

City of Poulsbo PLANNING COMMISSION

Tuesday, May 12, 2015

MINUTES

Members Present

Ray Stevens, Gordon Hanson, James Thayer, Kate Nunes, Bob Nordnes

Staff

Karla Boughton (KB), Aaron Hulst (AH), Charlie Roberts, Helen Wytko

Guests

1. **Call to Order**

Chairman Stevens called the meeting to order at 7:01 pm

2. **Flag Salute**

3. **Approval of Minutes – May 5, 2015**

MOTION: THAYER/HANSON: Thayer amend vision/division page on page 5 and approve minutes. **4 for 1 abstention**

4. **Modifications to Agenda – NONE**

5. **Comments from Citizens - NONE**

6. **Whitford Strand Preliminary Plat and Shoreline Substantial Development Permit**

PUBLIC MEETING

Karla Boughton (KB), Associate Planner, tonight we will be discussing the Whitford Strand Preliminary Plat and Substantial Shoreline Development. The site is located at the southern most point of the east side of the City, at 17492 Fjord Drive. The zoning for the property is RL, as well as adjacent property. The property has one SF house on the shoreline portion of the property and cleared and historic pasture land on the upland portion. Adjacent uses are SF detached to the north and south, undeveloped to the east, Liberty Bay to the west. The property has two shoreline designations, SR-1 on the western/shoreline portion and SR-2 on the eastern/upland portion. The proposed project would divide 1.91 acres into seven SF lots. The portion of the lot adjacent to the shoreline will remain undeveloped as private open space. Existing structures will be removed and septic will be decommissioned. Access will be three separate private driveways off Fjord Drive, which is allowed by the City's Street Standards, and has been approved by the City Engineer. Stormwater will be collected and treated on-site through biofiltration cells, and discharged directly at an existing stormwater outfall to Liberty Bay. Connection to water and sewer will be made at existing lines in Fjord Drive.

Two regulatory wetlands that have been identified and delineated. Wetland A is located on the northwestern portion of the upland area, is 452 sq ft, and a Category 4. Wetland biologist recommends 10ft buffer. Wetland B is located in the eastern/central area of the site and is 714 sq ft. Category 3. The original delineation of Wetland B indicated it was 3,600 sq ft. The City's Critical Area Ordinance requires a third party peer reviewer, and the City uses Grette Associates. Grette found that their test pits indicated the wetland is actually smaller than the original delineation. The applicant's wetland biologist, Ecological Land Services, was present at the field visit with Grette, and redelineated the wetland at that time. Grette confirmed that the wetland boundary was staked correctly. The supporting documentation was completed and submitted to the City. Grette reviewed wetland characterization and found that a number of questions in the rating forms were not scored accurately, and updated the score sheets. Based on these new scores, Wetland B was found to be a category 3 not 4 wetland. Based upon the review and analysis completed by Grette Associates, the City has accepted these results. The other critical area is a Smelt Spawning area and is designated by Washington Department of Fish and Wildlife (WDFW) as a priority habitat area. A habitat assessment was completed to determine what impact the proposed development would have on the Smelt Spawning area. No structures are proposed on the shoreline, so the only potential impact would be stormwater from the existing outfall. The habitat assessment anticipated that the stormwater increase would have minimal impact to the spawning area, but a Hydraulic Project Permit approval from WDFW was included as a SEPA mitigation.

To support the seven lots, the applicant decided fill Wetland B. He has received an Army Corps of Engineers nationwide fill permit. The Army Corps of Engineers did not require mitigation, but the City does. The applicant submitted a wetland mitigation plan. The compensatory mitigation is proposed offsite and is identified as the Kristensen properties, which are outside city limits but within the Liberty Bay watershed. The proposed compensation will take place along the upslope section of a drainage originates from culvert under 305. Two wetlands have been delineated on that site and mitigation will take place on wetland A. Rehabilitation is proposed at 3,549 sq ft to Kristensen Wetland A by fixing the eroded drainage section, placing logs to create shallow depressions, and excavating an upslope basin. The rehabilitation ratio is 4.79:1. The minimum critical area ratio is 4:1. In addition, the applicants are proposing to enhance 2,256 sq ft of Kristensen Wetland A by excavating shallow depression and enhancing landscaping with native plants. The proposed rehabilitation and enhancement of Kristensen Wetland A is to improve water quality, hydrolic and habitat functions, and protect downstream habitat. All wetland mitigation documents were forwarded to DOE, WDFW, and Suquamish Tribe for review, and they had no comments. Grette Associates was forwarded the wetland mitigation plan and reviewed for completeness. They found that the plan accurately described the onsite wetlands, wetland functions, drainages, and upland areas. They also found that the wetland mitigation plan is adequate. The proposed ratios of rehabilitation and enhancing Kristensen Wetland A have been accepted by Grette, and they agree the proposed mitigation would raise the level of water quality and hydrological functions within Wetland A and raise mitigated wetland from Category 4 to 3. The City has accepted the mitigation based on Grette's comments.

The proposed subdivision was reviewed by City's zoning ordinance, shoreline master program, and applicable provisions of the City's subdivision ordinance. Application as

currently proposed meets requirements. The City's staff has spent considerable time reviewing and ensuring the proposed project, in conjunction with the conditions of approval and SEPA mitigations, is consistent with the City's comprehensive plan, zoning ordinance, critical areas ordinance, and shoreline master program. City staff is recommending approval of the project.

PLANNING COMMISSIONER COMMENTS

THAYER: On the wetland slide, it shows a stream flow coming from the culvert under the road to wetland, and then it shows wetland B as the one that is going to be filled. Where is the water going to go? KB: It is not a regulatory stream but a drainage course. The water will be collected at the site and bypass the project and discharged to the ditch running towards Fjord Drive and south to the county. The plans have been forwarded to the county. AH: Per the 2005 Stormwater Manual they are not required to detain or treat the water. They are only required to catch the water and bypass the site.

THAYER: staff summary on page 11. talks about 4 bioretention cells, but I only see 3? AH: There are 3 bioretention cells now that are fixing water quality from surfaces.

THAYER on page 21 under paragraph A, where it says "roofing yard drains will bypass." Is there a potential hazard of fertilizer contamination? AH: Per the 2005 Stormwater Manual, it is an acceptable practice, only need to mitigate hard services that vehicles are on.

THAYER: It looks like conditions 92 and 93 are similar. AH: 93 can be stricken out of there, 92 belongs there.

THAYER: My only other comment is that I have heartburn over the lots 2 and 3 minimum sq ft requirement. I think it may be legal but circumvents lot size requirements. If the lot came across the street towards the water that will be one thing. Current proposal degrades the open space. The person has ten feet on the other side of the road. Two sections that are 120 feet along the road front. Will degrade overall view from road and waterfront trail. It seemed like they have lots that are bigger they could have done readjustments on the backsides. Don't like extending the lot ten feet on the other side just to say that we have other. KB: no structures allowed. THAYER What about a fence? KB: No, and that is identified in the conditions of approval. SMITH: (applicant) With respect to the use to the two small strips of land, there is going to be a blanket easement over the top of it so that lots 2-3 will not have exclusive views. HOA will maintain and it will function as one piece of land.

NUNES: The public park looks small on the drawings. KB: the applicant withdrew the park proposal and made an open space tract. The Shoreline Management Act requires any subdivision over 4 lots must provide public access which can also mean view opportunities. What made sense was to create space for viewing or a resting area. The applicant is dedicating right of way to Fjord Drive, which will allow for a continued extra wide area of Fjord Drive area. Resting area will include benches to enjoy view in the widened spot. The applicant and the property owner are in discussion to do shoreline restoration. The applicant wants to work with the City to get seating that it is natural and part of the shoreline. Complimentary to the work WDFW is doing to create natural shoreline and remove the bulkhead.

STEVENS: Any comments from the applicant? – NONE

PUBLIC COMMENT

STEVENS: I will now open the floor for public comment

MARK SCHRODER: Two questions. Is the existing concrete wall along the water front going to remain intact? Kristensen property will there ever be opportunities to develop that property or will it be solely mitigation. KB: In response to your first question WDFW will be doing restoration and has identified the project as an excellent candidate to remove the bulkhead and improve habitat. Kristensen, still has development rights under Kitsap County ordinance. If it were to be developed in the future, the County would review the wetland mitigations and determine where the house could be located and what the critical areas protection would be.

CHARLES SCHRODER: (owns the property to the north) Current access road that we have to Fjord Drive, will that road have to be expanded or can it be left alone? The other thing I wondered about is the existing eyesore phone lines that go on the other side of the road like drapes in a rundown house. Will they be removed? AH: If the power poles don't need to be located than they don't need to be underground. KB: The driveway will be for future discussion. There is a concomitant agreement established in 1990 that this road needs to be improved to a local access street. It is not being utilized as an access for this project. At the time of construction drawing approval, the City would then need to contact the affected property owners to discuss the agreement terms. It is not germane to this project at this time.

GREG TARR: Great project hope it moves forward. People from the north side and those seven houses should have access to a bus stop. Those houses will probably be high priced, and their owners will likely commute to Seattle.

STEVENS: Public comment is now closed, I will open the floor for Commissioner discussion (7:37)

PLANNING COMMISSION DISCUSSION

THAYER: I still don't like the two undersized lots that extended the footage on the other side. STEVENS: the problem is the extended property. THAYER not what I had in mind. It is legal to have the two lots. KB: The conditions of approval are keeping it consistent with SR-1 regulations. It is a triangular shaped property which makes square footage difficult. NORNDES I think it is reasonable. We are lucky there isn't a big mansion where the trailer is. We all knew that the property would eventually be developed. Nice to see trailer and bulkhead go. Being that I live down there I see all the traffic. And I think it is reasonable. All within code, and you got very few chunks of property left like this.

HANSON/NORDNES: The Planning Commission shall hereby recommend approval to the hearing Examiner, of the Whitford Strand preliminary Plat and Shoreline Substantial Development Permit, Planning File 09-04-13-1 **VOTE: 4 for, 1 against**

8. Comments from Citizens- none

9. Commissioner Comments

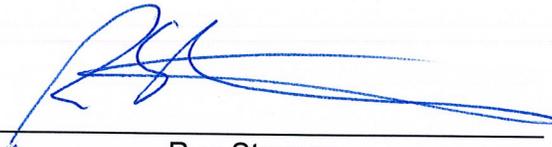
THAYER: They built a very expensive city hall; we need to take care of landscaping along the side of the building. NUNES: On 6th Ave where we have the nice curb bulb outs, but there are lots of dandelions and weeds in the landscaping.

NORDNES we have to remember that when we require open space, that it takes a lot of work to maintain it.

NUNES: What is the status of liveboards? KB: they have not applied. NUNES at the Port Commission meeting, they said that they had. WYTKO: I have not receipted any application for them.

10. Automatic Adjournment (unless meeting is extended by a majority vote)

Adjourned at 7:43



Ray Stevens
Chairman, Poulsbo Planning Commission

Proposed amendment to 5/12/15 page 3 of minutes;

Verbatim statement on this specific topic

THAYER: And then my only other comment is that I really have heartburn with the layout of lot 2 and 3 where you pick up 10 feet along the road on the other side just to get them up to the minimum square footage requirement. I think it might be legal but really circumvents the intent of lot size requirement in the residential low. If the lot came across the street and came to the water I could see the point. But for that, it just seems like it is going to, it kind of circumvents the intent of the planning code. I think it will potentially degrade the open space because if a property owner buys the lot and the person has 10 feet on the other side of the road, they are probably going to want to do something with it. And for then two sections there, that's going to be about 120 feet along the road front. I think it will just degrade the overall view from the road and then the water front trail as far as the vista, the view. And it leaves what you build is what you basically get is an undersized lot, that you kind of got around the code requirements. Anyway, I think that, you know, why it seems like they got some lots that are bigger they could have done an adjustment on the backside or, what it seems like what they did, they did to get as many houses on the property as they could. Which I understand, but I don't like the idea of just extending the lot 10 feet on the other side just to say we have a legal lot. And I am concerned that in the future, we may have some eyesores or something there. Can they build a fence on that lot? BOUGHTON: So no there will not be any structures allowed on those two little portions of the lot that...THAYER I understand that you can't have a structure or a building but can you have a fence? BOUGHTON: I don't, no, we are conditioning it so there is no, there's not improvements on the shoreline section. THAYER: So then they have a piece of property that they can't do anything with? STEVENS: So to be able to get you on the record are you the applicant? If I could get you to come up the mic. SMITH: As you pointed out it is a layout problem with respect to the use of the two small strips of land, there is going to be a blanket easement that they're not going to have exclusive use to it. It's going to be THAYER: say that again SMITH: those two strips of land on the water side there will be a blanket easement over the top of it so that those lots, the owners of lots 2 and 3 will not have exclusive views, the HOA will have use in common of the entire piece of the land including those two small strips. THAYER: will they wind up looking like the rest of the land? SMITH: Yes THAYER: Or can the property owners do something different over there so that there's something different than the rest of the strip? SMITH: It will all be subject to the CCNRs so it is going to function like one large piece of land for the enjoyment of all seven homeowners.

NUNES: . . .