



MINUTES

KITSAP COUNTY BOARD OF COMMISSIONERS May 12, 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) [Recognize](#) and acknowledge *Kitsap County Government Awareness Week Art Contest* winners, **Sydnee Elton** (South Kitsap High School - essay) and **Kendal Peiguss** (Kingston High School – poster). **Staff Contact:** Sara Clements Sampson, 337-4486.

Congratulations and Certificates of Recognition was presented to Sydnee Elton (South Kitsap High School - essay) and Kendal Peiguss (Kingston High School – poster) on being selected winners of the *Kitsap County Government Awareness Week Art Contest*.

#2) Discussion is held, comments received and hearing no objection, the Board affirms **Resolution 093-2007*** as approved and adopted on May 5, 2008 proclaiming May 16, 2008 as *Medical Assistants Day* in Kitsap County.

**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. Geraldine Dick, Bremerton Garden Club, submits a petition to the Board recommending and supporting the installation of the Kitsap County Heritage Tree program.
- B. Jerry Arnett, Port Orchard resident, addresses the Board with concerns about the City of Port Orchard complying with the overall Comprehensive Plan.

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 April 28 and May 7, 2008.
- C. Approve Warrant Nos. 3362637 – 3363523 in the amount of \$5,582,039.43.
- D. Approve Payroll Warrant Nos. 658662 – 658752 in the amount of \$1,841,864.78.
- E. Refer to the Prosecutor’s Office and Risk Manager: 1) Claim for Damages filed by M. Bishop; 2) First Amended Complaint for Damages filed by N. Beck and; 3) Claim for Damages filed by K. Pacheco/T. A. Larson.

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 [amendment](#) with the **West Sound Treatment Center (KC-347-07A)** increasing the contract amount by \$34,356 to promote quicker access to treatment and better retention for the clients involved in treatment for the period September 1, 2007– June 20, 2009. **Fiscal Impact:** \$34,356 is 100% grant funded via WA State DSHS. **Staff Contact:** Betsy Bosch, 337-4880. Motion carries unanimously.
- B. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the [Contract](#) with the **Port Angeles School District and Olympic Consortium KC-128-08)** to provide school district reimbursement for substitute teacher time incurred as part of the *Building Bridges Drop Out Prevention Project* for the period January1, 2008 –June 30, 2008. **Fiscal Impact:** \$4,000 is 100% grant funded via Office of Supt of Public Instruction. **Staff Contact:** Gay Neal, 337-4879. 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 **Agape**

- Unlimited (KC-346-07A)** increasing the contract amount by \$43,488 to provide adult chemical dependency services the period September 1, 2007– June 20, 2009. **Fiscal Impact:** \$43,488 is 100% Grant Funded by WA State DSHS. **Staff Contact:** Betsy Bosch, 337-4880. 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 **Cascade Recovery Center (KC-343-07A)** increasing the contract amount by \$37,739 for outpatient treatment and client living stipends for the period September 1, 2007– June 20, 2009. **Fiscal Impact:** \$37,739 is 100% Grant Funded by WA State DSHS. **Staff Contact:** Betsy Bosch, 337-4880. Motion carries unanimously.
- E. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the contract rental [agreement](#) with **Olympic Consortium and WA State Employment Security Dept (KC-085-08)** to house the non-Work Force Investment Act staff at the Jefferson County Work Source office in Port Hadlock for the period of November 1, 2007 – September 30, 2009. **Fiscal Impact:** \$20,861 is 100% Grant Funded by WA State Employment Security. **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.
- F. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the revenue contract [amendment](#) with **WA State Policy Council (KC-307-07A)** providing clarification to expend year I funding and provide the authority for the Kitsap County Commission on Children and Youth to expend the funds for services to children and youth for the period of July 1, 2007 through June 30, 2009. **Staff Contact:** Gay Neal, 337-4879. Motion carries unanimously.
- G. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the contract [amendment](#) with **Kitsap Home Care Services (KC-303-06B)** increasing the contract amount by \$50,000 for the Title XIX/COPEs and Respite In home Personal Care Services. **Fiscal Impact:** \$50,000 is 100% Grant Funded DSHS. **Staff Contact:** Linda Hanna, 337-7068. Motion carries unanimously.
- H. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the Mutual Termination agreement [amendment](#) with **Holly Ridge Center (KC-261-07B)** terminating the current contract with the end date of December 31, 2007. **Fiscal Impact:** -\$173,035.11 – KC Local Real and Personal Property Tax & DSHS. **Staff Contact:** Kelly Oneal, 337-3525. Motion carries unanimously.
- I. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts [Resolution No.094-2008*](#) regarding classification changes within the Department of Personnel and Human Services. **Fiscal Impact:** 2008: PHS Aging & Long Term Care, savings of approx \$6,050; 2008: PHS Recovery

Center - \$26,740; \$14,605 Grant Monies & \$12,135 State Contract – Current budget and additional grant funding. **Staff Contact:** Lynn Cole, 337-3536. Motion carries unanimously.

- J. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts [Resolution No. 095-2008*](#) regarding classification changes within various county departments. **Fiscal Impact:** 2008: (approximate) includes salary and associated benefits: Cencom, \$8,655; Community Development, \$12,120 and Prosecutor’s Office, \$8,325 – included in current budget. **Staff Contact:** Lynn Cole, 337-3536. Motion carries unanimously.
- K. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts [Resolution No. 096-2008*](#) authorizing advancement in pay grade for Corporal R. Millard, Kitsap County Sheriff’s Office. **Fiscal Impact:** \$7,493 – General Fund (current budget). **Staff Contact:** Bert Furuta, 337-3525. Motion carries unanimously.

3) DEPARTMENT OF PUBLIC WORKS:

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts [Resolution No. 097-2008*](#) initiating County Road Project 3622, Sesame Street Project (constructing 0.75 miles of pavement rehabilitation and a 2-inch overlay with gravel shoulders from Newberry Hill Road to Big Bird Drive) in Central Kitsap, Commissioner District #3. **Fiscal Impact:** \$100,000 – Road Fund. **Staff Contact:** Yvonne Iskra, 337-5777 x3128. Motion carries unanimously.
- B. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts [Resolution No. 098-2008*](#) amending County Road Annual Program 2008, Item #38 (engineering, right of way acquisition and construction addressing the damaged 60-inch culvert on Seabeck Holly Road) in Central Kitsap, Commissioner District #3. **Fiscal Impact:** \$214,520 – Federal Funds and \$33,480 – Local Funds. **Staff Contact:** Yvonne Iskra, 337-5777 x3128. Motion carries unanimously.
- C. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the [contract](#) with **RV Associates (KC-149-08)** for improvements to Locker Road SE in South Kitsap, Commissioner District #2. **Fiscal Impact:** \$281,960- Road Fund. **Staff Contact:** Dick Dadisman, 337-5777 x3556. Motion carries unanimously.
- D. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the [contract](#) with **Brown & Caldwell (KC-139-08)** providing engineering services for a drainage planning project in the Driftwood

Key in North Kitsap, Commissioner District #1. **Fiscal Impact:** \$90,000 –Surface & Stormwater Mgmt Fees. **Staff Contact:** Dave Tucker, 337-7292. Motion carries unanimously.

- E. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the [contract](#) with **Oceanside Construction (KC-169-08)** for widening and channelization improvements to Hansville Road NE in North Kitsap, Commissioner District #1. **Fiscal Impact:** \$893,221.50 - Road Fund. **Staff Contact:** Dick Dadisman, 337-5777 x3556. Motion carries unanimously.
- F. [Petition](#) for sale of tax title lands (undeveloped 10-foot wide strips) filed by Elaine Smith located in the Plat of Manchester Heights Division 2 and the Re-Plat of Manchester Heights located in South Kitsap, Commissioner District #2. **Fiscal Impact:** \$5,000 – paid by petitioner. **Staff Contact:** Molly Foster, 337-3686. A motion is made by Commissioner Brown and seconded by Commissioner Angel that the Board continues this matter to May 19, 2008. Motion carries unanimously.
- G. 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. 099-2008*](#) accepting Local Improvement District #8 as complete in South Kitsap, Commissioner District #2. **Fiscal Impact:** \$712,530 – LID Assessments. **Staff Contact:** Stella Vakarcs, 337-5777 x3660. 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 and executes the [contract](#) amendment with **Herrera Environmental Consultants (KC-536-05B)** to re-design construction phase for the Chico Creek In-stream Restoration project in Central Kitsap Commissioner District #3. **Fiscal Impact:** \$46,800 – Salmon Recover Funding Board Grant. **Staff Contact:** Susan Donahue, 337-4557. Motion carries unanimously.
- B. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts **Resolution No. 100-2008*** authorizing approval of the settlement agreement between Kitsap County and *Larry and Gayle Grohn*, Re: Property located at 1611amd 1615 California Avenue SE in South Kitsap Commissioner District #2. **Staff Contact:** Larry Keeton, 337-5683. Motion carries unanimously.

5) **COMMISSIONERS OFFICE:**

- A. 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. 101-2008*** appointing ***Jay Spady (Dist #2) and William Bryan (Dist #3)*** to the *Transportation Planning Advisory Committee*. **Staff Contact:** Jan Koske, 337-4650. Motion carries unanimously.
- B. 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 affirms the Real Estate Purchase and Sale agreement-Joint Escrow Instructions with **Kitsap County Consolidated Housing Authority (KC-205-08)** for approximately 1- acre of the Kingston Village Green for the purpose of constructing 40 senior units in accordance with the Kingston Village Green Concept Plan. **Fiscal Impact:** \$600,000 in revenue. **Staff Contact:** Nancy Grennan, 337-4403. **(Note: agreement approved and signed at special BOCC meeting held on May 12, 2008 at 11:00 am.)**

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 **Chris Eckley** for a portion of Right of Way known as McAuliffe Lane NW in Central Kitsap, Commissioner District #3. **Fiscal Impact:** \$550 – Petitioner. **Staff Contact:** Molly Foster, 337-4688.

Molly Foster, Public Works, gave a brief overview of the proposed road vacation stating this section of right of way is undeveloped and was dedicated for public use in 1909 when the plat of Oscar E Jensen's Olympic View Tracts was created. She said the applicant and neighbors wish to regain this area for private use. Foster said the utilities serving the area have been notified and the petition has been reviewed by various other departments and agencies. She said all recommends approval of road vacation based on there being no foreseeable use and need for the right of way.

Carolyn Stein said she owns the south half of Lot 27 in Oscar E Jensen Olympic View Tract and comments on the Oscar E Jensen Olympic View plat map and public road design, a survey conducted by Ward Muller on the south half lot 27 in 1984 and maps/court records/discussions from the title insurance company, survey company and county staff.

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 Chris Eckley for a portion of right of way known as

McAuliffe Lane NW and further that an Order be executed so stipulating. Motion carries unanimously.

B) Public [hearing](#) to consider the County's intent to sell property consisting of 0.76 acres, adjacent to State Highway 16 in the area of Gorst, Washington, Commissioner District #2 and further authorizing the County Treasurer to sell said property at a public sale to the highest and best bidder. **Staff Contact:** Chip Faver, 337-4691.

Chip Faver, Parks and Recreation, said this is the second to last action involving the Sinclair Inlet Restoration Project. He said a boundary line adjustment had been done and Parks and Recreation Department would like to surplus and sell Parcel A and use the proceeds to fund the design and development of the South Kitsap County Park. He said Parcel A is not needed as part of the County's plan for shoreline restoration in that area and the land was previously part of Port Orchard Sand and Gravel that housed the old concrete batch plant. Faver said both parcels were purchased as part of the Brownfields Restoration Project in Sinclair Inlet. He said this request has been reviewed by various county departments and there was no objection to granting this request.

Jim Sommerhauser, Central Kitsap, questions whether there were prospective bidders for the property and what is the proposed use for the property?

Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves the intent to sell property consisting of 0.76 acres, adjacent to State Highway 16 in the area of Gorst, Washington, authorize the County Treasurer to sell said property at a public sale to the highest and best bidder; further that an Order be executed so stipulating. Motion carries unanimously.

C) [Closed Record](#) hearing to consider an appeal filed by the **Illahee Community Club/James Aho** of the Hearing Examiner's decision to grant subject to conditions the request for a Shoreline Substantial Development Permit (**Illahee Outfall Project**) to allow construction of a 42-inch diameter stormwater outfall adjacent to the Illahee Dock in Central Kitsap, Commissioner District #3. **Staff Contact:** Lisa Lewis, 337-4967.

Chair Bauer explains the guidelines for a closed record hearing.

Dave Greetham, Department of Community Development, states the proposed project is located in the Illahee Community and is a proposed right of way opening to develop 10 existing platted lots. He said an engineering analysis for this project has determined that the stormwater conveyance would be needed in order to handle the resulting run-off to the shoreline. He said in the same review it was determined that the existing conveyance controlled by the county is not sufficient for future capacity and therefore an additional stormwater conveyance is proposed as is allowed in the code. He said the permit before the Board today is for the shoreline outfall and the right of way opening in the first portion described earlier. Greetham said there might be right of way openings in the future and this conveyance is proposed to handle those future openings. He said at

this time, water quality is only proposed for the parent project which is the right of way opening. He said the proposal would result in an outfall underneath the dock north of the existing outfall which is an 18-inch conveyance line but the outfall would have energy dissipater of approximately 42-inches in width. He said the 42-inch outfall would be installed adjacent to an existing 24-inch outfall which is inadequate to handle the potential flows coming from the new developments. Greetham said the new outfall is designed to dissipate flows enough that beach substrates would not be displaced during a 100-year flood level storm. Greetham said the appellants are appealing the issuance of a SEPA Mitigated Determination of Non-significance (MDNS) issued by the Kitsap County responsible official on October 23, 2007 for the Illahee Outfall Shoreline Substantial Development Permit.

Discussion is held between the Board and staff regarding the definition of MDNS, outfall issues, SEPA Determination, which project is actually being considered, shoreline substantial development permit, existing platted lots, traffic impacts to the area, water quality review and goals, review of the overall record and semi rural shoreline environment designation.

Ryan Vancil, Attorney representing Illahee Community Club, states the Port of Illahee and citizens are opposed to this project due its placement in an area of high public access and community environmental value. He said the Port of Illahee Dock is a focus for recreation in the community and is dependent on high water quality as well as a healthy environment. Vancil said this project threatens the water quality in the dock area and therefore recreational use. He said a primary concern of the Illahee Community Club is the failure of the county and the applicants to adequately analyze the water quality impacts associated with the project as required under the State Environmental Policy Act (SEPA). Vancil further states the Hearing Examiner's decision is erroneous because the county failed to consider impacts that will be generated by the project, failed to consider public health issues, failed to consider groundwater impacts, failed to analyze impacts caused by transferring water to the project water basin and failed to analyze impacts to water quality. He states the Hearing Examiner's decision is erroneous because the county failed to comply with SEPA phased review, the Examiner erroneously determined that the SSDP requirements have been met by the proposal and the applicant did not have access for the outfall project through the structure supporting the Port of Illahee Dock. Vancil said the Port of Illahee has exclusive jurisdiction over the port area which includes the Port of Illahee dock, dock foundation, stairs to the beach area and abutting tidelands. He said the project proposes to punch through the foundational support for the dock and the Port is opposed to placement of the outfall project in areas within its jurisdiction. Vancil said the SSDP should be remanded to the County for additional review.

Ron Templeton, Attorney representing Mt Illahee Corporation, said the community club is appealing the county's threshold decision in which a Mitigated Determination of Non Significance was issued imposing conditions to insure that the project would not have significant impacts on the environment. He states this appeal arises from a Shoreline Substantial Development Permit application filed by the Mt Illahee Corporation to install

a storm outfall in a county right of way beneath the Illahee Dock. He states the outfall design complies with (or will comply) the Kitsap County Stormwater Management Manual and all other applicable development regulations including the requirements of the WA State Department of Fish & Wildlife, the WA State Department of Ecology, the National Oceanic and Atmospheric Fisheries Section and the Army Corps of Engineers. Templeton states the proposed outfall will be installed adjacent to an existing outfall that was installed by the County in 1990 which does not meet existing regulations and will not accommodate any added storm water occasioned by future development. He states the proposed outfall unlike the existing outfall has a 42-inch energy dissipation facility which will insure that no beach scouring will occur. He states Kitsap County's responsible SEPA official issued a Mitigated Determination on Non-Significance on October 23, 2007 which incorporated mitigating conditions that ensure the project will not have more than a moderate impact on the quality of the environment. Templeton states the Hearing Examiner's legal conclusions are supported by detailed findings of fact based on substantial evidence in the record and the appellant failed to bring forth any evidence to demonstrate that the project will have more than a moderate impact on the environment. Templeton asks the Board to affirm the Hearing Examiner's decision and dismiss the appellant's appeal.

Discussion is held between the Board and staff regarding feasibility of alternatives, low impact development in driveways and sidewalks, preliminary analysis of the soil, stormwater infiltration, stormwater standards, whether pure water comes from the system, SEPA allowing and acknowledging moderate impacts and the 2005 DOE manual.

A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board continues this matter to May 19, 2005 for decision only. Motion carries unanimously.

7) 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. Leslie Hassett thanks Commissioner Brown for taking the time to closely consider the Illahee Outfall decision.
- B. Jim Sommerhauser, Central Kitsap resident, comments on the perception of a "rubber stamp" decision when it comes to SEPA determination and the county's outdated stormwater manual.
- C. Jim Reedy, Central Kitsap resident, addresses the Board with concerns about safety in the area during construction of the Illahee Outfall project.
- D. Judith Krigsman, Central Kitsap resident, agrees with Sommerhauser about a perception in the county on how the Board handles project appeals and asks the Board to think carefully regarding its decision on the Illahee Outfall project.

E. Louis Barrantes agrees with Sommerhauser and Krigsman about there being a perception problem in the county and said it is frustrating. He addresses the impacts to the area and asks the Board to think carefully about this project.

F. Leslie Hassett, South Kitsap resident, comments on the 1992 Stormwater Water Manual mentioned in a Seattle Times Newspaper article.

8) COUNTY ADMINISTRATOR'S COMMENTS:

9) BOARD OF COMMISSIONER'S COMMENTS:

A. Commissioner Angel said she attended or will be attending the following: Financing of Infrastructure Seminar, Growth Management Meeting, Transportation Meeting and Passenger Only Ferry Meeting.

B. Commissioner Brown said he will be attending the Armed Forces Day Parade in Bremerton.

Public meeting adjourned at 9:08 pm.

**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:

5/12/08	9:00 am	Breakfast with Staff
	12:00 pm	Lunch w/ Sinclair Inlet Clean Up Crew, Port Blakely Conf Rm.
	2:00 pm	Admin Briefing, Port Blakely Conf Rm.
	6:00 pm	One Minute Poster/Video Essay, Port Blakely Conf Rm
	7:00 pm	BOCC Public Meeting, BOCC Chambers
5/14/08	9:00 am	Work Study Session - Port Blakely Conf Room
5/15/08	3:00 pm	KC Law Enforcement Memorial Ceremony, Brem Gov Ctr

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

Next regular Board of Commissioners public meeting will be held **May 19, 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)