



# PLANNING COMMISSION

Tuesday, October 10, 2017

## Poulsbo City Hall Council Chambers MINUTES

Members Present: Kate Nunes, Gordon Hanson, Jim Coleman, Robert Nordnes

Staff Present: Karla Boughton, Helen Wytko

- 6:00 PM
1. Call to Order
  2. Flag Salute
  3. Approval of Minutes – 5/16/17 NUNES/HANSON – APPROVED  
Nordnes abstain
  4. Modifications to the Agenda - short directors report
  5. Comments from Citizens regarding items not on the agenda

Rita Hagwell - 400 feet of my land was taken for salmon, who do not pay taxes. I have talked to Ecology and hired an attorney. I don't trust the city. I have been threatened and bullied. I just want to be left alone and spend the rest of my life with my 120 year second year growth trees. I would like you to find out about 400ft and what kind of thing I can get from the city. The city is cruel and has bullied me. Want to know what this means the barrier and where I come in at.

BN: Have you talked to the Mayor?

Rita Hagwell: The mayor is against me because I spoke up to the Mayor.

6. Public Meeting  
Land Division Ordinance Update  
Staff: Boughton  
Changing the name from subdivision ordinance to the Land Division Ordinance.

## Introduction

- The subdivision of land into lots is governed in Washington State by Chapter 58.17 RCW and by local ordinances adopted under that chapter's authority.
- The City's Subdivision Ordinance is found in Poulsbo Municipal Code Title 17 and was last substantially updated in 1995, with a few amendments since then.
- The 2017 Land Division Ordinance Update is initiated to primarily reformat the ordinance to be consistent with the recent updates of other City land development ordinances.

## Types of Land Division

- **Subdivision:** division or redivision of land into five or more lots.
- **Short Subdivision:** division or redivision of land into four or fewer lots.
- **Binding Site Plan:** an alternative method division of land for commercial or industrially zoned property, for mobile home parks or condominiums.
- **Final Plats:** the final drawing of a subdivision which is prepared for filing to be recorded. This is the mechanism where buildable lots are created.
- **Boundary Line Adjustment:** the process for adjusting property lines between legally created lots. Process cannot create a lot or reduce the size of a lot so that it contains insufficient area and dimension to meet minimum zoning requirements.

GH: Are BLAs required by the state?

KB: for many years they were not regulated but in the last 10 years more and more jurisdictions are requiring review to ensure compliance with the zoning code examples minimum lot size, building setbacks. Prevents nonconforming lots. There are other ways to move legally, such as quick claims.

## Significant New or Revised Provisions

**NOTE:**

The Draft Title 17 "Land Division" is a new ordinance, and while most of the provisions are the same or similar to the current PMC Title 17 (and consistent with 58.17 RCW), the entire Draft Title 17 should be read and reviewed based upon the newly formatted document.

KB: This is a new ordinance so there is no line in or line out.

## Significant New or Revised Provisions

**Boundary Line Adjustment (17.30):**

- Clarify the minimum and maximum density requirements (17.30.040.B)
- Set forth the City as the responsible party for recording of the BLA (17.30.050.C).

## Significant New or Revised Provisions

### **Short Subdivision (Short Plat) (17.40):**

- Define what may constitute a tract, and requirements of identifying and managing tracts (17.40.020.C);
- Establish some limitations on contiguous short plats (17.40.020.D);
- Establishes a new "Final Review Requirements" (17.40.060);
- Eliminates the requirement that short plats be reviewed by the PC prior to approval;
- Establishes expiration and ability to extend expiration (17.40.080);
- Establishes new provisions for short plat modifications prior to recording (17.40.090).

**GH:** Is a tract definition a state requirement?

**KB:** Not defined by RCW. City Attorney and I worked together on this definition.

## Significant New or Revised Provisions

### **Binding Site Plan (17.60):**

- Permit type has changed from Type III to Type II in previous code update, therefore deletion of outdated sections (i.e. removal of Planning Commission review);
- Provides new "Final Review Requirements" section (17.60.070);
- Set forth the City as the responsible party for recording of BSP (17.60.080);
- Establishes expiration and ability to extend expiration (17.60.090);
- Establishes new provisions for binding site plan modifications prior to recording (17.60.100).

## Significant New or Revised Provisions

### Final Plat (17.70):

- Moves instructions for surveys, certification and improvement requirements to other sections of the ordinance;
- Consolidates sections regarding the review process by the City.

## Significant New or Revised Provisions

### Land Division Standards (17.80):

- New section that establishes standards that apply to each of the methods of land division. In general, the provisions were found in the land division type chapter, and are now consolidated into this section. These include survey instructions, utilities, easements, improvements, bonding and maintenance requirements.
- Clarify when and how utilities are to be underground (17.0.040);
- New section setting forth street standards, including frontage improvements and required routes for ingress and egress and emergency access requirements (17.80.050);
- New section setting forth requirements for street connectivity (17.80.060).

## Significant New or Revised Provisions

### **Plat Alterations and Vacation (17.90):**

- New section establishes procedures for changes to recorded subdivisions, short subdivisions and binding site plans. Primarily set forth by requirements of 58.17 RCW.

## Next Steps

- PC has completed its workshop review of the Draft Land Division Ordinance.
- PC Public Hearing schedule for November 7, 2017.
- Transmittal of PC Recommended Draft Land Division Ordinance after the public hearing.
- City Council workshop November 15, 2017.
- City Council public hearing December 6, 2017.

JC: Start at the beginning and go page by page. Page 3 I have a question on 17.10.010.A you talk about state statutes. Are all of them RCWs?

KB: They are, that is the traditional way of identifying them in a series.

JC: Other chapters that come into play?

KB: Provision in case state comes up with something new.

KN: Wondering if there are any of the testamentary subdivisions?

KB: We have only had one in the City. Very odd for the state to allow that, because in our instance they could not meet the zoning standards

and they had to revise it. Ours is the only one our City Attorney has ever dealt with in all his experience with other jurisdictions.

GH: On Item 3 I didn't know they could split up land into five-acre parcels.

KB: Olhava did those five acre tracts first before they did short plats to subdivide it. Usually see it in rural areas.

JC: 17.10.040 What does that mean and how do you apply.

KB: Find my note from the City Attorney. Specific legal term that has to do with administrative interpretation of the ordinance.

JC: Do we need a definition on that also?

KB: We might have done one for the zoning ordinance, I will look.

JC: City Engineer or dually authorized designee. Who would take that place?

KB: Designee would be there for a signature that the City Engineer was absent to sign. Could designate beforehand.

KN: Page 6 division of land, land needs to be capitalized?

JC: Page 7 vacation - you vacate you are through, no time limit?

KB: We have the plat alteration and vacation section, did not add local pieces came straight from the RCW.

KN: Page 9, septic and sewer disposal. Are we anticipating new developments to rely on septic systems?

KB: Only outlier properties where the sewer line has not reached it and is not financially feasible for one party to pay. All other properties are required to connect to city sewer. There are requirements and standards for septic systems.

KN: How much are latecomer charges?

KB: The way latecomer charges are set up is if that was set up as part of the plat, and hook up fees. Combined that is a lot of money for a SF. Latecomer fees are calculated by looking at the infrastructure divided up by receiving and benefiting properties broken up proportionally. State laws, the development engineer, and finance determine.

KN: Think that state would want to encourage it.

GH: They can still do LIDs.

BN: Used to be common to use LIDs.

JC: 17.03.040 review authority, who is that?

KB: Identified in Title 19. I could reference the table number.

JC: Yes, would be easier for people to go to.

KN: Page 10 17.30.040.J continued. Concerned with saying we couldn't use the BLA process for any current code enforcement. If the BLA took care of the code enforcement issue, it seems to me we want that flexibility instead of prohibiting it.

BN: Which is a good thing for them to fix a code enforcement violation.

KB: Let me see if I can pinpoint the circumstance that caused this to be in there.

JC: 17.03.050.B licensed surveyor - does it need to be a WA state licensed?

KB: Can be licensed in another state but the survey itself has to meet requirements in the state of Washington.

JC: Want to be consistent.

KN: 17.40.020, is this where we get to the question where things come before the planning commission?

KB: Yes, not required by state and to be consistent with how Title 19 is set up. But you have the discretion to review short plats.

KN I would lean towards wanting to review them because I see them as infill. I think we should let the neighborhood have their say at a PC meeting. Four houses in an existing neighborhood is significant.

BN: Lets use lower Lincoln, Antonson.

KB: You were involved in that, Schattin was a huge staff report for two lots. You also saw CVS binding site plan.

BN: I look at it is are we being redundant? Rather than being personal I think it is best to let codes dictate development. Rules and regulations

should be more objective than subjective. I can think of many things we changed on Antonson. Everything was steered by development standards. I would like to hear Ray on it. We all have good views on it and we are trying to streamline our process.

JC: As long as short plats meet our standards I don't really have an issue with it.

KB: To speak to the infill provision. ACUP is a piece where the PC has the ability to add or make COA. Infill is a little bit different. There are robust lot and architectural design standards.

BN: We need to provide a pathway for citizens to be involved, would the short plat require a neighborhood meeting?

KB: No.

BN: So an infill project applications made, notices sent out, what is the opportunity for neighbors to make his or hers point?

KB: We issue the NOA, 14 day public comment period. Typically we will accept up until the day of the NOD. Unlike a public hearing which is a finite point where they can get their questions answered.

KN: Would like to come back to this next week with Ray.

JC: Page 11, is this all the new pieces you talked about in your introduction?

KB: Yes.

JC: Yes E, how can you further divide a short plat?

KB: Yes you can depending on the lot size you have.

KN: formatting on both D, and E, number 1 but no 2. Could be separate paragraphs.

KN: Page 13 paragraph. Questioned subparagraph d and e. Seems like a bit much for four houses with playgrounds.

KB: Those are requirements for the long subdivisions but I agree with you that is probably not reasonable with for lots or less.

BN: Isn't there impact fees?

KB: Yes school and park are applied to short plats.

JC: Item B on that page, we are going to give them conditions to satisfy our criteria or will we make them resubmit?

KB: I will look at the wording because I see what you are saying. On the face it may seem contradictory. Meeting criteria may be done through conditions of approval.

GH: On page 14, why do you want to approve the CC&Rs?

KB: Only review when there is something that they have to do to meet a condition of approval. Only review sections that are relevant to the city.

JC: Where is there enforcement?

GH: Tacoma has had issues with development, they do not die.

KN: Wouldn't the city be liable as well?

KB: No, it goes both ways. We check for city standards, but we do not enforce theirs. Home businesses are a big one the HOA and city regulations differ.

JC: When you go to purchase the house a lot of times the real estate people do not provide you with CC&Rs.

GH: Got mine with the title report.

JC: Page 15 item d. What are modifications that would apply here?

KB: This is a new section, we don't see it that much in short plats, mostly on long plats, there are usually some engineering details between utilities or a road prism. Giving a process where you don't have to start from the beginning.

JC: Looking at item 6.

KB: Used the same criteria for all three. Not as applicable for short plats.

JC: Leads me to item E. Is all that really tied together or are we putting ourselves in a box.

KB: Right now we are in a box, this is providing them some leeway. Balancing act between what falls in your original scope of approval and what you want. Want to give them flexibility but not allow them to

circumnavigate the plat process.

KN: I question subparagraph 6 being as firm as it is.

KB: We can put a percentage on it to help quantify the numbers.

JC: Page 18 item 5. list proposed impervious areas - would you like to expand on that.

KB: That is the language from stormwater manual.

JC: Page 21 item D - how do you see that coming into play?

KB: In preliminary subdivision section now. Most part they are used for creating residential lots. Preliminary subdivision is a way to create land division for other zoned properties as well. Olhava example where you had other zoned property. Good question because if it is a permitted use could be possible. Let me look into seeing if we really need something.

GH: Good place to stop.

JC: 15.50.080 is where we will pick up next meeting.

#### 7. Comments from Citizens

Rita Hagwell: Been on Viking 46 years. This has been interesting to hear your discussion on land division. I got a phone call where I was told that I was turning commercial whether I liked it or not. I have a sign for Marelain Ln, unfortunately somebody threw it down and told me the road is a fire hazard. Somebody went into the City and changed the location. Talked to the City the other day and I have to pay \$1,000 it would be \$3,000 Mayor is angry it cost them \$20,000. I know there is trouble coming my way.

No comments of money today. They bothered you, you are not going to pay that money. When are we going to the next part which is independent lands. Have my beautiful 120 year old trees second growth. Going to be mini central park for the developers. Nobody is going to take my land.

#### 8. Commissioner Comments

KB: I have a couple things that I would like to go over. We have two vacancies on the PC. We do have a number of applications the mayor will be considering and I am hoping to get the positions filled by the Public Hearing.

Wanted to talk to you about moratorium emergency ordinance on mini storages on the C3 district. It is in place through mid February and

could turn into something that is permanent. Prohibits mini storage for a time to look at it and review it. Working on updates to commercial zoning district including architectural design standards. We are looking at whole commercial chapter, we will be bringing forward amendments with moratorium still in place, but incorporating public comment as part of the process. I want to get land division done before we release commercial, so we might start around December.

BN: With my travels for work, people need storage. Multistory are popular. They are going up.

KB: We still have 4 zoning districts which they would still be allowed. If you are interested you can watch the September 20th Council Meeting online. Resident brought up that 305 is our front door, and almost tripling square footage of mini storage what we want people to think of Poulsbo? Is this is not the right location for it?

BN: I agree with that 305 is front door, but it could be improved by getting rid of marshes on side of the road. Roadside ditches should be culverted in we have plenty of green space.

JC: 305 and liberty that left turn signal is so short there are three cars. Can you contact the state?

BN: What is going on with the underground big phone lines on Fjord?

KB: Whitford to underground new utilities. Developers option.

KN: Thought the houses were going to be smaller, have cottages in the name.

KB: They never submitted building designs to the city, visually we don't know what they are going to look like yet.

10:00 PM 9. Automatic Adjournment (unless meeting is extended by majority vote)  
Meeting adjourned 8:04



Ray Stevens, Commission Chair