

**City of Poulsbo
PLANNING COMMISSION**

Tuesday, September 13, 2011

MINUTES

MEMBERS PRESENT: Jim Coleman, Bob Nordnes, Kate Nunes, Ray Stevens, James Thayer, Stephanie Wells

MEMBERS ABSENT: Gordon Hanson

STAFF PRESENT: Keri Weaver, Edie Berghoff

GUESTS PRESENT:

1. CALL TO ORDER

Chairman Stevens called the meeting to order at 6:00 pm

2. FLAG SALUTE

3. MODIFICATIONS TO AGENDA – none

4. APPROVAL OF MINUTES OF – August 23, 2011

MOTION: Coleman/Wells: Move the minutes be approved for Tuesday, August 23, 2011. 3 yes, 1 abstain

5. COMMENTS FROM CITIZENS – none

6. SHORELINE MASTER PROGRAM UPDATE (Continued from August 23, 2011)

Commissioner Nordnes arrived at 6:03

Beginning with the first page of the regulations document, Commissioners discussed (1) additions and revisions to definitions such as state agencies, live aboard, shoreline use, upland and OHWM; and (2) reflecting the more stringent agency regulation applies when local, state and/or Federal regulations are in conflict under 16.082.130(A).

Commissioner Thayer arrived at 6:13

Discussion continued with (3) a single application form, JARPA, is sent to all agencies reviewing a shoreline permit. City staff looks for federal and state approval on JARPA prior to city approval of a project; (4) city does not help an applicant get approval from federal or state agencies; (5) materials to comply with federal, state requirements to

avoid conflict in materials requirement indicated by city; (6) potential for new stormwater outfalls; (7) definition of effluent; (8) inclusion of city with potential for violator reimbursement of cleanup charges in 16.08.160(C)(6); (9) how distance is measured for connection to sewer; (10) definition of chemical laden waters; (11) prior discussion of Commission is no private lands are designated natural; (12) removal of private lands does not alter the regulations within the buffer area, only the designation; (13) based on prior conversation Shoreline Use Table will be reworked to reflect the changes to Natural areas; (14) community input identified boat launch in West Poulsbo area is permitted under H in table; (15) E in table refers to on water repair being maintenance in general or minor repair, not scraping or painting; (16) boat repair and boat service definitions; (17) major vs. minor boat repair; (18) yacht club, marina, or club is not allowed in aquatic environment; (19) port/marina office does not need to be located on water and on water could not expand; (20) office is not water dependent, is allowed in shoreline, not within 125 feet unless determined to be water related; (21) hull cleaning in water or pressure washing docks is OK, not chemical washing or paint removal, in water; (22) new uses in shoreline must be water oriented use, not a medical office; (23) water dependant use, in WAC, is a use that could not exist in a location not adjacent to the water and is dependent on the water in the intrinsic nature of its operation; (24) tax base and revenue from the existing facilities; (25) new marinas are allowed; (26) perhaps water related for office and file storage for marina use; (27) private single family docks piers, outside marinas are not allowed, from the 1976 plan being carried forward; (28) single family docks would be excessively long due to the mud flats and depth needed for boat; (29) parking lots associated with approved multi-family and mixed use; (30) flood hazard reduction measures not allowed in the shoreline jurisdiction for new development; and (31) floating homes are not permitted by the state, due to permanent private use of area meant for public use, unlike live aboard which is allowed under permit.

Commissioners then discussed (32) 16.08.200(D) is taken from WAC 173-26-221; (33) subdivision into 5 or more parcels require public access with review on a case by case basis; (34) there must be a demonstrable reason why cant or shouldn't provide the access; (35) appears to encourage trespassing; (36) public access plan; (37) public access may not be required where it is demonstrated to be infeasible due to incompatible uses, safety, security, or impact to shoreline environment, or due to constitutional or other legal issues; (38) what state wants is public access planning and offsite mitigation for public parks and public view corridor; (39) create a Public Access Plan which then becomes part of the SMP as an appendix; (40) existing shoreline parks could use mitigation fees; (41) there are not many parcels that will be subdivided into 5

or more lots; (42) DOE will need to see that there is a plan with equal or better value of lands and superior public access instead of doing required public access with each development; (43) public access plan to tie with the kayak use and Urban Paths of Poulsbo plan; (44) add as a Goal to develop a Public Access Plan; and (45) reword to include required access unless a public access plan has been adopted.

Following discussion included (46) public view corridors; (47) protections for public or private view; (48) public view is from public access points; (49) commercial development would have to provide some area with public access and viewing; (50) residential setbacks prevent private loss of view in residential; (51) public viewsheds and public view corridor is in 16.08.360 and will be discussed; (52) height regulations within the shoreline jurisdiction; (53) attempt to step down the height of buildings closer to the shore; (54) water dependent uses such as kayak storage in the Natural designation; (55) building height is measured according to the zoning ordinance; (56) shoreline property is subject to high taxes and reduced building height encourages flat roof buildings, and impacts the tax base; (57) peaks are aesthetically pleasing; (58) landscape naturally slopes which lowers buildings toward shore; (59) building height to 35 feet in SR-1 and SR-2 and accessory structures also 35 feet; (60) UC is only across from Fish Park; (61) entire properties are within the buffer and the city wants to minimize new development in the UC area; (62) perhaps restrict the lot coverage rather than height in UC provides less intensity; (63) in N environment restroom, gazebo, shelter would not be more than 15 feet for any structure of size; and (64) building height is 35 feet except for A environment.

Consideration was then given to (65) shoreline variance is different than a city zoning variance and should be defined; (66) variance is a means to grant relief from the specific bulk, dimensional or perform standards and is not a means to vary the use; (67) WAC 173.27.170 establishes review criteria for variance permits; (68) applicable to very few properties most of which are nonconforming lots; (69) in HI environment maximum density for residential high density is same as for zoning code; (70) tribes are exempt for hunting and fishing under 16.08.250(C); (71) hatcheries are structures and not exempt; (72) potential for net pens done by tribe; (73) restaurant more like water enjoyment use; (74) setbacks are for all directions under 16.08.260(B); (75) setbacks between aquatic uses on one property and setback from adjacent aquatic property; (76) simultaneous submittal to all jurisdictions for review of a shoreline/JARPA permit; and (77) review aquatic to aquatic setbacks in DOE or DNR regulations if they exist.

Commissioners then discussed the schedule and amount of work necessary to provide a recommendation to Council. It was determined to continue review on the September 27th, and November 4th, and 11th at 6 p.m.

Next meeting will begin on pg 26 item B

7. **COMMENTS FROM CITIZENS** – none

8. **COMMISSIONER COMMENTS** – none

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The meeting was adjourned at 9:03 pm

Ray Stevens
Chair, Poulsbo Planning Commission