



MINUTES

KITSAP COUNTY BOARD OF COMMISSIONERS August 25, 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 August. **Staff Contact:** Joy Crema 337-7185.

Congratulations and a Certificate of Appreciation is presented to *Wava Wright*, Information Services for her years of service to Kitsap County.

#2) [Resolution](#) proclaiming August 25, 2008 as **Laura Daugereau Day** in Kitsap County for being the first woman from Washington State to compete in and finish the 1,150 miles plus Iditarod Race in Alaska. **Staff Contact:** Anne Blair, 337-4426.

Laura Daugereau gave highlights and a PowerPoint presentation on her participation in the *2008 Iditarod Race* in Alaska.

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. 157-2008** proclaiming August 25, 2008 as **Laura Daugereau Day** in Kitsap County for being the first woman from Washington State to compete in and finish the 1,150 miles plus Iditarod Race in Alaska. 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.

- A. Karl Duff addresses the Board with concerns about private property rights.
- B. Ayvon Card said she objects to the Bethel Corridor taxing district.
- C. Dave Card addresses the Board with concerns about fast ferries in Kitsap County.
- D. Jackie Roshmond addresses the Board with concerns about fast ferries in Kitsap County.
- E. Dean Jenniges addresses the Board with concerns about legacy lots in the Manchester area.
- F. Jim Sommerhauser congratulates the county staff on the recent Fair & Stampede, specifically the parking situation.

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 the Consent Agenda. Motion carries unanimously.

1) MISCELLANEOUS ITEMS:

- B. Approve Minutes of August 4 and 11, 2008.
- C. Approve Warrant Nos. 3378090 – 3379205 in the amount of \$3,368,535.13.
- D. Approve Payroll Warrant Nos. 660358 – 660454 in the amount of \$1,975,833.41.
- E. Refer to the Prosecutor's Office and Risk Manager: 1) Complaint for Damages and Demand for Jury Trial filed by E. Dumbaugh; 2) Claim for Damages filed by J. Foss; 3) Summons and Counter Complaint for Damages filed by D. Smith, C. Longacre, C. Shank and Longacre Law Inc.; 4) Claim for Damages filed by CMR (Claim #

453012); 5) Claim for damages filed CMR (Claim # 453809); 6) Summons filed by M. Perry; and 7) Claim for Damages filed by Qwest.

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](#) with **Olympic Educational Service District #114 (KC-335-08)** in the amount of \$36,000 for community mobilization against substance abuse and violence funds. **Fiscal Impact:** \$36,000 is 100% Grant Funded by WA State CTED. **Staff Contact:** Mary Ellen de la Pena, 337-4878. Motion carries unanimously.
- B. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the [Contract](#) with **Olympic Consortium and Washington State Employment Security Department (KC-287-08)** will serve 213 adult residents along with 282 dislocated workers in Clallam, Jefferson and Kitsap Counties for the period of July 1, 2008 – June 30, 2009. **Fiscal Impact:** \$1,049,140 is 100% Grant Funded by WIA. **Staff Contact:** Bob Potter, 337-4873. 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 **Kitsap Mental Health Services (KC-344-08)** for the coordination and provision of community services for persons with developmental disabilities or mental health services in Kitsap County for the period of July 1, 2008 – June 30, 2009. **Fiscal Impact:** \$400,962 is funded by KC Real and Personal Property Tax. **Staff Contact:** Steve Frazier, 337-7185 X 3526. 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 **Kitsap Mental Health Services (KC-380-07B)** increasing the contract amount by \$245,865 to provide public mental health services. **Fiscal Impact:** \$245,865.79 is 100% Grant Funded by DSHS. **Staff Contact:** Anders Edgerton, 337-4886. Motion carries unanimously.
- E. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the [Contract](#) amendment with **Jefferson Mental Health Services (KC-382-07B)** increasing the contract amount by \$77,974 to provide public mental health services. **Fiscal Impact:** \$77,974.49 is 100% Grant funded by DSHS. **Staff Contact:** Anders Edgerton, 337-4886. Motion carries unanimously.
- F. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the [Contract](#) with **Olympic Consortium and Olympic Education Service District #114 (KC-314-08)** that serves youth in Kitsap, Clallam and Jefferson Counties who are eligible for Workforce Investment

Act training programs for the period of July 1, 2008 – June 30, 2009. **Fiscal Impact:** \$586,580 is 100% Grant Funded by WIA. **Staff Contact:** Bob Potter, 337-4873. Motion carries unanimously.

- G. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the revenue contract [amendment](#) with **State of Washington, Office of Insurance Commissioner (KC-237-07A)** increasing the contract amount by \$6,051.01 for the Statewide Health Insurance Benefits Advisors site for Kitsap County within the Senior Information & Assistance unit of the Division of Aging & Long Term Care. **Fiscal Impact:** \$ 6,051.01 is 100% Grant Funded by WA, Office of Insurance Commissioner. **Staff Contact:** Linda Hanna, 337-7068. Motion carries unanimously.
- H. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves revenue [contract](#) with the **Washington Department of Social and Health Services, Aging and Disability Services Administration (KC-318-08)** providing information and assistance, case management, respite, nursing services, personal care, health promotion, nutrition and caregiver support for disabled adults and persons 60 and older. **Fiscal Impact:** \$2,255,897 is 100% Grant Funded by DSHS, Aging & Disability Services Admin. **Staff Contact:** Linda Hanna, 337-7068. 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 **Kitsap Mental Health Services (KC-384-07B)** changing the definitions sections of the statement of which clarifies the definition of a mental health care provider and increasing the contract by \$1,175,835 providing community mental health services to the citizens of Clallam, Jefferson and Kitsap Counties. **Fiscal Impact:** \$1,175,835 is 100% Grant Funded by WA State Dept. of Social & Health Services, Mental Health Division. **Staff Contact:** Anders Edgerton, 337-4886. 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 **Jefferson Mental Health Services (KC-386-07B)** increasing the contract by \$176,454.00 to provide mental health services in Jefferson County. **Fiscal Impact:** \$176,454.00 is 100% Grant Funded by DSHS, Mental Health Division. **Staff Contact:** Anders Edgerton, 337-4886. Motion carries unanimously.
- K. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board adopts [Resolution No. 158-2008](#)*reorganizing the Aging and Long Term Care Division of the Department of Personnel and Human Services. **Fiscal Impact:** N/A. **Staff Contact:** Lynn Cole, 337-7185 X 3536. Motion carries unanimously.
- L. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the [Contract](#) with **Olympic Consortium and**

Olympic Community Action Programs (KC-315-08) to serve 158 welfare recipients in Clallam and Jefferson Counties for the Community, Trade and Economic Development Community Jobs and Supported Works programs for the period July 1, 2008 – June 30, 2009. **Fiscal Impact:** \$568,593 is 100% Grant Funded by TANF-Federal. **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 revenue contract [amendment](#) with **Kitsap County and Washington State Office of Community, Trade and Economic Development (KC-255-07A)** increases the contract by \$116,191 and will fund multiple school related services as part of a six year Community Mobilization Interagency Agreement. **Fiscal Impact:** \$116,191 is 100% grant funded by WA State CTED. **Staff Contact:** Mary Ellen de la Pena, 337-4878. Motion carries unanimously.
- N. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the Mental Health contract [amendment](#) with **Forks Community Hospital (West End Outreach Services) (KC-387-07B)** increases the contract by \$372,349 to provide public mental health services to citizens of West Clallam and Jefferson Counties. **Fiscal Impact:** \$372,349 is 100% Grant Funded by DSHS, Mental Health Division. **Staff Contact:** Anders Edgerton, 337-7185 x3526. Motion carries unanimously.
- O. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the Mental Health contract [amendment](#) with **Forks Community Hospital (West End Outreach Services) (KC-383-07B)** increasing the contract by \$36,621 to provide public mental health services to citizens of West Clallam and Jefferson Counties. **Fiscal Impact:** \$36,621.06 is 100% Grant Funded by DSHS, Mental Health Division. **Staff Contact:** Anders Edgerton, 337-4886. Motion carries unanimously.

3) DEPARTMENT OF CENTRAL COMMUNICATIONS:

- A. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the [Contract](#) with **Cops Logic (KC-333-08)** to provide the license for an online reporting system for Police Departments in Kitsap County. **Fiscal Impact:** \$104,000 - E 911 Funds. **Staff Contact:** Richard Kirton, 307-5900. Motion carries unanimously.
- B. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the contract [amendment](#) with **West Sound Workforce (KC-081-08A)** to provide temporary workers to complete the CENCOM Emergency Communications Plan improvements to the County's Public Safety Radio Systems. **Fiscal Impact:** \$8,000 - E911 Funds. **Staff Contact:** Richard Kirton, 307-5900. Motion carries unanimously.

4) DEPARTMENT OF PUBLIC WORKS:

- A. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the Inter-local agreement [amendment](#) with other **Washington Cities/Counties (KC-108-07B)** increasing the contract by \$25,000 to fund an appeal over the Phase II National Pollutant Discharge Elimination System (NPDES) Permit. **Fiscal Impact:** \$25,000 **SSWM Fund. Staff Contact:** Dave Tucker, 337-7292. Motion carries unanimously.
- B. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the contract [amendment](#) with **Northern Con Agg, Inc. (KC-288-07A)** increasing the contract amount by \$51,411.60 to complete the Miller Bay Road NE Heritage Park Entrance in North Kitsap, Commissioner District #1. **Fiscal Impact:** \$51,411.60 – Road Fund. **Staff Contact:** Jacques Dean, 337-4671. Motion carries unanimously.
- C. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the grant [agreement](#) with **WA State Department of Ecology (KC-342-08)** for a Kingston Reclaimed Water Grants Program for water quality protection and improvement in Puget Sound in North Kitsap, Commissioner District #1. **Fiscal Impact:** \$205,000, 100% grant funded by DOE. **Staff Contact:** Stella Vakarcs, 337-5777 X 3660. Motion carries unanimously.
- D. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the [Contract](#) with **Aspect Consulting, LLC (KC-312-08)** providing engineering design services to improve infiltration and aquifer replenishment within the Clear Creek and Barker Creek Watersheds, referenced as the Kitsap Stormwater Storage Project. **Fiscal Impact:** \$200,000 – SSWM Capital Construction Fund. **Staff Contact:** David Tucker, 337-7292. Motion carries unanimously.

5) COMMISSIONERS/COUNTY ADMINISTRATOR'S OFFICE:

- A. Discussion is held, comments received and hearing no objection, a **motion** is made by Commissioner Brown and seconded by Commissioner Angel that the Board adopts [Resolution No. 159-2008*](#) amending the *Roadside Memorial Policy* to increase the life span of memorial signs from six to ten years. **Staff Contact:** Carolyn Siems, 337-4412. Motion carries unanimously.
- B. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board adopts [Resolution No. 160-2008*](#) implementing a hiring freeze and establishing procedures and guidelines for requesting exceptions to the freeze. **Staff Contact:** Nancy Buonanno Grennan, 337-7146. Motion carries unanimously.

- C. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board adopts [Resolution No. 161-2008*](#) authorizing a property tax refund to *Michael Parker* on Parcel No. 052402-1-130-2002. **Staff Contact:** Nancy Buonanno Grennan, 337-7146. Motion carries unanimously.
- D. 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 **Resolution No. 162-2008*** regarding the salary of the Kitsap County Prosecutor. **Staff Contact:** Nancy Buonanno Grennan, 337-7146. Motion carries unanimously.
- E. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board adopts [Resolution No. 163-2008*](#) authorizing a property tax refund to *John W. Schadler* on Parcel No. 4991-000-034-0003. **Staff Contact:** Nancy Buonanno Grennan, 337-7146. Motion carries unanimously.
- F. 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. 164-2008*](#) appointing **Dolores Coppola** (Dist #2) to the Kitsap Public Facilities District to a 4-year term ending July 23, 2012. Staff Contact: Jan Koske, 337-4650. Motion carries unanimously.

6) PROSECUTOR'S OFFICE:

- A. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves and executes the contract [amendment](#) with **Short, Cressman & Burgess, PLLC (KC-261-98E)** providing continued outside legal counsel regarding the Model Toxics Control Act designation of the Hansville Landfill, continuing clean-up plans for the landfill, lawsuits with other potentially liable parties and negotiations with likely natural resource damage claimants. **Fiscal Impact:** NTE \$20,000/year – PW Landfill Fund. **Staff Contact:** Lisa Nickel, 337-4972. Motion carries unanimously.
- B. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board adopts [Resolution No. 165-2008*](#) approving Settlement of Quiet Title Action for *Bay Breeze Apartments, LLC* and the *Betty Piller Trust*. **Staff Contact:** Neil Wachter, 337-4979. Motion carries unanimously.
- C. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves the Final Settlement [Agreement](#) and Release of Claims between *Ronald Peabody* and Kitsap County. **Staff Contact:** Philip Bacus, 337-7271. Motion carries unanimously.
- D. A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board approves the Final Settlement Agreement and Release of Claims between *Cascade Natural Gas* and Kitsap County. **Staff Contact:** Kevin

Howell, 337-7268. 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 [Resolution](#) authorizing temporary road closure of **Tracyton Boulevard NW** for a culvert replacement project in Central Kitsap, Commissioner District #3. **Fiscal Impact:** \$35,000 – County Road Fund. **Staff Contact:** Jacques Dean, 337-4671.

Jon Brand, Public Works, gave a brief overview of the proposed resolution stating the project is located on Tracyton Boulevard NW, approximately 150 feet south of NW Barker Creek Road and will supplement the existing 6-foot diameter culvert with a 34-foot wide concrete arch culvert. He said the project is grant funded and is managed and constructed by the Mid Sound Fisheries Enhancement Group with the county's participation limited to allowing for road closure as well managing the construction in the right of way. He said the road would be closed for approximately 2 months.

Troy Fields, Mid Sound Fisheries Enhancement Group, spoke in support of the proposed project. He said Mid Sound Fisheries has been working closely with county staff on all aspects of the project and would work efficiently as possible to move this project a long. He believes they have a very qualified contractor with a good opportunity to get this project completed on time.

Discussion is held between the Board and Fields regarding this not being a county project, the size of the culvert, what happens if there were long periods of rain during construction, high impact area with motoring public, starting the project at this time of year, what kind of liability this would be for the county if unforeseen circumstances arises, the work area being totally contained, active shoring for the slopes of the excavated roads, concept and design already approved for this project and cost of this project.

A **motion** is made by Commissioner Brown and seconded Chair Bauer that the Board adopts **Resolution No. 166-2008*** authorizing temporary road closure of **Tracyton Boulevard NW** for a culvert replacement project in Central Kitsap, Commissioner District #3. Motion carries. Commissioner Angel votes no.

B) SAID MATTER FOR DECISION ONLY - Closed Record hearing to 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.

Larry Keeton, Community Development, said at the last meeting staff was asked to meet with the applicant and that was done. He said two options were introduced; 1) placing a covenant on the applicant's property. Jennings had concerns that the covenant would not be lifted but staff explained that there would be language in the covenant that would allow him to do so. And 2) the applicant has chosen to go back to his engineering firm to come up with another solution that would allow him not to place a covenant on the property, still mitigates the storm water conditions and move him forward with less cost.

Discussion is held and **motion** is made by Chair Bauer and seconded by Commissioner Angel that the Board denies the appeal and upholds the Hearing Examiner's decision. Motion carries unanimously.

C) Closed Record hearing to consider an **Appeal** filed by Ryan Vancil on behalf of the **Beaver Creek Conservation Group** of the Hearing Examiner's decision to deny the appeals of the *State Environmental Policy Act (SEPA)* determination and *Site Development Activity Permit (SDAP)* issuance to allow site preparation for 78 residential units on existing platted lots within a 12.6 acre parcel in the plat of Manchester Heights (**Woods View**), located along the east side of Woods Road, east of the intersection of Woods Road and Farmer Dell Road in South Kitsap, Commissioner District #2. **Staff Contact:** David Greetham, 307-4225.

Chair Bauer gave the guidelines for a closed record appeal hearing.

Dave Greetham, Community Development, said this project is located on a 12.6 acre parcel west of Manchester and shares the existing platted pattern which is the "crux" of this issue. He said the parcels that are to be developed are located on the right side of Woods Road east side and the large on-site sewer system is northwest of Farmer Dell Road. Giving a brief description of the project, Greetham said the Woods View proposal is a Site Development Activity Permit (SDAP) to develop the existing platted lots. The lots were platted in 1909 in the Plat of Manchester Heights. The proposal includes opening up existing county rights of way, construction of stormwater facilities and general site preparation for the platted building lots. The proposal also includes installation of a large on-site septic system (LOSS) on a nearby parcel located to the northwest of Farmer Dell Road. The LOSS occurs in an easement on a residential parcel between the existing home and an unnamed stream ravine to the west. East of the primary project area is Beaver Creek, a priority fish stream with salmonid habitat. The ravine contains a stream which transitions from a Type Np stream to a Type F stream along with associated ravine bottom wetlands. A Mitigated Determination of Non-Significance was issued for the SDAP in January of 2007 and both were appealed. The Hearing Examiner conducted a public hearing combining both appeals into one public hearing. Greetham said the project would not normally have required a public hearing because it is a SDAP but because there were two appeals it was combined into

a hearing. The hearing was held in March of this year and issues primarily involved referenced traffic, stormwater, wild life, esthetics, light, wetlands and streams but there are other issues. The Hearing Examiner's decision denied the SEPA and upheld the permit approval in June of this year. Greetham said this permit approval is the appeal before the Board tonight. He notes for the record that letters had been submitted to the Board by both parties within the last few days and it appears that both letters supports existing arguments on the record.

Ryan Vancil, Attorney representing Beaver Creek Conservation Group, said the Hearing Examiner's Decision must be reversed as a clearly erroneous application of the law to the facts because the Examiner and staff failed to include the project's large on-site sewage system (LOSS) in the review of compliance with the county code. He said the LOSS is an essential element of the project and would serve as a sanitary sewage system for all 78 units and it includes the 2.6 acre drain field area located north of the project. He said the LOSS does not comply with county code for the rural residential area where the project is located. Vancil said allowing the LOSS as part of the improved project is an expansion of a non-conforming use and not permitted by the county code (legacy lots such as those comprising the Woods View Development are a non-conforming use, the county does not allow expansion of non-conforming uses). He said the LOSS expands the project to a property that is non-contiguous to a non-conforming lot and this expansion has undergone no additional review by the county and thus violates the county prohibition of such expansions. Continuing, Vancil said this issue was ignored by the Hearing Examiner and the LOSS is not a permitted use within the rural residential zone and the county code does not list a LOSS as a permitted use. He said the LOSS is not permitted in the rural residential zone because it is an urban governmental service as confirmed in a letter dated November 13, 2006 to the Commissioners from CTED which stated in part "*GMA specifically says that sanitary sewers are considered an urban service and not a rural service.*" Vancil said the LOSS does not meet any of the allowed purposes for connection of a sewer outside a UGA listed in Resolution 090-1998. He said allowing the LOSS in rural residential is contrary to local state law policy and the county has provided no reason for exempting this and nor did the Hearing Examiner by not addressing this issue. Vancil said he does not believe staff looked at the zoning compliance for the LOSS and because staff and the Hearing Examiner did not properly review the code, the decision should be overturned.

William Lynn, Attorney representing the Applicant/Owner, said this project has been under a very detailed review for a couple of years - not only by staff but by four state agencies; the Department of Health, the Department of Natural Resources, the Department of Ecology and the Department of Fish and Wildlife. He said there are two independent reasons why this appeal should be granted, first, community displeasure can not be a lawful basis for the Board's decision and the second, a lot of these issues are simply not before the Board. He said the standard that the staff had to review and the Board has to review this Site Development Activity Permit is very limited – it does not ask for a decision to be made about the zoning, non-conforming uses or comprehensive plans. He said staff had to determine whether the project meets the stormwater manual. Relative to non-conforming lots, Lynn said the appellants are

arguing that allowing an on-site septic system expands the non-conforming use –the non-conforming use is the residential lots and there is no expansion of those. He said the septic system needs a “state of the art system” which is not an expansion but an implementation of the use that was previously approved. He said the LOSS is an accessory use and county code allows not just homes but the things that necessarily accompany them and in this case, it’s the septic system. Relative to technical information, Lynn said it is important because the county’s review is not to decide whether it agrees with a different decision from the Hearing Examiner but rather to determine whether there is evidence in the record to support his decision. Lynn said there is evidence to support the Hearing Examiner’s decision and did not believe there was any way the Examiner could have reached a different decision. He said not only did the staff agree with the applicants but also the state agencies and asks the Board to deny the appeal.

Discussion is held regarding whether the site for the LOSS is leased land, permanent granted easement by owners of the property, location of the system, requirement that the LOSS has to be permanently owned and operated by a single entity, responsibility for maintaining the LOSS, state regulated system, the type of LOSS, off-site vs. on-site LOSS system, whether the Health Dept was aware that the LOSS was off-site, the LOSS is on appeal to the courts and whether it is appropriate for the Commissioners to physically view the project site.

A **motion** is made by Commissioner Angel and seconded by Commissioner Brown that the Board continues this matter to September 22, 2008 for further discussion. Motion carries unanimously.

D) Continuation of Board deliberations and possible decision on the draft Amendments and Planning Commission’s recommendations on the proposed revisions to **Kitsap County Code Title 17 (Zoning) and Title 18 (SEPA-Environment)**. **Staff Contact:** Eric Baker, 337-4495.

Discussion is held, a **motion** is made by Chair Bauer and seconded by Commissioner Angel that the Board continues this matter to September 15, 2008. Motion carries unanimously.

E) Public hearing to consider a **Resolution** amending the 2008 Annual Budget. **Staff Contact:** Charisse Dahlke, 337-4787.

Nancy Grennan, County Administrator and Stephanie Pinard, Administrative Services, gave brief overviews of the proposed resolution.

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 adopts **Resolution No. 167-2008*** amending the 2008 Annual Budget. Motion carries unanimously.

7) **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. Paul Nuchims, South Colby resident, comments on the use of individual property owners land, postage stamp development and whether the county and state agencies can come up with a solution to legacy lots.
- B. Dennis Bonneville, Kitsap County Sheriff's Office, comments on this year's parking for the Fair and Stampede. He also said he opposes the hiring freeze.
- C. Karl Duff addresses the Board with concerns about fast ferry issues.
- D. Jim Sommerhauser addresses the Board with concerns about the county budget and legacy lots.

8) **COUNTY ADMINISTRATOR'S COMMENTS:**

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

- A. Commissioner Angel encourages the public to support the South Kitsap Food Bank. She said she attended or would be attending the following: Kitsap County Fair & Stampede. Commissioner Angel said the South Kitsap Regional Park ranked #4 out of hundreds of applications for grant funding.
- B. Commissioner Brown comments on the success of this year's Fair & Stampede, specifically the parking in the area.
- C. Commissioner Bauer comments on the success of this year's Fair & Stampede.

Public meeting adjourned at 9:09 pm.

**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:

8/25/08	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
8/27/08	8:30 am 2:00 pm	Work Study Session – Port Blakely Conf Room KRCC Regional Economic Impact Mtg – Kitsap Transit Office
9/01/08	8:00 am	<i>Labor Day Holiday – Office closed</i>
9/03/08	8:30 am	Work Study Session - Port Blakely Conf Room
9/04/08	9:00 am 2:00 pm 3:00 pm	KRCC Ferry Legislative Strategy Session – Edmonds Conf Ctr Budget Meeting, CenCom - Port Blakely Conf Room Budget Meeting, CenCom - Port Blakely Conf Room
9/08/08	9:00 am 11:30 am 2:00 pm 7:00 pm	Breakfast w/Staff United Way 2008 Community Impact Awards-Brem Conf Ctr Admin Briefing -Port Blakely Conf Room BOCC Public Meeting – BOCC Chambers

(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 **September 8, 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)

SEPTEMBER 8, 2008:

A)