



## MINUTES

### KITSAP COUNTY BOARD OF COMMISSIONERS March 24, 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).*

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

**#1)** Employee of the Month for March. **Staff Contact:** Erin Neff, 337-4447.

Congratulations and a Certificate of Appreciation is presented to Terri Lyman, Parks and Recreation Department on being selected Employee of the Month for March.

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

Congratulations and Certificates of Appreciation are presented to the following employees for their years of service to Kitsap County: David Lewis and Janine Nutt-Wright, *County Clerk's Office*; Debbie Austin, *Commissioners Office*; James McKenna, *Personnel & Human Services*; Ralph Gann, *Public Works*; and Anthony Glover, *Corrections Division*.

**#3)** **Resolution**/Presentation honoring **Karen Flynn**, Kitsap County Auditor on her retirement. **Staff Contact:** Nancy Grennan, 337-7146.

Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts **Resolution No. 052-2008\*** honoring **Karen Flynn**, Kitsap County Auditor on her retirement.

**#4)** Public comments regarding Memoranda of [Agreement](#) for **Howe Farm** with South Kitsap School District Career and Technical Agriculture Science Program, Kitsap Dog Park, Inc and WA State University Kitsap Extension Master Gardeners. **Staff Contact:** Brian Lyman, 337-4252.

Chip Faver, Department of Parks & Recreation, gave a brief overview of the proposed agreement stating Howe Farm is an 80-acre parcel purchased in 1996 in part because of its agricultural history and visual quality. He said the Howe Farm Stewardship Plan called for a sustainable agricultural and a demonstration/learning garden program. He said the proposed agreements with the South Kitsap School District (SKSD) and WA State University Kitsap Extension (WSU) would provide the opportunity for students and the community to utilize Howe Farm as an extended classroom to learn about forestry, environmental-sound gardening, wetland and stream enhancement, livestock management and other agricultural studies while providing a focal point for public use and enjoyment of the Howe Farm Park site. He said it would also provide open space for an off leash dog area with Kitsap Dog Park, Inc helping to maintain the off-leash area. Faver said the Parks and Recreation Advisory Board unanimously approved the SKSD and WSU proposals at their meeting.

Commissioner Angel gave a brief overview of the timeline of the Howe Farm project stating it has been in the works for a couple of years. She said this is a draft agreement and the Board cannot take action until after the school district have weighed in.

Tom Donnelly said he was a member of Parks & Advisory Board for a number of years and the Howe Farm negotiation was a painful process. He said the County offered its portion of the deal from the Conservation Futures Fund.

Thomas Mosley, SK School District, said this has been a process of collaboration and encourages the Board to read thru all of the documents. He states this would be a wonderful document.

Chip Faver, private citizen, thanks the Board for its involvement in this project.

Seth Hall, Howe Farm Stewardship Committee, said he believes this proposal is the original intent of what they had proposed. He believes this property will enhance the learning opportunity for students. He said the wetlands are in a “use it or lose it” circumstance and the County needs to make sure the opportunity was not missed.

Charlotte Garrido said she is delighted to see WSU and the South Kitsap students use the farm. It is good for the land and is good to live off the land.

Peg Tillery, Master Gardner, acknowledges the South Kitsap students and the Kitsap Dog Park individuals and all of their hard work on this project.

Aaron Vetter, SK Student, said they have currently outgrown their farm at the school and asks the Board to approve this project.

Commissioner Angel mentions Jerri Bruckhart and her intentions regarding use of Howe Farm. She believes Bruckhart would be thrilled.

**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. Vivian Henderson, Kitsap Alliance of Property Owners, addresses the Board with concerns about the local government allowing the Puget Sound Regional Council (PSRC) to evolve into a “power house”. She said they have no accountability to the local citizens and asked when Eric Baker would present his fact-gathering report on the PSRC.
- B. Douglas Leibrant submits a petition to the Board asking for removal of the stop sign posted at Aspen and Ponderosa Roads in North Kitsap. He said Kitsap County records show no problems in this area and asked the Board to take immediate action on the signs removal.
- C. Ed Peterson addresses the Board with speed bumps on Hood Canal Drive in North Kitsap.

**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 Angel that the Board approves the consent agenda. Motion carries unanimously.

**1) MISCELLANEOUS ITEMS:**

- B. Approve Minutes of March 10, 2008.
- C. Approve Warrant Nos. 3354404 – 3355529 in the amount of \$3,847,202.01.
- D. Approve Payroll Warrant Nos. 658097 – 658185 in the amount of \$1,877,363.41.
- E. Refer to the Prosecutor’s Office and Risk Manager: 1) Amended Summons and Complaint for Damages for Personal Injuries, Violation of Civil Rights, Violation of the State Disabilities Act and State Freedom of Information Act filed by M. Watson, Guardian for W.E. Trask; and 2) Claim for Damages filed by M. Perez.

- F. Adopt Formal Decision of the Board of Commissioners – Re: Skyline Property Improvement Site Development Activity Permit.

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

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the [Contract](#) with **Olympic Consortium and WA State Division of Vocational Rehabilitation (KC-513-07)** to provide job counseling and assessment services at the Bremerton Work Source Office for the period January 1, 2008 – December 31, 2009. **Fiscal Impact:** \$21,960 is 100% grant funded via WA State DVR. **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.
- B. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the interlocal [agreement](#) with the **Makah Tribe (KC-038-08)** to provide government to government funding to federally recognized tribes for mental health services designed and provided by each tribe for the period of February 1, 2008 –December 31, 2008. **Fiscal Impact:** \$10,000 is 100% Grant Funded by DSHS. **Staff Contact:** Anders Edgerton, 337-4886. Motion carries unanimously.
- C. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the contract [amendment](#) with **Able Opportunities, Inc (KC-245-07B)** increasing the contract amount by \$36,000 to provide employment support services to Kitsap County 2008 transition students with developmental disabilities for the period of July 1, 2007 – June 30, 2009. **Fiscal Impact:** \$36,000 is 100% Grant Funded by WA State DVR. **Staff Contact:** Kelly Oneal, 337-4624. Motion carries unanimously.
- D. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the contract [amendment](#) with **WA State Employment Security Dept (KC-247-07A)** increasing the contract amount by \$22,162 to provide development disabilities services and reflecting the new language regarding the WA State DSHS, Division of Developmental Disabilities payment system for the period of July 1, 2007 – June 30, 2009. **Fiscal Impact:** \$22,162 is 100% grant funded by DSHS. **Staff Contact:** Kelly Oneal, 337-4624. Motion carries unanimously.
- E. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the Revenue [Contract](#) with the **Office of the Superintendent of Public Instruction (KC-086-08)** to address identified needs of middle school through high school youth who are at-risk of academic failure for the period of January 1, 2008 through June 30, 2009. **Fiscal Impact:** \$257,055 is 100% grant funded via OSPI. **Staff Contact:** Gay Neal, 337-7185 x3526. Motion carries unanimously.

- F. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the contract [amendment](#) with **Monica Meyer Consulting (KC-318-07A)** increasing the contract amount by \$33,300 to provide technical assistance and training to developmentally disabled clients for the period of July 1, 2007 through June 30, 2008. **Fiscal Impact:** \$33,200 is 100% grant funded via DSHS. **Staff Contact:** Kelly Oneal, 337-4624. Motion carries unanimously.
- G. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the Collective Bargaining Agreement [amendment](#) with the **Sheriff's Support Guild (KC-560-05G)** extending the contract term and establishing 2008 salaries for the period of December 31, 2007 through December 31, 2008. **Fiscal Impact:** \$50,054 includes all related costs – General Fund. **Staff Contact:** Bert Furuta, 337-7185 x3525. Motion carries unanimously.

**3) DEPARTMENT OF PUBLIC WORKS:**

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the [Contract](#) with **IMS Infrastructure Management Services, LLC (KC-063-08)** providing pavement condition survey services on various roads in the county system. **Fiscal Impact:** \$53,935 – Road Fund. **Staff Contact:** Trixan Greenlow, 337-5777 x3632. Motion carries unanimously.
- B. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the Contract [amendment](#) with **Burlington Environmental Inc (KC-109-07A)** for transportation and management services for the Household Hazardous Waste Collection Facility. **Fiscal Impact:** \$360,500 – Solid Waste Moderate Risk Waste Fund. **Staff Contact:** Pat Campbell, 337-4626. Motion carries unanimously.

**4) DEPARTMENT OF COMMUNITY DEVELOPMENT:**

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves the Final Plat for *Riddell North* located in Central Kitsap, Commissioner District #3. **Staff Contact:** Jim Barnard, 337-4336. Motion carries unanimously.

**5) DEPARTMENT OF ADMINISTRATIVE SERVICES:**

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the interlocal [agreement](#) with **Houston-Galveston Area Council (KC-069-08)** for a cooperative purchasing agreement for equipment, supplies and services using Kitsap County's competitively awarded contracts. **Staff Contact:** R'Lene Orr, 337-4410. Motion carries unanimously.

B. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the contract [amendment](#) with the **Kitsap Humane Society (KC-018-07A)** extending the contract term and adding a provision under Section 8, Compensation for animal control services for the period of January 1, 2008 through December 31, 2008. **Fiscal Impact:** \$536,615 – General Admin & Operations Fund. **Staff Contact:** Ben Holland, 337-4504. Motion carries unanimously.

C. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the [Contract](#) with the **National Association of Counties & Caremark PCS Health LP (KC-420-07)** for a prescription drug discount card program. **Staff Contact:** Ben Holland, 337-4504. Motion carries unanimously.

**6) JUVENILE SERVICES DIVISION:**

A. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the [Contract](#) with the **Skokomish Tribe (KC-066-08)** providing bed space for youth detained under the authority of the Skokomish Tribal Court. **Fiscal Impact:** Approximately \$3,125 in related revenue (fee for service at \$125 per bed day rate) – Skokomish Tribe. **Staff Contact:** Ben Holland, 337-4504. Motion carries unanimously.

**7) COMMISSIONERS OFFICE:**

A. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts [Resolution No.053-2008](#)\*appointing **Greg Hunt** to the *Central Kitsap Community Council* representing Central Kitsap, Commissioner District #3 to a 3-year term ending December 31, 2010. **Staff Contact:** Jan Koske, 337-4650. Motion carries unanimously.

B. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts [Resolution No. 054-2008](#)\* reappointing **Thomas Fairchild** (representing Dist #3) and **Oudy Acosta Perez** (representing Dist #2) to the *Kitsap County Council for Human Rights* for 3-year terms ending March 23, 2011. **Staff Contact:** Jan Koske, 337-4650. Motion carries unanimously.

C. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts [Resolution No.055-2008](#)\* appointing **Gary Anderson** and **Ray Pardo** representing District #2 and **Ann Ericson** and **Gary Lindsey** representing District #3 to the *Transportation Planning Advisory Committee*. **Staff Contact:** Jan Koske, 337-4650. Motion carries unanimously.

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

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the Interlocal [agreement](#) with **Kitsap County Consolidated Housing Authority (KC-116-08)** for funding, design and construction of a new community recreation center at the Central Kitsap Community Campus. **Fiscal Impact:** Not to exceed \$450,000 – REET 1, federal and state grants, private donations. **Staff Contact:** Nancy Grennan, 337-7146. Motion carries unanimously.
- B. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts [Resolution No. 056-2008\\*](#) expressing approval of North Kitsap School District's contract with Fischer General Contracting Inc for modernization of the NKHS Stadium Field and Strawberry Field #8 in North Kitsap Commissioner District #1. **Staff Contact:** Nancy Grennan, 337-7146.

**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.**

- A) Public hearing to consider a [Petition to Vacate](#) filed by **Thoman/Crane Avenue Homeowners Association** for a portion of right of way known as **Crane Avenue** in South Kitsap, Commissioner District #2. **Staff Contact:** Rob McGinley, 337-3924.

Rob McGinley, Public Works, gave an overview of the proposed petition to vacate stating the road was originally established in 1931 per the Plat of M.B. Crane's Waterfront Addition to Manchester. He said the right of way is considered to be a county un-maintained right of way, contains utilities, has been opened for access and improved with gravel or asphalt by the abutting property owners. He said the requested area for vacation is approximately 51,992 square feet and all abutting property owners are in favor of vacating the right of way. McGinley said various County Departments and review agencies have determined that the road will not be useful for vehicular, pedestrian or park/greenway purposes in the foreseeable future.

Randy Smith spoke in support of the proposed Petition to Vacate.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves the Petition to Vacate filed by **Thoman/Crane Avenue Homeowners Association** for a portion of right of way known as **Crane Avenue** in South Kitsap, Commissioner District #2; further that a Final Order be executed so stipulating. Motion carries unanimously.

- B) Public hearing to consider a [Petition to Vacate](#) filed by **Marcus & Gaylyn**

**Hoffman** for a portion of right of way known as **Chico Way** in Central Kitsap, Commissioner District #3. **Staff Contact:** Rob McGinley, 337-3924.

Rob McGinley, Public Works, gave an overview of the proposed petition to vacate stating the proposed road vacation is located at the northwest corner of the intersection of Chico Way NW and NW Kearney Road. He said the road was originally known as Access Road/Primary State Highway No. 21/Kitsap Lake to Keyport dated November 12, 1041 and later changed to State Route 3. McGinley said when State Route 3 was constructed and completed in 1971/1972, portions of the old road was transferred to Kitsap County and became known as Chico Way. He said this portion of the right of way has never officially been opened, contains two large cedar trees and is covered with grass and some planted landscaping. He said various County departments and review agencies have determined that 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 Commissioner Brown and seconded by Commissioner Angel that the Board approves the Petition to Vacate filed by **Marcus & Gaylyn Hoffman** for a portion of right of way known as **Chico Way** in Central Kitsap, Commissioner District #3; further that a Final Order be executed so stipulating. Motion carries unanimously.

**C)            NOTE: SAID MATTER FOR DECISION ONLY: *Closed Record* hearing to consider **Appeals** filed by **Warwick and Janice Bryant** of the Hearing Examiner's decision to **1) deny** the Conditional Use Permit application to operate their business (**Kiwi Fencing**) and its associated storage yard on the B & F Arena parcel; and **2) deny** the Revised Conditional Use Permit in regards to modification of the existing unclassified public use permit for the B & F Arena parcel to allow the Kiwi Fencing contractors storage yard located at 5867 Dogwood Road in South Kitsap, Commissioner District #2. **Staff Contact:** Dennis Oost, 337-7027.**

Discussion is held by the Board and a **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board continues the decision on this matter to April 14, 2008. Motion carries unanimously.

**D)            Public hearing to consider a **Resolution** amending the **Parks and Recreation Fee Policy** and a **Resolution** amending the **Parks and Recreation Fee Schedule**. **Staff Contact:** Chip Faver, 307-5355.**

Chip Faver, Parks & Recreation Department, gave an overview of the proposed resolutions stating the during the 2008 budget process, the Parks & Recreation Department proposed increasing some of its fees and the policies based on the Parks Sustainability Task Force recommendations as well to meet the required departmental budget cuts.

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

Commissioner Angel and seconded by Commissioner Brown that the Board adopts **Resolution No. 057-2008\*** amending the **Parks and Recreation Fee Policy**. Motion carries unanimously.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board adopts **Resolution No. 058-2008\*** amending the **Parks and Recreation Fee Schedule**. Motion carries unanimously.

**E) Closed Record** hearing to consider two (2) [Appeals](#) filed by:

**1) Lauren P. Rasmussen** of the Hearing Examiner's decision to grant subject to conditions the request for a *Shoreline Substantial Development Permit* to remove and replace portions of an existing pier (**Port Gamble Dock**) and to add a 60-foot gangway and a 165-foot by 14-foot float to the structure located adjacent to Port Gamble Mill Site in North Kitsap, Commissioner District #1 and;

**2) Jeffrey M. Eustis** of the Hearing Examiner's decision to grant subject to conditions the request for a *Shoreline Substantial Development Permit* to remove and replace portions of an existing pier (**Port Gamble Dock**) and to add a 60-foot gangway and a 165-foot by 14-foot float to the structure located adjacent to Port Gamble Mill Site in North Kitsap, Commissioner District #1.

Lisa Lewis, Department of Community Development, gave an overview of the proposed project stating Pope Resources of Olympic Property Group is proposing to repair and extend a dock in Port Gamble at the former Pope and Talbot mill site. She said the surrounding properties are a rural historic town waterfront and under the Kitsap County Shoreline Management Master Program, the shoreline environmental designation is urban. She said the applicant proposes to replace an existing 85-foot elevated pier that lead from a cement bulkhead at the head of the beach to an existing steel truss located at the 0 foot mean lower low water tide line. She said from the steel truss, the applicant would install a 65-foot long and 7 foot wide ramp leading to a 164 foot long and 12 foot wide concrete float. Lewis said accounting for the a planned 5 foot overlap between the gangway and the float, the entire proposed structure would project 310 feet from the cement anchor at the head of the beach and would project 225 feet from the truss, which is located at 0 mean lower low water. She said the dock would serve as a recreational community dock and a marine terminal for loading and unloading of commercial vessels (including fishing boats), charter boats and private vessels and floatplanes that are visiting Port Gamble. She further said the WA State Dept of Transportation for passenger only ferry service would temporarily use the dock during the Hood Canal Bridge closure associated with the State Route 104, Hood Canal Bridge East/half Replacement and West half Retrofit Project. Lewis said the Port Gamble Dock project would be a stand-alone project and not associated with any other previously applied for dock or transfer span project that has been proposed in Port Gamble Bay. She said the issues brought forward by the Tribe are: 1) the Hearing Examiner improperly applied the "no-detriment standard"; 2) the Hearing Examiner failed to

consider the natural system designation; 3) the Shoreline Administrator failed to actually consider the impacts to the environment under State Environmental Policy Act (SEPA); and 4) the Hearing Examiner erroneously concluded that the nine boat maximum limitation avoided shell fish closure.

Discussion is held between the Board and Lewis regarding the meaning of a statement in the Hearing Examiner's decision that stated ...“the Tribe is appealing the denial of the SEPA appeal in the granting of the shoreline substantial development permit, the decision is not based on the record”, the illegal dock in place for two years, survey of the site prior to installation of the float, herring spawn area and whether there will be over- night moorage.

Chair Bauer gave the guidelines for a closed record appeal hearing.

Lauren P. Rasmussen, attorney representing the Port Gamble S'Klallam Tribe, said the Tribe opposes the marine terminal because it runs the risk of destroying the Tribes way of life by impacting shell fish both on and off the reservation as well as destroying Herring spawning habitat. She said the applicant is proposing an Argosy Cruise Terminal, floatplanes, ferry terminal and a 12-14 foot un-graded float structure which is unheard of in an area with critical listed summer Chum and Chinook. She said the uses of the proposed dock for boating, ferries and seaplanes have the risk of stirring up contaminated sediment as mentioned by county staff as a result of discharging waste which is a very real risk of a shell fish closure zone. She said this is a shoreline of statewide significance which means the job is to balance the private individual right and enjoyment of the rights of the public in a shoreline of statewide significance. Rasmussen said not only are the Tribes ceremonial needs protected by the law but these are also treaty rights. She said this is a Herring spawning area and one of the most important in Puget Sound. Rasmussen then gave a brief summary of the four issues on appeal. She asks the Board to reverse the Hearing Examiner's decision on both the Shoreline Substantial Development Permit and the SEPA determination.

Discussion is held between the Board and Rasmussen regarding if the docks were not there what she would suggest to replace them, spawning area for Herring, docks being in place for approximately 150 years, no-detriment standard, and spawning substrate.

Jeffrey Eustis, attorney representing Friends of Port Gamble Bay, said the new pier would have the same concrete float of 165 feet long as the old dock. He said there is a problem when there are ten or more vessels moored and the Hearing Examiner addressed this issue in his Condition #10. He said the Dept of Health states this issue is not one of the numbers of boats but of capacity. He said it is unclear to him how the proponent will insure the project will not result in shell fish closure. He said the findings that staff indicated that they have not received evidence for probable significant adverse impact and that the record does not appear to contain such information is wrong. He said it is also wrong to assume that imposing limits of nine or ten boats will avoid shell fish closures. Eustis said it was not up to the Friends of Port Gamble to prove that there would be “no detriment”, that is the obligation of the permit applicant. He asks the Board

to reverse the Hearing Examiner's decision.

Jon Rose, Olympic Property Group and Applicant, said Port Gamble has been a continuously operating industrial site since 1853 and that that use has been on-going for 155 years. He said marine-dependant uses are allowed in Port Gamble and this modest dock proposal of 165 feet is approximately one-third of the dock approved in Suquamish. He said in their first meeting with the Dept of Fish & Wildlife, they were given a letter stating it would deny the project due to Herring spawning issues. He said at their expense, Olympic Property Group put divers in the water for approximately 80 hours at the site and found the area operates as somewhat of a backwater and there is wood waste that Herring may or may not spawn on. He said throughout the bay, they did not find high concentrations of eel grass which is considered to be the most important indicator for spawning. He said they did find a proliferation of drift kelp which collects and smothers out the bottom. Rose said they spoke with top habitat officials in Olympia and the response was the project did not seem that complicated and they should be able to construct a dock in the area. He said this clears the mystery as to why the Dept of Fish & Wildlife changed its decision, he said he could not accept that after 150 years, one dock in this location would be unacceptable. Rose agrees that the north shoreline of Port Gamble is the second largest Herring spawning ground in the Puget Sound even after 150 years of continuous industrial use, however, Port Gamble is used far less now than at anytime in its history. He said they have co-existed for 150 years and the dock being proposed would not be a disruption to that history. Relative to whether a study was done, Rose said they asked the same questions and asked to see the data.

Derek Koellmann, Anchor Environmental, said one of the consequences of having drift kelp is it often smothers Herring eggs and lead to lower productivity. Relative to whether an EIS should have been required, Koellmann said according to staff discussion and based on the fact that permits would be required from the Dept of Fish & Wildlife and from the U.S Army Corp of Engineers, staff would consider these agencies review of the environmental consequences associated with the project and take it out of the realm of significant impacts, as long as staff received a copy of the report. He said the Hydraulic Project Approval (HPA) was issued and is included in the record. Relative to an "illegal dock", he said there were various orders issued to remove the dock placed by Caicos that occupies the upland portion of the site. He said the dock was removed and is no longer an issue. Relative to questions about the eelgrass study, Koellmann said the study came later, approximately in 2002 or as late as 2004 but did precede the dock. He said the study shows that the conditions that were shown in the new field study are very similar to conditions that were shown prior to the dock being put in. Relative to the Endangered Species Act determination, Koellmann said a finding that is likely to adversely affect does not mean that the species is going to encounter any type of unmitigated circumstance ... what it means is that the National Marine Fisheries Services and or the U.S. Fish & Wildlife has to issue a biological opinion, a much more formal document than the normal letter that follows a condition. Regarding shellfish closure, Koellmann said they were okay with Condition no. 9 and in the second portion of Condition #10 states they are willing to work with the county to come up with a set of

conditions that would prevent shellfish closure from occurring. He believes the Hearing Examiner was correct in his decision, it was right to grant the Shorelines Substantial Development Permit and overturn the SEPA Appeal for the project.

Discussion is held between the Board and Koellmann relative to why grading for a dock was not proposed, wood waste under a portion of the dock and the pre-existing dock before illegal dock.

Rasmussen said relative to the 150 years of use, this site is a natural systems designation and natural systems are to be protected from destructions cause by man no matter what man has done to natural systems in the previous 150 years. She said this is a Herring spawning habitat site.

Eustis said it is great that the applicant will work together with the Dept of Public Health but in the event the standard of fecal coli forms is exceeded, there will be a 36-month closure. He said relative to the nine or ten boat rule, it was inconclusive and what the applicant is doing is conflating two different things; one is the need to clean-up hazardous material from the environment and the other is to carry out the mandates of the Shoreline Management Act, the Endangered Species Act and the State Environmental Policy Act... there is no consistency.

Rose said when Pope Resources went through this process they were under the gun to save a contract and pressured the Hearing Examiner's Office to get a decision in a timely fashion. He said the Hearing Examiner did not rush, did not slam a decision down because Pope had a deadline but was thoughtful and made requests in which they responded to. He did not believe the Hearing Examiner missed much in the record and he took the time to it right.

Chair Bauer closes the closed record hearing.

Discussion is held between the Board and staff regarding the county relying on state agencies to make the decision relative to the determination of significance and the disparity between no-detriment and mitigation.

A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board continues this matter for decision only to April 14, 2008. Motion carries unanimously.

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.)

10) **COUNTY ADMINISTRATOR'S COMMENTS:**

11) **BOARD OF COMMISSIONER'S COMMENTS:**

A. Commissioner Bauer said relative to Puget Sound Regional Council membership,

this issue has been raised to each of the cities and to the Kitsap Regional Coordinating Council. He believes this is an issue that the county cannot decide by itself, it impacts all the cities and the county and this matter should be considered as a group.

Public meeting adjourned at 10:04 p.m.

**BOARD OF COUNTY COMMISSIONERS  
KITSAP COUNTY WASHINGTON**

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STEVE BAUER, CHAIR

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JOSH BROWN, COMMISSIONER

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JAN ANGEL, COMMISSIONER

**ATTEST:**

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OPAL ROBERTSON  
Clerk of the Board

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DATE APPROVED

\* See Resolution Journal Volume No. 62

\*\* See Ordinance Journal Volume No. 16

OTHER MEETINGS ATTENDED BY THE BOARD:

3/24/08	2:00 p.m.	Farewell Reception for Karen Flynn-Commissioner Chambers
	7:00 p.m.	BOCC Public Meeting – Commissioner Chambers
3/26/08	8:30 a.m.	Work Study Session - Port Blakely Conf Room
3/28/08	7:30 a.m.	Kitsap Economic Dev Alliance Annual Mtg – Sil Beach Hotel
	6:30 p.m.	Karen Flynn Retirement Party- Kiana Lodge
3/31/08	10:00 a.m.	Admin Briefing - Port Blakely Conf Room
	12:00 p.m.	Lunch with Elected Officials – Gino's
	2:00 p.m.	KC Consolidated Housing Authority Retreat – Gov Center
4/01/08	11:00 a.m.	Health District Board Meeting – Gov Center

4/02/08	8:30 a.m.	Work Study Session - Port Blakely Conf Room
4/07/08	9:00 a.m.	Habitat for Humanity Ground Breaking – Bremerton
	2:00 p.m.	Admin Briefing - Port Blakely Conf Room
4/08/08	9:30 a.m.	Kitsap Regional Coord Council Study Session/Board Meeting
4/09/08	8:30 a.m.	Work Study Session - Port Blakely Conf Room
4/10/08	9:30 a.m.	PSRC Transportation Policy Board – Seattle
	6:00 p.m.	KRCC Spring Legislative Dinner-Amy's on the Bay

**(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 14, 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)