



MINUTES

KITSAP COUNTY BOARD OF COMMISSIONERS May 21, 2007

The Board of Commissioners met on the above-stated date. Present were Chair Chris Endresen, Commissioner Jan Angel, Commissioner Josh Brown, County Administrator Nancy 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 and made available to the public).*

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

PROCLAMATIONS/RESOLUTIONS/RECOGNITION:

#1 [Employee of the Month](#) for May, *Dean Boening* (Solid Waste Specialist), *Vicki Bushnell* (Solid Waste Technician) and *Colleen Uuereb* (Solid Waste Technician) with the Department of Public Works. **Staff Contact:** Erin Neff, 337-4447.

Congratulations and Certificates of Appreciation is presented to the following individuals on being selected May employees of the month: *Dean Boening* (Solid Waste Specialist), *Vicki Bushnell* (Solid Waste Technician) and *Colleen Uuereb* (Solid Waste Technician) with the Department of Public Works.

PUBLIC HEARINGS:

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

10:00) A Closed Record hearing to consider an **Appeal** filed by **William Broughton** on behalf of **Douglas and Cerissa Holme** of the Hearing Examiner's decision to grant subject to conditions the applicant's request for **Colchester Commons Mixed Use Development**, a proposal to develop a four-story building, including underground parking as one floor, approximately 4,980 square feet of commercial space on the ground floor and two upper floors consisting of 12 condominium units on a 0.57-acre parcel in the central commercial area of the Manchester Village. The proposed project is located on the southeast quadrant of the intersection of East Main Street and Colchester Drive in South Kitsap, Commissioner District #2. **Staff Contact:** Dennis Oost, 337-7027.

Chair Endresen explains the rules and guidelines for a closed record appeal hearing.

Dennis Oost, Community Development, gave a brief overview of the proposed project stating the subject property is zoned Manchester Village Commercial and was granted approval by the Hearing Examiner on March 2, 2007. He said a timely appeal was filed that included five appeal issues: 1) The structure as proposed violates the Manchester Limited Area of More Intense Rural Development (LAMIRD) goal of two-story structures consistent with the existing built environment (Goals RZ-2 and CZ-5): for example this structure has a floor to area ratio much higher than any existing or proposed built environment; 2) The enclosed "courtyard" is commercial space under the zoning and building codes requiring either elimination of the residential space above the courtyard or requiring a CUP for exceeding the NC Zone limitation of 5,000 square feet of commercial space (KCC17.354); 3) The decision of the Hearing Examiner contains erroneous interpretations of the law; 4) The decision of the Hearing Examiner is not supported by substantial evidence; and 5) The decision of the Hearing Examiner is clearly erroneous in light of the facts stating the retail storefront should face the street with parking in front.

Discussion is held between the Board and staff regarding an actual architectural rendering of the building.

Cerissa Holme, Appellant, said her family has owned property across the street from the proposed Colchester Commons for nineteen years and five years ago they opened a restaurant and have become active members of the community. She said she wants Manchester to thrive and not wither away. Holme said the Colchester Commons parcel is "ground zero" for Manchester and the Board's decision about the height and density of this development will forever dictate the commercial flavor of Manchester. She encourages the Board to remand this matter to the Hearing Examiner for decision.

Bill Broughton, Attorney representing the appellants, states there were several issues raised in their appeal, the first dealing with Conclusion of Law #3 made by the Hearing Examiner regarding the project complying with the goals and policies of the Manchester Community Plan. He believes the Examiner erred in this conclusion and Board should remand the matter to the Hearing Examiner for a re-hearing. Relative to mixed used development compatibility, Broughton said this is a LAMIRD and any projects within this area should be consistent with the character of the existing area. He said this project is incredibly dense, a monstrosity set down in the middle of Manchester. He believes the Examiner was "hung up" on the 35-foot height requirement but in reality the height requirement needs to be in conjunction with the plan that indicates what should be developed in terms of compatibility which is a maximum of two story mixed used development. He said this is four stories including the underground parking. Broughton said the second issue has to do with Finding of Facts #18 relative to design standards. He said there are design standards within the comprehensive plan for this LAMIRD and those standards should be applied to this project. Relative to the patio, Broughton said apparently at the "eleventh hour" a design change was made, changing a portion of the 9,000 square feet commercial space on the first floor to a patio reducing the square footage to below 5,000 square feet. By doing this, Broughton said the applicants were able to avoid the conditional use permit process. He said that space must be considered commercial and believes that was erroneous.

William Lynn, Attorney representing the Applicants, said the appellants are asking the Board to do what it could not do which is to apply new rules to an existing project. He said the two story issue is very simple in that Kitsap County Code has one restriction and that is a 35-foot height limit and this project meets that limit. He said there is no regulation that sets a two-story limit and there is no legal basis for it. He said this project meets all three requirements of height limitation, parking requirements and setbacks. Relative to the courtyard being considered commercial, Lynn said the only provision the county has for residential development in a mixed use zone is, it cannot occur on the first floor. He said this project meets that requirement because there is no residential on the first floor. He said there is no requirement for a conditional use permit for the courtyard space because it is not really proposed for any use, it's a courtyard. He said it will be used by individuals entering and exiting the building. Lynn said he did not understand the last three issues on appeal in that they are very general and the appellant states the Hearing Examiner's decision was erroneous and not supported by facts. He said he did not hear any discussion to "shed light" on those comments. Concluding, Lynn said this appeal did not provide the Board a legal basis in which to over turn the Examiner's decision and believes his decision should be upheld.

Bill Broughton said what the Board had just heard did not address the merits of this project but an attempt to convince the Board that it did not have the ability to do anything other than to affirm the decision of the Hearing Examiner. He said this building does not "fit" in Manchester and this project should be remanded to the Hearing Examiner. He said the Hearing Examiner found compatibility, however compatibility to some extent is subjective and needs the policy direction of this Board. Broughton said this project needs to be re-evaluated and encourages the Board to remand this matter to the Hearing Examiner.

Discussion is held by the Board regarding use of the plaza/courtyard, conditional use permit requirements in an urban growth area vs. a LAMIRD, handling conflicts in the Kitsap County Code, statute for a Type I LAMIRD, Manchester Community Plan, the intent of the plan, how the proposed development could be harmonious and compatible, whether this development meet the intent of the Growth Management Act for a LAMIRD, how the development regulations apply, whether the proposed building is compatible with the surrounding neighborhood, whether the code took everything into consideration, the patio being a "borderline" call and possibly remanding the matter to the Hearing Examiner.

A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board remands this matter to the Hearing Examiner to consider but not limited to the following: rural character and meeting the Growth Management Criteria as pertaining to a LAMIRD; the intent of the Manchester Plan as stated in the plan under the commercial zoning – Manchester Village Zone; definitions/specifications and clarification use of open space and the courtyard; addressing the compatibility issue as stated in the appeal (item #1); and directing staff to present Formal Findings on Remand at the June 11, 2007 Board of Commissioners public meeting. 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 Angel and seconded by Commissioner Brown that the Board approve the Consent Agenda. Motion carries unanimously.

1) MISCELLANEOUS ITEMS:

- B. Approve Minutes of May 14, 2007.
- C. Approve Warrant Nos. 329070 – 3292167 in the amount of \$3,554,935.66.
- D. Approve Payroll Warrant Nos.
- E. Refer to the Prosecutor's Office and Risk Manager: 1) Claim for Damages filed by Steven Arthur Vancil.

2) DEPARTMENT OF PERSONNEL AND HUMAN SERVICES:

- A. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the sublease [amendment](#) with **Olympic Consortium and WA State Department of General Administration (KC-259-00B)** increasing the contract amount by \$37,932 to provide office space at the Bremerton Work Source office for the period of January 1, 2006 through December 31, 2007. **Fiscal Impact:** \$37,932 from WA State General Revenue. **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.
- B. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the Mental Health Revenue contract [amendment](#) with **WA State Department of Social & Health Services (KC-332-06C)** providing public mental health services to Medicaid residents in Kitsap, Jefferson and Clallam counties for the period of September 1, 2006 through June 30, 2007. **Fiscal Impact:** None to Kitsap County. **Staff Contact:** Anders Edgerton, 337-7185 x3526. Motion carries unanimously.
- C. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the contract [amendment](#) with **Olympic Consortium and WA State Employment Security Department (KC-293-06A)** revising Exhibit A, General Terms and Conditions of the Workforce Investment Act Administrative Cost Pool Grant for the period of April 1, 2006 through June 30, 2008. **Fiscal Impact:** None to Kitsap County. **Staff Contact:** Bob Potter, 337-4873.

- D. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the contract [amendment](#) with **Olympic Consortium and WA State Employment Security Department (KC-433-06A)** revising Exhibit A, General Terms and Conditions of the Workforce Investment Act Adult Grant for the period October 1, 2006 through June 30, 2008. **Fiscal Impact:** None to Kitsap County. **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.
- E. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the contract [amendment](#) with **Olympic Consortium and WA State Employment Security Department (KC-434-06A)** revising Exhibit A, General Terms and Conditions of the Workforce Investment Act Dislocated Worker Grant for the period of October 1, 2006 through June 30, 2008. **Fiscal Impact:** None to Kitsap County. **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.
- F. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the contract [amendment](#) with **Olympic Consortium and WA State Employment Security Department (KC-294-06B)** revising Exhibit A, General Terms and Conditions of the Workforce Investment Act Youth Grant for the period of April 1, 2006 through June 30, 2008. **Fiscal Impact:** None to Kitsap County **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.
- G. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the contract [amendment](#) with **Olympic Consortium and WA State Employment Security Department (KC-432-06A)** revising Exhibit A, General Terms and Conditions of the Workforce Investment Act Administrative Cost Pool Grant for the period of October 1, 2006 through June 30, 2008. **Fiscal Impact:** None to Kitsap County. **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.
- H. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the contract [amendment](#) with **WA State Department of Social & Health Services (KC-380-05B)** providing reimbursement to Kitsap County for a portion of expenses related to Medicaid Administrative activities, extending the contract end date to June 30, 2011 and increasing the contract amount by \$25,000. **Fiscal Impact:** None to Kitsap County - \$25,000 which is Grant funded by Medical Assistance Admin. **Staff Contact:** Kelly Oneal, 337-4624. Motion carries unanimously.
- I. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the contract [amendment](#) with **Olympic Consortium and WA State Employment Security Department (KC-466-04B)** revising Exhibit B, General Terms and Conditions of the Workforce Investment Act Dropout Prevention and Intervention Services Grant for the period of April 1, 2006

through June 30, 2007. **Fiscal Impact:** None to Kitsap County. **Staff Contact:** Gay Neal, 337-4879. Motion carries unanimously.

- J. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the [contract](#) with **Kitsap Community Resources (KC-162-07)** to provide indigent veterans with a “one-stop” location access to programs and services for low income and for the distribution of monies for temporary emergency assistance from the Kitsap County Veterans Assistance Fund. **Expenditure required:** \$109,252 - Kitsap County Real and Personal Property Tax (RCW 73.08 Veterans Relief). **Staff Contact:** Leif Bentsen, 337-4883. Motion carries unanimously.
- K. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the revenue contract with **WA State Department of Social & Health Services (KC-145-07)** providing partial funding of the 17th Older Americans Month Conference. **Fiscal Impact:** Revenue of \$1,000. **Staff Contact:** Linda Hanna, 337-7068. Motion carries unanimously.
- L. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the Collective Bargaining agreement with **Kitsap County Deputy Prosecutor’s Guild (KC-184-07)** providing for standard annual cost of living adjustment and for standard medical insurance as modified from time to time by the Board of Commissioners for the period of May 21, 2007 through December 31, 2009. **Expenditure required:** 2007 - \$64,622; 2008 – 2009 Wages plus COLA/Benefits – General Fund. Staff Contact: Susan Smith, 337-4888. Motion carries unanimously.
- M. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the Cash Advance [agreement](#) with **WA State Department of Social & Health Services (KC-182-07)** for the Peninsula Regional Support Network Mental Health Program providing a 2-month cash advance for the period of July 1, 2007 through June 30, 2008. **Fiscal Impact:** None to Kitsap County - \$45,520 is 100% Grant Funded through DSHS. **Staff Contact:** Allen Sharrett, 337-3526. Motion carries unanimously.
- N. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the Cash Advance [agreement](#) with **WA State Department of Social & Health Services (KC-183-07)** for the Substance Abuse, Developmental Disabilities and Aging & Long Term Care Programs providing a 2-month cash advance for the period of July 1, 2007 through June 30, 2008. **Fiscal Impact:** None to Kitsap County - \$774,630 is 100% Grant Funded through DSHS. **Staff Contact:** Allen Sharrett, 337-3526. Motion carries unanimously.

3) COMMISSIONER'S 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. 101-2007*](#) appointing **James Sommerhauser** to the *Kitsap County Planning Commission* completing a 4-year term ending December 31, 2009. **Staff Contact:** Jan Koske, 337-4650. Motion carries unanimously.
- B. WA State County Road Administration Board "*Certificate of Good Practice*" presented in appreciation to Kitsap County Engineer's Office. **Staff Contact:** Kathy Brown, 337-4426. (No action required by the Board).
- C. 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. 102-2007*** proclaiming the month of May 2007 as "*Suicide Awareness and Prevention Month*" in Kitsap County. **Staff Contact:** Joyce de Raschke, 337-4667. Motion carries unanimously.
- D. Discussion is held, comments received and hearing no objection, a motion is made by Commissioner Endresen and seconded by Commissioner Angel that the Board approves and executes the interlocal [agreement](#) with the **City of Poulsbo, Public Facilities District and North Kitsap School (KC-)** for project funding for North Kitsap Regional Events Center Phase I and II. **Fiscal Impact:** \$300,000 via Real Estate Excise Tax Fund. **Staff Contact:** Ann Blair/Carolyn Siems, 337-4412. Motion carries unanimously.

4) DEPARTMENT OF EMERGENCY MANAGEMENT:

- A. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the [contract](#) with **WA State Military (KC-173-07)** to receive funding in the amount of \$70,006 for emergency planning and preparation for Kitsap County and its four cities. **Revenue:** \$70,006 –Dept of Homeland Security Grant. **Staff Contact:** Phyllis Mann, 307-5870. Motion carries unanimously.

5) 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.)

- A. Helen Miller said she has always had good working conditions with the Department of Community Development.
- B. Jim Sommerhauser thanks the Board for his appointment to the Planning Commission and the opportunity to serve in this manner.

6) COUNTY ADMINISTRATOR'S COMMENTS:

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

- A. Commissioner Angel said she attended or will be attending the following: Senator Bob Oke Memorial Services, Kitsap County Law Enforcement Memorial program, Viking Fest Parade and Armed Forces Day Parade.
- B. Commissioner Brown said he attended or will be attending the following: Viking Fest Parade and Armed Forces Day Parade. He also offered condolences to Senator Bob Oke's family.
- A. Commissioner Endresen said she attended or will be attending the following: Port of Bremerton SEED Project meeting, "Kick-off" for Kitsap Cares for Kids, Puget Sound Naval Base Association Reception, Navy League Dinner, WA State Association of Counties Board Retreat and Port Gamble Mill Days. She also offered condolences to Senator Bob Oke's family.

Public meeting adjourned at 11:40 a.m.

**BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY WASHINGTON**

CHRIS ENDRESEN, CHAIR

JAN ANGEL, COMMISSIONER

JOSH BROWN, 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:

05/21/07	10:00 a.m.	Admin Briefing – Board’s Conference Room
	12:30 p.m.	Lunch with Employee of the Month
	2:00 p.m.	Admin Briefing – Board’s Conference Room
05/23/07	8:30 a.m.	Work Study Session – Board’s Conference Room
05/23-25/07	8:00 a.m.	WSAC Board of Directors Retreat – Lake Chelan
05/28/07	8:00 a.m.	Memorial Day – Office Closed!
05/30/07	8:30 a.m.	Work Study Session – Board’s Conference Room
	12:00 p.m.	Lunch with Elected Officials
05/31/07	6:00 p.m.	KRCC Legislative Dinner-Molly Ward Gardens

(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 **June 4, 2007 at 10:00 a.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)