

## POULSBO CITY COUNCIL MEETING OF OCTOBER 12, 2016

### MINUTES

**PRESENT:** Mayor Erickson; Councilmembers Henry, Lord, McGinty, Nystul, Stern, Thomas.

Staff: City Clerk Fernandez, City Engineer Lenius, Parks & Recreation Director McCluskey, Interim Planning Director Boughton Senior Engineering Technician Hart, Engineering Technician Roberts, IT Senior Technician Williamson.

**ABSENT:** Councilmember Musgrove

### MAJOR BUSINESS ITEMS

- \* \* \* Budget Amendment BA#16-0402 Parks & Recreation Claim for Damages
- \* \* \* Halden Glen Final Plat
- \* \* \* Small Anderson Park Retrofit Project Update/Contract with Sealaska for Design
- \* \* \* Public Hearing – Release of Concomitant Agreements for Peninsula Glen Apartments and Woodcreek Apartments
- \* \* \* 2016 NPDES Permit Code Amendment Package Workshop

#### 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. AGENDA APPROVAL

Mayor Erickson noted that the agenda summary was revised for Business Item 6a, and that the agenda stands as presented.

**Motion:** Move to approve the agenda as presented.

**Action:** Approve, **Moved by** Stern, **Seconded by** Nystul.

Motion carried.

#### 3. COMMENTS FROM CITIZENS

Mr. Almond, NKSD Director, reported that Superintendent Page will be retiring and they are in the search for a new superintendent. He noted there will be an open meeting where they would like to receive comments. They will be hiring a search company.

Ms. Hagwell spoke regarding tax payers having to pay for foolish decisions made by the City.

#### 4. MAYOR'S REPORT AND COUNCIL COMMENTS

Councilmember Nystul reported the Kitsap Regional Coordinating Council Transpol meets tomorrow at 3pm at Kitsap Transit in Bremerton.

Mayor Erickson announced the City's offer of employment to for the Police Chief was accepted by Mr. Dan Schoonmaker. He will begin work on December 5.

Mayor Erickson reported she attended the Body Camera Committee meeting in Richland on Friday, and feels some great policies will be drafted by this group that could benefit the whole nation.

Mayor Erickson invited the public to attend Salmon Viewing Days on Saturday October 29, 10am-2pm at Poulsbo's Fish Park (free event), and the 5<sup>th</sup> Annual Daffodil Day on November 5 at 9am.

Councilmember Lord reported homecoming week last week was wonderful.

Councilmember Lord spoke regarding the proposed Port of Poulsbo annexation. She encouraged the public to attend the public meeting that is being held tomorrow at City Hall in the Council Chambers at 7pm. She is concerned that the voter pamphlet didn't have an opposition statement and the public doesn't have enough information on this matter.

#### 5. CONSENT AGENDA

**Motion:** Move to approve Consent Agenda item a.

The items listed are:

- a. Budget Amendment/BA#16-0402, Parks & Recreation Claim for Damages

**Action:** Approve, **Moved by** McGinty, **Seconded by** Lord.

**Vote:** Motion passed (summary: Yes = 5, No = 1, Abstain = 0).

**Yes:** Henry, Lord, McGinty, Stern, Thomas

**No:** Nystul

#### 6. BUSINESS AGENDA

- a. **Halden Glen Final Plat**

Engineering Technician Roberts presented the agenda summary, noting Halden Glen is a 13 lot subdivision located on Caldart Avenue, previously known as Caldart Plat,

and the preliminary plat was approved September 8, 2014. Construction was during the fall of 2015 and spring/summer of 2016. All infrastructure for the plat of Halden Glen has been completed to the satisfaction of the Engineering, Planning, and Public Works Departments. Halden Glen proposed for final plat conforms to all terms of the preliminary plat approval as written in the staff report. Given that the Halden Glen Final Plat satisfies the terms of preliminary approval and conforms with State law and Chapter 17.12 of the Poulsbo Municipal Code, the City Engineer recommends that City Council approves Halden Glen Final Plat.

Presentation highlights included:

- Olympic Crest Final Plant Drawing
  - 2.96 acres
  - The plat will create 13 single family residential lots
  - One existing residence to remain
  - Access will be from Caldart
  - Creates two new city streets.
- Process
  - Planning Commission recommended approval on August 26, 2014
  - Hearing Examiner approved on September 8, 2014
  - Construction began June of 2015
  - Public infrastructure and improvements complete September 2016
- Recommendation
  - All construction of public infrastructure is complete to the satisfaction of staff
  - Maintenance bond is posted for City owned infrastructure
  - Project satisfies all terms of preliminary plat approval as outlined in the staff report
  - The City Engineer respectfully recommends approval of Halden Glen Final Plat.

Councilmember Stern asked for clarification on when a developer or landowner comes in with a proposal, what stage is the tree cutting allowed before the final plat is understood and accepted. Engineering Technician Roberts said you are not allowed to clear your property until you have gone through the entire preliminary plat process and have approved construction plans. Generally, as part of the preliminary plat, a tree survey is done and the City Forester identifies trees to retain. Interim Planning Director Boughton said it has been about two years between the preliminary plat approval and the final.

Mayor Erickson said this was interesting, because it was the first lot averaging plat the City has done, and it was coupled with tree retention. It worked out really well. She said it is a good plat.

**Motion:** Move to approve the Halden Glen Final Plat.

**Action:** Approve, **Moved by** Nystul, **Seconded by** Stern.

Motion carried.

**b. Small Anderson Park Retrofit Project Update/Contract with Sealaska for Design Services**

City Engineer Lenius presented the agenda summary, noting the Anderson Parkway Phase 2 Retrofit project will reconstruct the portion of the City parking lot between the SEA Discovery Center and the re-built portion of the parking lot to the north. The design has been completed to a 95% level as part of prior grant with the Department of Ecology. This contract will provide for completion of the design, and preparation of bid documents. It will also provide for evaluation of several non-stormwater elements including options for lighting and the existing dumpster enclosure on the site. Final design and construction is partially funded by a grant from Ecology. Final construction costs, schedule and coordination with key stakeholders including the Port and the HDPa will be done as part of final design. Construction is currently anticipated in early 2017. A contract with Sealaska will also be presented that is required to complete the integration of the Port's portion of the project with the City project, as well as finalize the plans, specifications and estimate (PS&E) that will be needed to be able to have a complete bid package for advertising the project.

Councilmember Lord requested coordination with WWU for the SEA Discovery Center, as it will impact their parking and visitors. She said this was reviewed by the Public Works Committee and they recommended approval.

In response to Councilmember McGinty, City Engineer Lenius said the garbage enclosures and locations are up for discussion. There have been some really good ideas, but it has not been discussed with the business owners, nor has it been discussed in detail with the Mayor and Council.

In response to Councilmember Stern, Interim Planning Director Boughton said the boundary lines for the SEA Discovery Center property are still being worked on. Parametrix had to do a lot of research, and they are at the last step before going to a boundary line adjustment.

Councilmember Thomas said this small part of our City has a lot of stake holders, and he appreciate that staff worked with the Port and all of the stake holders.

**Motion:** Move to approve the contract with Sealaska for the Small Anderson Parkway Project final PS&E and coordination services in the amount of \$8,983 and authorize the Mayor to sign the contract on behalf of the City.

**Action:** Approve, **Moved by** Lord, **Seconded by** McGinty.

Motion carried.

**c. Public Hearing on Release of Concomitant Agreements for Peninsula Glen Apartments and Woodcreek Apartments**

Mayor Erickson opened the public hearing at 7:34pm.

Mr. Ryan spoke about the required fence in the current agreement in paragraph ten, which states the owners agree that they shall provide at their expense and shall maintain a solid wall or view obscuring fence, hedge or combination of fence/hedge of not less than six feet in height along the north property line. The fence was built 32 years ago, and it is currently falling down. He hopes that when they develop they will address the issue of screening. He feels the property owners have done a good job with the property with one exception.

Mr. Mark Kulhman, Team 4 Engineering (representing the applicants), agreed the fence is done, and the owners are currently receiving bids to replace the fence. He asked if he could respond to any concerns after staff presented their report.

Interim Planning Director Boughton presented the request to release the three concomitant agreements. Presentation highlights included:

- Request to release concomitant agreement
  - Proposal is to release three concomitant agreements that are attached to Peninsula Glen Apartments and Woodcreek Apartments.
  - Release of concomitant agreements is a Type V permit and requires a public hearing and decision by City Council.
  - If released by City Council, any future development or redevelopment of the two sites will be regulated under the current development regulations in place at the time of permit submittal.
- Property addresses (2120 and 2062 NE Hostmark Street), zoning (residential high), and parcel sizes (9.32 and 4.58 acres).
- Peninsula Glen Apartments
  - Peninsula Glen was annexed in 1979. It was zoned PUD and subject to a concomitant agreement dated 9/24/1980.

- It was approved for 29 units, and had numerous conditions of approval.
- The concomitant agreement was amended in 1981, primarily to address construction timing and clarification of approved plans.
- Woodcreek Apartments
  - Woodcreek was annexed in 1983. It was subject to a concomitant agreement recorded July 6, 1983.
  - It was approved for 40 units, and had numerous conditions of approval.
- Request
  - The request to release concomitant agreements is for the three agreements: Peninsula Glen #1, Peninsula Glen #2 (amendment) and Woodcreek.
  - Both properties have recently come under common ownership by the applicant Poulsbo 40 LLC. It is the new property owner's desire to:
    - Upgrade the existing buildings,
    - Combine the parcels into one parcel,
    - Provide additional units on the sites' available areas under the current zoning ordinance.
  - PMC 19.40.060.H requires certain criteria be met in order to approve a release of concomitant agreements. The four criteria are:
    - Development of the site is consistent with current development regulations and comprehensive plan;
    - Adequate public services are available to the site;
    - Development would not unreasonably impact nearby property development; and
    - Future development under current zoning will be consistent with existing and planned development.
  - Staff report addresses each of the four criteria and recommends a finding for each.
  - In conclusion, Planning staff has determined that the requested release of the Peninsula Glen and Woodcreek Concomitant Agreements are consistent with the four decision criteria, and recommends approval.
  - If the Council moves to approve the release of the concomitant agreements, an ordinance will need to be brought forward formalizing the release and adopting findings and conclusions.

In response to Councilmember McGinty, Interim Planning Director said the Council could chose to include the screening requirement be moved forward by adding it to their motion.

Mr. Kuhlman said concomitant agreements were a popular way to do develop in the past. It was a direct contact between the City and the applicant to ensure the community received excellence in development. In today's world, we have rigorous zoning ordinances replacing concomitant agreements. If the property owner wants to move forward with the underdeveloped properties, they need to be able to have a path forward for development. He asked that the agreements be released, so the future of the project can be in the hands of the current zoning ordinance and comprehensive plan.

Mayor Erickson closed the public hearing at 7:49pm.

**Motion:** Move to approve with modifications the requested Peninsula Glen and Woodcreek Apartments Concomitant Agreements release, as identified in the staff report exhibits, with the current requirement for boundary fencing to be included in future plan approvals by the City. In support of the decision to release the agreement, the City Council directs staff to prepare an ordinance approving the concomitant agreement release and adopt the staff report's findings and conclusions.

**Action:** Approve, **Moved by** Thomas, **Seconded by** McGinty.

Motion carried.

**d. 2016 NPDES Permit Code Amendment Package Workshop**

Senior Engineering Technician Hart, Interim Planning Director Boughton, City Engineer Lenius, and Engineering Technician Roberts gave a presentation on the 2016 NPDES Permit Code Amendment Package. Presentation highlights included the background of the permit issued to the City by the WS Department of Ecology; the focus on Low Impact Development; the shift for development design process, stormwater thresholds for regulation; and a list of chapters amended. Summary of amendments:

- PMC 12.02 – Construction and Development Standards
  - 12.02.030 Stormwater design manual adoption.
    - Adopt the Stormwater Management Manual for Western Washington, as amended December 2014

- Delete 12.02.040 Stormwater design manual thresholds and Figure 12.02.040
- PMC 13.16 – Storm Drainage Utility
  - 3.16.060 Deposit in storm drainage utility fund.
    - Deposits into the storm drainage utility fund are also used for compliance with the City's NPDES Permit
- PMC 13.17 – Stormwater Management
  - Specifically states the NPDES Permit requirement for LID to be the preferred and commonly-used approach to site development
  - Has extensive revisions to reflect current NPDES Permit language, provide clarifications, and revise processes
  - Attachment "A" to the amendment package has full text with comments explaining the revisions
- PMC 15.35 – Clearing and Grading
  - 15.35.060 Application required.
    - Add soils and infiltration areas to plans which designate protection during clearing and grading activity
  - 15.35.073 Protection measures.
    - New section which adds a number of requirements and measures to protect areas during clearing and grading activities
- PMC 16.20 – Critical Areas
  - 16.20.235 Wetlands.
    - Adds criteria and requirements for locating LID features in Category 3 or 4 wetland buffers
- PMC 18 – Zoning
  - 18.130 – Landscaping.
    - 18.130.040 General provisions
      - Utilize LID in landscaping plan to the extent feasible
    - 18.130.050 Installation
      - Require compost to be used as a soil amendment
  - 18.180 – Tree Retention.
    - 18.180.030 Retention Required
      - Priority on retaining conifer over deciduous trees
- City Construction Standards
  - Section 2 – Streets

- Amended to allow for driveways and parking lots to be constructed of Asphalt, concrete, grasscrete, permeable pavers, porous asphalt, pervious concrete
- Section 5 – Storm
  - Modular wetland system required for water quality treatment for City projects
  - Detention pond design
    - No wet ponds
    - Max 50% perimeter walls, other 50% 3.5:1 side slope with landscaping or native vegetation
    - Bank and perimeter landscaping
  - Report submittal requirements
  - Delete outdated and unnecessary standards
- Appendix A – Standard Drawing Notes
  - Remove reference to old manuals
  - Minor installation requirements to provide better product in the end
    - TV sewer inspection before paving
    - Water pressure test before paving

In response to Councilmember Stern, Engineering Technician Roberts said the new Ecology manual has some guidelines for when fences are required for retention ponds. It has to do with the side slope of the pond. If you have a side slope that is 3:1 or less, then you don't actually need a six-foot fence. When you have the steeper slopes, that is when a fence is required.

Councilmember Thomas said he finds a lot of citizens need to understand that the City can make changes to the code, but that many projects are vested to older standards. Mayor Erickson said the classic example was tonight with Halden Glen. It is a quick moving project, and got done in two years. But we cannot change the rules on a project while it is going through City review. She noted Poulsbo Meadow, Blue Heron, and Mesford are under 1997 rules.

In response to Councilmember Nystul asking what the added cost would be to a typical single family dwelling lot to comply with the state's regulations, City Engineer Lenius said it is site specific. It will all depend on how much it costs to put in infrastructure and how much does it limits them from doing what they want to do in the first place.

In response to Councilmember Nystul, she agreed it is the City's goal to reduce the amount of stormwater runoff that the City would have to accept. More stormwater water will infiltrate on the site, and less will travel through the system.

In response to Councilmember Henry, City Engineer Lenius said stormwater analysis has become specialty work. It is an art to maximize your site. You have to control the flows to match the preexisting conditions.

Mayor Erickson noted so much of Poulsbo has three feet of topsoil and then clay. She wondered how much is Ecology going to require augmentation of the soil? City Engineer said soil augmentation is one of the options in there, she doesn't know if it is specifically required, but it is a method to improve the soils to get the system to operate the way you want it to.

Councilmember Nystul referred to Section 15.35.073(a) and asked if it is not practical to rent chain link, will the orange plastic barriers be allowed. Interim Planning Director Boughton said the City has the ability to approve other materials for barriers, including the orange barriers. They will have to look at it on a case-by-case basis. It is much harder to miss a chain link fence, and we want to require it as much as possible.

In response to Councilmember Nystul, City Engineer Lenius said that they can take a look at the titles of the approving director and make sure they are correct. In instances where it is not the right person, it is often delegated.

Councilmember McGinty added the City has had some bad experiences where trees were cut down that shouldn't have been cut down. The fencing helps ensure the trees are not accidentally cut down.

Councilmember McGinty said the Public Works Committee looked at the operation and maintenance costs of some of these tasks and how to deal with these requirements. It is independent of these changes, but something they are working on.

The Council agreed to have the public hearing scheduled for December 7, 2016 for adoption.

## **7. COUNCIL COMMITTEE REPORTS**

Community Services Committee Meeting: Councilmember Thomas reported the committee discussed: MS Walk scheduled for Saturday April 8 (first time event with 400 visitors); American Legion Park veterans memorial proposal; bench sponsor program; upcoming events (October 29, Salmon Viewing; October 31, Spooktacular; October 31, Haunted House at Old Police Station; November 5, daffodil planting; November 19, tree planting and restoration project at Fish Park; November 27, Tree Lighting Ceremony; December 3, Jule Fest); Tree Board/WWU project (QR readers on trees in Centennial Park); Lions Park slides replaced; Poulsbo Kiwanis Club reroofed the picnic shelter at Kiwanis Park; urban path signs are being placed on trails; Nelson Park trail planning/design work is moving forward; an urban forestry crew will work in Fish Park this January funded by DNR grants.

Public Works Committee: Councilmember Lord reported the committee discussed the LID code update; renewal of our West Sound Stormwater Outreach Group ILA with the County; City Hall parking situation (need to start enforcement of three-hour parking); update on Forest Rock Hills pond and property owner working with Engineering to turn over the pond to us so we can maintain it; and the City closed the process on situation on Finn hill on a utility extension agreement.

## **8. DEPARTMENT HEAD COMMENTS**

City Engineer Lenius announced the open house for SR305 corridor on October 30 from 6:30-8pm, the following Tuesday and Thursday will be open houses at the Casino and Bainbridge. She also reported that Ryan Construction has demobilized at the Old City Hall. The last round of testing of soil was good. They will do one more round of testing and then will finalized the report on the work.

City Clerk Fernandez requested that the Council respond to her by tomorrow at noon if they plan on attending the County's presentation for the 2017 CIP at 3pm on Friday.

## **9. CONTINUED COMMENTS FROM CITIZENS**

Mrs. Hagwell spoke regarding a lot of money being spent by the City on foolish decisions and that she will continue to fight for her land. She will not allow imminent domain on her land.

## **10. COUNCILMEMBER COMMENTS/BOARD/COMMISSION REPORTS**

Councilmember Stern reported on a concern he has with the mural bridge work; he feels there is unfinished work. He would like blue paint to be used on the portals. Mayor

Erickson said if we want more work done, the City would have pay for more work. She would not recommend having anyone else altering the artwork.

Councilmember Thomas reported on the upcoming storm that will start tonight and peak on Saturday. He encouraged residents to prepare for the storm.

Councilmember Lord reminded citizens if they want to weigh in on any potential annexation of their property to the Port, that the meeting is being held tomorrow at 7:00pm.

## 11. ADJOURNMENT

**Motion:** Move to adjourn at 8:57 PM,

**Action:** Approve, **Moved by** Henry, **Seconded by** McGinty.

Motion carried unanimously.

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Rebecca Erickson, Mayor

ATTEST:

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Rhiannon Fernandez, CMC, City Clerk