



MINUTES

KITSAP COUNTY BOARD OF COMMISSIONERS June 23, 2008 – 7:00 p.m.

The Board of Commissioners met on the above-stated date. Present were Chair Steve Bauer, Commissioner Josh Brown, Commissioner Jan Angel, County Administrator Nancy Buonanno 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).*

7:00 PM) Meeting Called to Order with Pledge of Allegiance.

#1) Employee Service Awards for June. **Staff Contact:** Joy Crema, 337-7185.

Congratulations and Certificates of Appreciations are presented to the following employees for their years of service to Kitsap County: Renate Pruitt, *Personnel & Human Services* and Felicito Abille Jr., *Sheriff's Office*.

#2) Presentation of the American Public Works Association (APWA) [Chapter 2007 Project of the Year Award](#). **Staff Contact:** Kristina Nelson, 337-4981.

Jill Awilly, WA Chapter of American Public Works Association, gave a brief overview of the Awards program and the Kitsap County's *Steele Creek Fish Passage Improvement program award Project* and acknowledged the award recipients: Ron Yingling, Ace Paving; Phil Struck, Parametrix and Jacques Dean, Kitsap County.

**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD ON REGULAR
BUSINESS AGENDA, INCLUDING CONSENT AGENDA & GENERAL ISSUES:
TOTAL TIME LIMITED TO 15 MINUTES**

(Please limit individual comments to **3 minutes**. Written comments may also be submitted to the Board, if this timeframe is insufficient.) Comments on items slated for public hearing will be deferred until the hearing.

- A. Stephanie Yost, Old Town Business Owner, spoke in opposition to the days and times designated for closing certain streets in Old Town Silverdale during the *Whaling Days Festival*.
- B. Carla Larson, Silverdale Whaling Days Committee, addresses the Board with concerns about the Festival.
- C. Dave Steward comments on the foul language used by Recovery Center staff and states that something needs to be done.
- D. Ron Ross addresses the Board with concerns about “home businesses” definitions listed in the County Code.
- E. Mike Eliason requests to have Agenda Item 2.N. taken off the consent agenda.

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 Brown and seconded by Commissioner Angel that the Board approves the Consent Agenda; subject to removing item 2.N off consent. Motion carries unanimously.

1) MISCELLANEOUS ITEMS:

- B. Approve Minutes of June 9, 2008.
- C. Approve Warrant Nos. 3370462 – 3371669 in the amount of \$6,693,147.70.
- D. Approve Payroll Warrant Nos. 659374 – 659563 in the amount of \$1,926,574.31.
- E. Refer to the Prosecutor’s Office and Risk Manager: 1) Claim for Damages filed by L. I. Pfanz; 2) Claim for Damages and Affidavit of Claimant filed by H. M. Goschke; 3) Claim for Damages filed by M. Messing; and 4) Claim for Damages filed by E. Rousseau.

2) DEPARTMENT OF PERSONNEL & HUMAN SERVICES:

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the [revenue contract](#) with **Educational Service District 105 (KC-253-08)** supporting the Juvenile Services Mentoring Program for the period of January 1, 2008 –December 31, 2009. **Fiscal Impact:** \$35,000 is 100% Grant Funded by NW High Intensity Drug Trafficking Area. **Staff Contact:** Mary Ellen de la Pena, 337-4878. Motion carries unanimously.

- B. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the [contract](#) with the **Olympic Consortium & WA State Employment Security Dept (KC-186-08)** to provide support services to eligible students of the Olympic College's I-BEST, adult basic education and English as a second language programs for the period of May 1, 2008 –June 30, 2009. **Fiscal Impact:** \$20,000 is 100% grant funded by WIA. **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.
- C. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the [contract amendment](#) with the **Olympic Consortium & WA State Employment Security Dept (KC-509-07A)** changing the eligibility of the spouse to increase numbers of eligible participants in the Heroes at Home Military Spouse Program. **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.
- D. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the [contract amendment](#) with **Olympic Consortium & Olympic Community Action Programs (KC-305-07B)** transferring \$60,000 from the Supported Work budget to the Community Jobs budget and adding \$80,000 in new funds for the 130 enrolled participants in the program for the period of July 1, 2007 through June 30, 2008. **Fiscal Impact:** \$80,000 is 100% Grant funded by TANF. **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.
- E. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the [contract amendment](#) with **Olympic Consortium & Kitsap Community Resources (KC-263-07A)** correcting the budget to match the contract amount of \$165,564 for job training services to adults 18 years and older for the period of July 1, 2007 through June 30, 2008. **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.
- F. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the [contract amendment](#) with **Olympic Consortium & Kitsap Community Resources (KC-304-07B)** increasing the contract amount by \$110,000 for job training services to 237 participants for the period of July 1, 2007 through June 30, 2008. **Fiscal Impact:** \$110,000 is 100% grant funded by TANF. **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.
- G. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the revenue [contract amendment](#) with **WA State Dept of Social & Health Services Mental Health Division (KC-363-07C)** providing public mental health services in Kitsap, Jefferson and Clallam Counties (Medicaid amended to modify the payment rate structure to update rates in accordance with the latest actuarial report) for the period of October 1, 2007 through September 30, 2009. **Staff Contact:** Anders Edgerton, 337-4886. Motion carries

unanimously.

- H. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the revenue [contract amendment](#) with **WA State Dept of Social & Health Services Mental Health Division (KC-364-07B)** providing public mental health services in Kitsap, Jefferson and Clallam Counties (Non-Medicaid) to include new state funds allocated in the 2008 Legislative session for the period of October 1, 2007 through September 30, 2009. **Fiscal Impact:** - \$411,228 is 100% Grant Funded DSHS. **Staff Contact:** Anders Edgerton, 337-4886. Motion carries unanimously.
- I. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the revenue [contract](#) with **Educational Service District 105 (KC-254-08)** providing funds for operation of the Adult Drug Court on an annual basis for period of April 1, 2008 – December 31, 2009. **Fiscal Impact:** -\$40,000 is 100% Grant Funded by NW High Intensity Drug Trafficking Area. **Staff Contact:** Betsy Bosch, 337-4880. Motion carries unanimously.
- J. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the revenue [contract](#) with **Olympic Consortium & WA State Employment Security Dept (KC-250-08)** providing drop-out prevention and intervention services with the Bremerton, Port Angeles and Crescent School Districts for the period of July 1, 2008 – June 30, 2009. **Fiscal Impact:** -\$43,585 is 100% Grant Funded by WIA. **Staff Contact:** Gay Neal, 337-4879. Motion carries unanimously.
- K. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the revenue [contract](#) with **Olympic Consortium & WA State Employment Dept of Community, Trade & Economic Development (KC-246-08)** serving welfare recipients from Clallam, Jefferson and Kitsap Counties in the Workfirst Program for the period of July 1, 2008 – June 30, 2009. **Fiscal Impact:** -\$1,522,244 is 100% Grant Funded by TANF Federal Funds. **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.
- L. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the [contract amendment](#) with **Olympic Consortium & WA State Employment Security Dept (KC-262-07A)** reducing the contract amount by \$25,178 and adjusting the Kitsap County Dislocated Worker participant service level to 219 for the period of July 1, 2008 – June 30, 2008. **Fiscal Impact:** (\$25,178) is 100% Grant Funded by WIA Funds **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.
- M. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the [contract amendment](#) with **Kitsap County Superior Court Juvenile Dept (KC-378-07A)** decreasing the contract amount by \$45,532 to adjust internal line items to accurately reflect the services delivered to

youth clients in the Kitsap Alternative Recovery Services. **Fiscal Impact:** (\$45,532) is 100% Grant Funded by DSHS-DASA. **Staff Contact:** Betsy Bosch, 337-4880. Motion carries unanimously.

- N. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts **Resolution No. 119-2008*** pertaining to general leaves benefits for T. Kelly encouraging acceptance of the Public Defender Division Supervisor position with the Kitsap County Office of the County Clerk. **Staff Contact:** Lynn Cole, 337-3536. Motion carries unanimously.
- O. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts **Resolution No.120-2008*** pertaining to classification changes within various county departments. **Fiscal Impact:** \$178,510 – Current Budget and revenue backed. **Staff Contact:** Lynn Cole, 337-3536. Motion carries unanimously.
- P. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts **Resolution No. 121-2008*** pertaining to salary and benefit plan for the “Q”, “P” and “V” pay scales. **Staff Contact:** Lynn Cole, 337-3536. Motion carries unanimously.
- Q. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the contract amendment with **WA State Dept of Social & Health Services Division of Aging/Long Term Care (KC-317-07C)** providing the final allocation for the 2007-2008 health services contract. **Fiscal Impact:** \$24,146 is 100% Grant Funded by DSHS. **Staff Contact:** Linda Hanna, 337-7068. Motion carries unanimously.
- R. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the Collective Bargaining Agreement with **Teamsters Local No. 589, Public Works Utilities Employees (KC-249-08)** for a new 2-year agreement for the period of January 1, 2007 – December 31, 2008. **Fiscal Impact:** \$273,601 – Surface & Stormwater Maintenance, Solid Waste and Sewer Utility Funds. **Staff Contact:** Bert Furuta, 337-3525. Motion carries unanimously.
- S. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the Collective Bargaining Agreement with **Operating Engineers, Local No.302; Teamsters, Local 589; IAM & AM, District 160, Local 282 and Laborers Union, Local 252 – Council of Public Works Employees Union (KC-257-08)** for a new 2-year agreement for the period of January 1, 2007 – December 31, 2008. **Fiscal Impact:** \$273,601 – Surface & Stormwater Maintenance, Solid Waste and Sewer Utility Funds. **Staff Contact:** Bert Furuta, 337-3525. Motion carries unanimously.

3) **DEPARTMENT OF PUBLIC WORKS:**

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the Release of [Easement](#) (stormwater drainage) agreement requested by *Crystal Dwyer* representing Silverdale Ridge apartments in Central Kitsap, Commissioner District #3. **Staff Contact:** Molly Foster, 337-4688. Motion carries unanimously.
- B. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the [contract amendment](#) with **Parametrix, Inc (KC-390-04A)** providing professional services for the Hansville Landfill Feasibility Study and Clean-Up Action Plan. **Fiscal Impact:** \$265,902 – Solid Waste, Hansville Landfill O & M. **Staff Contact:** Pat Campbell, 337-4626. Motion carries unanimously.
- C. [Resolution](#) authorizing temporary streets closures during the *Whaling Days Parade and Street Fair*, July 25-27, 2008 in Central Kitsap, Commissioner District #3. **Fiscal Impact:** \$500 – Transportation Fund. **Staff Contact:** Steve Johnson, 337-5777 x3114. **(Note: Matter continued to June 25, 2008 Work Study Session).**
- D. A **motion** is made by Commissioner Brown and seconded by Commissioner Angle that the Board approves and executes the [contract amendment](#) with **Cascade Design Collaborative (KC-325-06A)** extending the contract term through December 31, 2009 for the Kingston to Agate Pass Bridge Study in North Kitsap, Commissioner District #1. **Fiscal Impact:** \$206,803 -Federal Funds. **Staff Contact:** Greg Cioc, 337-4660. Motion carries unanimously.
- E. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the [contract](#) with the **Lydel Construction (KC-242-08)** for the Augusta Avenue NE widening and improvements project in North Kitsap, Commissioner District #1. **Fiscal Impact:** \$330,777.50– Road Funds. **Staff Contact:** Dick Dadisman, 337-5777 x3556.
- F. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the [contract amendment](#) with **KPFF (KC-189-06B)** extending the contract end date through December 31, 2008 for the Miller Bay Road Trail Pre-Design Study in North Kitsap, Commissioner District #1. **Fiscal Impact:** \$150,779– Road Funds. **Staff Contact:** Tina Nelson, 337-4891. Motion carries unanimously.
- G. 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 **Woodworth & Company, Inc. (KC 286-08)** for the Waaga Way Extension project (CRP 3592) in North Kitsap, Commissioner District # 1. **Fiscal Impact:** \$5,670,038 – Federal Funds/County Road Fund/Impact fees/Silverdale Water District. **Staff Contact:** Dick Dadisman, 337-3556. Motion carries unanimously.

4) **COOPERATIVE EXTENSION SERVICES:**

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board approves and executes the [interlocal agreement](#) with **WA State University Cooperative Extension (KC-161-08)** for cooperative extension services for the period of January 1, 2008 – December 31, 2008. **Fiscal Impact:** \$144,622 – WSU/Noxious Weed Fund. **Staff Contact:** Arno Bergstrom, 337-7225. Motion carries unanimously.

5) **DEPARTMENT OF PARKS & RECREATION:**

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts [Resolution No. 122-2008*](#) establishing the 2008 Kitsap County Fair & Stampede Change Revolving Fund. **Fiscal Impact:** \$35,000 – Revolving Fund. **Staff Contact:** Elizabeth Ratliff, 337-5345. Motion carries unanimously.
- B. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts **Resolution No. 123-2008*** authorizing grant funded assistance from the Recreation & Conservation Office for the *WA Wildlife & Recreation Program*. **Staff Contact:** Chip Faver, 337-5355. Motion carries unanimously.
- C. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts **Resolution No. 124-2008*** authorizing grant funded assistance from the Recreation & Conservation Office for the *Non-Highway and Off-Road Vehicle Activities Program*. **Staff Contact:** Chip Faver, 337-5355. Motion carries unanimously.
- D. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts **Resolution No. 125-2008*** authorizing grant funded assistance from the Recreation & Conservation Office for the *Activities Boating Facilities Program*. **Staff Contact:** Chip Faver, 337-5355. Motion carries unanimously.
- E. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts [Resolution No. 126-2008*](#) regarding annual leaves donation for Shaun Bumpas, Parks & Recreation employee. **Staff Contact:** Elizabeth Ratliff, 337-5345. Motion carries unanimously.

6) **AUDITOR'S OFFICE:**

- A. A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts [Resolution No. 127-2008*](#) authorizing closure of the Prosecutor's Office Petty Cash Funds Account in the amount of \$250. **Staff**

Contact: Lillian Shierk, 337-4909. Motion carries unanimously.

- B. A **motion** is made by Commissioner Brown I and seconded by Commissioner Angel that the Board adopts [Resolution No. 128-2008*](#) amending Resolution 030-2008, Park's & Recreation Imprest Checking Account Fund to read in the amount of \$1,000 instead of the \$1,500 stated in the previous resolution. **Staff Contact:** Lillian Shierk, 337-4909. Motion carries unanimously.

7) COMMISSIONERS/COUNTY ADMINISTRATOR'S OFFICE:

- A. Discussion is held and a **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts [Resolution No. 129-2008*](#) approving revised by-laws and appointing **Margaret Ales (Dist #3)** to the *Surface & Stormwater Management Program Advisory Committee*. **Staff Contact:** Jan Koske, 337-4650. Motion carries unanimously.
- B. Discussion is held and a **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts [Resolution No. 130-2008*](#) appointing **Linda Lovgren Houlton (Dist #3)** to the *Bremerton Ferry Advisory Committee* to a 4-year term ending June 30, 2012. **Staff Contact:** Jan Koske, 337-4650. Motion carries unanimously.
- C. Discussion is held and a **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board adopts [Resolution No. 131-2008*](#) appointing **Robert Baglio (Dist #2)** to the *Kitsap County Planning Commission* completing a term ending December 31, 2008. **Staff Contact:** Jan Koske, 337-4650. Motion carries unanimously.

PUBLIC HEARINGS:

**** Please note that start times are estimates and may be impacted by the amount of public input. Unless otherwise announced by the Chair of the Board, public comments will be 3 minutes per person.**

- A) Public hearing to consider a [Petition to vacate](#) a portion of right of way known as Berry Street SE filed by **Christopher Barker** and neighbors and located in South Kitsap Commissioner District #2. **Fiscal Impact:** \$550 application fee paid by Petitioner. **Staff Contact:** Molly Foster, 337-4688.

Molly Foster, Public Works, gave an overview of the proposed vacation stating Mr. Barker and his neighbors are requesting Kitsap County vacate a portion of county right of way known as Berry Street SE in South Kitsap. She said the right of way was dedicated for public use in 1889 when the Plat of South Colby was created. She said Barker and the neighbors wants wish to regain this area for private use. Foster

said utilities serving the area had been notified and various county departments and other agencies had reviewed the petition and recommends approval.

David Gasvoda addresses the Board with concerns about access to the back portion of his property and the creek on his property.

Wade Wright comments on the creek on Gasvoda's property.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board continues this matter to July 14, 2008. Motion carries unanimously.

- B)** Public hearing to consider a [Petition to vacate](#) a portion of right of way known as "O" Street (13th Avenue) filed by **Richard Dickson** (William Dickson Company) and located in South Kitsap, Commissioner District #2. **Fiscal Impact:** \$550 application fee paid by Petitioner. **Staff Contact:** Molly Foster, 337-4688.

Molly Foster, Public Works, gave an overview of the proposed vacation stating the William Dickson Company is requesting Kitsap County vacate a portion of county right of way known as "O" Street (13th Avenue) just outside Bremerton's city limits. She said the right of way was dedicated for public use in 1908 when the Plat of Bremerton Heights was created. She said the applicants are proposing a development in this area and are working with Community Development to regain this right way to use as part of their project. Foster said owners of the parcels adjacent to the development have signed and agreed to the petition to vacate. Foster said utilities serving the area had been notified and various county departments and other agencies had reviewed the petition and recommends approval.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves the Petition to vacate a portion of right of way known as "O" Street (13th Avenue) filed by Richard Dickson (William Dickson Company) and located in South Kitsap, Commissioner District #2; further that a final Order be executed so stipulating. Motion carries unanimously.

- C)** Public hearing to receive public comments on the findings resulting from **Performance Audits** conducted by the WA State Auditor's Office. **Staff Contact:** R'Lene Orr, 337-4410.

R'Lene Orr, Purchasing Division, gave a brief overview of the findings resulting from Performance Audits conducted by the WA State Auditor's Office.

Jim Sommerhauser, Central Kitsap resident, comments on the Performance Audits results.

Vivian Henderson thanked staff for responding to public records requests in a timely manner.

- D)** Public hearing to consider and affirm **Ordinance No. 412-2008** (adopted on June 9, 2008 as an emergency ordinance) which repealed County Ordinances 397-2007 and 410-2008 imposing and extending a moratorium on the acceptance of new applications for land use permits in the Urban Growth Areas (UGAs) expansion areas of the following urban growth areas: Silverdale, Central Kitsap, West Bremerton, Gorst and Port Orchard. **Staff Contact:** Jim Bolger, 337-7165.

Jim Bolger, Community Development, said due to Ordinance 412-2008 being adopted as an emergency on June 9, 2008, the public did not have an opportunity to comment so tonight's hearing is to allow that input on the ordinance as well as allow the Board to consider possible refinement or affirmation of the ordinance. He said Emergency Ordinance No. 412-2008 repealed Ordinances No. 397-2007 and 410-2008 which previously imposed and extended a moratorium on new land use applications permits in the Urban Growth expansion areas adopted in the 2006 Kitsap County 10-Year Comprehensive Plan update. Bolger said the Ordinances were repealed because the County's Comprehensive Plan has been deemed valid by the Growth Management Hearings Board.

Jim Sommerhauser, Central Kitsap resident, congratulates the county on the Comprehensive Plan validity.

Discussion is held, comments called for and hearing no objection, a **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board affirms **Ordinance No. 412-2008** (adopted on June 9, 2008 as an emergency ordinance) which repealed County Ordinances 397-2007 and 410-2008 imposing and extending a moratorium on the acceptance of new applications for land use permits in the Urban Growth Areas (UGAs) expansion areas of the following urban growth areas: Silverdale, Central Kitsap, West Bremerton, Gorst and Port Orchard. Motion carries unanimously.

- E)** Public hearing to consider a **Resolution** temporarily closing Hood Canal Drive NE, to all classes of vehicular and pedestrian traffic between NE Ponderosa Boulevard and NE Hood Canal Place. **Closure will be from 7:00 a.m. Monday, July 7, 2008 through 5:00 p.m., Friday, August 15, 2008** during which time Public Works will be replacing a culvert. This road project is located in North Kitsap, Commissioner District #1.

Dusty Wiley, Public Works, gave a brief overview of the proposed project stating the road closure is to replace a culvert at Hawks Creek. He said the culvert replacement is part of the Road Improvement Project 1559 which is widening Hood Canal Drive NE to allow two 11-foot lanes and 6-foot paved shoulders between NE Ponderosa Blvd and NE Hood Canal Place. He said road closure signs would be posted in the area.

Dean Jenniges questions why it takes approximately four weeks for a culvert replacement project thereby inconveniencing the public for that amount of time?

A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board adopts [Resolution No. 132-2008](#)* temporarily closing Hood Canal Drive NE, to all classes of vehicular and pedestrian traffic between NE Ponderosa Boulevard and NE Hood Canal Place. Motion carries unanimously.

- F) Closed Record hearing to consider an **Appeal** filed by **Jack and Amy Campbell, et al** of the Hearing Examiner's decision to grant subject to conditions a request for a Conditional Use Permit to allow development of a pre-school/kindergarten Montessori school (**Erland's Point**) located at 4249 Dyes Inlet Road NW in Central Kitsap, Commissioner District #3. **Staff Contact:** Dennis Oost, 337-7027.

Dennis Oost, Community Development, said on December 11, 2007, William and Jennifer Bailey submitted an application for a Conditional Use Permit to establish the Montessori School in a single family structure. He said the proposed school was limited to two sessions and no more than 20 students. He said the Hearing Examiner issued his decision on April 9, 2008 approving the Conditional Use Permit and Amy and Jack Campbell filed a timely appeal of that decision. He said on June 13, 2008, Phil Havers attorney representing the appellants filed a brief with attachments regarding the legality of one of the access points that had been approved by the Hearing Examiner. Oost said some of the factual information contained in the brief was included in the record before the Hearing Examiner and some was not. He said the question of legal access was not presented to the Hearing Examiner for his consideration and even if it had been it would not have been considered by the Hearing Examiner because it is a private dispute over which neither the Hearing Examiner nor this Board has jurisdiction. Oost recommends if the Board decides to uphold or modify the Hearing Examiner's decision that it also add a Condition that the permit is specifically conditioned upon having two legal access points.

Chair Bauer gave the guidelines for the closed record hearing process.

Phil Havers, Attorney representing the appellants, said under County Code, a Conditional Use Permit should only be granted when the proposal will not materially be detrimental to uses or property in the immediate vicinity and when the proposal is compatible with and incorporate specific features, conditions or revisions that ensures it responds appropriately to the existing character, appearance, quality or development or physical characteristic of the subject property. He said based on the evidence presented he did not believe the project met any of these criteria. He said this proposal is materially detrimental to the uses of the property in the immediate vicinity. He also said the Hearing Examiner reports that no experts presented but this is incorrect because four real estate agents provided evidence regarding the criteria. He also said the applicants failed to provide any evidence contradicting the

detrimental impacts that the school would have. Havers said the applicants presented a statement that they would have 10 - 20 cars at any given time with a maximum of one minute for “on or off-loading”. He said there is no way you can move children at one minute per car and particularly if you have multiple children. He said the Ofstun property is the easement owner of the easement road and the Bailey property is the one being addressed. He said the easement road which is a 15-foot gravel road is north of the easement of the Bailey property. Havers said the Examiner noted the access point was the main concern for the site and this is a big problem. He further said the solution presented by staff and agreed upon by the Examiner was to place a mirror on the easement road for view but it does not address through traffic. Havers said the road is approximately half the width of a normal residential street and is simply not wide enough.

Rick Courson comments on the impacts to an access gravel road. He said this was never considered and this is a private easement road for residential use. He also addresses concerns about design criteria for driveways as outlined in County Code. He said the applicants have already made improvements without permit or design approval.

Amy Campbell said she lives directly across the street from the proposed project site and showed a demonstration map detailing how far cars would be backed up on the road. She said the school would only have five parking spaces and one must be able to enter and exit a parking space. She also addresses concerns about where the neighborhood children would walk once they got off their school bus. She said school buses did not go down this road because they can not turn around. Campbell said access to her property would be denied for 20 minutes four times a day and there is zero egress visibility on the road. She said there is no appropriate parking and this Permit should be overturned. Campbell said this is a business and not a school.

Paul Ofstun said he owns the property adjacent to the Baileys as well as the easement road. He said an easement was given approximately one year ago to the prior owners of the property to be used for residential purposes. Relative to the turnaround, he said that many cars on a grave road will destroy it and he is responsible for maintaining the road. Ofstun also addresses concerns about the road approach stating it had been constructed without a permit.

Dean Jenniges said there seems to be the tendency for the Board to concur with staff and he believes after speaking with Campbell as well as traveling the road, the concerns of the appellants is valid. He has concerns about emergency vehicles entering and exiting the road and did not believe staff had done a full scale evaluation of this property prior to presenting the proposal.

Phil Havers said relative to Criteria #4 - compatibility with existing character, there are a number of elderly people on this road and health and emergency vehicles are real concerns. He said this is not a cottage based industry but an ongoing drop-

in/drop off situation with massive traffic in a rural area. He did not believe this project met criteria #4 and the Hearing Examiner's decision was clearly erroneous.

William Bailey, Applicant, said the school in question is a follow on to Lakeside Montessori, a Montessori school that has been in Kitsap County for over 20 years. He said it has always been in a rural residential setting and when the school moved into its setting over 20 years ago there were equal objections stating there will be serious negative impacts which never materialized. Bailey said he is very involved with children and have worked with them for many years. He said he worked with the county on the road approach and applied everything that the county had recommended and would be willing to adapt to any suggestions made by county experts. He said they have not worked with the neighbors that much due to once it was determined the site would not be used for a residence, there was no "give and take" or compromise on how they could all work together. He said this is a small school and they intend to keep it small as they like the students to teacher ratio. He said this location is close to the Jackson Park School where the Central Kitsap School District has its Montessori program and they are a "feeder" school to that program. Bailey said it would take approximately one minute to drop-off kids because this is a drop-off service. He said the teacher meets students at the car, escorts them to the door and the parents do not have to leave their car. He believes there are no parking issues and states there are no covenants or restrictions in this neighborhood. Bailey said they have done their homework, have met all the conditions, done "do diligence" and request the Board allows the school project to move forward.

Discussion is held between staff and Board regarding access to the site, the easement road, the road approach, reserve area for septic fields, mirror used for visibility for safety, is the road in front of the house a new or existing road, stringent Conditional Use Permit process, traffic impacts to the area and legal access points.

A **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board denies the appeal and upholds the Hearing Examiner's decision; subject to adding a Condition of Approval that adds two legal access points. Motion carries unanimously.

8) OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD:

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

- A. Dean Jenniges said Community Development staff does a good job but believes at time they are "overloaded".
- B. Amy Campbell said relative to the Montessori School, the parking is not appropriate.
- C. Mike Eliason compliments staff on public records compliance and comments on the county's hiring practices process and leave benefits packet.

D. Stephanie Yost, Old Town Silverdale Businesses, asked the Board to consider how difficult it is for businesses to exist in the area.

E. Ron Ross comments on the revised County Code regarding Home Businesses.

9) COUNTY ADMINISTRATOR’S COMMENTS:

A. Nancy Grennan addresses the revised County Personnel Manual regarding the County’s offering of additional salary or benefits to individuals who have had bona fide job offers from other agencies.

10) BOARD OF COMMISSIONER’S COMMENTS:

A. Commissioner Angel offered condolences to the Ron Ross family on the loss of his brother Pete. She also said she attended or would be attending: Fathoms of Fun Festival, Luncheon to celebrate completion of the Manchester Plan, Manchester Salmon Bake and the SK Park Regional Planning Session.

B. Commissioner Brown invited the public to attend the Thunderbird Rodeo and the County Fairgrounds.

C. Commissioner Bauer said he attended or would be attending: Norwegian Park Plan meeting, Board of Commissioners Retreat, WASAC Conference, Commissioning Ceremony for the Coast Guard Cutter

Public meeting adjourned at 9:24 p.m.

**BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY WASHINGTON**

STEVE BAUER, CHAIR

JOSH BROWN, COMMISSIONER

JAN ANGEL, 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:

6/23/08	12:00 pm 2:00 pm 7:00 pm	Lunch with Elected Officials – Gino's Admin Briefing -Port Blakely Conf Room BOCC Public Meeting – BOCC Chambers
6/24/08	8:00 am 9:00 am 10:00 am	Special KCCHA Bd Mtg – Norm Dicks Gov Center Special Kitsap Transit Bd Mtg – Norm Dicks Gov Center Special CenCom Policy Bd Mtg – Norm Dicks Gov Center
6/25/08	8:30 am	Work Study Session – Port Blakely Conf Room
6/30/08	10:00 am 2:00 pm	Admin Briefing -Port Blakely Conf Room Admin Briefing -Port Blakely Conf Room
7/01/08	8:00 am 1:30 pm	KRCC/Health District Board Meetings – N.D. Gov Center Puget Sound Partnership/Elected Officials - <u>Tentative</u>
7/02/08	8:30 am 12:30 pm	Work Study Session – Port Blakely Conf Room HCCC Meeting – Silverdale Beach Hotel
7/04/08	8:00 am	<i>Independence Day – Office Closed</i>
7/07/08	10:00 am 2:00 pm	Admin Briefing -Port Blakely Conf Room Admin Briefing -Port Blakely Conf Room
7/09/08	8:30 am	Work Study Session – Port Blakely Conf 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 **July 14, 2008 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).