



MINUTES

KITSAP COUNTY BOARD OF COMMISSIONERS November 5, 2007 – 7:00 p.m.

The Board of Commissioners met on the above-stated date. Present were Chair Josh Brown, Commissioner Jan Angel, Commissioner Steve Bauer, County Administrator Nancy Grennan, Clerk of the Board Opal Robertson and Clerk of the Board Pro Tem Pat Lawson. *(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.

PROCLAMATIONS/RESOLUTIONS/RECOGNITION:

#1 [Employee of the Month](#) for November. **Staff Contact:** Erin Neff, 337-4447. Congratulations and a Certificate of Appreciation is presented to Dana Daniels and Angie Silva on being selected employees of the month for November.

#2 **Proclamation** recognizing and honoring all Kitsap County Veterans and their families. **Staff Contact:** Leif Bentsen, 337-4883.

Discussion is held, comments received and hearing no objection, a **motion** is made by Chair Brown and seconded by Commissioner Bauer that the Board adopt **Resolution No. 202-2007*** proclaiming the week of November 5-11, 2007 as Kitsap County Veterans Awareness Week recognizing and honoring all Kitsap County Veterans and their families. Motion carries unanimously.

#3 **Proclamation** proclaiming *November 9, 2007 as National Adoption Day* in Kitsap County. **Staff Contact:** Frank Maiocco Jr, 337-3305.

Judge Theodore Spearman spoke in support of the proclamation.

Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Angel and seconded by Commissioner Bauer that the Board adopts **Resolution No. 203-2007*** proclaiming Friday, November 9, 2007 as National Adoption Day in Kitsap County. Motion carries unanimously.

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 addresses the Board concerning sex offenders located in Kitsap County, illegal signs posted near schools in county rights-of-way, and the fact that she could not post her signs because of this illegality.
- B. Pat Ryan addresses the Board concerning the lack of an opening for bikes and pedestrians in the guardrail on Glud's Pond Road.
- C. Bill Every addresses the Board concerning the state of the roads in Kitsap County and specifically the road safety in the Hansville area.
- D. Jim Sommerhauser compliments the Board on the new county jail facility.

PUBLIC HEARINGS:

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

7:00 pm) Public hearing to consider enacting an [Ordinance](#) adding a Section on **Veterans Procurement Preference** to Chapter 4.116 of the Kitsap County Code relating to Purchasing Procedures. **Staff Contact:** Leif Bentsen, 337-4883.

Leif Bentsen, Department of Personnel and Human Services, gave an overview of the proposed ordinance stating this proposal adds a Section on Veterans Procurement Preference to Chapter 4.116 of the Kitsap County Code relating to purchasing procedures and recommends approval.

Chair Brown calls for public comments on this matter.

Raff Hafer, Chair of the Veterans Advisory Board spoke in support of the ordinance and asks that "disabled self-employed veterans" be added to the preference list.

Leif Bentsen also spoke in favor of adding disabled veterans to the preference list.

Discussion is held is held by the Board regarding adding disabled veterans to the ordinance.

A **motion** is made by Commissioner Angel and seconded by Commissioner Bauer that the ordinance be modified, re-advertised and brought back before the Board at the next appropriate meeting. Motion carries unanimously.

7:05 pm) Closed Record **Appeal** filed by **Carole Leininger and Carrilu Thompson** of the Hearing Examiner's decision to deny the portion of the appeal challenging the Director's authority to issue a non-site specific Director's Interpretation and to grant the portion of the appeal of John Park, David Hopkins, David Studebaker and Kevin Tweten challenging the balance of the Director's Interpretation regarding the **Manchester Village Commercial (#2)** district in South Kitsap Commissioner District #2. **Staff Contact:** Scott Diener, 337-

4966.

Larry Keeton, Department of Community Development, states the Department received a request for a Director's interpretation regarding the Manchester Community Plan specifically the height and the number of stories in the Manchester Commercial area. He said the Plan's introduction calls for two stories and 35-feet. Based on that, he said the Director made an interpretation stating the intent of the community plan was two stories. Keeton said the appeal before the Hearing Examiner challenging the Director's authority to make interpretations to comprehensive plans and sub-area plans as well as the height and story issue. He said the Hearing Examiner ruled that the Director had the authority to review and to interpret comprehensive plans and sub-area plans and found that the zoning code did not preclude three story structures. Keeton said the main appeal issues before the Board are: 1) the Hearing Examiner erred by stating that the director should not have referred to the Growth Management Act, 2) the Hearing Examiner erred by relying on two cases and 3) the Hearing Examiner erred by failing to review the site specific code sections in the broader context of the entire code.

Chair Brown explains the closed record appeal guidelines.

Ryan Vancil, representing the appellants Carole Leininger and Carrilu Thompson, said on April 5, 2007 the Director of Department of Community Development issued an interpretation in response to questions from the appellants. Vancil said the Hearing Examiner's decision for the most part is directed at the wrong issue, fails to follow state law concerning statutory interpretation and fails to give the Director the deference legally required in this situation. He believes the Hearing Examiner's analysis focused on the explicit code requirements limiting structures to 35 feet in height and whether there is similar explicit requirement concerning two stories. Vancil said this is misguided in that it completely ignores the purpose of the Director's interpretation and the basic tenets of law concerning statutory or code construction in the interpretation. He states the purpose of the Director's interpretation was to address a question raised by an ambiguity in the code in that it is not explicit about limiting structures in this area to two stories but clearly indicates that was its goal. He said when the Director's interpretation is examined in light of statutory construction requirements the Director's decision should be upheld. Vancil further states the Director examined the entire Manchester Community Plan to determine his interpretation of the two story limitation, whereas the Hearing Examiner just reviewed one section of the code which was in regards to the limitation on heights. He said the question was not about height but about allowing stories within that height. He said the Hearing also failed to mention that he owed deference to the Director in this case regarding statutory construction review. Vancil said the Director's interpretation is reasonable, follows the statutory construction requirements for ambiguous code language and the interpretation is that the limited context of the entire language of the Manchester Plan, the 35-foot height limitation allows only two stories. He said since the Hearing Examiner's decision did not conform to statutory construction requirements for ambiguous code language and failed to mention that the Director is owed deference, his decision should be overruled.

William Palmer, representing John Park, David Hopkins, David Studebaker and Kevin Tweten, states the Director's interpretation misinterpreted the intent of the Comprehensive Plan and believes the Hearing Examiner did give proper deference to the Director. He said the Hearing Examiner was not obligated to agree with the Director but obligated only to look at the issues the Director presented to determine whether he properly interpreted the Manchester Community Plan. Palmer said there are two parts to the Manchester Community Plan, the plan portion and the zoning portion. He said the zoning portion sets the standards and believes the Hearing Examiner clearly addresses the difference between the Comprehensive Plan and the Zoning Ordinance that implements the Comprehensive Plan. Relative to two story mixed use development, Palmer said the Plan quotes "*to encourage two story mixed use development the height restriction on commercial or mixed use properties within this zone will be set at 35 feet measured from the average grade at the foundation to the structures highest point.*" He said this sentence does not preclude a three story structure nor does it mandate a two story or one story structure. Palmer said relative to the zoning ordinance provisions in the Manchester Community Plan, the height allowance is 35 feet and there are no construction standards that would take you from one statement in the Plan and infer that this is the guiding intent of the comprehensive plan that should have influenced how it was zoned. Palmer also said if something is going to be made part of a regulation, it should be set forth in the comprehensive plan, there should be a goal that stipulates what the intent is and there should also be a policy. He said there are no policies and no goals that states two stories. He said the Hearing Examiner did his job and correctly, interpreted the zoning ordinance provision in the plan and did address the comprehensive plan as it relates to zoning. Palmer believes the appellants Leininger and Thompson failed to make the case as required under Kitsap Code 21.04.120.c.3 regarding specific aspects of the decision, determining the reason why each is in error.

Chair Brown closes the comment portion of the hearing.

Discussion is held by the Board and hearing no objection, a **motion** is made by Commissioner Angel and seconded by Commissioner Bauer that the Board deny the portion of the appeal challenging the Director's authority to issue a non-site specific Director's Interpretation and to grant the portion of the appeal of John Park, David Hopkins, David Studebaker and Kevin Tweten challenging the balance of the Director's Interpretation regarding Manchester Village Commercial. Motion carries unanimously.

7:10 pm) Closed Record **Appeal** filed by **William Broughton** on behalf of **Douglas and Cerissa Holme** of the Hearing Examiner's "*Remand*" decision to grant the site plan review for the **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.

Dennis Oost, Department of Community Development gave a brief history of the proposed project stating on April 6, 2006, applicant John Park submitted an application requesting site plan approval allowing for construction of a four story mixed use commercial residential building that included underground parking in the Manchester Village Commercial Zone. Oost said on September 28, 2006, an open public hearing was held before the Hearing Examiner and his decision was rendered on February 27, 2007 granting conditional approval. Oost further said on March 14, 2007, Douglas and Cerrissa Holme filed a timely appeal of the Hearing Examiner's decision and on May 21, 2007, the appeal came before the Board of Commissioners. He said the Board agreed with the appellants and remanded this matter to the Hearing Examiner. On August 2, 2007, Oost said the Hearing Examiner responded to the Remand by again granting approval for the Colchester Commons Mixed Use Development. He said on August 14, 2007, Douglas and Cerrissa Holme filed again filed a timely appeal of the Hearing Examiner's decision and it is that appeal that is now before the Board. He said there were five issues filed: 1) The structure proposed violates the Manchester Limited Area of More Rural Intensive Development (LAMRID) goal of two story structures consistent with the existing built environment, referencing RZ-2 and goal CZ-5; 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; 3) The decision of the Hearing Examiner contains erroneous interpretations of the law; 4) The decision of the Examiner is not supported by substantial evidence; and 5) The decision of the Examiner is clearly erroneous in light of the facts, the retail storefront should face the street with parking in front. He said the Board could affirm, modify or reverse the Hearing Examiner's Decision.

Chair Brown explains the Closed Record Appeal Guidelines.

Bill Broughton, representing the appellants Douglas and Cerissa Holme, said they appealed the original Hearing Examiner decision in this case and it was remanded again to the Hearing Examiner. He said the Board in its remand order indicated several things that the Hearing Examiner's decision did not comply with, a number of policy pronouncements that the Board has the authority to rule on. He said specifically, it states the Board knows the character of the Manchester neighborhood and the fact that it is heavily one-story and the intent behind the Manchester Plan relative to height, was to encourage more mixed use in the commercial areas by encouraging two story structures at a height of 35 feet. He said the Board does not believe there is substantial evidence in the record to support the Hearing Examiner's findings that the project is harmonious, compatible or consistent with the character of the rest of Manchester Village Commercial or goals or the Community Plan. Broughton said for whatever reason, the Hearing Examiner did not listen to the Board in the remand, there was no additional testimony taken, there was no additional evidence by the Examiner and he refused to revisit Finding of Fact # 20. He believes the Board of Commissioners knows

as a matter of policy, this project is not consistent with the LAMIRD provisions of the Growth Management Act or the Manchester Community Plan and is not what the community wants. He said the Board has the authority to tell the developers, the original proponents, that this project is denied. He said when there is a comprehensive plan that conflicts with the zoning ordinance, then the zoning ordinance controls but there is no conflict with this project. He said the Board has the authority to make decisions and has determined that this project does not “fit” in Manchester and should never have been approved. Broughton said the Hearing Examiner’s decision need to be overruled and the project denied.

William Palmer, representing applicant John Clark, said as stated by staff there are five issues in the Holme appeal and those issues were addressed in his letter and in summary by Mr. Broughton. He said the appellants are obligated to make presentation of their issues providing substance to discuss those specific issues. He said the appellants did not do their job and the Hearing Examiner issued a very explicit report and set a very high bar for the appellants to challenge his decision. He said if the appellants are going to use the statement in their appeal - “*the decision of the Hearing Examiner contains erroneous interpretations of the law*” – they need to state what those erroneous interpretations are. Palmer said there has been no evidence presented to the Board stating what those erroneous interpretations are and they have not presented any discussion or reasons based on facts. He believes the appellants have not met the burden provided in Kitsap County Code 21.04.120.c.3. He said there is no provision in Kitsap County Code that stipulates parking is to be provided in the front of a building. Relative to issue #1 two story development, Palmer said Kitsap County does not have a floor area ratio in any of its codes and to reference this is a gross mistake. He said this Board has already made a decision and approved a three story building which is now under construction and have set a precedent for three story structures.

Discussion is held by the Board and a **motion** is made by Commissioner Bauer and seconded by Commissioner Bauer that the Board continue this hearing to November 19, 2007; said matter for decision only. Motion carries unanimously.

7:20 pm) Public hearing to consider enacting an [Ordinance](#) to amend Kitsap County Code Chapter 11.22 relating to **Kitsap County Road Standards**. **Staff Contact:** Jon Brand, 337-4893.

Jon Brand, Public Work, gave a brief overview of the proposed ordinance stating that staff has been working for approximately eighteen months on revising the county road standards that were originally adopted in 2003. He said staff worked with the Homebuilders Association, Fire Districts and the local engineers and the most significant change was to establish separate design criteria for low volume roads, roads that have less than 400 vehicle trips per day. He said they also modified requirements for on-street parking and made other minor revisions. Brand said the revisions were made available to the public, posted on the web page and staff worked with a large number of individuals to publicize these revisions. He asks the Board to approve the amendments.

Mel Holgerson, South Kitsap resident, said he admired the intent of the ordinance and his only objection was when the road standards were first adopted, all engineers in Kitsap County were sent a questionnaire and given the opportunity for input. He did not object to the ordinance but felt the questionnaire process should have been followed for this revision as well.

Matt Ryan, Central Kitsap resident, addresses the Board with concerns about the fish culvert guardrail along Glud's Pond Road. He believes the road standards should include a place for individuals to walk.

Teresa Osinski, Home Builder's Association, spoke in favor of the proposed road standard changes and believes it is off to a good start.

Ron Ross questions the definition of "buildable acreage", "roads in rural areas" and "proposed speed limit" referred to in the road standards document. He said there is a need for consistency. He also questions the 12% grade restriction on new road construction.

Pat Waters believe the County needs to consult with road professionals when designing road standards. He believes the plan needs some tweaking prior to adoption.

Discussion is held between the Board staff regarding slopes or grades are established by the Fire Marshal's Office, proposed speed limits, buildable acreage and consistency with the comprehensive plan and zoning code.

A **motion** is made by Commissioner Angel and seconded by Commissioner Bauer that the Board leaves the public comment portion open and continue this matter to November 26, 2007. Motion carries unanimously.

7:30 pm) Public hearing to consider **Ordinance # 379-2007, imposing a moratorium on the acceptance of new application for development permits in the 2006 "Expansion areas" of the Silverdale, Central Kitsap, West Bremerton, Gorst and Port Orchard Urban Growth Areas** and for possible revisions to that Ordinance including but not limited to: ratification of the ordinance, repeal of the moratorium, revision of the moratorium boundaries, and/or additional conditions to be imposed on development permit applications within the moratorium boundaries. The Board will also consider a revision to the moratorium that exempts properties within five hundred feet of a sanitary sewer line that existed prior to September 14, 2007. **Staff Contact:** Scott Diener, 337-4496.

Jim Bolger, Department of Community Development, gave an overview of the Ordinance stating that on December 11, 2006, Kitsap County adopted a 10-year update to its Comprehensive Plan that expanded boundaries of the Silverdale Central Kitsap, West Bremerton, Gorst and Port Orchard Urban Growth Areas. He said that action was appealed to the Central Puget Sound Growth Management Hearings Board and on October 15, 2007, the Hearings Board issued a decision which in part found that the

county's capital Facilities Element (sewer provisions within UGA's) was non-compliant with the Growth Management Act and thus invalid. Further on September 13, 2007, Bolger said in an Order on a motion from the appellant for reconsideration, the Hearings Board declared the expansion areas of the five urban growth areas to be invalid as well. He said as mandated under state statute, the determination of invalidity means that with a few exceptions, permanent applications cannot vest in these areas to an invalid plan or regulation. He said staff acknowledges that the moratorium was necessary to reduce confusion over the effects of Hearings Board's decision and to prevent the unnecessary expenditure of resources by preventing the Department of Community Development from accepting permits within the invalid areas. He said the moratorium imposed by the Ordinance was for 180 days and tonight's hearing satisfies the requirement for a public hearing within 60 days of imposing the moratorium in accordance with state law. Bolger said the Department recommends the Board maintain the affected areas and provisions of Ordinance 397-2007 as adopted on September 24, 2007 with several amendments to correct typographical errors and to add additional recitals that will memorialize the actions taken place on September 24, 2007 and to minimize confusion regarding those permanent applications which are not effected by the invalidity.

Eric Baker, Special Projects Manager, said with the Order of Invalidity from the Growth Management Hearings Board, the County has begun additional capital facilities planning in the area of sewer infrastructure for the urban growth areas that were previously mentioned. He said the Silverdale and Central Kitsap UGA sewer planning (sewer mainlines and sewer lift stations) is being completed by the Public Works Department, West Bremerton and Gorst UGA sewer planning is being conducted by the City of Bremerton and the South Kitsap UGA sewer planning is being conducted jointly by Karcher Creek and the City of Port Orchard. He said the current target date for re-submittal to the Hearings Board is February of 2008.

Commissioner Brown opens the meeting for public comments.

Frank Phipps Sr., South Kitsap resident, said he was never a big supporter of the Growth Management Act and strongly supports a full moratorium with no exceptions until the county can demonstrate to the Hearings Board that the sewer and water plan is adequate for areas under consideration.

John Kincil, South Kitsap resident, said he has been following the upgrades for the past year and questions why this issue with the sewer was not brought up when the UGA was established, if it was required by the Hearings Board. He also questions if the moratorium is put into effect, then what.

Mel Holgerson said he did not blame the Board for imposing this moratorium and mentions possibilities for future sewer funding.

Barry Weingast, Silverdale area resident, said he would like to see the zoning in his area changed to reflect the way the homes currently are and that the adjacent tracks be zoned appropriately. He has concerns about traffic and safety issues on the area roads.

He recommends maintaining the moratorium until the expanded areas can be rezoned to reflect the way the homes are today.

Chris Lempke, South Kitsap resident, spoke in favor of maintaining the moratorium until the county is in compliance with the Hearings Board's requirements.

Danny Horovitz, questions why couldn't there be "late comer fees" in that if an individual decided to go on septic then a developer or private land owner will have to hook-up to sewer in 10 years.

Pat Waters said the sewer planning need to come forward and urged the Board to "look at the 500-foot plan.

Joe Mentor, Jr., said he owns property in the Silverdale Urban Growth Area and favors updating the capital facilities plan. Mentor said he is okay with the moratorium until the plan is done.

William Palmer said there is no zoning or standards to evaluate setbacks. He questions by what standard would the county evaluate single family building permits? He believes if the county proceeds with the moratorium it still needs interim zoning.

Jack Hamilton, Silverdale resident, said development moratoriums are incorporated because it financially penalizes private citizens for improper government action. He encourages the Board to rescind the moratorium immediately and fix the problem.

Jerry Harless said he has been involved in this process for a number of years and said there is a great deal more to planning successfully to accommodate growth than painting colors on a map. He said there is a lot of hard work to be done in order to get the infrastructure in place that can make it possible. He said there is no short cut or a quick way out.

Matt Ryan, Brownsville resident, said he believes the Hearings Board is attempting to treat everybody in all four counties the same. He is concerned about ground water issues and urges the Board to consider the kinds of things previously mentioned regarding the undersized lots in Manchester. He believes the use of technology should be a part of the plan.

Ted Ward said if a sewer was put in he could not afford it.

Chuck Cregier said he is willing to pay to get infrastructure in place on the corridors which is desperately needed. It said something needs to be done. He suggests modifying the moratorium to recognize the problems in rural areas but no modification on the main corridors.

Ron Ross suggests rescinding the moratorium and re-instating the plan prior to 2006. He believes that would be a benefit and there would be no uncertainty of what can be

done.

Art Castle, Homebuilders Association, said the Association supports the moratorium and congratulates the Board for the effort put forth since August on developing the plan for infrastructure planning and is supportive of that effort.

Jim Betterson, North Kitsap resident, said he opposes the moratorium and the county needs to get past the planning phase and into the doing phase.

Steve Hudson said he is concerned that if this moratorium goes beyond 180 days it will seriously impact the economy. He opposes the moratorium. He said the county needs to get the developers developing and the builders building.

Commissioner Brown closes the public hearing.

Discussion is held by the Board regarding infrastructure planning, working with stakeholder groups and individuals, how to pay for the infrastructure, the need for public finance expertise, not being able to revert to the 2006 Plan, no zoning in place, impact on the economy, the Infrastructure Task Force and moving this plan along as quickly as possible.

A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board enact **Ordinance No. 401-2007**** imposing a moratorium on the acceptance of new application for development permits in the 2006 “Expansion areas” of the Silverdale, Central Kitsap, West Bremerton, Gorst and Port Orchard Urban Growth Areas and for possible revisions to that Ordinance including but not limited to: ratification of the ordinance, repeal of the moratorium, revision of the moratorium boundaries, and/or additional conditions to be imposed on development permit applications within the moratorium boundaries as well as make revision to the moratorium that exempts properties within five hundred feet of a sanitary sewer line that existed prior to September 14, 2007. Motion carries unanimously.

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 Bauer and seconded by Commissioner Angel that the Board approves the Consent Agenda; subject to adding Item 5.K on consent. Motion carries unanimously.

1) MISCELLANEOUS ITEMS:

B. Approve Minutes of October 22, 2007.

C. Approve Warrant Nos. 3337385 – 3338389 in the amount of \$1,716,342.81.

- D. Approve Payroll Warrant Nos.
- E. Refer to the Prosecutor's Office and Risk Manager: 1) Amended Summons on Land Use Petition filed by J. and S. Stritzel; and 2) Tort Claim filed by E. Vilorja Jr.

2) **DEPARTMENT OF ADMINISTRATIVE SERVICES:**

- A. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board adopts [Resolution No. 204-2007*](#) declaring the County's intent to issue bonds to reimburse the Real Estate Excise Tax (REET) Fund and the Parks Capital Improvement Fund for prior expenditures made to acquire or improve land and facilities as approved in the Capital Facilities Plan for the period of 2007-2012. **Staff Contact:** Ben Holland, 337-4504. Motion carries unanimously.

3) **DEPARTMENT OF PUBLIC WORKS:**

- A. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the [Interlocal agreement](#) with **Kitsap Public Utilities District #1 (KC-399-07)** allowing the Public Facilities District to relocate a public water line in the Hood Canal Drive NE right of way in conjunction with this County Road Improvement Project in North Kitsap, Commissioner District #1. **Staff Contact:** Dick Dadisman, 337-3556. Motion carries unanimously.
- B. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the Grant agreement [amendment](#) with **WA State Dept of Ecology (KC-459-05B)** increasing the grant agreement to help cover costs associated with preparing the Feasibility Study and continued monitoring of the site. **Fiscal Impact:** \$116,500 fully Grant Funded – Hansville Landfill Operations & Maintenance Fund. **Staff Contact:** Michelle Miller, 337-4485. Motion carries unanimously.
- C. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the contract [amendment](#) with **U.S. Navy (KC-456-06A)** for continued disposal services for solid waste generated and delivered by Naval Installations to the Olympic View Transfer Station. **Fiscal Impact:** Revenue based on approximate tonnage estimates \$580,907-Waste Mgmt and \$25,199-Kitsap Health District. **Staff Contact:** Dean Boening, 337-5784. 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 [amendment](#) with **Northern Con-Agg (KC-232-06A)** for the costs of the extension of the sewer main to include the additional property owners for the Manchester Local Improvement District #8 Project in South Kitsap Commissioner District #2. **Fiscal Impact:** \$190,519 – ULID #8 Manchester. **Staff Contact:** Stella Vakarcs, 337-3660. Motion carries unanimously.

4) **DEPARTMENT OF EMERGENCY MANAGEMENT:**

- A. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the Memorandum of Understanding with **WA State Patrol (KC-424-07)** to allow for retention of a share of the Region's Law Enforcement Terrorism Prevention Program funds for continuance of the Statewide Integrated Intelligence Plan. **Staff Contact:** Phyllis Mann, 307-5870. Motion carries unanimously.
- B. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the [Interlocal agreement](#) with **Powder Basin Watershed Council (KC-411-07)** to purchase LiDAR Services through Kitsap County through June 2009. Fiscal Impact: Revenue of \$19,000 - Powder Basin Watershed Council. **Staff Contact:** Phyllis Mann, 307-5870. Motion carries unanimously.
- C. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the [Interlocal agreement](#) with the **Port of Portland (KC-410-07)** to purchase LiDAR Services through Kitsap County through June 2009. **Fiscal Impact:** Revenue of \$3,800 - Port of Portland. **Staff Contact:** Phyllis Mann, 307-5870. Motion carries unanimously.
- D. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the [contract](#) with **U.S. Geological Survey (KC-409-07)** to further enhance the Dept of Emergency Management LiDAR Project through June 2009. **Fiscal Impact:** Revenue of \$440,100 – U.S. Geological Survey. **Staff Contact:** Phyllis Mann, 307-5870. Motion carries unanimously.
- E. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board adopts [Resolution No. 205-2007*](#) delegating authority to the Director of Emergency Management to execute certain contracts relating to Light Detection and Ranging Mapping Services, Homeland Security Funding and Community Oriented Policing Services Grants. **Staff Contact:** Phyllis Mann, 307-5870. Motion carries unanimously.

5) **DEPARTMENT OF PERSONNEL & HUMAN SERVICES:**

- A. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the Lease agreement [amendment](#) with **Olympic Consortium and Para Transit Services (KC-571-99D)** extending the Landlord's Notice to vacate requirement from 90 days to 120 days to December 31, 2009. **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.
- B. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the contract [amendment](#) with **WA State**

- Employment Security Dept (KC-095-06A)** to provide information technology support for WorkSource computer networks run in conjunction with Employment Security Computer systems; extending the contract end date September 30, 2008 and increasing the contract amount by \$40,825. **Fiscal Impact:** \$40,825 is 100% Grant Funded by Workforce Investment Act. **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.
- C. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the [contract](#) with **Olympic Consortium and William Garrett (KC-418-07)** for the Jefferson County WorkSource Office in Port Hadlock for the period of October 1, 2007 through September 30, 2009. **Fiscal Impact:** \$55,128 is 100% Grant Funded by Workforce Investment Act. **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.
- D. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the [contract](#) with the **Central Kitsap School District (KC-369-07)** to implement a Teen Mentor Program that will match high-school age mentors with elementary age students for the period of September 16, 2007 through June 30, 2008. **Fiscal Impact:** \$13,000 is 100% Grant Funded by DSHS. **Staff Contact:** Mary Ellen de la Pena, 337-4878. Motion carries unanimously.
- E. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the revenue contract amendment with **WA State Dept of Social & Health Services (KC-046-07B)** increasing the contract amount by \$5,715 to provide aging and disability services for the period of January 1, 2007 through December 31, 2007. **Fiscal Impact:** \$5,715 is 100% Grant Funded by DSHS. **Staff Contact:** Linda Hanna, 337-7068. Motion carries unanimously.
- F. Discussion is held, comments received and hearing no objection, a motion is made by Commissioner Bauer and seconded by Commissioner Angel that the Board adopts **Resolution No. 206-2007*** declaring *November 15, 2007 as Family Caregivers Day* in Kitsap County. **Staff Contact:** Linda Hanna, 337-7068. Motion carries unanimously.
- G. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board adopts [Resolution No. 207-2007*](#) authorizing position changes in the Treasurer's Office and District Court. **Fiscal Impact:** Cost savings –Treasurer's Office of \$140 including salary and associated benefit cost for 2007; and District Court of \$795 including salary and associated benefits costs for 2007. **Staff Contact:** Lynn Cole, 337-3536. Motion carries unanimously.
- H. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the contract [amendment](#) with **Teamsters Local 589-Parks & Recreation Department (KC-140-07A)** approving the Medical Benefits Committee recommendation for health insurance benefits for employees

within Local 589, Parks & Recreation for 2008. **Fiscal Impact:** Cost savings of \$15,100 over projected 2008 costs – General Fund. **Staff Contact:** Sue Wohleb, 337-3516. Motion carries unanimously.

- I. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the contract [amendment](#) with **Teamsters Local 589-Public Works Utilities (KC-508-03C)** approving the Medical Benefits Committee recommendation for health insurance benefits for employees within Local 589, Public Works Utilities for 2008. **Fiscal Impact:** Cost savings of \$50,628 over projected 2008 costs – General Fund. **Staff Contact:** Sue Wohleb, 337-3516. Motion carries unanimously.
- J. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the contract [amendment](#) with the **Operating Engineers Teamsters, IAM &AW, Laborers-Public Works Roads Union (KC-515-03F)** approving the Medical Benefits Committee recommendation for health insurance benefits for employees within the Operating Engineers Teamsters, IAM &AW, Laborers-Public Works Roads Union for 2008. **Fiscal Impact:** Cost savings of \$68,392 over projected 2008 costs – County Road Fund. **Staff Contact:** Sue Wohleb, 337-3516. Motion carries unanimously.
- K. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board adopts **Resolution No. 208-2007*** establishing a Policy and Procedures Manual for assisting Veterans in need in Kitsap County and rescinding Resolution No. 222-2006. **Staff Contact:** Leif Bentsen, 337-4883.

6) OFFICE OF PROSECUTING ATTORNEY:

- A. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the [contract](#) with the **Slagle Morgan LLP (KC-407-07)** for outside legal counsel for workers compensation claim litigation. **Fiscal Impact:** NTE \$100,000-Risk Mgmt Workers Compensation Fund. **Staff Contact:** Jacqueline Aufderheide, 337-4973. Motion carries unanimously.

7) JUVENILE SERVICES DEPARTMENT:

- A. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the Interlocal agreement with **Jefferson County Juvenile Dept (KC-365-07)** for functional family therapy and aggression replacement training for the period of July 1, 2007 through June 30, 2009. **Fiscal Impact:** \$66,484 - DSHS. **Staff Contacts:** Patricia Bronson, 337-5470. Motion carries unanimously.
- B. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the revenue interagency agreement with **WA**

State Administrative Office of the Courts (KC-331-07) to provide funds for costs related to BECCA (name of individual for which the bill is named) cases for the period of July 1, 2007 through June 30, 2009. **Fiscal Impact:** \$318,562 fully offset by WA State Admin Office of the Courts. **Staff Contacts:** Patricia Bronson, 337-5470. Motion carries unanimously.

- C. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the revenue interagency agreement with **WA State Administrative Office of the Courts (KC-331-07)** providing funds to increase the number of children served by Court Appointed Special Advocates for the period of July 1, 2007 through June 30, 2009. **Fiscal Impact:** \$301,526 - WA State Admin Office of the Courts. **Staff Contacts:** Patricia Bronson, 337-5470. Motion carries unanimously.

8) AUDITOR'S OFFICE:

- A. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board adopts **Resolution No. 209-2007*** voiding all outstanding salary warrants from January 1, 2004 through December 31, 2005. **Fiscal Impact:** \$1,583.45 - returned to Jr. Districts, General and Road Funds. **Staff Contact:** Lillian Shierk, 337-4909. Motion carries unanimously.

9) DEPARTMENT OF INFORMATION SERVICES:

- A. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the [contract](#) with **Qwest Communications (KC-392-07)** for integrated services digital network primary rate service and or digital switched service with advanced or basic trunks for a period of 60 months. **Fiscal Impact:** \$158,000 – Information Services. **Staff Contact:** George Geyer, 337-4404. Motion carries unanimously.
- B. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the [contract](#) with **Qwest Communications (KC-395-07)** for one dedicated locally connected T1 circuit and long distance rates for a 24 month period. **Fiscal Impact:** \$76,800 – Information Services. **Staff Contact:** George Geyer, 337-4404. Motion carries unanimously.

10) DEPARTMENT OF COMMUNITY DEVELOPMENT:

- 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 approves and executes the contract with the **Recreation and Conservation Funding Board (KC-415-07)** authorizing the Chair of the Board to sign the contract for purchase of a 3.23 acre parcel on Chico Estuary located in Central Kitsap Commissioner District #3. **Fiscal Impact:** Revenue of \$160,000 - Recreation and Conservation Funding Board. **Staff Contact:** Keith Folkerts, 337-7098. Motion

carries unanimously.

- B. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the Purchase & Sale agreement with the **Cascade Evergreen Partnership (KC-430-07)** for purchase of a 3.23 acre parcel with 670 feet of waterfront on Chico Estuary to be held by the Parks & Recreation Dept as open space. **Fiscal Impact:** \$300,000 - Recreation and Conservation Funding Board, Suquamish Tribe and Landowner donation. **Staff Contact:** Keith Folkerts, 337-7098. Motion carries unanimously.
- C. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board adopts **Resolution No. 210-2007*** authorizing the Chair of the Board to execute contract with Bayside LLC regarding development in South Kitsap Commissioner District #2. **Staff Contact:** Jeff Rowe-Hornbaker, 337-4816.
- D. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the Development agreement with **Bayside LLC-Plat of Bayside (KC-448-07)** allowing Kitsap County to collect a traffic mitigation fee at building permits submittal for the Plats of Bayside and Sinclair Ridge located in South Kitsap Commissioner District #2. **Staff Contact:** Jeff Rowe-Hornbaker, 337-4816. Motion carries unanimously.
- E. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the Development agreement with **Bayside LLC-Plat of Sinclair Ridge (KC-451-07)** allowing Kitsap County to collect a traffic mitigation fee at building permits submittal for the Plats of Bayside and Sinclair Ridge located in South Kitsap Commissioner District #2. **Staff Contact:** Jeff Rowe-Hornbaker, 337-4816. Motion carries unanimously.

11) **COMMISSIONER'S OFFICE:**

- A. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Angel and seconded by Commissioner Bauer that the Board adopts [Resolution No. 211-2007*](#) appointing **William Moore** to the *Bremerton Kitsap Access Television Citizens Advisory Committee* for a term ending September 9, 2009. **Staff Contact:** Jan Koske 337-4650. Motion carries unanimously.
- B. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Angel and seconded by Commissioner Bauer that the Board adopts [Resolution No. 212-2007*](#) appointing **Alison Sonntag** to the *Art Board* completing a 3-year term ending December 31, 2009 representing Commissioner District #2. **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 Bauer and seconded by Commissioner Angel that the Board

adopts [Resolution No. 213-2007*](#) proclaiming *November 15, 2007 as America Recycles Day* in Kitsap County. **Staff Contact:** Pat Campbell 337-4472. 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 ratifies [Resolution No. 214-2007*](#) recognizing and supporting a “stand down” and other programs for Kitsap County veterans and their families and amending the Kitsap County Policy and Procedures Manual adding Section 7.2.7-Stand Down and Other Programs. **Staff Contact:** Leif Bentsen, 337-4883. Motion carries unanimously.
- E. 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. 215-2007*](#) reappointing **Cathy Hall, Ed Johanson, Chris Koebelin, Grant Griffin, Ruth Enderle and Elizabeth Stoyanvich** to the *Lodging Tax Advisory Committee*. **Staff Contact:** Jan Koske 337-4650. Motion carries unanimously.

12) CENTRAL COMMUNICATION’S OFFICE:

- A. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board approves and executes the Collective Bargaining Agreement Amendment with **Kitsap County 911 Employees Guild (KC-434-07B)** providing clarification and instructions regarding the implementation of the Collective Bargaining Agreement relative to new wages as provided in Section 20 and Appendix D of the Agreement. **Fiscal Impact:** No change to fiscal impact. **Staff Contact:** Richard Kirton, 307-5900. Motion carries unanimously.

13) ASSESSOR’S OFFICE:

- A. A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board adopts **Resolution No. 216-2007*** authorizing settlement of *Olhava Associates Limited Partnership v. Kitsap County*, Pierce County Superior Court Cause no. 06-2-09140-5. **Fiscal Impact:** \$43,769.17 (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/Alan Miles, 337-7223. Motion carries unanimously.

14) 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. Jim Sommerhauser, Central Kitsap resident, apologizes to the Board regarding comments made that staff should be punished for doing their jobs. He said he was offended by the comments.

B. Vivian Henderson thanks the Board of being interested in public comments and said the chambers was a much better facility for hosting evening meetings than the Pavilion.

15) COUNTY ADMINISTRATOR’S COMMENTS:

A. Nancy B. Grennan announces the re-broadcast times for tonight’s public meeting.

16) BOARD OF COMMISSIONER’S COMMENTS:

A. The Board acknowledges and honors the veterans on the upcoming Veterans Day Holiday.

Public meeting adjourned at 10:50 p.m.

**BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY WASHINGTON**

JOSH BROWN, CHAIR

JAN ANGEL, COMMISSIONER

STEVE BAUER, 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:

11/05/07	10:00 a.m.	Waaga Way Extension Mtg-Port Madison Conf Room
	2:00 p.m.	Admin Briefing– Board’s Conference Room
	5:00 p.m.	Rear Adm Drennan Farewell Reception-Bremerton Harborside
	7:00 p.m.	BOCC Public Meeting

11/06/07	8:00 a.m.	KRCC/Health District Board Meetings
	12:30 p.m.	KCCHA Special Meeting – Norm Dicks Gov Center
11/07/07	8:30 a.m.	Work Study Session – Board's Conference Room
11/08/07	9:30 a.m.	PSRC Transportation Meeting
	6:00 p.m.	KRCC Fall Legislative Dinner
11/09/07	12:00 p.m.	"Kitsap Idol"
11/12/07	8:00 a.m.	Veterans Day – Office Closed
11/13-16/07		WA State Association of Counties Conference-Vancouver, WA

(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 **November 19, 2007 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)

November 19, 2007:

7:00 pm) Closed Record **Appeal** filed by **James Schufreider** of the Hearing Examiner's decision to grant subject to conditions the request for a **Shoreline Substantial Development Permit (Misery Point Boat Launch)** to allow replacement of an on-grade, concrete, boat launch ramp with a 27-foot wide, 230-foot long, elevated ramp together with accessory improvements at the Misery Point Boat Launch located between 10400 and 10424 Misery Point Loop Road NW in Central Kitsap, Commissioner District #3. **Staff Contact:** David Greetham, 307-4225.

7:15 pm) Closed Record **Appeal** filed by **Thornton and Elaine Percival** of the Hearing Examiner's decision to grant subject to conditions the request for a **Shoreline Substantial Development Permit (Suquamish Dock)** allowing for construction of an approximately 526-foot long dock consisting of a 434-foot long, 6-foot wide pier; 80-foot long, 6-foot wide gangway and a 100-foot long, 12-foot wide floating concrete dock at the shoreline terminus of

Parkway Street in the Suquamish Village located in North Kitsap, Commissioner District #1. **Staff Contact:** Lisa Lewis, 337-4967.

- 7:25 pm)** Public hearing to consider an application filed by **Joseph Lachac** for **Current Use Assessment Open Space-General** on 3.6 acres of a 4.6 acre parcel located at 10944 Madison Avenue North on Bainbridge Island in North Kitsap, Commissioner District # 1. **Staff Contact:** Steve Morse, (206) 780-3759.
- 7:30 pm)** Public hearing to consider adopting an **Ordinance** amending portions of Kitsap County Ordinance No. 374-2007 concerning the **County-wide Planning Policies (CPPs)**, specifically Element B-4 (a). Staff Contact: Scott Diener, 337-4966
- 7:35 pm)** Public hearing to consider an **Ordinance** adopting the **Keyport Community Plan**, creating a Limited Area of More Intensive Rural Development in Keyport, and adopting corresponding changes to the Kitsap County Comprehensive Plan and Zoning Code. **Staff Contact:** James Weaver, 337-4543.
- 7:40 pm)** Public hearing to consider amendments to the **Manchester Community Plan** and corresponding changes to the Kitsap County Zoning Code. **Staff Contact:** Katrina Knutson, 337-4201.