



MINUTES

**KITSAP COUNTY
BOARD OF COMMISSIONERS
June 11, 2007**

The Board of Commissioners met on the above-stated date. Present were Chair Chris Endresen, Commissioner Jan Angel (*Absent*), 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).*

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.**

10:00 A) Public hearing to consider [Ordinances](#) repealing the **Industrial Multi-Purpose Recreational Area (IMPRA)** comprehensive plan policy and land use designation as well as associated **Urban Holding Area (UHA)** zoning classification and development regulations. **Staff Contact:** Eric Baker, 337-4495.

Eric Baker, Commissioners Office, said this ordinance repeals the Industrial Multi-Purpose Recreational Area designation and the Urban Holding Area Zone that was adopted in the 2006 Comprehensive Plan amendment process. He said the area is located in the South Kitsap Industrial Area just south of Lake Flora Road and consist of approximately 1,400 acres and has a series of land use processes such as development agreements, master plan and environmental impact statements. He said the document before the Board is to appeal this designation as well as the holding area zone and the accompanying zoning ordinance. Baker said the reason for this repeal is a settlement agreement signed on May 14, 2007 by the Board with the Citizens for Healthy Economic Choices of Kitsap on appeal filed on January 22, 2007 of the IMPRA designation. He said the settlement agreement indicated that the county would repeal both the Industrial Multi-Purpose Recreational Area and Urban Holding Area Designation and zones. He said per the Board's directions, staff compiled the various ordinances for the repeal, notices to state agencies and as well as other interested parties. Baker said the only written comment received to date is from the WA State Department of Community, Trade and Economic Development.

D. Overton said he is the applicant for the 10-year Comprehensive Plan update application that was before the Board in which a settlement agreement had been discussed and for which these ordinances repeals. He said relative to customer service, after the Comprehensive Plan was appealed, the Board and its legal staff “sat down” with the individuals that were appealing and negotiated the settlement agreement. Overton states he sought to intervene in order to defend the county and to help work with the county who was his partner in this Comprehensive Plan action. He said the county did not include him in any of the conversations or in drafting these ordinances for repeal. He said he wanted to “set down” with staff in order to find “middle ground” with the appellants. Overton’s said staff’s directions were clear in that while drafting these ordinances there was no “middle ground” for discussion. He said he would like to discuss this matter with staff and believes there is “middle ground.” Overton said this zoning was a holding area for large industrial projects that may also have a multi-purpose and recreational component. He said they do have other projects that would be suitable. Overton said he is dissatisfied with this process and it is too bad that he was not included.

T. Donnelly, Kitsap Citizens for Responsible Planning, said there are two reasons this zoning should be repealed sooner rather than later, number one, is the cost. He said their analyses of the legislation permitting IMPRA and Urban Holding Area concluded that several requirements of the Growth Management Act were not met when this zoning was adopted and continued pursuit of this case would waste the taxpayer’s money as well as the money of the organizations that brought this appeal who are also taxpayers. Donnelly said the second reason is that repealing these Ordinances would give the county the opportunity to reconsider the location of any industrial zone. He said this is a huge area and there are already hundreds of acres in the South Kitsap Industrial Area that are not developed and this just adds more undeveloped land in the same area of the county.

R. McGovern, Coalition for Healthy Economic Choices in Kitsap (CHECK), said this ordinance caused CHECK to be formed and in April of 2005 he stood before the Board and asked these questions: 1) Was the changing of SKIA to allow motor car racing as a precursor to having NASCAR in the county; and 2) Has anybody ever in this county contacted NASCAR in any way, shape or form to come to Kitsap. He said the county answered “no” to both of these questions. McGovern said CHECK has never tried to stop SKIA but was formed because it was not told the truth in the beginning. He said he is glad to see that this matter is on repeal before the Board.

J. Sommerhauser, Central Kitsap resident, said it appears to him that there were many arguments “for and against” NASCAR relating to this zoning. He said he is concerned that when there is development in the county, it needs to be planned and citizens need to know what will be built and the impacts to the environment and traffic. He believes the county should go back to where it was before and if there is any development, the developer needs to step up and follow the procedures letting all parties know what it is going to be developed in that area.

W. Palmer said he supports the comments made by Overton and believes the county is remiss in not involving the Overton’s in their zoning issues. He said it seems egregious to

him that the county failed to include the property owner who is a part of the process.

V. Henderson said she agrees that the county should have included the Overton's in the process and believes the county owes the Overton's an apology.

Chair Endresen closes the public testimony portion of the hearing.

Discussion is held between the Board regarding the "make-up" of the current board, actions taken by prior board, letter for Community Trade & Economic Development, whether to keep this parcel in SKIA, this issue not being about NASCAR, CHECK formulated to the stop the track, comprehensive plan hearings, Overton's requesting to be involved in the negotiations, holding area could be used for other projects, 5-year "sunset" of the proposal, settlement discussions have been ongoing since the earlier part of the year, no capital facilities planning done for this property as required by the Growth Management Act and a need for land to be zoned for good family-wage job producing opportunities throughout the county.

A **motion** is made by Commissioner Brown and seconded by Chair Endresen that the Board enacts **Ordinance No. 383-2007**** repealing the **Industrial Multi-Purpose Recreational Area (IMPRA)** comprehensive plan policy and land use designation as well as **Ordinance No. 384-2007**** relative to **Urban Holding Area (UHA)** zoning classification and development regulations. Motion carries; Commissioner Angel votes No.

10:00 B) Public hearing to consider an [Ordinance](#) creating development regulations for the application of community and large on-site sewage disposal systems in the rural areas of Kitsap County. **Staff Contact:** Jim Bolger, 337-7165.

Jim Bolger, Department of Community Development, gave a brief PowerPoint presentation and also notes the proposed ordinance being considered by the Board was developed to constrain potential urban-like densities in rural areas. He said the use of community or large on-site sewer systems for legal lots that do not conform to their rural zoning may facilitate residential densities in excess of the minimum urban residential zoning of four dwelling units per acre. Bolger said staff worked with a stakeholder advisory group to develop this draft ordinance for the Board's consideration. He said the department is currently reviewing a project in the rural Manchester area that has proposed the use of large on-site sewer systems to provide wastewater treatment to 78 homes on approximately 12 acres. He said the proposed sewer system is currently under review for possible approval or denial by the WA State Department of Health and that on May 22, 2007, the Planning Commission unanimously recommended that the Board of Commissioners postpone consideration of the proposed ordinance to a time following consideration of historically platted areas in the county.

S. Plummer said we need to be good stewards of our land and is concerned about the environment.

D. Reinhardt submitted a letter for the record from June Garrett-Groshong who was unable

to attend today's meeting. Reinhardt requested the Board to deny adoption of the ordinance, to stand behind existing laws and regulations and to insist on enforcement of the same. She said passing this ordinance as proposed will serve to defeat the County's published population target areas by drawing growth away from designated urban growth areas.

J. Harless said sewer systems that support multiple hookups and make urban densities possible are urban services as regulated by the Growth Management Act (GMA) and thus are not permitted in rural areas by the GMA, Countywide Planning Policies, Comprehensive Plan or Resolution 090-1998. He said the appropriate solution is to adopt an ordinance that treats these "community" systems as traditional publicly-operated "pipe-to-the-bay" systems as state law requires and that such systems are only permitted in urban growth areas and limited areas or more rural intense developments.

T. Donnelly said the proposed ordinance is non-responsive to most of the recitals that were cited in the ordinance. He said at the least, this ordinance limits the public liability of a large scale system that fails and that these systems are not currently in use serving many residents or households.

T. Osinski said the Homebuilders do not believe that there is a problem that existing codes don't already address. She said the Board does not need to adopt more codes or another ordinance that is not going to solve the problem because the board has not addressed what it believes the problem is. Osinski said there are systems in place to protect the public on how septic is handled on all lots. She urges the Board to review all of the information that has been submitted and re-evaluate to determine whether the county needs to move forward.

W. Palmer said there is no problem with large on-site sewerage systems however there is a problem with what the comprehensive plan states as well as how it addresses previous platted lots. He said there is a solution in the comprehensive plan on how to deal with large scale plats such as Manchester Heights.

G. Mahan said he agrees with Community, Trade & Economic Development in that the proposed ordinance will help address inappropriate conversion of rural lands to urban levels of development and is a step in the right direction. He said however, this ordinance is woefully inadequate to prevent the ongoing urbanization of rural areas of Kitsap County.

G. Dirks said if the county is going to allow lots to be developed at two dwelling units per acre then it should install a public sewer line in the beginning and have the developer pay for it.

D. Rude believes this ordinance is proposed due to non-conforming lots and in 1969 there was a ruling that prior to 1937 development of small lots should be aggregated particularly if one owner has multiple pieces of property. He said King and Thurston Counties agrees with and are utilizing this ruling. He said he does not understand why Kitsap County is not going along with this ruling.

Discussion is held among the Board regarding the comments received from the public, historic lots, how sewerage systems will be defined, whether they are sewer or septic systems, this appearing to be a density and growth issue but treated as a sewer/septic issue and whether these issues are under the Health Department.

The Board continues this matter to the next public meeting on June 18, 2007 at 10:00 a.m.

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.)

- A. W. Palmer addresses the Board with concerns about Agenda item 1.F, Colchester Commons in that it failed to consider the proper site plan and building elevations for this project.
- B. J. Sommerhauser addresses the Board with concerns about Agenda item 3.B. relative to the road closure, high traffic and parking enforcement during the Kitsap County Fair and Stampede on Nels Nelson Road.

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 Brown and seconded by Commissioner Angel that the Board approve Consent Agenda. Motion carries unanimously.

1) MISCELLANEOUS ITEMS:

- B. Approve Minutes of June 4, 2007.
- C. Approve Warrant Nos. 3314200 – 3315041 in the amount of \$2,208,194.80.
- D. Approve Payroll Warrant Nos.
- E. Refer to the Prosecutor's Office and Risk Manager: 1) Claim for Damages filed by John Mikesell; 2) Claim for Damages filed by Robert Garry Carter; 3) Claim for Damages filed by Andrew Lee; and 4) Claim for Damages filed by Ione Susan George.
- F. Adopt Formal Decision by the Board, re: Colchester Commons Site Plan Review.

2) DEPARTMENT OF EMERGENCY MANAGEMENT:

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the Interlocal agreement [amendment](#) with **Jefferson County (KC-392-03D)** extending the contract end date to April 30, 2008, revising statement of work and increasing the contract amount by \$60,000 for

Homeland Security in Jefferson County. **Fiscal Impact:** \$60,000 in Federal Grant funding. **Staff Contact:** Phyllis Mann, 307-5870. 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. 109-2007*](#) accepting as complete KC-210-06 for the Hansville Road NE at Little Boston Road NE North intersection improvements in North Kitsap, Commissioner District #1. **Fiscal Impact:** None. **Staff Contact:** Jacques Dean, 337-4671. Motion carries unanimously.
- B. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts [Resolution No. 110-2007*](#) authorizing temporary road closures during the *Kitsap County Fair & Stampede* for the week of August 20-27, 2007. **Fiscal Impact:** \$200 – County Road Fund. **Staff Contact:** Steve Johnson, 337-5777 x3114. Motion carries unanimously.
- C. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves [Petition](#) for sale of tax title land as submitted by **Vetter Road LLC** and located in the Plat of Poulsbo Heights within the City of Poulsbo boundaries. The tax title strip is 20 feet wide and abuts property owned by the Vetter Road LLC and city right of way known as Vetter Road in North Kitsap, Commissioner District #1. **Fiscal Impact:** \$14,650 to be paid by the Petitioner. **Staff Contact:** Molly Foster, 337-3686. Motion carries unanimously.

4) DEPARTMENT OF PERSONNEL AND HUMAN SERVICES:

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the Collective Bargaining agreement amendment with **Local 1308-AFSCME Courthouse Employees (KC-040-07E)** correcting the placement of the “Compensation Review” Section in the Collective Bargaining Agreement and Amendment A. **Fiscal Impact:** None. **Staff Contact:** Susan Smith, 337-4888. Motion carries unanimously.
- B. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the Collective Bargaining agreement amendment with **Local 1308-AFSCME Courthouse Employees (KC-040-07D)** establishing the classification and status change within the Department of Emergency Management and a salary increase for retention purposes in the Department of Community Development. **Fiscal Impact:** \$5,813-2006 and \$3,178-2007 from the General Fund. **Staff Contact:** Susan Smith, 337-4888. 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. 111-2007*](#) appointing **Greg Johnson** to the Surface and Stormwater Management Program Advisory Committee representing Central Kitsap, Commissioner District #3. **Fiscal Impact:** N/A. **Staff Contact:** Jan Koske, 337-4650. Motion carries unanimously.
- B. Discussion is held, comments received and hearing no objection, a **motion** is made by Chair Endresen and seconded by Commissioner Brown that the Board adopts [Resolution No. 112-2007*](#) appointing **Jesse Mittleman** as a West Hill Water District #20 Commissioner until a successor is elected pursuant to RCW 42.12.070. **Fiscal Impact:** N/A. **Staff Contact:** Jan Koske, 337-4650. 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 adopts [Resolution No. 113-2007*](#) appointing **Ken Kramer** as *Still Exhibits Director* and **Wendy Davis** as *Commercial Exhibits Director* for the Kitsap County Fair Board. **Fiscal Impact:** N/A. **Staff Contact:** Jan Koske, 337-4650. Motion carries unanimously.
- D. Recognizing **James Weaver**, Community Development, as successfully passing the Comprehensive Planning Examination certification and as a member in good standing of the American Institute of Certified Planners (AICP). **Staff Contact:** Scott Diener, 337-4966. **(No action required by the Board)**
- E. A **motion** is made by Commissioner Brown 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 District (KC-227-07)** for facility use of the North Kitsap Stadium and Strawberry Field. **Fiscal Impact:** N/A. **Staff Contact:** Carolyn Siems, 337-4412. Motion carries unanimously.
- F. A **motion** is made by Commissioner Brown 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 District (KC-235-07)** amending payment schedule for bonds issued in 2006. **Fiscal Impact:** N/A. **Staff Contact:** Carolyn Siems, 337-4412. Motion carries unanimously.

6) **ASSESSOR'S OFFICE:**

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts **Resolution No. 114-2007*** authorizing settlement of Laurier Enterprises, Inc. v. Kitsap County, Kitsap County Superior Court Cause no. 04-2-01590-3. **Fiscal Impact:** \$7,461 (there will be a reduction in county tax revenues in

this amount for 2007 but the amount may be re-levied in 2008). **Staff Contacts:** Yvonne Wolff, 337-4528 and Alan Miles, 337-7223. Motion carries unanimously.

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. Nancy Grennan reminded the public that the Department of Community Development would have limited service for inspections by county officials on Tuesday and Wednesday of this week due to training on the new building codes.
- B. Clarence Moriwaki, Public Information Officer, comments on the delegates from Tomsk, Russia who are touring and learning about our juvenile justice system.

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

- A. Commissioner Brown said she attended/participated in or will be attending the following: Central Kitsap Community Council and WA State Association of Counties Conference.
- B. Commissioner Endresen said she attended/participated in or will be attending the following: Kitsap Regional Coordinating Council meeting and the Port Gamble Mill Days Celebration.
- C. Commissioner Angel said she attended/participated in or will be attending the following: WA State Association of Counties Conference. She also congratulates the 2007 South Kitsap High School graduates.

Public meeting adjourns at 11:55 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:

- 06/11/07 2:00 p.m. Admin Briefing – Board’s Conference Room
- 3:15 p.m. Executive Session, Re: potential litigation
- 06/12/07 7:30 a.m. Regional Economic Dev Alliance Board Mtg-Clearwater Resort
- 06/13/07 8:30 a.m. Work Study Session – Board’s Conference Room

(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 18, 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)

JUNE 18, 2007:

10:00) Public hearing to consider a **Resolution** establishing restricted parking zones in **Old Town Silverdale** in Central Kitsap, Commissioner District #3. **Staff Contact:** Steve Johnson, 337-5777 x3114.

10:05) Public hearing to consider the following **Ordinances:**

- #1** Speed limit reduction on **Suquamish Way NE** from State Route #305 to south of Division Avenue NE from 50 MPH to 40 MPH in North Kitsap, Commissioner District #1. **Fiscal Impact:** \$200 from Transportation Fund. **Staff Contact:** Dusty Wiley, 337-7165.

- #2** Speed limit reduction on **Miller Bay Road NE** from Soundview Blvd NE to Trophy Lane NE from 50 MPH to 45 MPH in North Kitsap, Commissioner District #1. **Fiscal Impact:** \$200 from Transportation Fund. **Staff Contact:** Dusty Wiley, 337-7165.
- #3** Speed limit reduction on **Hansville Way NE** from State Route #104 (Georges Corner) to the north tip of the Kitsap Peninsula ending at the community of Hansville in North Kitsap, Commissioner District #1. **Fiscal Impact:** \$200 from Transportation Fund. **Staff Contact:** Dusty Wiley, 337-7165.
- #4** Speed limit reduction on **Central Valley Road** from north of NE Paulson Road to NE June Lane from 50 MPH to 45 MPH in North Kitsap, Commissioner District #1. **Fiscal Impact:** \$200 from Transportation Fund. **Staff Contact:** Dusty Wiley, 337-7165.
- #5** Speed limit reduction on **Sidney Road SW** from the Pierce County line to 500 feet north of SW Minterbrook Road in South Kitsap, Commissioner District #2. **Fiscal Impact:** \$200 from Transportation Fund. **Staff Contact:** Dusty Wiley, 337-7165.
- #6** Speed limit reduction on a portion of **NW Newberry Hill Road** and **Silverdale Way NW** in Central Kitsap, Commissioner District #3. **Fiscal Impact:** \$200 from Transportation Fund. **Staff Contact:** Dusty Wiley, 337-7165.
- 10:10)** Public hearing to consider enacting an **Ordinance** relating to updating portions of Kitsap County Code (KCC) Chapter 14.04, **Building & Fire Code**. The proposed ordinance will adopt the most recent editions of the Building, Residential, Mechanical, Fuel-Gas, Fire and Plumbing Codes as adopted by the State of Washington, along with some local amendments. **Staff Contact:** Michael Barth, 337-4968.