



## CITY OF POULSBO

### Planning Commission Public Meeting (Virtual)

April 28, 2020

**Commissioners Present:** Ray Stevens, James Coleman, Sr., Jerry Block, Mark Kipps, Tim Morgan, Kate Nunes, Ray Taylor

**Staff Present:** Edie Berghoff, Jess Matrazzo, Anthony Burgess

#### **1. Call to Order**

Staff Admin Jess Matrazzo received 3 attendees from virtual waiting room:

- a. Rita Hagwell, calling from 6413, One comment to make on other items not on agenda.
- b. Wayne Gough, calling from 6300, No public comment anticipated.
- c. Edgar Alvarez, calling from 5295, One public comment on Noll Terrace Preliminary Plat.

#### **2. Flag Salute**

**3. Approval of Minutes:** 3/10/2020: Coleman/Morgan – approved – 1 abstention (Jerry Block)

**4. Modifications to the Agenda:** None

#### **5. Comments from Citizens Regarding Items not on the Agenda:**

Rita Hagwell: Hello to the Planning Committee. Thank you for listening to what I had to say last time. Hopefully we'll get together sometime in the future to continue the conversation about my land. I didn't call to talk about that tonight. I called because I have two things I'm very interested in. First, I'd like to say, "Never let a crisis go to waste." And the other is, "Who is watching the watchers?" I've been reading in the paper about a lot of development going on, now that people can't get out to learn more, and voice their opinions about these developments. Is this ethical? I have a question mark, because I don't know. Anyways, Norland Trails, proposed by Silverdale Chinook Contractors, and the president is Kelly Clark, plans the City of Poulsbo to do some development. They've acquired 6.5 acres on Advance Drive, from Housing Kitsap. They paid 1.3 million for 6.3 acres. Seems very cheap – they got away with a lot, because that property is worth much more. What I'm concerned about is: what will they do? I don't know if that means they will be part of the City, or they will be part of the County. If they are part of the City, thank you to the Planning people and thank you to the Trail people; there is much more oversight. The County isn't what the County used to be. If there's more oversight, that means that

people have to be concerned about the environment. I don't know if any of these people know about our creek or about other things we have in this City that we would protect (people- in general) that would be part of that development. I don't know if they've watched our rules or our laws, and if they know what will happen to the creek. If it's in the City, they have to be aware of some special rules and maybe get oversight. As I've said, we have some great Planners -I've learned that-, and we have great people that ran the Trails group. I really trust them when they forced me into the City, I never wanted to go, but now that I see it is really a democracy, and thanks to all of you volunteers, again. I am sure if they are going to do something, that you will be there to make sure that the creeks are protected, any trees that are very important, are protected, and it's a little bit different maybe than some places where they just have development after development. So that's what I wanted to say. Keep your eyes opened, and there is a group of people that are just pushing for any kind of construction, regardless of what happens. But I think that with you very democratic people, fair people, that things will work out better. I'm concerned about the County because I'm concerned about one person that maybe shepherding some of this development through. A newly-employed person; I'm not mentioning names. Also I'm concerned to hear that a parking place is more important than renters and people that have homes around the courthouse. I can't save the world, but I am an environmentalist. I live it. I love it. I live it and love it and so that's why I'm telling Planning – so that you people will really watch what's going on with this development and - I'm sure we need housing- but that all the rules and regulations are followed. That would be great, and also eventually we might have to use the Freedom of Information Act to see some of the people behind this. That's all I want to say. Thank you. Hopefully you are all keeping well. Bye.

**6. Public Meeting for Noll Terrace Preliminary Plat** (Edie Berghoff)

Good evening. I'm Edie Berghoff. I'm a Planner with the Poulsbo Planning Department. The slides in my presentation are available on the City website, for those who are not on video. That's at City of Poulsbo.com, under Government / Department / Planning and Economic Development / the Planning Commission page, and if you scroll down a bit, you will find it under the agenda. Anthony Burgess with Poulsbo Engineering is here. I don't see that we have an applicant representative with us at the moment. (Repeated slide location)

Title Page slide, Location and Zoning slides. We are here tonight to review the Noll Terrace Preliminary Plat. The Planning is tasked with making a recommendation to the Hearing Examiner regarding this Type III Project Application. Findings of Fact, Conclusions, and Recommendations will be signed by the Commission Chairman and forwarded to the Hearing Examiner. Criteria for this project is established February 27, 2020; that is the date

the application was technically complete. Regulations are found in Critical Areas, Zoning, and Subdivision Ordinances, and the Subdivision Ordinance provides some criteria. Project notices for this have been provided to County, Tribe, and State agencies. This proposal is in East Poulsbo. It is across Noll Road from the Poulsbo Elementary School. The site is in City limits and is surrounding by RL zoning. All adjacent properties are developed or have approval for development.

Noll Terrace Preliminary Plat Plan slide. The site is proposed to be subdivided into 31 lots for single family homes. There will be tree retention and storm drainage tracts, and Right of Way which will be dedicated to the City. This project is reviewed under the lot averaging provision found in PMC 18.70.050C. This section modifies some of the residential low district development standards. Those are for traditional subdivisions and are found in Table 18.70.050 in the PMC. On page 9 of the Staff Report, Table 1 combines the traditional standards that have not been modified, with the lot averaging standards. As designed, the Project meets the combined traditional and lot averaging standards. (17:25)

Setbacks, on-lot parking, building height, building lot coverage, and impervious surface lot coverage are all reviewed with building permit.

Tree Retention and Landscape Plan slide. On the right is the project landscape plan. Street trees and ground cover are shown along internal roadways and along Noll Road. The tree retention tract and easement areas are shown on the left. The tree retention proposal and City consultant review are provided in Staff Report Exhibit C. Tree retention is required to be located in tracts or easements. It's required to be addressed in the Project Covenant Conditions and Restrictions, or CC&R's, and is also required to be under responsibility of the Homeowner's Association for the project – that's who would be maintaining the trees. The site includes a small area of buffer for an off-site wetland. No work is being proposed in the wetland buffer. Protective fencing will be in place during the development and after the development, storm pump fencing will protect that area. There is going to be a minor intrusion into the setback from the wetland buffer; that was reviewed under SEPA and it is addressed in mitigation. In that area there will be some grading for the storm pond, and there will be a small portion of a storm pond wall in that area.

Noll Terrace Preliminary Plat Plan slide.

On-street parking requirement is 16 spaces, and they are providing 20. The coordination with adjacent property owners is and will continue to be ongoing throughout the development. This includes maintaining access through the development through site construction, retaining trees, controlling dust, and adhering to work hours identified in City Code. Extension of the Noll Road multi-modal path is provided for with the indication of

ROW along the project's frontage. I will ask if Anthony has anything to say before I conclude staff comments.

Anthony Burgess: I will just reiterate that the Engineering Department found the infrastructure and utility improvements proposed with this plat satisfy our requirements per Subdivision Code. I don't have anything to add at this point.

Edie Berghoff: In conclusion, I will say the Preliminary Plat has been reviewed against City's Zoning, Environmental, and Subdivision Regulations, as conditions all meet the City's requirements. Anthony just provided the Engineering Department Review Statement. This project, with SEPA mitigation, and Conditions of Approval, is consistent with the Poulsbo Comprehensive Plan Zoning Ordinance and all other applicable City regulations. The staff respectfully recommends the Planning Commission recommend approval of the Noll Terrace Preliminary Plat, subject to SEPA mitigation and conditions of approval.

## **7. Comments from Citizens:**

One email, (Edie) sent to Planning Commissioners prior to meeting. Anthony had a discussion about this comment with the commenter. Edie Berghoff read into Record:

from Conan Simoes:

"Greetings Edie,

I would like to extend our appreciation to the City and the Developer in addressing our most significant concern, the tree line and retention along the shared property line, west and south of our parcel. Upon review my wife and I are pleased with the changes the developer made to their plans to address this. To follow up with this discussion, we request that an appropriate barrier be put in place along our southern property line (where the runoff pond is going), to serve the purpose of a privacy, sound, dust barrier. How and when this is done can be left to the developer. Ideally it will be when terraforming begins and removed when they start replanting.

Otherwise we look forward to discussing specifics with the developer, 'as stated in the arborist report, we will coordinate with the neighboring property owners for any trees that are on the common lot line.' & 'We will work with neighborhood property owners to ensure access during construction process' – March 5, 2020 developer letter.

Finally, unrelated, would it be possible to 'piggy back' on the road and sidewalk construction to extend the easement road to the other homes to the east of the development site.

Warm Regards,

Conan and Trisha Simoes"

Edgar Alvarez: Hello. I was reviewing on the website and have a couple of questions. We were at the earlier meeting that took place at the Poulsbo Library, and I brought this up at

that time. Between that common road, I understand there's a certain amount of trees that will not be taken down, and I just wanted to know that distance between the last home and the amount of trees that are going to remain behind us. I think that at the time, there was talk that it was proposed as 38 feet, but there was a lesser requirement, so I am following up on if that (distance) still continues to be 38 feet.

Ray Stevens: Hi Mr. Alvarez, this is Ray Stevens, the Chairman. We take comments at this time, and we will address that when we get into our answer period. Do you have any other comments?

Edgar Alvarez: Yes, my other comment is related to the first: the maintaining of the trees would be put to the community, so my concern would be: if the community decides – do they have the authority to no longer have those trees, based on the CC&R that would be provided for them? My concern is the trees, if they (the community) has the leverage to do that, once the community is up.

Ray Stevens: We will have Staff address that after Public Comment period ends.

Edgar Alvarez: Thank you.

No other comment.

Edie Berghoff: I believe Mr. Alvarez lives north of the property, which would be at the top of the drawing in the image that you're seeing. The tract that's L-shaped there is I believe 35 feet wide, which is pretty close to the 38 feet that was being discussed initially. Tree retention is a requirement that remains. In the future, for example, the trees that are retained become unhealthy, they can be removed, but they will need to be replaced. I believe we will also be requiring that the tract remain, and it going to be the homeowners who are responsible, so there will be someone in that plat, or the person they hire to maintain those trees.

## **8. Commissioner Comments**

Ray Stevens: Do any of the Commissioners have any questions or comments for staff?

Jim Coleman: I'd like some clarification on Page 7, Item 4CA – Staff Comment. Down at the last paragraph, it says frontage of Noll Road, it says Noll Road is designated Major Arterial in the City's Comprehensive Plan, and on Page 10, Line 5, Staff Comment, it says Noll Road is a Minor Arterial on the TR Plan. Which is it going to be?

Edie Berghoff: The difference is the maps that you are looking at. One is TR1 and the other is TR2. One is a state highway designation map, and the other is the City designation map. We consider it a major road, but the state considers it minor. Is this correct, Anthony?

Anthony Burgess: I believe that's correct.

Jim Coleman: We have two designations in for the same road.

Edie Berghoff: Yes, and those are on maps in our Comprehensive Plan.

Jim Coleman: Then on Page 23, P11, Final Project Covenants, on the back it talks about the homeowners taking full control, on Page 24, Item F on P11. My question is at what point is the HOA established, and by who?

Edie Berghoff: The standard way that this happens is that the developer provides the CC&Rs document with the final plat, staff reviews it to make sure that it is consistent with the requirements of the project, and then once we have everything we need in that document, as well as a completed final plat drawing, we can go for approval, we go to City Council, and they will typically approve; then we can record those documents. Those two documents are recorded together.

Jim Coleman: Who establishes the HOA, though? Is it the contractor after the site is so far developed?

Edie Berghoff: The developer.

Jim Coleman: I doesn't say that in the Staff Report; it doesn't state that the developer will initiate after some percentage number of the lots are occupied. That's what I'm used to seeing, is that the contractor will establish an HOA after a certain number of units are sold or filled.

Edie Berghoff: The storm pond usually has that sort of condition on it. The CC&Rs and the HOAs are typically done by the developer around the time of final plat.

Karla Boughton: CC&Rs often start off with a section called "Establishing the HOA," and it puts together the guidelines and standards that the developer wants to utilize for when the HOA is established. A lot of times, the developer will actually serve as the president of the HOA until a certain amount of the plat is bought. Then they will do a transference of HOA from the developers to the actual homeowners. They will spell that out in the CC&Rs; it's a little bit different.

Jim Coleman: Okay. I'd like to go to the drawings: C1.0. Preliminary Plat Plans, Exhibit B1; I'm curious about Lot 17.

Edie Berghoff: Yes, that's the lot with the turnaround on it. Anthony, do you want to respond on this?

Jim Coleman: How long is that turnaround going to remain there if I'm going to build a house there? Would I have to hold the house off until that temporary easement goes away?

Anthony Burgess: I'd like to give a little bit of history on that. We have a requirement for plats to be stand-alone. In this case, that section of roadway exceeds our 150 foot length without a turnaround, so they are required to provide a buyer-accessible turnaround until that roadway connection is made. That lot will be undevelopable until the plat of Blue Heron achieves final plat.

Jim Coleman: Okay. It wasn't really clear what happened there; just it's going to be temporary. At the end of Road 1, you talk about putting in an asphalt berm (on C2). I thought we put in barricades with lettering or signage, "Dead End" or "Road End" or "Work is going to continue on..." at some future date.

Edie Berghoff: Anthony, that is the extension of the main entry road to the properties east.

Anthony Burgess: From Noll Road to the existing residences? (Indicated on-screen, end of Road 1, pictured next page, blue arrow)

(Continued next page.)



Anthony Burgess: That berm will serve as a lip to keep stormwater from the roadway in the development, while maintaining access for the four residences that continue on past that point.

Jim Coleman: So it won't be a very big berm?

Anthony Burgess: It will be very minor.

Jim Coleman: Along the treeline planning area, you have easement ways; how are the easements accessed?

Edie Berghoff: I believe you're talking about the easement behind lots 7-13? (Confirmed.) Those easements' access will be in from the road you were just talking about (that area), as well as from tract A.

Jim Coleman: Are those easements just for the property owners?

Edie Berghoff: Those are the tree retention easements.

Jim Coleman: Okay, that's all I have.

Ray Stevens: Does anyone else have any questions or comments?

Tim Morgan: Yes; I have two questions. On the bottom of page 7, second to the last paragraph, where it mentions that the applicant requested the impact fee credit is on file with the City, and credit will be given at the time if traffic impact is anticipated. Can you explain what that is?

Anthony Burgess: Per Code, we collect traffic impact fees at the time of building permit issuance, so once this plat has constructed the improvements, they will then file building permits, and when they collect those, they will pay that traffic impact fee per lot. The Code has an exemption where, in the case of this plat, they will be constructing a shared use path, which is consistent with a capital project, the Noll Road Corridor. You get certain valuation for right of way dedicated, and the valuation of the materials put into the shared use path can be counted as credit towards your traffic impact fees. The reason it is stated is because that comment has to be on record before we got through hearing, and that is the qualifier. It has to be on record before preliminary plat approval, then once final plat is



achieved, they provide us a list of costs, and we see what's applicable as credit towards their traffic impact fees.

Tim Morgan: On Page 8, letter B, where it talks about storm facility improvement, the last sentence about the storm facility will be owned and maintained by the City of Poulsbo after two years minimum, from issuance of final plat, or 80% build out. Can you explain that?

Anthony Burgess: This is a standard condition of approval which we apply towards all plats. Typically, it's just a long plat requirement where the developer has constructed everything, the streets and sidewalks are done, now they're building houses. We want to make sure the system that they've installed works, so we have a minimum time period of two years, or – for example, if after 2 years, they have only built half of the houses, they need to build 80% of their total development before we will inspect and take over maintenance.

Tim Morgan: Okay thank you.

Ray Stevens: Does anyone else have any questions?

Jerry Block: I've got a couple of questions. Can someone from staff give us an idea of the timetable for Blue Heron?

Anthony Burgess: Blue Heron has communicated to us that they will be putting their project on hold for this year, due to late start and due to the restrictions on construction for the past month and a half. There is a lot to do for Blue Heron; once they get started they want to make sure they can do the work correctly, so they have decided to put that project on hold and start construction next Spring, and focus their efforts on Poulsbo Meadows, which is under the same developer quadrant.

Jerry Block: Public hearing notices – now that the Herald has gone out of business, or they aren't publishing – has that created any legal issues for us?

Karla Boughton: We do need to have a paper of record, so about 2-3 weeks ago, the City Council did take action to establish the Seattle Times as our interim paper of record. We are still doing our Public Hearing, SEPA, and Notice of Application noticing through the Seattle Times. Our contract with the Kitsap Herald was coming to an end this Summer, so we will be issuing a Request for Proposal (RFP), I think in June, for a new paper of record. At this point, the North Kitsap Herald has notified us that they intend to stay in business. We will see who responds to the City's RFP, but for the meantime, we are using the Seattle

Times as our official paper of record. We post all of our public noticing on our web page as well.

Jerry Block: When they put Mountain Aire in, there was a fairly substantially-sized park that went in. What are the ramifications of this preliminary being smaller? Does it not need to have something?

Edie Berghoff: The Mountain Aire Project is a Planned Residential Development. In exchange for smaller lots, they are required to do a certain amount of additional open space area. That's how those parks come to be. Noll Terrace is a basic plat with larger lots.

Ray Stevens: Does anyone else have questions?

Kate Nunes: I have a question with regard to the flashing lights (on page A), for the crossing at Noll Road between Poulsbo Elementary and the development. I was wondering how that decision was made and if all of the Noll Road Corridor was looked at and this was decided best, versus a raised crosswalk or maybe something else?

Anthony Burgess: For both Poulsbo Meadows and Blue Heron, we required a rapid-flashing beacon to connect their sidewalk facility to the continuous sidewalk on the other side of the road. Noll Terrace is going to be a direct connection for pedestrians in Blue Heron and Noll Terrace through the middle school. One reason for the decision was consistency between plat designs. Another was the high demand for child crossing at that location going to school. They need some type of elevated crossing treatment. Section 1 of the Noll Road Corridor Project, the Johnson Parkway Roundabout to Noll Road, Section 3 will be this part – in the future we will be looking at the whole corridor of Noll from the bottom edge of the Mayor's property to the intersection of Mesford and Languanet. We will be looking at all of the treatments and seeing if can reprioritize; however, in the meantime these rapid flashing beacons are our best treatment.

Kate Nunes: Will they be the same as those we have on Hostmark right by the middle school and high school?

Anthony Burgess: What they are proposing will be consistent with what will be built with Blue Heron, Poulsbo Meadows, and Noll Terrace. We can certainly look to see if they will be the same as what's there on Hostmark.

Kate Nunes: Where is Poulsbo Meadows?

Anthony Burgess: Poulsbo Meadows – if you were to drive north on Noll Road and come to the intersection of Mesford and Languanet, you turn right onto Noll. When there is a

sweeping curve to the north, the property there that has been mass-graded is Poulsbo Meadows. Kind of an “L” shape on the parcel map.

Kate Nunes: Okay, thank you.

Ray Stevens: Does anyone have any other questions?

Jerry Block: Personal opinion comment: I don't like personal roads like would be down on lots 22, 23 and 24.

Ray Stevens: Okay, thank you. Does anyone want to do a motion?

Jim Coleman: Mr. Chairman, The Planning Commission shall hereby recommend approval to the Hearing Examiner of the Noll Terrace Preliminary Plat, subject to the SEPA Mitigation and Conditions of Approval contained in the Staff Report, Planning File No. P-12-06-19-01. AND authorize the Planning Commission Chairman to sign the Findings of Fact, Conclusion, and Recommendations.

Kate Nunes: I second the motion.

Ayes all around, none opposed, no abstentions.

Ray Stevens: Is there any other public comment?

Jess Matrazzo checked with caller Wayne Gouth, no response, Mr. Alvarez, no response.

Ray Stevens: Are there any Commissioner comments?

Mark Kipps: I think this was a well-done report; it was my first plat approval; I thought the staff did a really nice job.

Karla Boughton, Planning Director: Thank you for our first virtual meeting, for your patience. We may have a couple more of these until the Governor fully opens everything. If you have feedback, please email or call Jess. This was our first public meeting incorporating live public comment. I have a couple of updates. Earlier this year, we were planning to have a joint workshop with the City Council and the Housing Task Force to kick off our Housing Action Plan. I sent out an email cancellation. We are going to try to do it as an online questionnaire survey. Our consultant will be sending that out to you all in May, so please be watching for it. The first piece of it is our housing assessment, as well as identifying housing challenges. With COVID, things may change, but we are looking for your impressions, input and thoughts.

Update to left of March. PMC Housekeeping Amendments – we were done and ready for Public Hearing, and we look forward to bringing them back, possibly virtually.

Update on department: We have a statutory timeline to update our Shoreline Master Plan, it will be June of 2021. Nikole has completed a draft, so we will doing internal review of that and will bring it forward to the Planning Commission. We would like to meet in person, as is traditional, but we will see how things unfold over the next couple of months. Current focus at Planning Department level is Development Review. We are still getting projects in. Blue Heron took a pause, no negative word from any other developers.

(57:10) Ray Stevens: Maybe we should add an agenda line for staff comments.

**9. Meeting adjourned 7:58 p.m.**

A handwritten signature in black ink, appearing to read 'R. Stevens', with a long horizontal flourish extending to the right.

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Ray Stevens, Planning Commission Chairman