

POULSBO CITY COUNCIL MEETING OF APRIL 11, 2012

MINUTES

PRESENT: Mayor Erickson, Berry-Maraist, Henry, Lord, McGinty, Musgrove, Nystul, Stern.

Staff: Berezowsky, Boltz, Booher, McCluskey, Stephens, Swiney, Weaver

MAJOR BUSINESS ITEMS

* * * Presentation: Kitsap Forest and Bay Project – Sandra Staples-Bortner

* * * 7:05 PM Public Hearing: Shoreline Master Program Update

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Erickson called the meeting to order in the Council Chambers at 7:00 PM and led the Pledge of Allegiance.

2. COMMENTS FROM CITIZENS

- a. Jan Wold commented on conceptual public walking and bike trails listed on the City Shoreline Management Plan map; expressing concern with the locations of the trails and the impact to the creeks.
- b. Molly Lee spoke to the Johnson Creek conceptual trail and expressed concern with the trail going through her property. Lee requested the proposed trail be removed from the map.
- c. John Lee requested to have the conception trail line be removed from the trail map, which runs through his property in the unincorporated part of the Citys Urban Growth Area.
- d. Pat Burge, Poulsbo Noon Lion Club, presented Mayor Erickson with a Presidents Award for her help in relocating the Annual Pancake breakfast, which will be held at the High School this year.
- e. Hans Nelson expressed concern with private property rights, with the conceptual map indicating a trail through the Liberty Hills property.

3. MAYORS REPORT AND COUNCIL COMMENTS

- a. Mayor Erikson thanked the Lions Club for the recognition and encouraged everyone to attend the Lions Pancake Breakfast Viking Fest weekend.

b. Councilmember Stern requested the Public Works Committee consider the use of LED lights in City street lights; and spoke to the proposal to rent the Executive Session Conference room to the Senator Rolfes and the 23rd district. Mayor Erickson stated the cubicles in the Executive Conference will be rented; the public conference space will be available when the Senator is not here. The cubicles will be secured while not being used by the 23rd delegation.

Motion: Move to allow Mayor Erickson to prepare the lease for Council consideration, to allow the Council to review the details, and allow the 23rd delegation to utilize the Executive Session meeting room as their field offices.

Action: Approve, **Moved by** Stern, **Seconded by** Berry-Maraist.

Motion passed unanimously.

c. Councilmember Henry commented on the great success of the Bergen Youth Symphony performance at the Son of Norway; and Southwest Airlines magazine will feature Poulsbo.

d. Mayor Erickson reported:

- Business Item b, Lincoln Road Improvements will be pulled until next weeks Council meeting.
- The process of the public hearing and how public testimony would be heard.
- Thanked Parks and Recreation Director McCluskey on the success of the Easter Egg hunt.
- The opening of the Farmers Market this past Saturday.

e. Councilmember Musgrove stated he enjoyed seeing the Easter eggs and bunny chalk drawings on downtown sidewalks; the revitalization of the City of Grandview; upcoming toll hearings for the Tacoma Narrows Bridge; and the success of the opening of the Farmers Market.

4. CONSENT AGENDA

None.

5. BUSINESS AGENDA

a.  **Presentation: Kitsap Forest and Bay Project**

Kitsap County Commissioner Rob Gelder presented the areas included in the Kitsap Forest and Bay Project, the opportunity to conserve the land, goals, benefits and the funding strategy.

Representative Drew Hanson explained the land classifications and the Forest Compensating tax on land.

Gelder further stated the Kitsap Forest and Bay Project coalition includes several partners and groups; and requested a letter of support from the City Council.

The Mayor received Council concurrence to draft a letter of support for Council signatures.

b. ► 7:05 PM Public Hearing: Shoreline Master Program (SMP) Update

Mayor Erickson opened the public hearing at 7:44 PM.

Associate Planner Weaver reported the Council has been provided with updated shoreline maps, revised documents and public comments received. Weaver outlined additional revisions that have been made to the SMP document, including changes to:

- Removing float planes from the shoreline use table.
- Nonconforming provisions in the SMP.
- Extension of the timing to rebuild a damaged or destroyed nonconforming structure from six months to twelve months.

Councilmember Stern spoke about the proposed buffers in the SMP and the large amount of natural habitat around Liberty Bay, as opposed to other cities shorelines; and clarified that existing buildings and residences within the buffers would not be affected by the SMP regulations; it affects only new development and new structures.

i. John Cuny requested seaplanes be included in the SMP, such as waterway taxis, approaching beaches, structures that maybe dangerous for seaplanes to beach next to and/or safe beaching spots.

ii. Hans Nilsson stated the proposed document is not legible due to the multiple revisions and strikeout in the newest distributed document and asked the public be given additional time for the public and Council to review a clean and legible document.

iii. Brent Rindal expressed concern with the existing nonconforming uses and the need for reassurance that he could rebuild a nonconforming structure should some catastrophic event happen, as well as the ability to remodel or improve an existing nonconforming structure.

iv. Jeremy Eckert, Foster Pepper (attorney for the Liberty Bay Marina), thanked the Council and staff for the ongoing dialogue regarding the SMP. Eckert spoke about the different water-dependent and non-water dependent uses at the

marina; expressed the marinas concern with the protection of their economic investment and the ability to continue to use the marina with the current water-dependent and non-water dependent uses.

- v. Kirk Stickels, Port of Poulsbo, spoke about the history of the Port, the commitment to bring tourism to the City, and the goals and future of the Port. Stickels stated the Port continues to have concerns with elements of the draft SMP.

- vi. Judy Eagleson stated the SMP is restrictive compared to other jurisdictions, and she is concerned that several buildings in the downtown area will not be able to redevelop. Eagleson stated there are three properties within the buffer that are ripe for redevelopment, one of which is owned by her family and would fall under the new regulations that are too prohibitive. Eagleson urged the Council to slow down the review process and take a look at how the SMP will affect the community.

- vii. Brad Miller, Port of Poulsbo, expressed concern with how the restrictive regulations of the SMP will affect the Port; requested seaplane facilities remain on the shoreline use table; and urged the Council to look at the economic impacts of the SMP on the community.

- viii. Shane Phillips spoke about the positive changes recently made to the document. Phillips outlined a few examples of inconsistent and over-prescriptive language, such as prohibition of boat launch modifications and new and expanded public facilities.

- ix. Ann Farr, Environmental Consultant for the Port, stated there are no state requirements for imposing buffers or setbacks, as it has been presented in the SMP. Ecology rules state the intended use of buffers and setbacks to maintain no net loss, and direct local governments to tailor buffers to local conditions.

- x. Cynthia Kennedy, Lawyer for the Port of Poulsbo, expressed the Ports concern that the SMP prohibits existing Port uses and structures, making them nonconforming, imposes greater permitting requirements on planned repairs, expansion and other activities; and restricts the Ports ability to accommodate live aboard vessels and float planes. The SMP discourages water-dependent uses and should be consistent with the priorities of the Shoreline Management Act (SMA) and the Port Comprehensive Plan.

- xi. Michael Maddox commented he is a proponent for increased buffers and conserve the City's current buffers. Development does not need to be protected, it will happen anyway, however shorelines do need protection and conservation. Maddox spoke against allowing seaplanes in the bay, due to disturbance and the seaplanes dominate the water.
- xii. Jan Wold, stated public use and disturbance should be minimized on the shorelines and the buffers are essential for fish, wildlife. The newly revised draft was just made available in the last couple days, and the hearing needs to be extended to allow citizens and other interested groups adequate time to review the changes. The plan should emphasize having new trails outside of shoreline buffers; and are expensive to build and maintain. Wold thanked Associate Planner Keri Weaver for all the hard work she has done.
- xiii. Mike Regis stated the last time the SMP was updated was in 1974 and did not feel the updated plan will affect any of the downtown existing businesses. The City has had a successful 38 years with the plan that is in place today and the proposed SMP will not affect the capability of having a beautiful waterfront town. Regis encouraged the Council move forward with the proposed SMP.
- xiv. Ralph Swanson, Lighthouse Properties, Liberty Bay Marina, thanked the City for their work on the SMP and recent changes. Swanson expressed concern for the marina's ability to continue the current nonconforming uses should a catastrophic event occur.
- xv. Brent Rindal requested clarification and assurance that homeowners will be able to rebuild existing nonconforming homes in a landslide hazard area.

Council discussion included:

- Clarification that seaplanes are managed by the FAA; the City does not have authority over where they land or how they taxi. However, the City does have control over permitting the facilities and docks.
- Clarification on the ability to rebuild an existing nonconforming structure/residence with similar use.
- The impact to the downtown core.
- The ability to expand or redevelop a nonconforming use.
- A conforming use can be any commercial use listed in the use table.

City Attorney Belbeck stated the SMP has been thoroughly reviewed and it is legally sound.

Councilmember Musgrove suggested that staff review and make any changes that might be needed based on tonight's public comments and bring it back to Council as a clean final document in a few weeks.

Motion: Move to continue to the public hearing to May 2, 2012 at 7:05 PM., **Action:** Approve, **Moved by** Stern, **Seconded by** Henry. Motion passed unanimously.

6. COUNCIL COMMITTEE REPORTS

a. Community Services Committee: Councilmember Henry reported on the review of several upcoming events, new events at Viking Fest and the Miss Viking Fest pageant will be held on April 21st.

b. Public Works Committee: Councilmember Berry-Maraist reported on the Parametrix contract modification for the Lincoln Road project and the Engineering Department's work program over the next two years.

7. DEPARTMENT HEAD COMMENTS

None.

8. CONTINUED COMMENTS FROM CITIZENS

None.

9. COUNCILMEMBER COMMENTS/BOARD/COMMISSION REPORTS

None.

10. ADJOURNMENT

Motion: Move to adjourn at 9:47 PM.

Action: Approve, **Moved by** Berry-Maraist, **Seconded by** Henry.
Motion passed unanimously.

Rebecca Erickson, Mayor

ATTEST:

Jill A. Boltz, City Clerk, CMC