally floats to the valley and a large portion is currently "tight lined." Greetham said the Department of Fish & Wildlife representative testified that based on the County's error on the other project they did not find it to be a stream which they had previously considered as a stream. He said the Hearing Examiner upheld that the determination.

Chair Bauer notes for the record that this project is located in Commissioner District #3 and since Commissioner Brown is out of town has requested that the decision on this matter be continued to the next Board of Commissioners public meeting scheduled on March 10, 2008.

David Horton, representing the applicant, states the drainage course runs along Corbert Drive in a straight line and the water that runs through it originates on Kitsap Way. He said this is obviously a storm water conveyance device and the Hearing Examiner's decision seems to admit that stating this is stormwater conveyance device. He said under the Kitsap County Critical Areas Ordinance a stormwater channel is not a stream unless it was historically a stream and that's where the Hearing Examiner erred. He said nowhere in the Dept of Fish & Wildlife or the Dept of Natural Resources is there a document that classifies "Finney Creek" as a stream. He said it's a stream because Dept of Fish & Wildlife said it's a stream but if one looks at Kitsap County Code, stormwater conveyance devices are not streams. He said 80% of the drainage course from Kitsap Way down to the bay is underground and is tight line however, Fish & Wildlife still states it is a stream. Horton said under the "clear reading" of the WA Administrative Code this is not connected to an above ground conveyance device. He said the fact that the Hearing Examiner interpreted this as a historical stream is contrary to the record and is not supported by substantial evidence. He reiterates the only reference in the record to a stream is made by Davis of Fish & Wildlife who states it is a stream because he thinks it was a stream in the past. He said his

client followed the Code and expects to develop his property pursuant to the Code and ask the Board to approve the appeal and issue the permit.

Chair Bauer closes the closed record appeal hearing.

A **motion** is made by Commissioner Angel and seconded by Commissioner Bauer that the Board continues this matter to March 10, 2008; said matter for decision only. Motion carries.

9) OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD:

(Please limit comments to **5 minutes**. Written comments may also be submitted to the Board if this timeframe is insufficient.)

- A. Doug Leibrant, John Hostvedt and Hugh Tucker addresses the Board regarding the removal of the Hansville speed tables/speed bumps on Twin Spits Road, Hood Canal Drive and Bridgeview Drive.
- B. Elizabeth Barnes addresses the Board regarding the “topless” espresso stand located in Gorst, WA.
- C. David Pedersen, Gamblewood Housing Division, addresses the Board regarding the Petit Oil Fuel Depot in the Kingston Industrial Park asking the Board to issue a “stop work” order.

10) COUNTY ADMINISTRATOR’S COMMENTS:

11) BOARD OF COMMISSIONER’S COMMENTS:

- A. Commissioner Angel made an appeal for individuals to volunteer to serve on various county boards and commissions. She also congratulated the participants of the recent Annual Salad Bowl Celebration.
- B. Commissioner Bauer comments on the speed bumps/speed tables in the Hansville area.

Public meeting adjourned at 8:32 p.m.

**BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY WASHINGTON**

STEVE BAUER, CHAIR

JOSH BROWN, COMMISSIONER

JAN ANGEL, COMMISSIONER

ATTEST:

OPAL ROBERTSON
Clerk of the Board

DATE APPROVED

* **See Resolution Journal Volume No. 62**

** **See Ordinance Journal Volume No. 16**

OTHER MEETINGS ATTENDED BY THE BOARD:

2/25/08	12:00 p.m.	Lunch with Elected Officials
	2:00 p.m.	Admin Briefing – Port Blakely Conf Room
	5:00 p.m.	Community Dev Citizen Advisory Group Mtg
	7:00 p.m.	BOCC Public Meeting – Commissioner Chambers
2/27/08	8:30 a.m.	Work Study Session - Port Blakely Conf Room
2/27/08	8:30 a.m.	Work Study Session - Port Blakely Conf Room
3/03/08	10:00 a.m.	Admin Briefing - Port Blakely Conf Room
	2:00 p.m.	Admin Briefing – Port Blakely Conf Room
3/04/08	8:00 a.m.	KRCC/Health Dist Board Mtg – Norm Dicks Gov Ctr.
3/05/08	8:30 a.m.	Work Study Session - Port Blakely Conf Room
	12:00 p.m.	Lunch with Employee of the Month
3/06/08	9:00 a.m.	WA State Assoc of Counties Legislative Mtg - Olympia

(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 **March 10, 2008 at 7:00 p.m. in the Board of Commissioners Chambers.**

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).

UPCOMING TIMED AGENDA ITEMS:

(PLEASE NOTE: These dates and times are tentative and subject to change)

March 10, 2008: