



MINUTES

**KITSAP COUNTY
BOARD OF COMMISSIONERS
December 11, 2006**

NOTE: The Board of Commissioners met on the above-stated date. Present were Chair Jan Angel, Commissioner Chris Endresen, Commissioner Patty Lent, County Administrator Cris Gears and Clerk of the Board Pro Tem Debbie Austin. (THE BOARD OF COMMISSIONERS' PUBLIC MEETINGS AND PUBLIC HEARINGS ARE AUDIO AND VIDEO TAPED).

10:00 AM) Meeting Called to Order with Pledge of Allegiance.

PROCLAMATIONS/RESOLUTIONS/RECOGNITION:

PUBLIC HEARINGS:

**** Please note that start times are estimates and may be impacted by the amount of public input.**

#1 Continuation of public hearing **(SAID MATTER FOR DECISION ONLY)** to consider a **Closed Record Appeal** filed by Irwin Krigsman, et al of the Hearing Examiner's decision to grant subject to conditions the request for a **Critical Areas Variance (filed by Shaun & Alida Mullenix)** allowing for reduction of the wetland buffer from a Category III Wetland from 60 feet to a minimum of 25 feet and elimination of the building setback from said buffer and allowing elimination of the 15 foot building setback from a Type N stream. The proposed project is located in Central Kitsap, Commissioner District #3. **Staff Contact:** Karanne Gonzalez, 337-4993.

Discussion is held by the Board and a **motion** is made by Commissioner Lent and seconded by Commissioner Endresen that the Board finds the following:

That it has jurisdiction to review this matter.

That the Hearing Examiner's decision is supported by substantial evidence in the record and is not clearly erroneous.

Accordingly, the Board affirms the Hearing Examiner's decision to grant the Critical Areas Variance subject to the following additional conditions, which are based on the record before the Hearing Examiner.

1. A 6-foot, solid wood privacy fence to run the length of the east property line will be required to be constructed prior occupancy of the home.
2. A mitigation/restoration plan shall be required for both the wetland and the wetland buffer prior to building permit approval.

Motion carries unanimously.

#2 Public hearing to consider a **Closed Record Appeal** filed by **Jack Johnson** of the Hearing Examiner's decision to grant in part as follows: **a)** The Habitat Management Plan satisfies the requirements of Section 19.700.720 Kitsap County Code for four homes on the five lots; **b)** The appellant may proceed to construct the four homes on five lots subject to combining the northern two lots into one, constructing one single family residence thereon; and **c)** The appellant shall apply for a variance to the required setback from Circle Drive in accordance with the recommendations of the Department of Community Development to increase the width of the buffer from the heron rookery, however, should said variance be denied the appellant may proceed with the construction of four homes utilizing the minimum setback from Circle Drive. The subject five lots are located at 3217 Circle Drive in Central Kitsap, Commissioner District #3. **Staff Contact:** David Greetham, 337-4225.

Discussion is held by the Board and a **motion** is made by Commissioner Lent and seconded by Commissioner Endresen that the Board finds the following:

That it has jurisdiction to review this matter.

That the Hearing Examiner's decision to approve a four-home development is supported by substantial evidence in the record, but that it was erroneous to require the aggregation of two of the five lots.

Accordingly, the Board affirms the Hearing Examiner's decision to authorize construction of four homes on five lots and require the applicant to apply for a zoning variance and **REVERSES** the Hearing Examiner's decision requiring lot aggregation, subject to replacement of decision item B with the following language, which is based on the record before the Hearing Examiner:

"The applicant may proceed to apply for clearing and construction on the northerly lot at such time the Washington Department of Fish and Wildlife confirms the heron rookery no longer exists in it's current location, as documented in the July 2005 Habitat Management Plan."

Motion carries unanimously.

#3 Public hearing to consider a **Closed Record Appeal** filed by: 1) William Hegge, Evelyn Hegge and James Walker of the Hearing Examiner's decision to approve subject to conditions the application filed by **Theros Homes Inc** for a Critical Area Variance

to allow construction of a single family residence on lot 44 and a single family residence on lot 45 of President Point Seattle View Tracts located on the east side of President Point Road near its intersection with NE Elkern Place in North Kitsap, Commissioner District #1.

Staff Contact: David Greetham, 337-4225.

Discussion is held by the Board and a **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board finds the following:

That it has jurisdiction to review this matter.

That the Hearing Examiner's decisions are supported by substantial evidence in the record and are not clearly erroneous.

Accordingly, the Board affirms the September 22, 2006 Hearing Examiner's decisions to grant the Critical Areas Variance requests, subject to the 12 conditions of approval for each lot.

Motion carries unanimously.

#4 Public hearing to consider a **Closed Record Appeal** filed by Philip Paquette Jr. of the Hearing Examiner's decision to approve subject to conditions the Site Plan Review application (**Manchester Commons**) for the replacement of an existing single-story 1,308 square foot commercial building with a three story mixed-use structure including commercial on the ground floor and nine residential units above, to be constructed on the existing building foot print (Building A). In addition, the proposal includes two (2) two-story mixed-use structures with two units above the ground floor replacing a single-family home on an adjacent parcel to the north that fronts on Daniels Street (Building B). The total commercial square footage will be 5,269 square feet and the total residential square footage will be 19,757 with 11 units. The project site is located on the north side of East Main and south of Daniels Loop, east of the Manchester Library in South Kitsap, Commissioner District #2. **Staff Contact:** Jeff Smith, 337-7022.

Discussion is held by the Board and a **motion** is made by Commissioner Lent and seconded by Commissioner Endresen that the Board finds the following:

The Findings of Fact articulated by the Hearing Examiner are based on substantial evidence in the record and are not clearly erroneous. The Board cannot legally deny the application based merely upon community opposition.

The Board affirms the October 3, 2006 Hearing Examiner decision approving the conditional use permit, thereby denying the appellants' appeal.

Motion carries unanimously.

#5 Public hearing to consider enacting an **Ordinance** setting the speed limit on a portion of **Phillips Road SE** located in South Kitsap Commissioner District #2. **Staff Contact:** Steve Johnson, 337-3114.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Chair Angel and seconded by Commissioner Endresen that the Board enacts **Ordinance No. 365-2006**** setting the speed limit on a portion of **Phillips Road SE** located in South Kitsap Commissioner District #2. Motion carries unanimously.

#6 Public hearing to consider enacting an **Ordinance** posting 25 miles per hour speed limit on local access roads in all Commissioner Districts. **Staff Contact:** Steve Johnson, 337-3114.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board enacts **Ordinance No. 366-2006**** posting 25 miles per hour speed limit on local access roads in all Commissioner Districts. Motion carries unanimously.

#7 Public hearing to consider testimony on the matter of adopting a **Resolution** approving the **2007 Annual Road Program** in accordance with RCW 36.81 and WAC 136-15. **Staff Contact:** Randy Casteel, 337-4866.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board adopts **Resolution No. 215-2006*** approving the **2007 Annual Road Program** in accordance with RCW 36.81 and WAC 136-15. Motion carries unanimously.

#8 Public hearing to consider testimony on the matter of adopting **Resolution** approving the **2007-2012 Six-Year Transportation Program** in accordance with RCW 36.81 and WAC 136-15. **Staff Contact:** Randy Casteel, 337-4866.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Lent and seconded by Commissioner Endresen that the Board adopts **Resolution No. 216-2006*** approving the **2007-2012 Six-Year Transportation Program** in accordance with RCW 36.81 and WAC 136-15. Motion carries unanimously.

#9 Continuation of public hearing (**NO PUBLIC TESTIMONY WILL BE TAKEN**) to consider enacting **Ordinances** implementing amendments to the **Kitsap County Comprehensive Plan** that include Volume I: Plan and Policy Document, Volume II: Final Environmental Impact Statement and development regulations resulting from the Kitsap County 10-Year Comprehensive Plan Update process. **Staff Contact:** Eric Baker, 337-4495.

A **motion** is made by Commissioner Endresen and seconded by Commissioner Angel that the Board amends Volume I, Chapter 14-2 to state...*that within the 20 year planning horizon Silverdale will be a self-governing city.* Motion carries unanimously.

A **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board approves the original motion regarding the 10-Year Comprehensive Plan Update revisions which reads... *approve Volume I of the Comprehensive Plan dated August 2006, Volume II, The Environmental Impact Statement dated August 2006 and Volume III proposed development regulations dated August 2006 as well as the errata sheets that were provided to the Planning Commission on September 18, 2006 for their consideration” as amended November 1, November 6, and December 11, 2006 including Volumes I, II, III, the errata sheets and land use maps.* Motion carries unanimously.

Commissioner Endresen asked to have language added to Volume II Section 3 between numbers 8 and 9 to read... *Should any amendment to the Comprehensive Plan, Kitsap County Codes or any map associated therewith that was passed by the Board of Commissioners during it’s deliberations on November 1, November 6, and December 11, 2006 be inadvertently left out, the explicit action of the Board, as discussed in the past, shall prevail upon subsequent review and verification by the Board.* The Board concurs.

A **motion** is made by Commissioner Lent and seconded by Commissioner Endresen that the Board enacts **Ordinance No. 370-2006**** and the attachments for the 10-Year Update and the Final Environmental Impact Statement with the additional language added between numbers 8 and 9 of Section 3. Motion carries unanimously.

A **motion** was made by Commissioner Endresen and seconded by Commissioner Lent that the Board enacts **Ordinance No. 367-2006**** regarding the 10-Year Comprehensive Plan Update revisions to Kitsap County Code Title 17 (Zoning). Motion carries unanimously.

A **motion** was made by Commissioner Lent and seconded by Commissioner Endresen that the Board enacts **Ordinance No. 368-2006*** regarding the 10-year comprehensive plan update revisions to Kitsap County Code Title 18 (Environment). Motion carries unanimously.

A **motion** was made by Commissioner Endresen and seconded by Commissioner Lent that the Board enacts **Ordinance No. 369-2006**** regarding the 10-year comprehensive plan update revisions to Kitsap County Code Title 21 (Land Use Practices). Motion carries unanimously.

#10 Public hearing to consider a **Resolution** establishing the Kitsap County 2007 General Property tax levy, County Road property tax levy, Conservation Futures property tax levy, and the voted Poulsbo Library Capital Facilities District Bond levy. **Staff Contact:** Ben Holland, 337-4504.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board adopts **Resolution No. 217-2006*** establishing the Kitsap County 2007 General Property tax levy, County Road property tax levy, Conservation Futures property tax levy, and the voted Poulsbo Library Capital Facilities District Bond levy. Motion carries unanimously.

#11 **Resolution** certifying the Property Tax Levy collection in 2007. **Staff**

Contact: Ben Holland, 337-4504/Jim Avery, 337-7085.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Lent and seconded by Commissioner Endresen that the Board adopts **Resolution No. 218-2006*** certifying the Property Tax Levy collection in 2007. Motion carries unanimously.

#12 Resolution adopting the 2007 Annual Budget. **Staff Contact:** Ben Holland, 337-4504.

Discussion is held, comments called for and hearing no objection, a motion is made by Commissioner Lent and seconded by Commissioner Endresen that the Board adopts **Resolution No. 219-2006*** adopting the 2007 Annual Budget. Motion carries unanimously.

PUBLIC COMMENTS ON REMAINING AGENDA ITEMS ONLY:

(Please limit comments to 3 minutes or less. Written comments may also be submitted to the Board if 3 minutes is insufficient.)

CONSENT ITEMS AND OTHER BUSINESS:

Note: Unless otherwise noted, all expenditures for the remaining agenda items have been included in the 2006 Biennial Budget.

A. A **motion** is made by Commissioner Lent and seconded by Commissioner Endresen that the Board approves Consent Agenda. Motion carries unanimously.

1) MISCELLANEOUS ITEMS:

B. Approve Minutes of December 4, 2006.

C. Approve Warrant Nos. 3266801 – 3267849 in the amount of \$2,422,674.40.

D. Approve Payroll Warrant Nos.

2) DEPARTMENT OF INFORMATION SERVICES:

A. A **motion** is made by Commissioner Lent and seconded by Commissioner Endresen that the Board approves and executes the contract with **Intergraph Public Safety, Inc (KC-480-06)** to provide maintenance services for the Sheriff's I/Lead Records and Jail Management System for the period of January 1, 2007 through December 31, 2008. **Fiscal Impact:** \$55,469 to be paid from Information Services. **Staff Contact:** Diane Rodman, 337-4969. Motion carries unanimously.

3) DEPARTMENT OF ADMINISTRATIVE SERVICES:

A. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Endresen and seconded by Commissioner Lent that the Board

adopts **Resolution No. 220-2006*** approving the spending plan for the Kitsap County Lodging Tax for the year of 2007. **Fiscal Impact:** \$178,500 from lodging tax. **Staff Contact:** Ben Holland, 337-4504. Motion carries unanimously.

4) DEPARTMENT OF PUBLIC WORKS:

A. A **motion** is made by Commissioner Lent and seconded by Commissioner Endresen that the Board adopts **Resolution No. 221-2006*** accepting KC-066-06, Olalla Valley Road SE culvert replacement with Five Rivers Construction as complete. **Staff Contact:** Jacques Dean, 337-4671. Motion carries unanimously.

5) DEPARTMENT OF PERSONNEL AND HUMAN SERVICES:

A. A **motion** is made by Commissioner Lent and seconded by Commissioner Endresen that the Board adopts **Resolution No. 222-2006*** adopting a Policy and Procedures Manual for assisting Kitsap County veterans. **Fiscal Impact:** None. **Staff Contact:** Leif Bentsen, 337-4883. Motion carries unanimously.

B. A **motion** is made by Commissioner Lent and seconded by Commissioner Endresen that the Board approves and executes the Collective Bargaining agreement amendment with the **Kitsap County Sheriff's Support Guild (KC-560-05D)** for renewal of medical benefits for the period of January 1, 2006 through December 31, 2007. **Staff Contact:** Rob Gudmundson, 337-4484. Motion carries unanimously.

6) CONTRACTS APPROVED BY COUNTY ADMINISTRATOR OR DEPARTMENT DIRECTORS: (No action required by the Board).

A. Summary report of contracts approved for the month of November.

7) OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD:

(Please limit comments to **3 - 5 minutes**. Written comments may also be submitted to the Board if this timeframe is insufficient.)

8) COUNTY ADMINISTRATOR'S COMMENTS:

A. Cris Gears, County Administrator, announces the 2:00 pm. afternoon briefing. He said the Board would hold an executive session at 4:00 pm to discuss matters pertaining to litigation and personnel.

9) BOARD OF COMMISSIONER'S COMMENTS:

A. Commissioner Endresen announces she had attended or will be attending the following: open house for Commissioner Lent in the Board Chambers, open house for Admiral Graham, Puget Sound Naval Base Association's Reception, Puget Sound Regional Council Transportation Policy Board & Growth Management Policy Board joint hearing, New Commissioner Training in Olympia, WA State Association of Counties Board meeting and Legislative Steering Committee meeting.

- B. Chair Angel announces she had attended or will be attending the following: Kitsap Credit Union and South Kitsap High School; Transit Boundaries hearing; Reception for Jud Turner; Open house for Commissioner Lent and the Navy Band Concert.
- C. Commissioner Lent announces she had attended or will be attending the following: lunch with employee of the month; Decision Makers Breakfast, 1,000 Stars Drive; Legislative Dinner in Olympia, Lunch with Port of Bremerton Commissioners, Seabeck Marina Christmas Party; Holiday Breakfast at the Presidents Hall and Habitat for Humanity Housing Project in Bremerton.

Public meeting adjourned at 1:55 p.m.

**BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY WASHINGTON**

JAN ANGEL, CHAIR

CHRIS ENDRESEN, COMMISSIONER

PATTY LENT, COMMISSIONER

ATTEST:

OPAL ROBERTSON
Clerk of the Board

DATE APPROVED

* See Resolution Journal Volume No. 61

** See Ordinance Journal Volume No. 15

OTHER MEETINGS ATTENDED BY THE BOARD:

12/11/06 2:00 p.m. Admin Briefing - Board's Conference Room
 6:00 p.m. PSNB Reception – Anthony's Restaurant, Bremerton

12/12/06 12:00 p.m. Lunch w/ Port of Bremerton Commissioners

6:00 p.m. Transit Board Hearing – BOCC Chambers

12/13/06 8:00 a.m. Facilities Parks & Recreation Director Interviews
12:00 p.m. Annual Office Potluck
5:00 p.m. Executive Session – Re: Personnel Issues

12/18/06 10:00 a.m. BOCC Public Meeting – BOCC Chambers
12:00 p.m. Lunch w/Employee of the Month
2:00 p.m. Admin Briefing – Board’s Conference Room

12/19/06 8:00 a.m. KCCHA/Transit/DEM Board Meetings

12/20/06 9:00 a.m. Natural Resources meeting – Board’s Conference Room
10:30 a.m. Reception for Commissioner Lent
12:00 p.m. Lunch w/Elected Officials

(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 **December 18, 2006.**

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)

December 18, 2006:

#1 Public hearing to consider adopting a **Resolution** to amending the 2005-2006 Kitsap County Biennial Budgets. Staff Contact: Arley Bright, 337-4787.