

City of Poulsbo PLANNING COMMISSION

Tuesday, August 18, 2015

MINUTES

Members Present

Ray Stevens, Gordon Hanson, James Thayer, Kate Nunes, Shane Skelley, James Coleman

Members Absent: Bob Nordnes

Staff

Keri Weaver, Helen Wytko

1. Call to Order

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

2. Flag Salute

3. Approval of Minutes – May 12, 2015

MOTION: THAYER/HANSON: Approve the minutes with the proposed amendment furnished to us (see attached). **5 for 1 abstention**

4. Modifications to Agenda – NONE

5. Comments from Citizens - NONE

6. Port of Poulsbo Liveboards

PUBLIC MEETING

Keri Weaver, Associate Planner. The item before us tonight is the Port of Poulsbo proposal to convert 13 of their existing permanent moorage slips for liveaboard use. This does not add capacity to marina, just use of existing slips. Most of what you see is subdivision, but all shoreline permits go to Planning Commission per the 2013 Zoning Code. Port currently has 385 total slips, 253 of those are permanent. The conversion of 13 more liveboards added to existing 12 would bring the total capacity to 25, 10% of marinas total moorage capacity. This is the limit imposed by the Department of Natural Resources (DNR). Issues identified during permit review were downtown parking and concerns over potential for water quality degradation. A number of conditions in this permit approval, on page 12 of staff report. To quickly identify an explanation of those. Max number is 25 of liveaboard slips is, no way for Port to exceed this unless increase the total capacity of marina. That is not something they have in mind right now, but could happen in the future if they wanted then to add more liveboards, they would be coming back before you with another permit. Planning was asked by Fire and Police Departments to help them with emergency services for identify of each slip. That way if there are problems they can locate

where people are. What Port is being asked to do in condition 2, is to update on a semiannual basis for emergency services. At this time DNR does not allow new liveaboards on new leases of their submerged lands. Basically for the Port, most of their property is actually under DNR lease, and the liveaboards, docks, and slips that are on it now are grandfathered in and can operate as liveaboard or non-liveaboard. If the Port in the future does want to expand and lease new area of state lease lands, they will not be able to put liveaboards there. Condition 4 tries to minimize graywater discharge. Graywater is from your sink or shower. It is not clean water but not black water which is sewage. There is going to be some, but what we can try to do is minimize it by biggest extent feasible. Identified by a couple of people as a concern of their's, so we put in the most feasibly and restrictive conditions that would work for what marina is proposing to do. Did consult with Department of Ecology, shoreline approval for conditions to minimize discharge. Liveaboards are encouraged to shower and to laundry and dishes shore side. Port has existing facilities. Soaps that are used on board shall be biodegradable, phosphate free, toxic chemicals shall not be used, no oil and grease disposed of in graywater. Requirements are already required by the Port but will be able to be enforced by the City through conditions. Condition 5 Liveaboards have option to use holding tank. While you are in Port a liveaboard appliances like dishwasher and garbage disposal shall not be used. Condition 7 deals with sewage disposal, all boats required dispose of sewage through the Port's pump house so no sewage is discharged into Liberty Bay. Condition 8 deals with a type of marine sanitation device required for all liveaboards which locked to prevent overboard waste discharge. Inspected by with a log maintained by the Port. The Port and the City had a number of discussions about parking and impact on the marina. Initially it was felt that as the Port, as it exists today, is dramatically under-parked. However, it was felt, and the Mayor and Council agreed, that it would be very difficult to retroactively go backwards to require the Port to fix parking deficit. Going forward holding the line so parking does not get worse and make better by having designated parking spaces. All liveaboards, and this includes the 12 existing and 13 new, must have at least one dedicated parking space in Port's parking lot on Jensen Way. Will have placards or stickers affixed to their windshields. Police will ticket and report to both Port and City. Parking agreement identifies parking and enforcement, and Port will assist Police in managing repeat violators, which could be subject to eviction. This is the situation that we really want to try to avoid is to have liveaboards taking up space for the downtown merchants and their customers. Agreement with the Police Chief, Port and Planning Department. Solid waste will be disposed of in the Ports dump stations. Hazardous waste, Port already plan which everyone in the marina is required to follow. Will be adding recycling containers. They will be paying park fees and transportation impact fees. Since these are being considered residential units, they are being treated similarly to apartments. Engineering assess at lower rate to acknowledge the fact liveaboards usual have less vehicles and lower trip. Paying about \$15,000 in park impact fees and \$7,000 in transportation impact fees. Permit is a Shoreline Conditional Use Permit, liveaboard conversion requires CUP which goes to Planning Commission, then Hearing Examiner, then finally Department of Ecology. Did not receive any negative comments from Ecology or citizens. Conditions as presented with SEPA mitigations, payment of school fees. I believe the conversions of the liveaboards will have minimal impact on the environment, downtown parking, and businesses. Staff recommends approval.

PLANNING COMMISSIONER COMMENTS

COLEMAN: Let me start with number 5, Liberty Bay is currently stressed right?
WEAVER: Water quality has improved significantly over the last decade, but still stressed.
COLMAN: Concerned about more graywater. We are trying to decrease as much stormwater as we can, and now we are adding liveaboards. No current flow to take graywater away. I have problem with that. Trying to clean up Liberty Bay, but are we doing any good by adding more graywater?
WEAVER: No we are not doing any good.

COLEMAN: I think that needs some further study. Item number 8, I assume the Port is going to issue the seal and keep a log.
WEAVER: Correct.
COLEMAN: Who removes the seal?
WEAVER: When they no longer have liveaboard status. Have to notify Port which logs that information.
COLEMAN: It wasn't real clear about how that worked.

COLEMAN: Exhibit 6 Port handbook, page 14, 88 holding tanks. It does not say that their valves have to be tagged and log. Needs to be updated to go along with the conditions of approval.
WEAVER: Correct, that has to happen within 60 days of permit approval. That is condition 14 that they have to update the Ports operating days.
COLEMAN: Would like to see timeline in approval or conditions of approval.
HANSON: First sentence says within 60 days they have to do all this stuff.
WEAVER: We can clarify that include future updates.

COLEMAN: The issue I have heartburn with is the parking. We are going to take, what Port has 56 on Jensen?
WEAVER: 56 on Jensen yes.
COLEMAN: And 3 down at the waterfront.
WEAVER: They probably have about 25 total scattered around different areas of the waterfront.
COLEMAN: We are allowing one parking spot per person on liveaboard which would probably be two people. That is two spots, which means we will use 50 spots in the 56, minus the 3 at the waterfront, so we are going to take 47 of the parking lot up here which is going to leave 9 open spots at the marina that do not liveaboard. I can see those people filling in the Anderson Parkway because there is no room up here for all of them. I have a real problem with that parking issue filling up Anderson Parkway with people going out for the weekend and parking wherever they can find a spot. I think we are going to impact the merchants, not sure that was really looked at that well, just don't like the way the parking is set up.

WEAVER: Mr. Chairman, would you like me to respond to issues as identified or wait until the end?

STEVENS: You can respond as we continue.

WEAVER: With regard to parking, what we did, residential development downtown is not parked at the same ration that parking in residential districts is assessed at. So downtown if you have a studio or one bedroom apartment, it is 1 parking space per unit, no matter how many people live in it. We can't say that liveaboards have to apply more than 1 space because they are also downtown and are being charged the same park, and traffic impact fees. There can be two people with two cars, but we felt we couldn't say that liveaboards had more impact then what the zoning code assumes what is fair to assess.
COLEMAN: During the week I don't think we will have problems, it is during the weekend.
WEAVER: A lot of the problem is the Police Department and their unwillingness to ticket offenders. That is why we did this as an

agreement with the City, so the Mayor could ask the Police Chief to ticket offenders. You can get away with parking right now, and that does harm the merchants. With the stickering and tracking program, at least it is not going to be made worse. With regard to graywater and your comment about how is this going to make the Bay better? it is not. Any additional discharge is going to make it worse. However, Ecology knows the conundrum we are in, because liveaboards are a permitted use under state law. They are bound to protect water quality of sound, but they have to allow liveaboards. Which is why Ecology was consulted and said what conditions do you want to see in here. There is actually an email in here from Joe Burcar from Ecology that says zero graywater is ideal, but not feasible to get there all the way. So we minimized to the greatest extent feasible and that is the best we can do.

STEVENS: Any other questions?

THAYER: Seems to me Liberty Bay usually looks, around the marina, more contaminated than most marinas I see because it has less circulation. Worried more about graywater than I did. Unreasonable to expect someone who is maybe going to cook and eat aboard, to take their dishes up on shore to wash them. Why can't the Port require them to bathe and do laundry at their facilities instead of on board and discharge it into sound? Port's prerogative to require or give a financial incentive to tenants who would agree to do that. WEAVER: I think very few people do laundry on board. Most boats in the marina are not the size to have a laundry facility onboard. When it comes to bathing, most aren't keen on showering on board because it steaming things up, making everything humid, creating more problems for yourself. Where we come to here not wanting to ban it entirely is enforcement. There are people of limited mobility or handicapped. Do not want to make them do things like basic sanitation off their boat. City is not going to get into the business to telling someone they took a bath in your boat, you are in trouble. We and the Port can encourage it, not sure how well banning it feasibly in reality would work. We can talk more to Port about that.

THAYER: Can they stake and monitor the water quality, and after a year or two of this compare pre liveaboard. Then take action as we see a degradation? WEAVER: The state does monitor water quality of Liberty Bay on annual and semi-annual basis for several pollutant indicators. We currently have a clean marina certification. We can request reports from Ecology every year on the health of Liberty Bay and if we see that something coincides with allowing more liveaboards. THAYER: If we see deterioration, who has the legal right to take action? WEAVER: Something we could address in an additional condition. Don't know if we could prove that water quality degradation is caused by liveaboards but we can ask the Port to investigate and maybe tighten down on additional discharge. I can explore that with the Port. THAYER: I am not against liveaboards but graywater is an unknown. WEAVER: It is. We don't know, somebody could generate a little or a lot. Most people who have liveaboard status do not live here year round, and some have an empty slip. Wide variation seasonally and annually. We can certainly ask for reports from Ecology. I can discuss with the Planning Director, the possibility of putting in revocation if it turns out there is a problem created.

STEVENS: The question I have is keeping it in perspective. We have got 385 slips, permanent and not. We are talking about adding 13 liveaboard spaces of that which is only 10% total. Everybody who owns a boat down there could go down there and

wash their dishes and dump it as graywater. Everybody can do graywater at this point because there isn't really a law that says you cannot dump graywater. WEAVER: I think that is why Ecology does not have a lot of concern. There is graywater discharge from casual use.

COLEMAN: It needs to be monitored.

STEVENS: Any other questions?

NUNES: My one comment would be bicycle parking. Lots of times liveaboards have bikes and according to marina regulations, bikes are not allowed on docks or tied on docks. So if we have a couple living on their boat and have one car, they might have a bike or two. Some secured bicycle storage somewhere down there might help alleviate some of the parking issues.

WEAVER: Great point, I will talk to them about adding that as a condition here too. I do not think there will be objections just finding a place to put it.

STEVENS: Question about status of their structures. The status of boathouses seems to be lagging along. The boathouse that got pulled in the middle of the Bay because they don't have designated slips and things like that. The issue is that they have slips and you can have a boathouse, but there isn't a link to the boathouse and slip, so if you give up your slip, you have to give up your boathouse. NUNES: That's the way the regulations read. STEVENS: And what that created was somebody being evicted, and they had to move out into the Bay, which sat out in the Bay for a long time which was embarrassing. The question that I have which isn't really related to liveaboards, but I think there is an impact to the City when we have a situation where these are structures that are out there. I don't have a problem with the boathouse, a lot of Ports have them. Seems to be an uncontrolled situation, and they are not moving quickly to resolve it. Saw in the paper that they have tabled the situation. Question is can we ask the Port where we strongly encouraged that they get that resolved. WEAVER: What would your suggested solution be? STEVENS: They've addressed it and there has been discussion about it. My suggestion is that somebody convinces them that they need to get this resolved. I think that this is an important issue. WEAVER: Difficult to address through liveaboard permit because they are not related exactly. Not sure I can tie it in as a condition, but we can certainly talk to them and tell them it is a concern. I can tell you the number of boathouses is limited, and if you pull one out and do not replace it within a year it is gone. The DNR wants to try to reduce or eliminate boathouses to the greatest extent possible in non industrial marina. Our new shoreline master program attempts to comply with that. But does not address current issue and the way Port deals with this. STEVENS: Some are deteriorated and are an eyesore. Should be better maintained. Boathouses are not a bad thing in the marinas because it does protect the boat, more of a general discussion that they need to get this thing resolved. WEAVER: A lot are eyesores and I am not sure if they are safe. NUNES: They are inspecting them on an annual basis; inspect both the structure and any boat that is stored in a boat space. Until they resolve the boat house transfer issue, it is hard to convince a boathouse owner put money into a boathouse when they can't sell it. WEAVER: That kind of puts it in a Catch 22. NUNES: Are you going to refloat something that has no structural integrity and its going to cost you \$10-20,000 to fix a \$30,000 boathouse? Probably not at this point when the Port is saying when you sell it, it has to be moved somewhere and no

other marinas can take a new boathouse; they are in the same situation. STEVENS: Absurd situation which they need to resolve. WEAVER: I will be talking to Brad Miller, the marina's executive manager before the hearing, and I will bring up this subject.

STEVENS Okay. Any other questions? We have a conundrum, we have this thing we are either supposed to pass or deny or do something with today. I think we have added a condition or two. How do we resolve this at this point?

WEAVER: For clarity purposes we are breaking number 14 into 2. We are breaking the last sentence of 14 to refer to that in future, when the regulations are additionally update after the first update, that the City will be notified. I will maybe also say that the City will have a chance to review and approve or deny regulations affecting liveaboards. Also that we will be asking Ecology for monitoring reports on the water quality and health of the Bay, and if anything is found to be deteriorating within the time period that seems to coincide with the liveaboard approval, there will be studies and steps taken which could include potentially revocation, but I think we would prefer to deal with it in a management way. Also the proposal for adding bicycle parking for the liveaboards, and I am assuming they could probably allow them to be used by other people with the marina as well.

COLEMAN: Those are the only modifications kind of.

STEVENS: is that all clear to everybody?

PUBLIC COMMENT

COLEMAN/HANSON: he Planning Commission recommends to the City Hearing Examiner, that the shoreline conditional use permit for the conversion of 13 slips to liveaboards at the Poulsbo Marina, planning file number 06-12-15-1 should be approved with modifications that were mentioned, subject to the conditions of page 12 of the staff report. HANSON: I recommend that also add page 13 because the conditions that were stated and crafted by staff are pages 12 and 13.

VOTE: 6 for

8. Comments from Citizens- none

9. Commissioner Comments

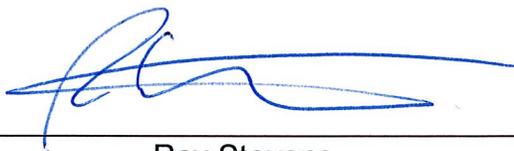
COLEMAN: Do you have any idea what the schedule for us is going to look like for us? WEAVER: Karla is going to put a lot of work on you guys with site specific zoning amendments, the comp plan update, and zoning regulations. Probably also the functional plans as well. It may not be project specific, but Karla close to the end of the year.

HANSON: What is going in next door to the CVS drugstore on the property there? Article in the paper about some kind of a drive in coffee something? WEAVER: Proposing to put in a drive-thru Starbucks. It was approved in advanced for a drive-thru before they had a tenant.

NUNES: One comment, I went to the parks open house and Karla had a really cool map that showed all of the developments that were active in the City. That would be nice to have. THAYER: Yes. WEAVER: I will follow up.

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

Adjourned at 7:45



Ray Stevens
Chairman, Poulsbo Planning Commission