



MINUTES

KITSAP COUNTY BOARD OF COMMISSIONERS July 28, 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)** Public hearing to consider a [Resolution](#) authorizing temporary closure of **Dewatto Road W** for a culvert replacement project in Central Kitsap, Commissioner District #3. **Fiscal Impact:** \$500 – County Road Fund. **Staff Contact:** Steve Johnson, 337-5777 x3114.

Dusty Wiley, Public Works, gave a brief overview of the proposed project stating this was a culvert that was damaged during the December 2007 storm. He said unknown to staff, Mason County had the same problem on the road during the December storm also. He said on initial review of the site, there was a sign posted by Mason County and he assumed their project would be completed by this time. Wiley said he recently visited the site and found the road is still out and Mason County's project will not be completed until sometime in mid October. He said staff cannot close Dewatto Road W now until Mason County has completed its project due to residents in the area having to make a 40 plus mile detour in order to get to local services like the post office. Wiley said based on this, the county's project will be delayed until later this year or perhaps until next summer.

Discussion is held and a **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board continues this matter until a later date to be determined by staff. Motion carries unanimously.

- #2)** A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board closes the public record on the draft [amendments](#) and Planning Commission recommendations regarding the proposed revisions to Kitsap County

Code **Title 17 (Zoning) and Title 18 (SEPA-Environment)**. Motion carries unanimously.

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.

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

1) MISCELLANEOUS ITEMS:

B. Approve Minutes of July 14, 2008.

C. Approve Warrant Nos. 3374348 – 3375329 in the amount of \$3,187,235.23.

D. Approve Payroll Warrant Nos. 659730 – 659946 in the amount of \$1,924,272.80.

E. Refer to the Prosecutor's Office and Risk Manager: 1) Claim for Damages filed by D. McConnell; 2) Claim for Damages filed by J. Key; 3) Claim for Damages filed by R. Agtay; 4) Claim for Damages filed by K. Hazen; 5) Claim for Damages filed by Qwest; 6) Claim for Damages filed by K. Smith; 7) Claim for Damages filed by A. Carlson; 8) Claim for Damages filed by H. Noot; 9) Claim for Damages filed by E. Rousseau; 10) Petition of Removal filed by V. C. Moyers; 11) Summons & Petition for Review of Land Use Decision filed by D. Piete & P. Piete; 12) Motion to Intervene filed by W. & J. Bryant; 13) Complaint for Refund of Property Taxes filed by Laurier Enterprises, Inc; and 14) Amended Petition for Review and Certificate of Service filed by the Suquamish Tribe and Kitsap Citizens for Rural Preservation.

2) DEPARTMENT OF PERSONNEL & HUMAN SERVICES:

A. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the contract [amendment](#) with **Kitsap Community Resources (KC-162-07C)** increasing the contract amount by \$196,400

- for temporary emergency services to veterans. **Fiscal Impact:** \$196,400 is funded by KC Real and Personal Property Tax. **Staff Contact:** Leif Bentsen, 337-4883. Motion carries unanimously.
- B. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board adopts [Resolution No. 145-2008](#)*pertaining to classification changes within the Departments of Parks and Recreation and Public Works. **Fiscal Impact:** Cost savings of approximately \$12,095. **Staff Contact:** Lynn Cole, 337-7185 x3536. Motion carries unanimously.
- C. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board adopts [Resolution No. 146-2008](#)* implementing classification change and transfer of Kim Dunn within the Department of Community Development. **Fiscal Impact:** \$20.80 –2008 Budget. **Staff Contact:** Lynn Cole, 337-7185 x3536. Motion carries unanimously.
- D. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the [contract amendment](#) with **West Sound Treatment Center (KC-347-07B)** increasing the contract amount by \$30,200 to promote quicker access to treatment and better retention for the clients involved in treatment. **Fiscal Impact:** \$30,200 is 100% Grant Funded by DSHS. **Staff Contact:** Betsy Bosch, 337-4880. Motion carries unanimously.
- E. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the [contract](#) with **Olympic Consortium & Olympic Educational Service District #114 (KC-260-08)** providing dropout and intervention services to school districts not meeting the 73% on time high school graduation rate for the period of July 1, 2008 - June 30, 2009. **Fiscal Impact:** \$39,227 is 100% WIA Grant Funded. **Staff Contact:** Gay Neal, 337-7185 x3526. Motion carries unanimously.
- F. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes [contract](#) with **Olympic Consortium & Peninsula College (KC-226-08)** providing Frontline Supervisor/Leadership Training to members of the Olympic Workforce Development Council Healthcare Alliance for the period of May 1, 2008 through June 30, 2008. **Fiscal Impact:** \$6,000 is 100% WIA Grant Funded. **Staff Contact:** Leif Bentsen, 337-4883. Motion carries unanimously.
- G. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the revenue [contract](#) with **Olympic Consortium & WA State Employment Security Dept (KC-289-08)** providing staff training and job seeker service enhancements to eligible individuals in Kitsap, Clallam and Jefferson Counties for the period of February 15, 2008 through June 30, 2009. **Fiscal Impact:** \$104,583 is 100% Grant funded by WIA. **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.

- H. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the contract [amendment](#) with the **Port Gamble S’Klallam Tribe (KC-339-07B)** increasing the contract amount by \$28,000 for additional client service hours for adult outpatient treatment services. **Fiscal Impact:** \$28,000 is 100% Grant Funded by DSHS. **Staff Contact:** Betsy Bosch, 337-4880. Motion carries unanimously.
- I. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the contract [amendment](#) with **Cascade Recovery (KC-343-07B)** increasing the contract amount by \$25,722 for ADATSA outpatient treatment and client living stipends for the period of September 1, 2007 through June 30, 2009. **Fiscal Impact:** \$25,722 is 100% DSHS Grant Funded. **Staff Contact:** Betsy Bosch, 337-4880. Motion carries unanimously.
- J. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the contract [amendment](#) with **Agape Unlimited (KC-346-07B)** increasing the contract amount by \$38,000 for adult chemical dependency services for the period of September 1, 2007 through June 30, 2009. **Fiscal Impact:** \$38,000 is 100% DSHS Grant Funded. **Staff Contact:** Betsy Bosch, 337-4880. Motion carries unanimously.
- K. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the contract [amendment](#) with **Olympic Consortium and J.Z. Miller (KC-318-05B)** increasing the contract amount by \$15,098.93 for remodeling of the office space to include a classroom. **Fiscal Impact:** \$15,098.93 is 100% WIA Grant Funded. **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 revenue contract [amendment](#) with **Olympic Consortium and WA State Employment Security Dept (KC-485-07A)** increasing the contract amount by \$23,624 to provide “Heroes At Home Program” training funds to eligible navy spouses for the period of November 1, 2008 – June 30, 2010. **Fiscal Impact:** \$23,624 is 100% WIA Grant Funded. **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.
- M. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the [contract](#) with **Olympic Consortium and Kitsap Community Resources (KC-288-08)** providing job training services to 55 adults in Kitsap County for the period of July 1, 2008 through June 30, 2009. **Fiscal Impact:** \$167,388 is 100% WIA Grant Funded. **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.
- N. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the contract [amendment](#) with **Kitsap Mental Health Services (KC-348-07B)** increasing the contract amount by \$26,280 for adult

chemical dependency treatment services for the period of September 1, 2007 through June 30, 2009. **Fiscal Impact:** \$26,280 is 100% Grant Funded by DSHS. **Staff Contact:** Betsy Bosch, 337-4880. Motion carries unanimously.

3) DEPARTMENT OF PUBLIC WORKS:

- A. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves the interlocal interlocal [agreement](#) with the **City of Gig Harbor (KC-238-08)** to form the Kitsap Peninsula Clean Runoff Collaborative. **Fiscal Impact:** \$521,717 Surface & Stormwater Mgmt Funds. **Staff Contact:** Jayna Ericson, 307-4722. Motion carries unanimously.
- B. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board adopts [Resolution No. 147-2008*](#) authorizing temporary road closures for the *Silverdale Thunder Hydro Races* from 8:00 a.m. August 8 – 8:00 p.m. August 10, 2008 in Central Kitsap Commissioner District #3. **Fiscal Impact:** \$500 –Road Fund. **Staff Contact:** Steve Johnson, 337-5777 x3114. Motion carries unanimously.
- C. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the [contract](#) with various **Statewide Agencies (KC-302-08)** for emergency mutual aid during disaster/emergencies. **Staff Contact:** Randy Casteel, 337-4866. Motion carries unanimously.

4) 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 adopts **Resolution No. 148-2008*** restricting public vessel traffic and defining the event area with regulatory buoys for the *2008 Silverdale Thunder Hydroplane Races and Water Sport Festival* in Central Kitsap, Commissioner District #3. **Staff Contact:** Lisa Lewis, 337-4967. Motion carries unanimously.
- B. 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 **Northern Con-Agg, Inc (KC-341-08)** for construction of Phase I of the Chico Creek In-stream Restoration project located at the Kitsap Golf & Country Club in Central Kitsap, Commissioner District #3. **Fiscal Impact:** \$397,796. – Salmon Recovery Funding Board/SSWM Match in the amount of \$100,000. **Staff Contact:** Sue Donohue, 337-4557. Motion carries unanimously.

5) DEPARTMENT OF ADMINISTRATIVE SERVICE:

- A. Discussion is held, comments received and hearing no objection, a **motion** is

made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the [contract](#) with **Blews Construction Inc (KC-336-08)** for construction of the Kitsap County Coroner's Facility. **Fiscal Impact:** \$2,885,379 –Coroner's Facility Project Fund. **Staff Contact:** Brian Lyman, 337-4252. Motion carries unanimously.

- B. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes [contract](#) with **Waste Management of WA Inc d.b.a. Brem-Air Disposal (KC-243-08)** for commercial recycling and marketing services. **Fiscal Impact:** \$68,400 – various county funds. **Staff Contact:** Beverly Reeves, 337-7189. Motion carries unanimously.

6) **JUVENILE SERVICES DIVISION:**

- A. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the [contract](#) with **Wellspring Therapy Services (KC-300-08)** providing functional family therapy to 22 moderate to high-risk youth and their families. **Fiscal Impact:** \$52,800 – DSHS. **Staff Contact:** Patty Bronson, 337-5470. Motion carries unanimously.

7) **PARK'S & RECREATION DEPARTMENT:**

- A. Discussion is held, comments received and hearing no objection, a **motion** is made by Chair Bauer and seconded by Commissioner Angel that the Board approves the Purchase & Sale [agreement](#) with **Alliance Properties (KC-334-08)** for purchase of a 1.52 acre parcel adjacent to the Norwegian Point Park in North Kitsap, Commissioner District #1. **Fiscal Impact:** \$197,387 – Parks Capital Project Fund (\$122,187.41) and RCO Grant of \$75,200. **Staff Contact:** Chip Faver, 337-5355. Motion carries unanimously.
- B. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board adopts [Resolution No. 149-2008*](#) establishing *Miss Kitsap County Fair & Stampede/Rodeo Queen* Fund. **Staff Contact:** Frank Abbott, 337-5375. Motion carries unanimously.
- C. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board adopts [Resolution No. 150-2008*](#) authorizing the *2008 Rodeo Purse*. **Fiscal Impact:** \$40,000 – General Fund. **Staff Contact:** Elizabeth Ratliff, 337-5345. Motion carries unanimously.

8) **COMMISSIONERS OFFICE/COUNTY ADMINISTRATOR:**

- A. 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. 151-2008*](#) appointing **Tracy Brommel** to the *Kitsap County Veterans Advisory Board* completing a term ending December 31,

2008. **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 Bauer and seconded by Commissioner Angel that the Board adopts [Resolution No. 152-2008](#)* appointing **Larry Goodwin** to the *Suquamish Citizen Advisory Committee* (Dist #1) for a 3-year term ending June 11, 2011. **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 Brown and seconded by Commissioner Angel that the Board approves and executes the [contract](#) with **Henderson, Young & Company (KC-307-08)** for consulting services to review the county's revenue and expenditures of Urban Growth Areas as well as assessing the potential incorporation of the City of Silverdale. **Fiscal Impact:** \$192,940 – General Admin & Operations Fund. **Staff Contact:** Eric Baker, 337-4995. Motion carries unanimously.
- D. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves the *Settlement Agreement and Release* by and between Berschauer Phillips Construction Company and Kitsap County. **Staff Contact:** Nancy Grennan, 337-4403. 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) Closed Record hearing consider an **Appeal** filed by **Stephen Jennings** of the Hearing Examiner's decision to deny the request for an Administrative Variance application allowing development in the rural area and in a census defined urban area which creates more than 5,000 square feet of impervious surface area to meet the requirements of a minor development as defined in KCC 12.08.010 on property located north of NE Anna Road in North Kitsap Commissioner District #1. **Staff Contact:** Kim May, 337-4407.

Kim May, Community Development, gave an overview of the project stating this application is to build an approximately 2400 square foot house, 888 square foot garage with total impervious area of approximately 16,299 square feet. He said a letter was sent to the applicant in January of 2006 stating that a Site Development Activity Permit (SDAP) was required because the project met the definition of a major development. He said the SDAP was submitted and subsequently approved. May said the applicant has appealed the requirement of the Site Development Activity Permit arguing that the county is applying urban rules to a rural setting. He said the definition of a major development which triggers the need for SDAP and stormwater mitigation is defined in Kitsap County Code Title 12. He said if a project

is located in the census urbanized area, it is allowed 5,000 square feet of impervious area before stormwater controls are applied and if it is outside of that area it is allowed up to 10,000 square feet or 5% of the total. May said the applicant's project is over 16,000 square feet of impervious surface which triggered the requirement for SDAP and stormwater mitigation. He said the Hearing Examiner upheld the staff decision to require this permit.

Chair Bauer explains the guidelines for a closed record appeal.

Stephen Jennings, applicant, said he owns the subject 10.88 acre parcel and all of his information had been presented before the Hearing Examiner. He said prior to the year 2000 in his neighborhood, there were some larger parcels that were being subdivided into smaller 2-acre parcels. He said during the year of 2000, the Census Bureau developed a census boundary which was adopted by the state. He said the county did not like the fact that this area would be urban and in 2001 rezoned the area as Rural Protection. Jennings said only 10-acre or greater sized parcels were allowed at that time and requirements for setbacks, greenbelts etc were also applied. He believes the county was attempting to keep this area rural and said this area is really outside the census urbanized definition and urban growth area. He said this area is clearly rural, one house per 10-acres is rural and if this is defined as a rural lot in keeping with the zoning, then he should be fined per Title 12 in Kitsap County Stormwater Manual as a minor development. Jennings said as a minor development, he would be allowed to have 27,000 square feet of impervious area and he was only creating 16,000 square feet with no intent to create more. He said staff indicates that the county requires a SDAP, there was no "give and take" for mitigation measures other than it had to be done. Jennings said he did not agree with this and hopes he does not have to spend extra money to do this. He said just as the county has a "tight budget" he also has a "tight family budget". Jennings also mentions several trees would have to be cut down in order to make room for the drainage ditches and believes this is counter-productive to low impact zoning.

Discussion is held regarding the cost of the project, variance request, Site Development Permit, no run-off from the lot, current stormwater policy, urban census tracts, legacy lots, topography of the driveway, consulting engineer's report, possibly implementing a policy on this sort of matter and whether the Board at this point had the authority to grant a variance.

A **motion** is made by Commissioner Bauer and seconded by Commissioner Angel that the Board continue this matter to August 11, 2008. Motion carries unanimously.

9) 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. Vivian Henderson comments on the new Coroner's Facility and said she opposes spending money on art for this new building in lieu of the county budget situation.

B. Paul Nuchims said he agrees with Henderson regarding spending county funds on art for the new facility. He further addresses the Board with concerns about Agenda item 8.C.

10) COUNTY ADMINISTRATOR’S COMMENTS:

11) BOARD OF COMMISSIONER’S COMMENTS:

A. Chair Bauer invites the public to the upcoming Great Peninsula Futures Festival scheduled for August 2-3, 2008.

Public meeting adjourns at 8:34 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:

7/28/08	2:00 pm	Admin Briefing -Port Blakely Conf Room
	7:00 pm	BOCC Public Meeting – BOCC Chambers
7/29/08	12:00 pm	Farewell Celebration for Jim Bolger
7/30/08	8:30 am	Work Study Session – Port Blakely Conf Room

	11:30 am	Emergency Mgmt Meeting - Pavilion
7/31/08	1:30 pm 6:30 pm	KRCC Ferry Legislative Strategy Mtg – Norm Dicks Center Waaga Way Connector Rd Committee Mtg-Silverdale Ctr
8/04/08	10:00 am 12:00 pm 2:00 pm 6:30 pm	Special BOCC Public Meeting – BOCC Chambers Working Lunch (Code Deliberations) Admin Briefing -Port Blakely Conf Room Joint Mtg w/City of Port Orchard-City Council Chambers
8/06/08	8:30 am	Work Study Session – Port Blakely Conf Room
8/08/08	11:00 am	Kitsap Bank Centennial Days/BBQ Lunch – Bay St. Port Orch

(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 **August 4, 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).

UPCOMING TIMED AGENDA ITEMS:

(PLEASE NOTE: These dates and times are tentative and subject to change)

August 4, 2008:

10:00 am Special public meeting to deliberate on **the Phase II Code Amendments to Titles 17 (Zoning) and 18 (SEPA-Environment)**. The Kitsap County Board of Commissioners will also hold an additional public meeting/hearing for adoption of the Phase II Code Amendments. **Staff Contact:** Eric Baker, 337-4495.

August 11, 2008: