



**MINUTES**

**KITSAP COUNTY  
BOARD OF COMMISSIONERS**

**February 12, 2007 - PM**

The Board of Commissioners met on the above-stated date. Present were Chair Chris Endresen, Commissioner Jan Angel, Commissioner Josh Brown, County Administrator Cris Gears and Clerk of the Board Opal Robertson. **(THE BOARD OF COMMISSIONERS' PUBLIC MEETINGS AND PUBLIC HEARINGS ARE AUDIO AND VIDEO TAPED).**

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**6:30 PM)** Meeting Called to Order with Pledge of Allegiance.

**PUBLIC MEETING:**

**6:30 PM)** Public hearing to consider an **Ordinance** relating to Growth Management, amending Title 19, Critical Areas of the Kitsap County Code. **Staff Contact:** Patty Charnas, 337-4558.

Patty Charnas, Community Development, gave a Powerpoint presentation summarizing the proposed ordinance amendments and submits the presentation as part of the record.

Chair Endresen gave the guidelines for the hearing.

1. Tim McMahan said he has a seawall on his property and would need a variance to build. He questions how future use of property is addressed as it relates to buffer requirements. He asks the Board to deny adoption of the ordinance in order to allow for more time to work on the amendments.
2. Kurt Hinkle said he owns property across from Red Lobster in Silverdale and would hate to see everything he has worked for go down the drain because of this requirement. He questions how the county would compensate him for the loss of his property.
3. Jacob Metcalf believes the 100-foot buffer requirement is a good compromise and a good way to protect the shorelines.
4. Nancy Drake said her family has owned property in the area for many years and she grew up on Phinney Bay.

5. Cyrilla Cook said the county needs to take better care of our shorelines and urges the Board to protect the shorelines with 150-foot buffers.
6. Molly Lee said if the environment is destroyed, we would not be able to restore it to its historical state.
7. John Lee, Poulsbo resident, said he works in construction and is concerned about what contractors and construction workers do to critical areas. He urges the Board to protect and to buffer any critical areas it wants protected.
8. Vivian Henderson, Kitsap Alliance of Property Owners, said her biggest concern is the lack of information that has been given to property owners and the misleading statements that have been made to the press by people and staff members in the county who have assured property owners that these regulations will not affect existing properties.
9. C.M. Coyle, South Kitsap resident, said he has lived in the area for 30 years but has had to sell his property due to high property taxes. He said he is “sick and tired” of government doing as it chooses and believes that is what will happen here.
10. Tom Ostrom, Suquamish Tribe, said the Tribe supports the Planning Commission and County Staff’s recommendation on revisions to eliminate exemptions for small, isolated wetlands. He said these wetlands have ecological value and if properly implemented, the proposed changes will ensure their functions are properly protected.
11. Alan Peterson, Southworth resident, said from what he has read, the proposed increase in shoreline setback addresses no specific environmental problem. He said to enact any change in the current shoreline setback without specifics is not an approach that has been engineered to provide any gain for the people of Kitsap County or the environment.
12. Karl Duff, South Kitsap resident, said the proposed remand revisions are based on speculation, not science. He said the best available science mandate is meant to preclude local authorities from doing exactly what Kitsap County has proposed to do in its remand revisions, i.e. relying upon pure “speculation or surmise” when protecting critical areas.
13. Tim Matthes, Kitsap Alliance of Property Owners, said Kitsap County’s position is based on either incompetence or politics and if our elected government won’t fight for our county’s behalf then our citizens must. He said increasing waterfront setbacks from 35 feet to 100feet or more will impose huge delays and costs (variance fees, attorneys and land use consultants) to recover legal use of waterfront properties.
14. Beth Wilson, West Sound Conservation Council, said she is concerned about

wetland mitigation enforcement. She said the Council asks the Board to sustain the 150-foot that was originally proposed by staff. She said there is a need for more protection.

15. Michael Arns said he has lived on this property for 22 years and went through an Environmental Protection Agency Superfund clean-up from the Burley lagoon. He said he can't use his property and believes this is "un-American." He believes one can build in the wetland areas as long as it is properly mitigated.
16. Glen Jurges said the existing Critical Areas Ordinance already takes 50% of his property and if there is a 100-foot setback requirement, it will take all of his property. He said taxes will go up on property that he cannot use.
17. Helen Miller questions whether property owners will get a reduction in their property taxes if they lose use of their property.
18. Ron Rice said there has been no problem that has been identified and believes the county is setting in place "feel good" regulations.
19. Richard Brown questions how many households would be affected by this ordinance. He said there is a need for "clear cut" guidelines. He said the Tribes are never satisfied but they do not have to abide by these guidelines. He questions restitution to property owners.
20. Jean Bradford said regulations and restrictions are causing housing shortages. She believes this ordinance revision should be placed on "hold" until the Growth Management Act can be revised.
21. Michael Gustavson said Kitsap County seems to be in mortal fear of being sanctioned if it doesn't comply with the Central Puget Sound Growth Management Hearings Board remand. He said the Board was elected to protect the citizens' property. He said sewers, lawn fertilizers and run-off is what's polluting the critical areas and buffers will not fix that.
22. Sheldon Levin said he supports the changes and urges the Board to adopt the ordinance.
23. Mary Bertrand, Chums of Barker Creek, urges the county to take a strong leadership position about what can and cannot be done in the critical areas along salmon streams, steep slopes, wetlands and shorelines.
24. Judith Kringsman said the Critical Areas Ordinance has lacked teeth to protect our shorelines, wetlands and streams. She said the science behind these decisions is not up for vote and that the science should meet peer review acceptability. She said as elected officials, she trusts that the Board will use science and not pressure to come to a conclusion. She urges the Board to vote in favor of increased buffers and

protect the smaller wetlands.

25. Teresa Osinski, Homebuilders Association of Kitsap County, asks the Board to consider an urban specific buffer rather than the combined buffer that is for the shorelines in the proposed draft. She also asks that the Board consider including the City of Bremerton Critical Areas Ordinance language that allows the use of low impact development techniques in the buffers along wetlands and streams and incorporate that same type of language in the buffer text.
26. Rick Boston said he lives on Long Lake and that this ordinance jeopardizes his retirement home. He said there is a need for laws that look at all developed properties.
27. Gary Chrey said he owns property on Rocky Point and if the 100-foot buffer requirement is approved, his building footprint would disappear. He said 100-feet are too much of a compromise.
28. Faye Henden, Kingston resident, believes the proposed rules and changes will place a heavy burden on the Community Development staff. She asks if the county could afford to compensate property owners for the loss of the use of their land.
29. Tom Donnelly, Kitsap Citizens for Responsible Planning, said the Planning Commission concluded that 100-foot shoreline buffers would be adequate and staff has prepared a new recommendation to that effect. He said Kitsap Citizens for Responsible Planning could accept the new recommendation with the understanding that the county will accelerate the project to update and integrate the Critical Areas and Shorelines Management Plans in the near future.
30. Don Flora comments on behalf of William Palmer stating he is opposed to the proposed amendments to the Critical Areas Ordinance. He states Kitsap County has made no assessment of the environmental impact of the rule changes and has not taken the time to study the site specific impacts of the proposed rule changes. He said state agencies want Kitsap County to implement regulations that are not based on field studies in Kitsap County or Western Washington.
31. Bob Williams questions when did the Board get the authority to take away private property rights and turn it into property privilege. He said the Board is the elected county commissioners, a republic form of government and it does not authorize a non-elected hearings board to override them. He urges the Board to challenge the remand.
32. John Taylor encourages the Board to “hold” the line at 35-feet. He also encourages the Kitsap County voters to take this land war to the source, their state representatives in Olympia in order to change the Growth Management Act to local elected officials.

33. Matt Ryan urges the Board to take a strong stand. He said people who live on the shoreline are generally good stewards of their property,
34. James Lindsey does not believe this is government by the people for the people.
35. Martha Bishop urges the Board to keep the buffers.
36. Jon Rose said he understands the county's need to meet the Hearings Board deadline but strongly urges to adopt any measures on an interim basis until a science based, common sense plan can be put forth.
37. David Drake believes the decision should be left to the county commissioners and not some special interest group in Olympia.
38. Rebecca McCoy supports the increased buffer widths and said the 35-feet are simply not enough. She said there is also a need for proper enforcement of the regulations.
39. Jim Sommerhauser said anyone that gets a new building permit, revises a home or gets one foot closer to the shoreline than the 100-foot buffer - from this day forward the day that the county comes up with scientific evidence that the environment has been harmed, then that individual would be required to pay the entire cost of mitigation.
40. Nadean Ross said Kitsap County made the choice not to study the waterfront in order to determine what was happening in a particular spot. She said the study has not been done for whatever reason and this action should not be taken until it is.
41. Ron Ross said relative to buffer setbacks, did not know whether there had been any science or any conclusive proof that setbacks are necessary. He said the buffer is what it is and setbacks seem to be by definition the same as the buffers. He said the setback is not a requirement of anything other than someone's imagination as far as he is concerned.
42. Joyce Hansen said she has 180 feet of waterfront on Colvos Passage and that at present Kitsap County did not have the resources or the methods in place to check to insure that mitigation measures are completed as well as maintained. She said living on the shoreline is a privilege and a responsibility.
43. Craig Jensen said he is a lifelong resident of Kitsap County and said he has not seen a lot of damage from the people along the waterfront. He believes all the debris that has been mentioned comes from the sewer plants and as they overflow, millions of gallons sewage spill into our waters.
44. Mike Eliason, Kitsap County Association of Realtors, said increasing the buffer width to 100 feet (universally applied to all urban, semi-rural and rural shorelines and lakes

less than 20 acres) and establishing an administrative reduction provision for decreasing the size of the buffer (limited to no more than twenty-five percent reduction, requiring enhancement of the existing “degraded” buffer, imposing use of alternative on-site wastewater systems and requiring retention of native vegetation on other portions of the site in order to offset “habitat loss” from buffer reduction) may be contrary to state law and relevant hearings board decisions. He asks the Board to modify the provisions of the ordinance.

45. Tim Matthes, on behalf of Jack Hamilton, said in adopting regulations for shorelines at either the 100 or 150 foot buffer depth, the county is condemning the entire shoreline of Puget Sound to that level of regulation. He said if those buffers are appropriate in Kitsap County, they are appropriate throughout the Sound. He said through the Board’s actions, abilities are provided to the Hearings Board to force every county in western Washington to adopt similar regulations and any other regulations they may decree. He said it is not too late to appeal the Hearings Board ruling.
46. Karl Duff said there is no “grandfather clause” in the Critical Areas Ordinance and that makes the county’s goals crystal clear. He said approximately 6,000 non-conforming properties would become totally dependent on government benevolence. He questions why Kitsap County would seek to impose more citizens’ dependency on government’s good graces and benevolence.
47. William Palmer said the Critical Areas Ordinance does not address non-conforming properties.

Chair Endresen closes the public testimony portion of the hearing. She said written testimony would be received Tuesday, February 13, 2007 by the close of business.

Discussion is held by the Board and staff regarding non-conforming use, whether structures can be rebuilt if destroyed by fire, best available science, what best available science was used with the original Critical Areas Ordinance, the 35-foot setback requirement, whether staff had the report submitted Renee Beam, revisions to the Shorelines Master Program, near-shore assessment of the eastern shoreline, Hearings Board deadline, interim measures, stronger environmental regulations, “buying more time” with the remand order and the Board’s authority coming from the state legislature.

Public meeting adjourns at 9:50 p.m.

**BOARD OF COUNTY COMMISSIONERS  
KITSAP COUNTY WASHINGTON**

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CHRIS ENDRESEN, CHAIR

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JAN ANGEL, COMMISSIONER

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JOSH BROWN, 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

**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).**