

**City of Poulsbo  
PLANNING COMMISSION**

**Tuesday, June 23, 2011**

**MINUTES**

**MEMBERS PRESENT**

Jim Coleman  
Bob Nordnes  
Kate Nunes  
Ray Stevens  
James Thayer

**STAFF**

Barry Berezowsky  
Alyse Nelson  
Andrzej Kasiniak  
Michael Bateman  
Keri Weaver  
Edie Berghoff

**MEMBERS ABSENT**

Gordon Hanson  
Stephanie Wells

**1. CALL TO ORDER**

Chairman Stevens called the meeting to order at 6:03 pm

**2. FLAG SALUTE**

**3. MODIFICATIONS TO AGENDA – none**

**4. APPROVAL OF MINUTES OF – May 24, 2011**

**MOTION: Coleman/Nunes:** Move to approve the minutes of May 24, 2011.

4 yes, 1 abstain, 2 absent

**5. COMMENTS FROM CITIZENS – none**

**6. ROSE MASTER PLAN**

Chairman Stevens reviewed the order of the hearing, noted the speaker sign in sheet, and indicated a 5 minute per person limit for public comment.

Barry Berezowsky, Planning Director, provided opening comments stating anticipation of the categories of comments.

1) Poulsbo is growing too fast, is too big, is losing character and ambiance.

The city is mandated under GMA to prepare and plan for the 14,808 allocated population over 20 years, and has appropriately planned to accommodate the population through the most recent update to the 2009 Comprehensive Plan and all its functional plans. The question of city growth is debatable but we have no choice to

accommodate growth.

2) Subject property is not suitable for such intense development and should not be approved.

The decision that the property develops at the density and intensity was determined at least 20 years ago, and is designated on the Comprehensive Plan and Zoning maps for the type of Medium Density Residential development that is being proposed in the Rose Master Plan (MP).

3) Project as proposed is too big and too dense.

The medium density zone allows up to 10 dwelling units per acre. An applicant could apply for a site plan or Planned Residential Development (PRD) and given the acreage and the units per acre under Medium Density Residential the applicant could apply for just over 700 apartment units and possibly single family detached housing. Possibly much more intensive than the look and feel and character on the landscape proposed.

4) Project will impact traffic, the environment, and wildlife.

Absolutely true; projects impact traffic, schools and parks, and certainly environmental features are going to be impacted no matter how hard we try to protect them. Poulso's Critical Area Ordinance was developed according to the Best Available Science requirements of the state. That ordinance was never appealed. This project has been peer reviewed by the Department of Fish & Wildlife and Suquamish Tribe in regards to the protections being required of the critical areas on the site, namely wetland and streams, and there is no grave concern expressed by those agencies to the city.

5) Project would be better suited somewhere else in the city.

The city does not get to make that choice. The city is here to zone land and make certain restrictions, and for people to make choices and determine to go forward to develop land in accordance with those restrictions in those locations. The developer in this case has looked at the community of Poulso, has looked at a larger geographic area, and has determined this is where they want to build their project. The property is appropriately zoned and the development regulations are in place. The developer made this decision.

6) A few question why no requirement of and EIS.

This is not a large project as Olhava: 225 acres virgin land not in the city, annexed into the city 15-20 years ago. Poulso did not have the regulations or planning program in place as we do today. For Olhava there was no choice except to call for EIS. The Rose property is about 55 acres. Poulso has an updated Comprehensive Plan, updated zoning regulations, updated building codes, and Critical Area Ordinance that encompasses Best Available Science. There is no way to make the determination of an unmitigated adverse significant environmental impact and require an EIS.

The project before you tonight for recommendation could actually be built without the MP. This project could be developed through a site plan or PRD and approved with more units. The small rezone of property could be done through the annual Comprehensive Plan process, and that would be the only opportunity for public involvement for the project. The applicant chose the MP project path, understanding that it wasn't the easy path, because they wanted the project to be accepted by the community.

Another reason the applicant requested MP is that it vests a project. The other project permits that vest to the time application is made are subdivision and Conditional Use Permit (CUP). To vest an application brings certainty to a large and expensive project that takes time to build out. The primary reason to request a MP is the applicant wanting to have financial and regulatory certainty while developing the 55 acres.

The other reason for MP request is to ask the city to grant certain variations/deviations to standards; standards that are different than written in Poulsbo code. Two variations that are most obvious to the observer are regarding density and building height. Building height is limited to 35 feet in code, with under building parking code allows for 45 feet. The project proposes parking under some of the buildings. The variation request is for the remainder of buildings to be permitted at 45 feet height limit. Looking at the plan and staff report, and looking at the building elevations drawings with the varied roof lines and gables the extra 10 feet makes a big difference in how the buildings appear to the observer.

The density bonus variation is not a result of the applicant asking for more units than is permitted under the density but is a function of the request to rezone 10 acres of the property to accommodate limited commercial; senior housing, community center and small 13,000 square feet commercial area. Clearly this is a mixed use project where people can age in place, recreate, enjoy the outdoors, the environmental features, yet be close to a wonderful community. This is reflected in the 2009 Comprehensive Plan discussion on mixed use, brings neighborhood commercial to residential areas, and helps get people out of cars and walk down to the local commercial and retail activities.

This type of project is what was contemplated in the Comprehensive Plan for which Puget Sound Regional Council awarded a Vision 2040 award, and a Governors Smart Community Award is being presented in Spokane.

A property owner has entitlement to develop a project; is not asking the city to grant any significant concessions; the use of the land density and intensity was decided long ago and is carried forward in the Comprehensive Plan. Ultimately the Planning Commission will provide the recommendation. City staff appreciates the great interest in the project, and testimony which provides constructive progress to the project will be embraced and taken forward to City Council.



Alyse Nelson, Associate Planner, introduced the applicant, applicant's representatives and city peer reviewers, and reviewed the new exhibits memo, dated June 23, 2011. Ms. Nelson then reviewed the location of the proposed Rose MP, the zoning of the site and surrounding area, identified property owners within the project area, and reviewed the timeline and process to date.

The proposal includes two main components: residential medium and a portion of the

site requested to be amended to commercial zone. There are 540 multi family dwelling units in the residential medium zone which encompasses 46 acres providing a density of 11.7 dwelling units per acre. The residential medium section will connect to the commercial hub which includes a community center with pool, a significant network of open space through the center of the site, and a pedestrian network to link the apartments to the community center and neighborhood hub which is the commercial portion of the site.

The commercial portion includes 12,975 square feet of neighborhood commercial uses and senior care facility which is anticipated to have 160 rooms. The area of site proposed for commercial zoning is 9.2 acres which is designed to function as an urban village with urban streetscape landscaping, public plaza, shared use paths, transit stops and public park area.

Alternative development standards are requested approved by City Council. Alternative standards are: 1) Limiting commercial uses. 2) Building height increase from 35 to 45 ft which allows 3 story designs and clustering be used. The alternative is more two story buildings, or 3 story buildings with flat roofs. Both options are less attractive. 3) Modifications to street standards, including shared use path throughout the public street network, changes reducing impacts to steep slopes, and provide streetscape landscaping. 4) Density bonus. and 5) Modification to grading standards, to grade out of the phasing plan for Phase I to allow for development of a specific road.

Benefits of the MP site design proposed include 1) clustering of buildings providing 61% of the site to be site landscaping in open space, critical area and their buffers, and perimeter buffers. 2) Architectural design guidelines to provide continuity in site design through all phases. 3) Pedestrian pathway linking throughout the site allowing apartment users to walk down shared use paths to the community center and commercial hub. 4) Mixed use neighborhood allows more pedestrian activity on site with fewer trips off site. 5) Provides a neighborhood hub for the larger area including the Vetter Homestead plat and eventual other plats providing closer commercial and community connection. 6) Low Impact Development (LID) stormwater impact techniques include porous pavement and rain gardens, and provide a great example for other developers in Poulso area to learn from.

Comprehensive Plan Amendment and rezone to commercial is allowed in a MP. The applicant requests about 9 acres be rezoned, with restricted commercial uses compatible with a residential use community. A condition of approval supporting the Comprehensive Plan Amendment with the requirement that mix use apartments are developed above the neighborhood commercial core to help facilitate the urban village feel promoted in the MP, is included.

MP is the first step for the Rose project. After City Council review, if approved, then review of site plans for phases, with SEPA review, will occur as the project moves

forward. Staff will review for consistency the MP document. Building permits per phase will follow.



Paul Mott, Applicant representing the Edward Rose company from Farmington Hills Michigan, provided a overview of the history and approach of the Edward Rose company including: 1) Company prefers to develop, own and manage, and to invest in community. 2) Senior housing is newer for company, working with a company in other locations being developed. 3) Amenities are always a community building with recreation facilities, business facilities, meeting spaces, and housing maintenance and management functions. Other recreational facilities are also generally developed on properties; ball diamonds, volley ball courts. Mr. Mott concluded by stating the Edward Rose company is looking forward to investing in the beautiful Pouslbo community, providing as nice as a project as possible, and reaching out to be an asset to the community of Pouslbo.



Charlie Wenzlau, Architect, identified goals focused on creating communities not developments, and creating a project representing the community it is in. Overall project goals: 1) Mixed use neighborhood, compact and complete neighborhood with access to variety of services and housing types. 2) Pedestrian oriented design with extensive pedestrian facilities to encourage residents to walk and interact. 3) Create a family of Northwest traditional style buildings which are cohesive and work together. and 4) Whole site approach, critical areas, watersheds, and LID site design.

Mr. Wenzlau continued with the following points:

- 1) Surrounding area is wooded in character to north and east. Highway 305 is the southern boundary. Vetter Road will connect through with this proposal.
- 2) Figure 17 was developed to emphasize critical areas on site; Dogfish creek and buffer and west creek and buffer. Retained wooded areas not to be graded are shown green.
- 3) Village concept for the site: village center and upper village are distinct. Village center located in proximity to State Highway 305 is most visible portion of site. Entering site from 305 the first visual access is neighborhood retail center, community center, and senior housing. The footprint for the senior housing is not designed yet, and the footprint shown is only a representation shown for scale purposes.
- 4) The upper portion of the site, or upper village, is where the residential units occur. There are two apartment building types which are 3 stories high. Apartment buildings vary in length and architectural appearance providing multiple building types. A maintenance and communications facility is located at the top of the site.
- 5) Road A is the main access and is followed with a shared use pedestrian and bicycle path connecting to Vetter Road. The most important feature is the open space system on site. The central park is an orientation device and place for residents to meet.
- 6) Parking courts with two bays of parking allows green belts alternating between buildings giving all buildings access to green space. Building orientation follows contours/slope of site to help minimize grading needed.

7) Figure 5 shows commercial building elevations. The neighborhood retail building has a tower and surrounds a pedestrian courtyard. Also shown are the community building and character sketch of the senior housing building. All buildings show a common design thread.

8) Figures 4A and 4B show residential buildings of two different floor plans. The extra 10 feet height is requested for the sloped roof which is one of the most important features of the building architecturally. Buildings are 3 stories of residences and are requesting the 10-15 additional feet to provide an interesting roof for residential and other buildings on the site. A variety of features such as bay window, gables, balconies, and porches are varied to break up the scale of the buildings and appear as multiple buildings joined together.

9) Figure 21 shows views from State Highway 305 looking up into the site. The slope view shows the senior housing building will not be seen from 305. The rest of the site is screened due to the critical areas along roadways.

10) Figure 6 shows the landscape screens which will be around the residential portions of the site on the north and east.



Berni Johnston, Team 4 Engineering, described how the site was laid out and designed, elaborated more on the critical areas, and site analysis process that culminated with the design proposed. The goals were to 1) minimize grading, 2) protect critical areas, 3) maximize views and 4) provide buffers to the maximum extent possible.

Ms. Johnson continued with the following information:

1) Figure 19 shows the 2 streams, 3 wetlands, and slopes of concern on the site. An area of the site is within the FEMA floodplain and Aquifer Recharge Area of Concern.

2) Dogfish creek is a type 3 stream requiring a 150 feet buffer with a 25 ft setback. Associated with Dogfish creek is a category 3 wetland requiring an 80 feet buffer with a 15 feet setback. Where the access to Bond Road is located is a category 4 wetland on county property which requires a 50 ft buffer. The FEMA flood plain is in the southern corner of the site. The connection to Bond Road was moved to the north from the initial location to minimize impacts to the category 3 wetland and avoid the FEMA floodplain.

3) At the western side of the project is a stream identified as a type 5 stream in some older drawings and which was re-categorized as a type 3 stream late in the process. The buffer is now a 150 feet with a 25 feet setback, which will impact a portion of the commercial area which will need to be reconfigured to stay out of the buffer. Associated with this stream is a category 3 wetland also requiring an 80 feet buffer with 15 feet setback.

4) A steep slope is located in central portion and will require geotechnical recommendations. The road alignment is configured to minimize the cut and fill through the area as much as possible.

5) The area associated with Dogfish creek is within the Aquifer Recharge Area of Concern. No test pits were taken in this region because no building is being done there. Geotechnical test pits were done in the north area, which show that the soils do not meet the criteria for the aquifer recharge soils.

6) Layout of site includes minimize grading as much as possible to increase the ability to utilize LID stormwater techniques. Building orientation is to maximize views. Topography primarily slopes to Dogfish creek between 4 and 8 percent until steep slope areas; everything orients down the hill toward type 3 streams. A 50 feet native vegetation buffer at east boundary, adjacent to county rural zoning, is proposed. The buffer will not be graded and will receive supplemental plantings of native vegetation to fill gaps. Along the north boundary a 20 feet buffer is proposed bordering the city Urban Growth Area. Supplemental planting is proposed in the north buffer as well.



Mark Kuhlman, Team 4 Engineering, reviewed infrastructure issues, including water, sewer, transportation, and stormwater.

Mr. Kuhlman discussed:

- 1) Stormwater management is under a new code which encourages LID and requires minimization of grading.
- 2) Geology is relatively good, relatively porous, soils over glacial till; or good infiltration over bad infiltration rates. Not proposing mass grading or mass changing of the earth on the site. Using various LID techniques is supported.
- 3) Site focus is for porous paving facilities in parking areas with roof drains into them. Enhanced treatment is required because the site is within ¼ mile of a fish bearing stream. Providing a layer of engineered soils for a higher level of filtration is proposed.
- 4) For landscaped areas soil amendments for better water retention requires less irrigation, will require less fertilization, will be less spongy. Rain gardens will also be small facilities scattered around through the open space areas surrounding buildings.
- 5) LID will not be used on public roads; will use regular public road constructions. Quantity control will be handled by a detention pond. Road A (Bond Road connection) will have shared path, identified in the city Park Plan, rather than sidewalks on both sides. Road A will have no parallel parking east of the senior housing as no uses needing parking are located there. A detention pond will be provided for Road A.
- 6) Sewer will all be gravity. The site has a drainage divide which impacts gravity sewer line design. It is one reason for the request for deviation from grading plan. Phase I includes construction of Vetter Road, Road A connection, and parking facilities. For gravity sewer to work, the senior housing line must be built first, and is why the proposal requests to grade the senior housing, community center and commercial area with Phase I to facilitate installation of utilities for development of Phase I buildings.
- 7) Water will come from Viking Avenue down Vetter Road and into the project site. The proposal is in the highest pressure zone for water. The city asked for a connection to the lowest pressure zone in the city. This requires a pressure reducing station and booster pump which provides protection for a major event in either zone by giving redundancy. The facility will be located along Road A and reviewed with Phase I site plan review process.
- 8) A traffic plan prepared by the city's consultant, David Evans & Associates, reviewed the project utilizing the baseline growth projections. Three scenarios are reviewed: a) today's conditions, b) 2016 base growth without the project, and c) 2016 base growth

with the project.

9) Adding the Harlan piece (in County east of the MP) to the project has assisted avoiding traffic conflicts with SR 305 and Bernt Road. Road A intersects Bond Road midway between SR 305 and Little/Big Valley Road. The report identified a LOS F requiring mitigation. Including a center left turn, or refuge, lane on Bond Road, gives an LOS D on the left turn and LOS C on the right turn onto Bond Road from Road A. The improvements also improve time delay for left turn from SR 305 to Bond Road. This improves the access options for the 200 acres north of 305 with only one access at Viking road. SR 305 access at Vetter Road is limited to right in right out. Road A, as a full access intersection, improves the traffic most in the overall area.



Planning Commissioners discussion included: 1) the applicant will continue working with the state to determine final state required improvements which will be made; 2) pedestrian connections for locations outside the proposed project area, will be a) pedestrian connection north along Vetter Road connecting west to Viking Avenue then south along Viking Avenue to Highway 305, b) pedestrian crosswalks at Viking and Bond intersections with 305, c) potential for transit park & ride northwest of the project site, d) highway department and pedestrian use, e) traffic mitigation fee required for pedestrian improvements to be used by the city for improvements when best pedestrian access is determined, potentially along Burnt Road to access the Central Market commercial area, and f) city does not apply LOS standards to state and county roads; and 3) additional stormwater review by AHBL, in hearing Exhibit 6 (Nelson memo dated June 23, 2011) following the June 2, 2011 review.



Commissioner Stevens requested testimony from the public, reminding. everything becomes part of the public record and is passed on to the City Council.



Fred Springsteel, commented that he hopes the senior housing is a nice place. Believes it might be doing a favor to reject the project. It is a voluminous, master file and city code, beyond ability of most to understand. Comprehensive Plan is good in goals. Specifically Goal TR-3 which indicates a concurrency ordinance should be developed. Has a concurrency ordinance been developed yet? Chapter 18 Transportation, indicates the city cannot approve a proposal that degrades the LOS on city streets. Mr. Springsteel indicated he believes that will happen when Road A is placed equidistance between 305 and Big Valley Road.



Brien Stafford, built and own Liberty Ridge Apartments. Liberty Ridge and the Rose proposal will be in competition for tenants. He used David Evans & Associates and Team4, looked at Rose company, and looked at phased plan and use. Believes project is not likely to upset the market, this is the right people, the right time, and supports the project.



Gene Bullock, resident of Poulsbo, stated concern with stormwater, salmon stocks,

estuary build up of silt. Impressed with measures being taken in this development, however, LID and rain gardens do not replace natural environment. Mr. Bullock continued noting the degradation of Puget Sound, aquifers not recharging as they should, and gradual loss of buffers. Inevitable growth is why we must do these things. The argument becomes the excuse. Not necessarily directed to this particular development.

 Sandra Bullock, Poulsbo resident is hopeful the buffer area will retain some natural growth, not be replanted. Project sounds like it could be a plus for a town. Concerned with Bond Road for accident reasons. Requests trees not be cut down in spring to give birds and animals the opportunity to raise their young and move on.

 Barbara Sarles, lived in Poulsbo for 18 years, support the Bullocks comments, and questions if materials for construction will be green, and is solar energy to be used.

 Margaret Tufft, Poulsbo resident, questioned the makeup of the compost that will be used, would like no sewage sludge. Walking routes are lacking in the city in general. Transit is going through cutbacks. Transport for moving people. Questions with the economy, is this the right time to say we are going to be growing?

 Gerald Hubbard, resides east of the project, one of the concerns has been answered with a 50 feet open space with city/county. One new question related to TV tower height, noise or humming, emit EMF/s, his satellite is pointed the same direction.

 Richard Frederickson, lives at NE corner of the project, questions the adverse effects on traffic, Dogfish creek, emf, upset with degrading of quality of life for human, salmon, bear, skunk, very unhappy with project. Don't see any benefits for impervious surface in this location. Seems to be the wrong location.

 Jan Wold commented on growth in and around Poulsbo, urban growth areas, wanting areas protected. Supports the project as long as there is higher density, is out of wetlands and buffers, and LID and native vegetation is used.

 Luann Hill, lives north of the proposal, is concerned with traffic on Vetter Road as it is a one lane city/county road, questions what is done with this road on the north end?

 Philip Colcord, lives north of the proposal, questions the need to improve Vetter Road from comments 20 years prior when the area was rezoned/annexed. Submitted letter from neighbors indicating the project is too intense for the area, transportation, environment critical areas and wildlife, peaceful setting will be destroyed, economy, and existing residences.

 John Willett, President of NK Trails. NK Trails is planning for trail system for bikes, peds, all ages. Within the property access is good. Connectivity to Central Market, medical buildings, other facilities, downtown, College Place is not in place. NK Trails is working on a non motorized plan for the county by 2012. Is interested in connectivity through Poulsbo off road along Bond Road between 305 to Big Valley Road using ASHTO standards. Not for or against the Rose development. Requests this small segment to be part of the state wide trail system.

 Loretta Burnes, Poulsbo resident, concerned with quantity of stormwater, and ground water replenishment. LID does not protect the watershed, drinking water source is limited, steep grades require protection, no scientific study on how LID works. If the project is followed through, question wether you can develop in way to capture rainwater, and install gray water plumbing for irrigation and toilets.

 Karen Rhumes, lives in Coutny, from comments provided it sounds like this is already approved. Believes growth should go to Olhava, and Viking.

 Ralph Marsh, area resident. Highway intersection 305 and 307 has been upgraded twice in 14 years and it is beyond capacity especially summer when state ferries operate with vehicle wait through 3 & 4 traffic cycles. It is the second worst intersection in North Kitsap. This project will just add to the aggravation and no plans to improve with this project.

 Jeff Brown, resident, redevelopment of Poulsbo Place made sense. Viking Avenue could absorb retail and houses. Depending on which half you believe, this is not appropriate for a variety of reasons.

Closed Public Hearing at 8:22 pm.

#### **Commissioner Questions**

Clarification requested regarding city not being responsible for restoration of landscape areas when utility work is done. (Planning condition 22, pg 43; and Public Works condition 11, pg 51) Staff responded that while great care and attention are taken to put the site back as close as possible when utility repair is made, under the particulars of a situation. The city is not responsible for restoration. The utility lines are in known locations providing for thoughtful design of landscaping for example. It is difficult to serve a site this size without utilities located in landscape areas, therefore the landscape plan will be reviewed by Planning and Public Works Directors. Commissioners requested condition 43 be made declarative.

Why the ten year time limit? (Planning condition 31, pg 44) Staff responded that the developer wants certainty under the regulatory framework for a variety of reasons. Once an application for building permit is made to the city, the project is vested and the

10 year calendar goes away. Commissioner indicated uncomfortable with 10 years.

Traffic analysis does not address the 3,500 square feet drive through commercial space as a fast food restaurant. The applicant's representative indicated the drive through is anticipated to be an espresso establishment on the way to future transit facilities. No fast food is proposed. Restaurant is an allowed use, but not a fast food establishment.

Is increase of building height for all buildings appropriate when under building parking is proposed for some? Does this set a precedent for future developments? Staff indicated that few MP projects will be presented to the city, and as a specific approval within the context of a MP, a precedent is not being set. Flexibility is a key to MP projects. As indicated in staff presentation architecturally the shorter building will have a larger footprint and the trade is losing open space and recreational opportunities. Commissioners discussed 1) staff must make sure buildings shown in plan have under building parking then some without under building parking is acceptable, and 2) the reasoning disregards certain codes to achieve ends, and if a developer cannot build within city goals and guidance, it might not be the correct project.

Request clarification regarding the community center amenities. The MP document states "uses may include...". Applicant provided that at this time the community center will include a swimming pool, exercise room, business offices, community room for family affairs such as showers.

Clarification regarding the senior housing area development. The applicant responded plans are for a 3 story structure, with no under building parking. Use and building code require elevators serve the building.

Is it appropriate to allow the park to be located elsewhere? Are staff requirements to permissive? (Pg 11 of staff report, and Planning condition 21, pg 43) This park is also discussed in the developers agreement. Active use public park located near commercial uses may not be located within the rose project due to the recent stream typing determination and necessary increase in buffer width in that location. In lieu of monies will be paid to the city for development of a park nearby. The in lieu of monies may be able to be utilized to improve existing parks; however, this area may be underserved, given the potential future build-out.

Request clarification regarding the maintenance area and tower. Applicant responded that the tower will have an array and satellite dishes will be located there as well. This is the highest point which will receive best reception. Staff provided that the tower area will require a Conditional Use Permit and will have a visual study of impact at that time.

Request modification of condition wording to "At the time of site plan review the applicant shall provide documentation showing that the encroachments identified in Figure 1 site analysis are resolved." (Planning condition 19, pg 43) Staff concurs.

Request review of jurisdiction for public Road A intersection with Bond Road. Staff stated that the intersection is located in the county, outside the city's UGA. City has no plans to modify the UGA.

Request clarification and possible wording modification to resolve apparent conflict of conditions wording. (Public Works conditions 10 & 11, pg 51) Staff responded it is past city requirement that utilities be out of infiltration, however, with challenges that come with LID the city has to allow for some conflicting areas as a concession, and must mitigate as best as possible. City is looking for the best possible compromise for the regulations the city must enforce. Staff recommended wording condition 10 as "should avoid placing utilities within infiltration galleries where feasible. When it is not possible, then it has to be encased in CDF and we are not responsible for proper function of infiltration gallery".

Can the utility ownership be determined at this time? (Public Works condition 12, pg 51) Staff responded that the utility plans are preliminary at this time in the process. Is difficult to locate exactly where lines will be until construction plans are available. City prefers utilities in right-of-way, however, gravity sewer may not be, so city prefers the option to accept maintenance or not.

 Chairman Stevens, staff, and applicant addressed questions raised during public comments: 1) green building materials will be utilized for buildings; 2) solar photo voltaic will not be used at this time; 3) Soil amendments must comply with WAC which includes provision that it be naturally processed in a manner that achieves a temperature of 160 degrees for a minimum amount of time to kill off any pathogens that might be in the compost. Sewage may not be addressed in that WAC; with sewage sludge, the theory being that attaining the heat kills off the pathogens associated with that; 4) Applicant had had discussions with Kitsap transit and proposed a transit stop near the community center. KT indicated that for now, the express and major routes will continue to use Viking Avenue; 5) Poulsbo has not adopted a growth rate. The rate is a backward looking measure to determine how quickly or slowly the pop is absorbed. The allocation was a negotiated process between the cities and county that agreed how much of the population allocated to Kitsap county by Office of Financial Management responsible under state law to distribute allocations to counties; 6) under the 2009 Comprehensive Plan, the medium density zoning credited with the units and density which could accommodate in the update process. Multi Family current thinking is about 1.8 or 1.9 persons per household; 7) the law prevents the council or PC from binding the hands of a future body, therefore the commented promise regarding Vetter Road access cannot be legally enforced. Project review is striving to limit the impacts to neighbors to the extent possible, but property owners have rights to develop also. All concerns heard are concerns heard for every project we all live in, and have listened to the same concerns as the city has grown; 8) Vetter Road north of the project in addition to a portion of Viking Avenue will be improved. Vetter will be improved with a 24 feet

driving surface plus shared use path extending to SR 305 to accommodate pedestrian and bicycles and vehicle traffic and then continuous connection along Viking Avenue. There will be a continuous connection along the shorter distance. There is not a definite alignment shown because the applicant and city are working with Kitsap Transit and County to construct a new access at the north side of the recycle center.

 Commissioner concern discussion continued with: 1) size of project, future population, and market support for large project; 2) market study is a due diligence question for the applicant to determine, not a criteria for decision; 3) the 10 year project vesting, perhaps 5 years with a 5 year extension; 3) building height 45 feet with under building parking; 4) Commissioners must make findings of fact; 5) if no MP, then the same number of residential units; 6) the staff report allows for the commercial development later; 7) for market reasons perhaps no commercial core, only Phase 1 apartment buildings; 8) access of pedestrians to downtown, Poulsbo Village, Central Market; 9) issue with Comprehensive Plan promoting pedestrian safety and routes; 10) Comprehensive Plan requires city develop a pedestrian plan, that has not happened; 11) off site pedestrian connection is difficult and expensive at this location; 12) no nexus to require developments to resolve existing deficiencies, only impacts of the development; 13) LOS provides the nexus for vehicle traffic; 14) there is no LOS for bicycles and pedestrians, these need to be developed; 15) there are 4 different elements required for this development, a) pedestrians and bicycle along every public road within the development b) offsite they make 1 connection to existing facility along Vetter to 305, c) mitigation fee for traffic is 298,000 and make similar threshold for pedestrian/bicycle facilities of 250,000, and d) SR 307 has 4 feet wide shoulders which must be widened to 6 feet; 16) Appendix M gives LOS F to Little Valley and Bond Road intersection. WSDOT will require the city to require the developer to make necessary improvements; 17) Road A and Bond Road intersection LOS C for right out, and LOS D for left out. This improves the LOS also at SR 305 & 307 (Bond Rd) intersection; and 18) review of Table 4 in Traffic Impact Analysis (Staff Report Appendix M, pg 12) showing improvement of LOS on state and County roads.

 **Motion: Nordnes/Coleman:** The Planning Commission shall hereby move to recommend approval with modifications, to the 45 feet building height and 10 year building commencement, to the City Council the Rose MP and associated Comprehensive Plan amendment and rezone, Planning File 04-07-11-1, as presented and subject to the Conditions of Approval and SEPA Mitigations and to direct the Planning Director to prepare Findings of Fact in support of this recommendation for the Planning Commission Chairman's signature.

**Discussion:** 1) 45 feet building height:

Commissioner Nordnes stated that this is a MP, and that opens up the door of developing this plan starting fresh, and should come to the understanding that there should be some under building parking to allow them to do all the

buildings at 45 feet height. Not just give them a blanket 45 feet for all buildings with no underground parking. Poulsbo must either go out or up.

Commissioner Coleman is for 45 feet building height with under building parking, buildings without under building parking are 35 feet. Regulations are written that way, if legislative branch wants to accept 45 feet, that is fine.

Commissioner Thayer stated a building is 35 feet unless under building parking is provided then 45 feet is acceptable.

Commissioner Nunes indicated agreement with Commissioners Coleman and Thayer, and there might be a way to figure out how to add under building parking to the other buildings that do not have it, for 45 feet throughout.

Commissioner Stevens stated he does not have a problem with 45 feet building height throughout and expressed concern with not allowing 45 feet unless under building parking is provided for two reasons: 1) project is hitting pretty closely to the required density and if we cut down the building heights then we either have to reduce the number of units. Fewer could be a problem because then to make this viable, they put in more building and reduce buffer,, and 2) consistency in style and design could be an issue as well, suddenly you have one building that is tall and another that is not.

2) discussion about the 10 year vs 5 years,

Commissioner Coleman indicated he requested waiver for 10 years, verses the five provided in code, is too long. Requesting an extension of 5 years is plenty. If not started in 5 years then something has happened.

Commissioner Thayer supports Commissioner Coleman.

Commission Nunes received clarification that once even one permit is pulled the clock stops; the MP vests the project, so if there is progress made in moving the Master Pan toward reality the project vests.

Commissioner Nordnes inquired what the extension process is; staff provided that 1) PC is recommending to Council a MP that allows flexibility to codes and, assuming that the applicant can ask for a 5 year window of opportunity to be stretched to 10, PC could recommend 5 with a request for extension in writing 30 days before the 5 years expires so the city may grant another 5 years; and 2) preliminary subdivisions, which can be smaller projects than the MP have 7 years before they expire

Commissioner Stevens observed two things happen: the city retains the ability to cut it off if nothing happens, and it also gives the developer some certainty. With risk is the need for certainty, as the project advances, especially with the current economy, they need the ability to react to market situations with a level of certainty.



Commissioner Stevens reviewed the agreed modifications are 1) to stick with the code regarding height, and 2) 7 years to commence with a 3 year extension. Extension details to be worked out by staff.

**Call for the question with identified modifications: 3 for, 2 against, 2 absent**

**7.  COMMENTS FROM CITIZENS**

Jan Wold provided additional comment regarding growth rate, Urban Growth Area, and 14,808 population allocation.

Charlie Wenzlau discussed the 45 feet height limit, and stated that the under building parking decision has a significant impact on the look and feel of the project. Numeric building height is a weak point of codes when considering look and feel for a project. Massing and scale of building is better focus.

Susan Wakeman asked about the next opportunity to comment. Commissioners indicated Tuesday before Council.

Dale Rudolph explained the written comments submitted, this project is in the spirit of the zoning of the comp plan, and gives the opportunity for the comp plan to succeed. Recommended some alteration to the commercial uses proposed with the project. With commercial this proposal is a neighborhood. Mr. Rudolph continued discussing the building height for the senior center and uses where it allowed for sloped roofs and special features such as cupolas. Hopes the council will hear that and allow some things that will make it a little more interesting height. Doesn't want to see flat or mansard roofs, but is allowed with sloped roof buildings which the community would like to see.

**8.  DIRECTORS REPORT**

Andrzej Kasiniak, City Engineer, indicated that the Fjord construction will begin soon. There will be some changes to existing flow; one way from 6<sup>th</sup> Avenue to the construction site, and two-way from Ryen Street to Hostmark Street. Please spread the word to pay attention to the new signs for traffic control.

**9. COMMISSIONER COMMENTS – none**

The meeting was adjourned at 9:51 pm

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Ray Stevens  
Chair, Poulsbo Planning Commission