



PLANNING COMMISSION

Tuesday, May 16, 2017

Poulsbo City Hall Council Chambers

MINUTES

Members Present: Gordon Hanson (GH), James Thayer (JT), Ray Stevens (RS), James Coleman, Kate Nunes (KN)

Staff Present: Planning Director Karla Boughton (KB), Planning Technician Helen Wytko (HW)

1. Call to Order
2. Flag Salute
3. Approval of Minutes – 4/18/17; 4/25/17
JT: Amendment 3 reference to comment made 16.22.25 should be 16.20.225
Motion to approve minutes THAYER/COLEMAN
JC abstained 4/18/17 minutes
KN abstained 4/25/16 minutes
GH abstained 4/18/17 and 4/25/17
Minutes Approved
4. Modifications to the Agenda - None
5. Comments from Citizens regarding items not on the agenda – none
6. Public Hearing
Critical Areas Ordinance Update
Staff: Boughton
Karla Boughton - public hearing tonight is on the proposed amendments of the City's Critical Areas Ordinance. I have a brief overview and presentation of the CAO update then we will open to public testimony.

The City's Critical Area Ordinance is housed in PMC 16.20, it is required to be evaluated on an 8-year cycle following in conjunction with Comprehensive Plan update requirement. This is required by the State GMA. Summary of changes incorporating BAS, provided by State Resource Agencies, recommendations by City's consultant, our critical areas biologists Grette Associates. Amending corrections or conflicts and assist with ease of administration. This is a requirement of the State GMA, most, if not all of the direction of how to update the CAO is from the State RCW or the WAC.

Summary of Changes

- 1) new Best Available Science provided by resource agencies;
- 2) recommendations by the City's consultant critical areas biologists;
- 3) amending corrections or conflicts; and
- 4) assist with ease of administration.

What is being regulated? Regulating wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, areas of critical recharging effect on aquifers and frequently flooded areas. Again, this language is straight from state law, these five areas are what we have to have in our ordinance.

What is being regulated?

Critical Areas - WAC 365-196-830

- Wetlands
- Fish and Wildlife Habitat Conservation Areas
- Geologically Hazardous Areas
- Areas of Critical Recharging Effect on Aquifers
- Frequently Flooded Areas

What is Required – Best Available Science rely largely on federal and state guidance. BAS has to be developed and in accordance with particular guidance and outline in the WAC on how you develop it.

What's Required?

Best Available Science - WAC 365-195

- 365-195-900
- Best Available Science must be included when developing policies and development regulations to protect the functions and values of critical areas.
- "Special Consideration" must be made to conserve or protect or enhance "anadromous fisheries."
- 365-195-910
- Cities may use information that local state or federal natural resource agencies have determined represents best available science.
- BAS does not include the following type of information:
 - Anecdotal information – one or more observations which are not part of an organized scientific effort.
 - Nonexpert opinion.
 - Hearsay.

What's Required?

Best Available Science - WAC 365-195

- 365-195-910
- Consultation with state and federal natural resource agencies and tribes can provide a quick and cost-effective way to development scientific information and recommendations.
- Jurisdictions may compile scientific information through its own efforts, as long as it meets the criteria set out in WAC 365-195-900 through -925.
- 365-195-915
- Jurisdictions need to demonstrate how best available science was included in the development of critical area policies and regulations.
- Any nonscientific information that is used as a basis for policies or regulations that depart from best available science, shall be identified, supported and rationale provided in the record.

What's Required?

Best Available Science - WAC 365-195

- ▶ 365-195-925
- ▶ In addition to including best available science, special consideration to conservation or protection of anadromous fisheries is also required.
- ▶ To demonstrate special consideration has been made, the record should be developed.
 - ▶ Examples of conservation and protection measures are related to:
 - ▶ Stream flows
 - ▶ Water quality and temperature,
 - ▶ Spawning substrates
 - ▶ Estuary and nearshore marine habitat quality
 - ▶ Maintenance of salmon prey species

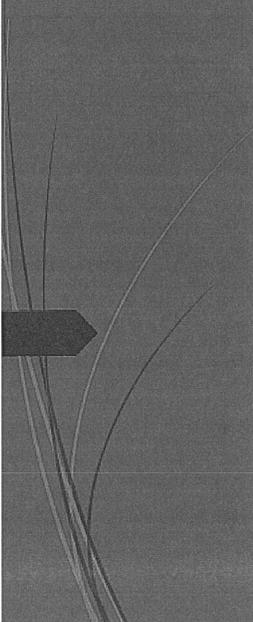
What is Included in the CAO Update – Wetland Section

Again, nothing locally generated, all from the Dept of Ecology. Also, it is consistent across the board, most jurisdictions in Western WA will be using these same standards.

What's Included in the CAO Update?

- ▶ **Wetland Section** has most changes proposed. This is due to new information from both the federal and state resource agencies.
 - ▶ Must use federal wetland delineation manual (WAC 173-22-035).
 - ▶ Wetland ratings shall use Department of Ecology 2014 update to "Washington State Wetland Rating System for Western Washington."
 - ▶ Wetland Buffers are as set forth in Appendix 8-C, Section 8C.2.3 of *Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands*.
 - ▶ Updates to wetland buffer averaging and wetland buffer reduction are also as set forth in Appendix 8-C.
 - ▶ Updates to wetland mitigation and replacement ratios are from Department of Ecology's *Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance*.

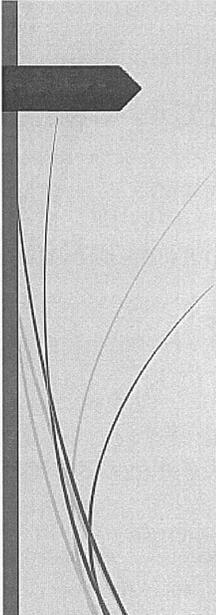
Fish and Wildlife Habitat Conservation Areas. The primary change is to the stream typing system, which is also defined in the WAC. No changes to buffer widths are proposed.



What's Included in the CAO Update?

- **Fish and Wildlife Habitat Conservation Areas** next Section with multiple updates:
 - Change the Stream Typing to the Alpha system identified in WAC 222-16-030.
 - Modifying the categories of fish and wildlife habitat areas to be consistent with WAC 365-190-130 and WDFW's Priority Habitat and Species List.
 - SF Dogfish Creek buffers remain same as established in 2007 Update, and utilizing the Fishman Environmental Services Report "City of Poulsbo Report on Best Available Science and Recommended Protection Measures for Fish and Wildlife Habitat," April 2003.
 - Stream buffer reduction is allowed under acceptable Habitat Management Plan and after consultation with the Suquamish Tribe and WDFW. Reduction shall be no more than 25%; consistent with wetland buffer reduction maximum.

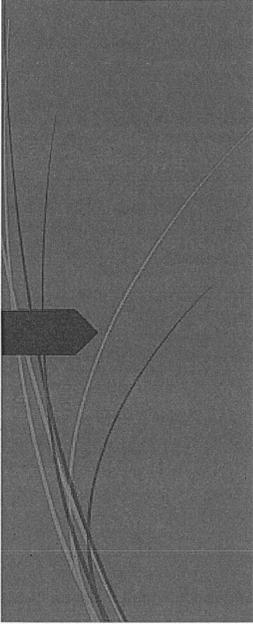
Geologically Hazardous Areas and Critical Aquifer Recharge Areas. Critical facilities are things such as schools, hospitals, public facilities. Those types of facilities should not be located on any geological areas.



What's Included in the CAO Update?

<ul style="list-style-type: none"> ■ Geologically Hazardous Areas <ul style="list-style-type: none"> ■ Limiting siting critical facilities on geologically hazardous areas. ■ Providing guidance for tree cutting on critical slopes. 	<ul style="list-style-type: none"> ■ Critical Aquifer Recharge Areas <ul style="list-style-type: none"> ■ Revised definitions consistent with WAC 365-190-030. ■ Revisions based on DOE's Critical Aquifer Recharge Areas Guidance Document. ■ Use table revised based upon DOE's Guidance Document.
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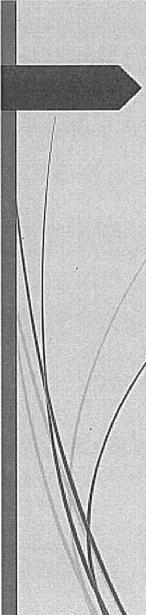
Updated Maps



What's Included in the CAO Update?

- ▶ **Updated Maps**
 - ▶ Wetlands
 - ▶ Update map with Hydric Soils from USDA and site-specific delineated wetlands
 - ▶ Fish and Wildlife Habitat Conservation Areas
 - ▶ Apply DNR Hydrology Water Type map using alpha identification
 - ▶ New figure including SF Dogfish Creek Reaches
 - ▶ Aquifer Recharge Areas map updated with data from 2014/2015 US Geological Survey Scientific Investigation Report.

So, I've spent a lot of time telling you about the BAS and the resource agency guidance. What areas of the CAO are City discretionary, meaning what are the things that are not dictated by a state agency. There are two sections that don't have such strict guidance from agencies. They are Administration – Section 100 and Special Reports – Section 700



What parts of the CAO are City-discretionary?

- ▶ **Administration – Section 100**
 - ▶ Added additional language under applicability
 - ▶ Added a couple of additional exemptions – all related to enhancement
 - ▶ Clarifications/additions to definitions
- ▶ **Special Reports – Section 700**
 - ▶ Provide additional reports and details requirements for both wetlands and habitat management plans (fish and wildlife habitat conservation area).
 - ▶ This was due with identified gaps in our requirements found during site specific applications.

In Summary, we have done an update to the CAO required by GMA as part of the periodic update of comprehensive plan and development regulations. We

have gone over BAS, Administration and Special Reports areas. Tonight is the PC Public Hearing, you have had three prior workshops, at the conclusion of tonight and your decision, we move forward to City Council Review starting next week, the draft CAO and the PC recommendations and then a Public Hearing on June 7th.

Summary

- Update to CAO required by GMA as part of the periodic update of comprehensive plan and development regulations.
- CAO update primarily includes provisions related to resource agencies updates. Wetlands, and Fish and Wildlife Habitat Conservation Areas are sections proposed with most amendments.
- Best Available Science is relied upon resource agency guidance, and Fishman Environmental Services report for SF Dogfish Creek buffers (which were established in 2007).
- Section 100 – Administration and Section 700 Special Reports are City- discretionary sections and do propose some amendments.

RS: At this time we will take comments from citizens, 5 minute limit please.

My name is Joan Garner. Generic comments that have been controversial. We know about the five types of critical areas among which are the wildlife habitat. The CAO affects all of Kitsap County, we must be sure that due diligence has been applied by DCD. Protecting critical areas and species but to protect people who own properties in the County. Does not assume DCD defines buffers. CAO needs to prove that a specific species resides in an area BEFORE the County can restrict the use of private property. Kitsap County has 15 species of fish, 8 species of mammals, 3 species of vertebrates in addition to many more. The County must use all measures to protect owners of private property from indiscriminate buffers that protects or restricts its use. Although the species are important, they are no more important that the citizens of Kitsap County.

Molly Lee: Item 1 page 7 if parallel trails are necessary items G1 -4 only in the outer 25% percent of the buffer. Utility shall be provided as much as possible at specific points G4 page 43 where trails are permitted within buffers they should be located as far. Should be removed and replaced where trails are after exhausting they should be item g5. The City did not supply definition of corridor. Regarding the subject of 2010 CPA Johnson creek as exhibits a and b. same definition of open space and does not change the original intent c. page 38. Examples of disturbances that impact wetlands are use privacy fencing, dense vegetation, separate tract. Putting public trails into open space

that is minimized by eliminating pets and humans and having robust in the buffers. Make it simple to take imminent domain. I am not interested in these being taken by the city or county my property to create trails.

Rita Hagwell: I have lived in Poulsbo since 1971 in the county and the City forced me into City Limits in 2005. I love PW and think the Police are wonderful. In favor of 150' on each side of Johnson Creek. I didn't give up my property and since then I have had every charlatan tell me stories. I don't know where these laws come from. It is a disgrace, first of all you see the one from Jane Koler. John Johnson said he owns Marelane Lane and he sold it to Mr. Hartman. According to the Office of Jany Koler my property value has been driven down. Of course I was surprised to discover in the Urban Paths of Poulsbo my land is on the map as a trail. It's a disgrace this is happening. It is my idea that they are going after me for imminent domain. I am surrounded by all developers and I am going to be the Central Park and help everyone get fit. What happens is they are going I don't know exactly what their plan is. If you have open space be careful because they well use it against you. Little lane was skid row Groning's logging camp into Liberty Bay. I have a page from Mrs. Maraist. I think if you have a chance you might want to read that. I made a speech the more people this is the Urban Paths of Poulsbo where my land is actually there as a trail. The City says to pay them \$1,800 to the city council and they will consider it. But I have asked to see the law and nobody can find that law. Once again I have to ask to pay for them to look at this and consider what to do. Maybe some of you can help me. I have water rights, you might see how important it is not to see people get ahead of other people and force them off of their property. Many people want trails and to help with fitness. I pay money to go to the Y. I can't help you get fit. The other part is, Marelanine Lane. Mr. Rob said to me my daughter was 8 years old. She always brings us May Day baskets and Christmas cards. Mrs. June Atack will not have her job and I will take care of business there. Boy was that something. My daughter has been thrilled about that. But, all of a sudden people have come to me, including John Johnson, who says he owned it. Also, a dubious associate showed up in court and he refused to accept the letter. I have to find out what the next thing is because the city says it is private property we will not get involved. I had to bring in someone with a bulldozer for a walking path. I can get out now on the walking path, but only if it is nice day. I had a wonderful fire department employee show up and we spoke about the stimulus money, LBM got sewer and water from the government. Why I have to have people bullying me and city can't get involved even though it's in bad shape. And my taxes went from \$1,105 to about \$6,000 after I was forced into the city limits. Now it's more reasonable because Mrs. Green is a nice honest person. I want to live in peace, I don't want to bother anyone and I don't want anyone to bother me. My 109 year old trees provide fresh air in the City.

RS: Close public hearing and open public meeting

JT: I have comments for staff. I had a note on the first page there is supposed to be a definition for reconstruction, was there a decision made to delete that term?

KB Yes

JT: Section 600 page 71, I think you overlooked changing the term "article" to "section"

KB: Yes.

JT: Page 75 16.20.753 A.4 I think you wanted to put it "what is" done.

I also have a comment about the comments we heard. It is hard to consider the information if they are not provided a head of time. I heard a few comments that I thought were worthy of consideration, but can't really do it. Are the people that made comments, are they forwarded to City Council?

KB: Yes, if presented in writing we forward them and the minutes forwarded to the City Council. I have not received any written comments to look at. If you have thoughts

JT: when they are read to me, I know they are written down.

KB: We have one comment that was written down.

RS: CC has next go at this and they would have the ability to make decisions. They will have the comments for their workshops.

JC: Got one question, how well advertised to the public were the workshop meetings?

KB: Advertised via email to the interested parties group list, posted on the City's webpage, posted on the city's public noticing boards, and published in the North Kitsap Herald.

JC: It would have been nice for the public to show up before hand. I'm wondering if we are really getting the word out since nobody showed up to give us feedback. It would have been nice to have these comments a month ago.

KB: The Workshops are sent to the same mailing list as the Public Hearing Notices.

RS: Not all lost, there is still a CC meeting.

JC: I was just wondering how we are getting information out.

JT: perhaps the public

KB: All of our email encourages people to submit comments at any time in the process. Public hearings are usually what people are thinking of

JT: is hard to take comments and action on them when they are given at last minute. Easy to make changes but have to know what you are doing to the entire thing.

KB: One comment letter that we received last week asked for a definition of building setback. I had one drafted today but your motion can direct staff to develop a definition to setback.

RS: At one point if I remember right is that we had somethings that can go into that buffer.

KB: Yes, we have some minimal inclusions are described in each section. This is providing that definition and the development standards live in those sections 200 and 300.

RS: My only concern will that conflict with landing, structure and retaining walls.

KB As long as you include in motion, I can tweak that and I can put something together.

RS: To clarify what you just said to get our motion correct we should include a definition for building setbacks that will go to CC for final language.

KB: Yes. The second comment I wanted to make. The testimony that Mrs. Lee made regarding trails within buffers and she had some specific language. Your motion could include directing staff to look at her testimony to determine what if any amendments would be appropriate. It would come from staff but at your direction because you were not able to evaluate it completely at tonight's hearing.

RS: So, anyone want to take a stab at a motion?

MOTION: COLEMAN/THAYER move to recommend approval with modification to the Poulsbo City Council the May 2017 Draft CAO update to and direct the Planning Director to provide findings of facts from the Planning Commission, definition of building setbacks, trails within buffers for any recommendations to City Council. **Vote:** 4 in favor 1 abstention.

7. Comments from Citizens

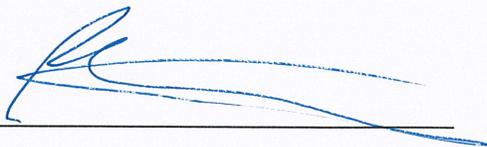
Mrs. Lee: The draft document was not available to the public. A person cannot make suggestions for document changes for a document they do not have. And the PC Workshops to not provide documents for the public.

Rita Hagwell

On this page we have Marelaine lane to make better not the whole lane but most of this. Mrs. Almer paid taxes on it. Put on map as bicycle trail that was going to be a walking trail. They moved three times, once it was to be under my carport. Maraline lane corroded now and they only like beauty. When it was beautiful, they had their eye on it then. We put the original asphalt on in 1973, it was a lot of money. \$1,575 water rights from State of Washington. Then we had water looked at again. Right faces Marelaine Lane, have to take care of lane because of the water. Then we went into the well covenant, then I noticed that Parametrix had a sewer put on my land. You will see that Mr. Walters went through and checked it out. When you take my land, you go after my family. Never did Groning sign over that lane. Matthew Walters. He said, "oh yes exactly right". There is no way that lane was giving to anyone. Johnson go the lane from Predice, Predice got it from Fairchild who took care of Lilian and her husband. Something they have to check into. I'm not a detective but I know I am right and I know they are wrong. Also talks about how it is. City would not use Maralaine Lane. Then they put something on Mr. Robs house. Mr. Rob showed my daughter what we have in front of our house up to Viking. Now there is a bicycle lane and they haven't said too much about it. Wrote to Jeffery and Lucinda Hartman, they won't do anything about it. Then if you go further back you will see what happened how much I pay we are getting a sewer, if you don't go for it steal your land. If I didn't go in on the sewer, they would increase my taxes. During the depression look how far they went up, that is to harass me. Her investment properties south of me now had sewer and water. Then they changed my address from Viking Way to Viking Ave without telling me. Barry wrote a letter of approval. People cannot just come to people's property to say they don't know help from City. My life was not political, people coming and telling me stories. If you can get me some help on Marilaine Lane also just my property too. Get off my land it is a terrible thing to have that in the back of my mind.

8. Commissioner Comments - None

9. Automatic Adjournment (unless meeting is extended by majority vote) meeting adjourned 7:56



Ray Stevens, Commission Chair

