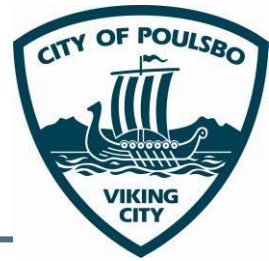


City of Poulsbo

Engineering Division-Memorandum



To: Planning Commission
From: Charles Roberts, Engineering Technician
Subject: Planning Commission Modified 2016 NPDES Permit Code
Amendment Staff Report
Date: October 18, 2016

1.0 Introduction

The Planning Commission, in its role as the City's primary land use advisory committee, reviewed the 2016 NPDES Permit Code Amendment Package at their September 27th meeting. The Planning Commission has identified a few minor modifications. Staff also took the opportunity to review and have recommended some additional minor modifications to provide better clarity and intent to the code. The City has released the October 2016 Planning Commission Modified NPDES Code Amendment package. The modifications are identified as **bold underline** for additions and ~~strikeout~~ as deletions. Planning Commission Modifications are shown in **blue** and staff modifications are shown in **red**.

The entire package is still attached, as staff felt it would be cumbersome to review the minor changes standalone from the original modified text. The full amendment package is attached as Exhibit A.

2.0 Planning Commission Modifications to 2016 NPDES Code Permit Amendments

In summary the Planning Commission made modifications to LID Code Amendment #5 – PMC 16.20 which did not change the content but modified the format of the list. Staff clarified Amendment #6 – PMC 18 to include compost amendment to be in accordance with the manual. Staff made a handful of modifications to Amendment #7 – City Construction Standards which provide additional clarity and remove proprietary product names.

3.0 Notice of Application and SEPA Determination

A Notice of Application with Optional DNS on the 2016 NPDES Permit Code Amendment was issued on September 23, 2016. The comment period ended on October 7, 2016. The City did not receive any comments during this timeframe.

4.0 Planning Commission Public Hearing October 25, 2016

A public hearing has been scheduled for 7:00pm on October 25, 2016 for the Planning Commission to receive public comments on the PC Modified NPDES Permit Code Amendment.

Proposed Motion:

Move to recommend approval to the Poulsbo City Council the October 2016 Planning Commission Modified NPDES Permit Code Amendments, thereby amending sections of the Poulsbo Municipal Code and City Construction standards as identified in Exhibit A of the PC Public Hearing Staff Report.

5.0 List of Exhibits

- | | |
|-----------|---|
| Exhibit A | Planning Commission Modified NPDES Permit Code Amendment Package |
| Exhibit B | Planning Commission Minutes 9/27/2016 |
| Exhibit C | Required Noticing Documents <ol style="list-style-type: none">1. Notice from Washington State Department of Commerce2. Initial Release Public Notice3. Notice of Application with Optional DNS4. SEPA Threshold Determination DNS with commented checklist5. Notice of Planning Commission Public Hearing |

EXHIBIT A

Planning Commission Modified NPDES Permit Code Amendment
Package



City of Poulsbo
LID CODE AMENDMENTS

Proposed amendments to various sections of the Poulsbo Municipal Code in order to incorporate Low Impact Development (LID) principles and Best Management Practices

SUMMARY OF LID AMENDMENTS

Amd. #	PMC Section to be Amended	Title/Topic	Summary of Proposed Change
1	12.02 Construction and Development Standards	Adopt 2014 DOE Stormwater Management Manual for Western Washington	Adds 2014 DOE Stormwater Management Manual and deletes manuals and sections no longer relevant
2	13.16 Storm Drainage Utility	Storm Drainage Utility/ Use of Funds	Adds clarification that funds support NPDES Permit compliance
3	13.17 Stormwater Management	Requirement for LID and General Stormwater Management Requirements	Makes LID the preferred and commonly used approach to site development; identifies additional amendments
4	15.35 Clearing & Grading	15.35.060 Application Required	Adds soils and infiltration areas that are to be protected to the required site plan content
		15.35.073 (new) Protection Measures	Add measures to be used to protect site features that support LID
5	16.20 Critical Areas	16.20.235.F Low Impact Development	Clarifies when storm water facilities and LID BMPs are allowed in wetland buffers
6	18 Zoning	18.130.040 Landscaping/ General Provisions	When feasible, LID features can be integrated into landscape plans
		18.130.050 Landscaping/ Installation	Compost amended soil required
		18.180.030 Tree Retention/ Retention required	Retention of conifers is a priority for preservation
7	City Construction Standards	Section 2 – Streets; Section 5 – Storm; Appendix A – Standard drawing notes	Numerous references to the use of the 2014 manual, reduction of hard surfaces, maintenance issues

Important Note: The proposed amendments to the PMC sections identified above are presented below in its sequential order per the Poulsbo Municipal Code. The amendments are represented as **bold underline** for proposed new language or additions, and ~~strikeouts~~ for deletions. Planning commission modifications are shown in **blue** and staff recommended modifications are in **red**. Staff took the opportunity during the Planning Commission review to further clarify the intent of the code sections. It should be noted that not all

provisions of a specific section of the PMC are presented below; only the pertinent sections proposed to be amended are identified. For full context, please refer to the complete section in the Poulsbo Municipal Code at: <http://www.codepublishing.com/WA/Poulsbo/>

LID Code Amendment #1 – PMC 12.02 **Construction and Development Standards**

This amendment sets forth the adoption of the required 2012 DOE Stormwater Management Manual (as amended in 2014) for Western Washington and proposes deletion of sections of PMC 12.02 that are no longer relevant with the adoption of the 2012 Manual.

■ **AMEND Section 12.02.030 Stormwater design manual adoption:**

The city of Poulsbo hereby adopts the following stormwater design and guidance manuals for all new development, redevelopment and construction projects within the city of Poulsbo subject to the minimum requirements, technical thresholds and definitions contained within the manuals as adopted in this section ~~as well as Section 12.02.040:~~

A. **The Stormwater Management Manual for Western Washington (SWMMWW) published by Department of Ecology, and as amended in 2014.** ~~The 2005 Washington State Department of Ecology Stormwater Management Manual for Western Washington, except Volume I, Chapter 2, Sections 2.2 through 2.8 are superseded by the minimum requirements, technical thresholds and definitions found in Appendix I of the 2007-2012 NPDES Phase II Municipal Stormwater Permit, except as follows: Erosivity Waivers described in Section 4 will not be allowed. Section 5, Adjustments, is not adopted.~~

~~B. The 1992 Department of Ecology Stormwater Management Manual for the Puget Sound Basin.~~

~~B. Low Impact Development: Technical Guidance Manual for Puget Sound, December 2012.~~

~~C. The 2008 WSDOT Highway Runoff Manual M 31 16. (Ord. 2010 02 § 1 (part), 2010)~~

C. The Washington State Department of Transportation Highway Runoff Manual, as determined by the Washington State Department of Ecology to be equivalent to the 2014 Department of Ecology Stormwater Management Manual for Western Washington, may be used when required by State or Federal funding requirements.

■ **DELETE in its entirety PMC 12.02.040 and Figure 12.02.040**

~~**12.02.040 Stormwater design manual thresholds.**~~

~~All new development, redevelopment and construction projects meeting the following thresholds shall comply with the regulations and design manuals required by this section:~~

~~A.—Projects One Acre or More. Projects disturbing one acre of land or more, or less than one acre that are part of a larger common plan of development or sale, shall comply with the 2005 Washington State Department of Ecology Stormwater Management Manual for Western Washington as adopted in Section [12.02.030\(A\)](#), including chapter/section replacements.~~

~~1.—Alternate(s). Projects meeting this threshold requirement may be designed to comply with an alternate design manual which has been determined to be an approved equivalent to the 2005 Department of Ecology Stormwater Management Manual for Western Washington if approved by the city engineer. The city engineer shall maintain a list of approved alternate manuals and under what circumstances the approved alternate manual(s) will be allowed for projects. This documentation shall be filed in the office of the city engineer. Projects intending to comply with alternate design manuals must have the approval of the city engineer to do so prior to project submittal.~~

~~2.—Approved Alternate Manuals. The following manual(s) have been approved for use by the city engineer. Other manuals may be approved; consult the city engineer for the current list of approved alternate manuals.~~

~~a.—The 2008 WSDOT Highway Runoff Manual M 31-16. This manual may be used for the design of public road projects.~~

~~3.—Alternate BMPs, Low Impact Development. Low impact development (LID) design practices and BMPs (best management practices) are encouraged and may be used to comply with the provisions and requirements of the required manual(s) where approved by the city engineer. These practices may include the use of alternate BMPs (best management practices) that are not included in the 2005 DOE Stormwater Management Manual for Western Washington but have been subsequently approved by the Department of Ecology. Guidance manuals in the design and use of these techniques and BMPs are available. Adopted guidance manuals are listed in Section [12.02.010](#). Low impact development is an emerging and rapidly changing field and not all BMPs are appropriate under all circumstances. Consult the city engineer for guidance on currently allowed practices when LID techniques and BMPs will be proposed for projects.~~

~~B.—Projects Less Than One Acre. Projects disturbing less than one acre of land and creating five thousand~~

~~square feet of impervious surface or more shall at a minimum comply with the minimum requirements, technical thresholds and definitions of the 1992 DOE Stormwater Management Manual for the Puget Sound Basin. Site planning and BMP selection and design~~

shall comply with the 1992 Ecology Stormwater Management Manual for the Puget Sound Basin.

~~1.—Alternate. Projects meeting this threshold requirement may be designed to comply with an alternate design manual which has been determined to be an approved equivalent to the 1992 DOE Stormwater Management Manual for the Puget Sound Basin if approved by the city engineer. In addition, projects may be designed to comply with more restrictive manual(s) such as the 2005 DOE Stormwater Management Manual for Western Washington if desired. The city engineer shall maintain a~~

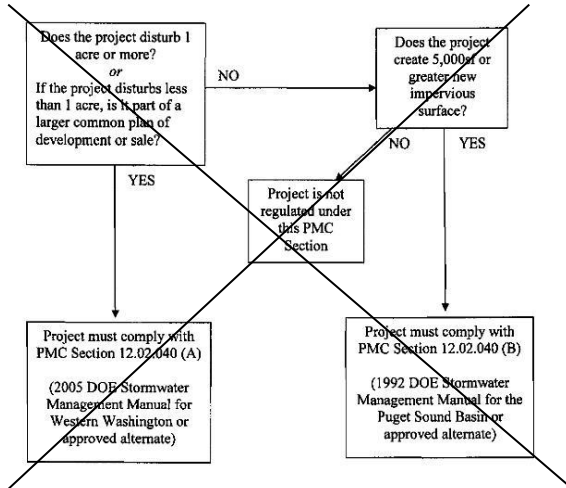
~~list of approved alternate manuals and under what circumstances the approved alternate manual(s) will be allowed for projects. This documentation shall be filed in the office of the city engineer. Projects intending to comply with alternate design manuals must have the approval of the city engineer to do so prior to project submittal.~~

~~2.—Approved Alternate Manuals. The following manual(s) have been approved for use by the city engineer. Other manuals may be approved; consult the city engineer for the current list of approved alternate manuals.~~

~~a.—1997 Kitsap County Stormwater Design Manual.~~

~~3.—Alternate BMPs, Low Impact Development. Low impact development (LID) design practices and BMPs (best management practices) are encouraged and may be used to comply with the provisions and requirements of the required manual(s) where approved by the city engineer. These practices may include the use of alternate BMPs (best management practices) that are not included in the required manual(s) but have been subsequently approved by the Department of Ecology. Guidance manuals in the design and use of these techniques and BMPs are available. Adopted guidance manuals are listed in Section [12.02.010](#). Low impact development is an emerging and rapidly changing field and not all BMPs are appropriate under all circumstances. Consult the city engineer for guidance on currently allowed practices when LID techniques and BMPs will be proposed for projects.~~

Figure 12.02.040: Flow Chart to Determine Required Stormwater Design Manual



LID Code Amendment #2 - PMC 13.16

Storm Drainage Utility

The storm drainage utility rate structure is affected by the requirements of the NPDES Permit. This amendment clarifies that storm drainage utility funds are also used for NPDES Permit compliance.

■ AMEND 13.16.060 Deposit in storm drainage utility fund

There is established a storm drainage utility fund in which all moneys generated by ordinance shall be deposited. This fund will be used for the administration, operation, maintenance and construction of the public stormwater drainage system within the city of Poulsbo. (Ord. 2003-33 § 9, 2003: Ord. 99-16 § 1 (part), 1999) **and to enable the City of Poulsbo to be in compliance with the requirements of the Western Washington Phase II Municipal Stormwater Permit issued to the City of Poulsbo by the Washington State Department of Ecology.**

LID Code Amendment #3 - PMC 13.17

Stormwater Management

This amendment addresses the NPDES permit requirement for LID to be the preferred and commonly used approach to site development and redevelopment (13.17.060.B), for a stormwater site plan submittal in accordance with the 2014 Stormwater Manual (13.17.070.D.1), and additional non-LID, but important, revisions. The amendments proposed for PMC 13.17 are extensive and are included in Attachment A. The full language of PMC 13.17 is presented with additions and deletions identified and accompanied by short explanations.

LID Code Amendment #4 - PMC 15.35

Clearing and Grading

Two amendments are proposed to the City's Clearing and Grading Ordinance which will require areas designated and identified for protection for land disturbance and construction, to be properly identified and protected.

■ AMEND 15.35.060 Application Required.

15.35.060.7. A site plan, drawn to scale, or the property depicting the following items: (Scale 1 inch = 30 feet or as approved by the City Engineer):

m. Designation of all wetlands, streams, critical areas, soils, property buffers, infiltration areas, cutting preserves, and native growth protection easements on the site **that are to be protected during clearing and grading activity;**

■ NEW 15.35.073 Protection Measures

Before land clearing, filling, grading or land alteration approved through a land clearing or grading permit, the following shall be installed for any wetlands, streams, critical areas, soils, buffers, infiltration areas, cutting preserves, tree retention, native growth protection easements or other so designated areas intended to be protected and preserved, the applicant:

- A. Install a visible protective fencing along the outer edge and completely surrounding the protected area (including dripline/critical root zone for trees) and buffers. Fences shall be constructed of chain link or other approved material and at least four feet high, unless other type of fencing is authorized by the City Planning Director.
- B. Shall prohibit excavation or compaction of earth or other potentially damaging activities within the barriers.
- C. Shall maintain the protective barriers in place until the review authority authorizes their removal.
- D. Shall ensure that any authorized activity done within the protected area subsequent to the removal of the barrier shall be accomplished with light machinery or hand labor.
- E. In addition to the above, the planning director may require the following:
 - a. Cover with mulch to a depth of at least six inches or with plywood or similar material the areas adjoining the critical root zone of a tree in order to protect roots from damage caused by heavy equipment.
 - b. Minimize root damage by excavating a two-foot-deep trench, at edge of critical root zone, to cleanly sever the roots of trees to be retained.
 - c. Have corrective pruning performed on protected trees in order to avoid damage from machinery or building activity.
 - d. Maintain trees throughout construction period by watering and fertilizing.
- F. Directional felling of trees shall be used to avoid damage to trees designated for retention.
- G. All construction activities, including staging and traffic areas, shall be prohibited within five feet of any protected area.
- H. Where protection areas are remote from areas of land disturbance and when approved by the planning director, alternative forms of protection may be used in lieu of the protection fencing; provided, that protected areas are completely surrounded with continuous rope or flagging and are accompanied by “Protection Area—Keep Out” signs.

- I. The review authority may require additional protection measures as conditions of approval.

LID Code Amendment #5 – PMC 16.20

Critical Areas

This amendment adds a new item which clarifies when and how stormwater facilities and LID BMPs are allowed in wetland buffers.

Chapter 16.20.235 Wetlands

■ AMEND 16.20.235.F Low Impact Development (LID).

F. Low Impact Development (LID). LID activities may be allowed within the buffer of Category III or IV wetlands only; provided, that all of the following can be met:

1. The Category III or IV wetland has a habitat score of 3-4 points.;~~and~~ No other location is feasible;~~and~~
2. There will be “no net loss” of functions and values of the wetland.;~~and~~ The location of such facilities will not degrade the functions or values of the wetland.
3. The wetland does not contain a breeding population of any native amphibian species.;~~and~~
4. The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, 5 of Chart 4 and questions 2, 3, 4 of Chart 5 in the “Guide for Selecting Mitigation Sites Using a Watershed Approach (<http://www.ecy.wa.gov/biblio/0906032.html>) ; or the wetland is part of a priority restoration plan that achieves restoration goals identified in a Shoreline Master Program or other local or regional watershed plan.;~~and~~
5. The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing.;~~and~~
6. All regulations regarding stormwater and wetland management are followed, including but not limited to local and state wetland and stormwater codes, manuals and permits.

A site-specific characterization through a special wetland report is required to determine if an LID Best Management Practices (BMP) is feasible for a project site and all of the criteria above are met. The special wetland report shall be prepared consistent with Section 16.20.705 and will be verified through peer-review.

LID Code Amendment #6 – PMC 18

Zoning

Amendments to the Zoning Code address the integration of LID features into landscape plans and require compost-amended soil and the retention of conifers.

Chapter 18.130 Landscaping

■ **AMEND 18.130.040 General provisions.**

E. Low impact development techniques for stormwater management that are not fenced and can be designed to integrate vegetation appropriately into the site's overall landscape plan are **to be utilized to the extent feasible.** ~~encouraged.~~

■ **AMEND 18.130.050 Installation.**

B. Soils, Soil Conditioning and Mulching.

1. A minimum of twelve inches' depth of non-mechanically compacted soil shall be available for water absorption and root growth in planted areas.
2. A minimum of a four-inch layer of porous mulch shall be applied to all exposed soil surfaces of non-turf areas within the landscape area. Plant types that are intolerant of mulch shall be exempt from this requirement. Nonporous material, such as plastic sheeting, shall not be placed under the mulch. However, porous landscape fabric is permitted.

3. Compost shall be in conformance with currently adopted stormwater management manual and shall be used as a soil amendment to provide additional nutrients that aid in uptake of pollutants.

Chapter 18.180 Tree Retention

■ **AMEND 18.180.030 Retention required.**

A. In applying the requirement for retention of trees, the review authority shall consider the preservation of trees in any of the following circumstances as priorities:

1. Trees located within healthy, vegetated groups and stands, rather than as isolated trees scattered throughout the site.
2. Trees that have a reasonable chance of survival once the site is developed.
3. Trees that can be incorporated into required landscaping and setback areas.
4. Trees adjacent to required critical area buffers.
5. Trees having a land stability function.
6. Trees that can be incorporated into a perimeter buffer or screen the site from adjacent properties.
7. Trees that can be incorporated into required open space and/or recreational amenity areas or tracts.

8. Trees that will not pose a threat to persons or properties.

9. Conifers which provide for superior ability to intercept stormwater during high rain events over deciduous trees.

LID Code Amendment #7 – City Construction Standards

The following construction manual amendments are under consideration. In general these amendments serve to provide clarity and conformance between the ~~2012~~ 2014 DOE manual and City Construction Standards. To see the full original texts please view the Construction Standards on the city website at: <http://www.cityofpoulsbo.com/publicworks/ConstructionStandards.htm> .

Please note the following are affected excerpts from the text. The remainder of the standards remains unchanged. To see full text with proposed revisions please contact Charlie Roberts, City of Poulsbo Engineering Department.

Section 2 – Streets

C. Standards

8. The center of residential cul-de-sacs will be unobstructed except that those areas may be proposed to be integrated with storm drainage systems such as pervious pavement infiltration areas or rain gardens. These areas shall not be used for storm water detention ~~areas~~ **ponds**

D. Driveways and Driveway Approaches

8. Driveway Materials:

a. Driveways may be constructed of asphalt, concrete, ~~grasscrete~~, ~~grass pavers~~, permeable pavers, porous asphalt, or pervious concrete.

b. Strip/Ribbon style concrete driveway may be permitted. Strips should be concrete no less than two feet wide spaced five foot on center.

M. Commercial Parking Lots

1. All parking lots shall be paved, **acceptable pavements include asphalt, concrete, ~~grasscrete~~, ~~grass pavers~~, permeable pavers, porous asphalt and pervious concrete.** ~~and include stormwater controls per adopted City standards for stormwater management. Low Impact Development techniques are encouraged. Pervious pavement systems shall follow the guidelines for design and construction of the current adopted Low Impact Design Manual.~~

Section 5 – Storm

General

- a. The stormwater manual or manuals currently adopted pursuant to Poulsbo Municipal Code Chapter 12.02. The latest edition of the Kitsap County Stormwater Management Design Manual and subsequent revisions; and
- ~~b. The Washington State Department of Ecology (DOE) Stormwater Management Manual for the Puget Sound Basin (1992); and~~
- ~~c.b.~~ The latest edition of the City of Poulsbo Construction Standards and Specifications adopted by the City of Poulsbo, and subsequent revisions; and
- ~~d.c.~~ The latest edition of “Standard Specifications for Road, Bridge, and Municipal Construction” and “Standard Plans For Road, Bridge and Municipal Construction” prepared by the Washington State Chapter American Public Works Association (APWA) and the Washington State Department of Transportation (WSDOT), and subsequent revisions.

A. Planning Criteria

All development shall provide for the management of stormwater in accordance with the Comprehensive Stormwater Plan and adopted standards and specifications.

Downstream drainage ways and/or facilities between the subject property and a well-defined creek or drainage channel of adequate capacity may be required to be improved, to the extent necessary to accommodate project impacts.

~~Where open channel construction is used to manage drainage within the subject property, a minimum setback of 15 feet shall be provided between any structures and the top of the bank of the defined channel.~~

B. General Design and Drawing Standards

2. A spill control type oil/water separator ~~shall~~ **may** be ~~provided~~ **required** at the most downstream point of ~~all parking lots projects.~~ **parking lots.**
- ~~4. For commercial projects, whenever possible, stormwater treatment shall be via vegetative treatment or filtering. The use of a bio filtration treatment system may be required when determined appropriate by the Public Works Director. Bioswales and biofilters may be within a required landscaped area as long as the design allows for proper functioning of the filter and does not impact the growing conditions necessary for the health of the landscape plants.~~
- ~~5. Low Impact Development (LID) design guidelines are included in the Kitsap County Stormwater Management Manual.~~
- ~~4.6.~~ Provision shall be made for the conveyance of any upstream off-site water that naturally drains

across the applicant's site. If that upstream stormwater is part of a public stormwater system, then appropriate easements shall be granted through the applicant's property.

~~7. The entire perimeter of detention ponds shall be fenced with a minimum 6' high chain link fence. Gate locations and design shall conform to the requirements of the Public Works Department.~~

~~5.8. Public Works requires Modular Wetland type systems for publicly owned and maintained water quality treatment systems. Filterra Tree Box type systems will only be allowed with the approval of the Public Works Superintendent. For publicly owned/maintained water quality treatment systems, compost/cartridge systems are not permitted. ~~allowed.~~~~

~~6.9.~~ Primary storm drainage systems shall be designed at an appropriate depth to accommodate footing drains. Additional depth of the main line may be required in order to accommodate the footing drains. The applicant's engineer must take into account Building Code requirements for foundation depths. The footing drainage system and the roof downspout system shall not be interconnected unless such connection is at least one foot below the footing drainage system and down slope of the building foundation. The Public Works Director may require calculations which show how the storm drainage depths were determined. Service connections to the primary system may be either single or double and shall include a cleanout at the property line.

Secondary drainage systems are allowed subject to the following requirements:

- a. The minimum pipe diameter shall be 6 inches.
 - b. The pipe shall be smooth wall interior PVC D-3034 or CPE (N-12 Blue Seal or equal).
 - c. Cleanouts are required on the secondary line on the upstream side of every lot connection, at every change of direction, and at the upstream end of the secondary line.
 - d. Pipe slope requirements shall be the same as for sanitary sewer.
 - e. The secondary system shall connect to the primary system via a catch basin or manhole.
- ~~f.e.~~ Secondary systems shall remain privately owned and maintained. The face of the plat shall specify this responsibility.

~~7.10.~~ If stormwater is discharged to a stream, a Hydraulic Project Approval (HPA) permit may be required from the Washington Department of Fisheries and Wildlife (WDFW). The applicant is responsible for providing the City Engineer with a copy of the approved HPA or satisfactory evidence that an HPA is not required. The applicant is responsible for obtaining final written construction completion approval from WDFW and providing a copy to the City Engineer.

~~8.11.~~ All street ends with the possibility for extension must have utilities stubbed out of the paved area a minimum of six feet or as directed by the City Engineer.

9. All utilities in, under, or above LID facilities require City Engineer approval. Additional design requirements may be imposed including encasement, separation, or material specifications.
10. Detention ponds shall meet the following design guidance. Variance may be granted by the City Engineer if the applicant proves any aspect is infeasible. Detention ponds shall:
 - a. Use cobble and round rock instead of rip-rap, to create a natural streambed appearance for all inlets, outlets, and channels. Cobble and round rock appropriately sized for discharge velocities shall be used for erosion control rather than uniformly sized rip-rap or quarry spalls.
 - b. Have bank and perimeter landscaping composed of native plants which do not require irrigation systems. Plantings should be designed to minimize the need for mowing, and pruning. Landscape shall provide screening of the pond and aid in solar exposure of open water. Irrigation may only be used for plant establishment.
 - c. Minimize pond walls. If walls are required due to topography, they shall be maximum 50% of the perimeter of the pond and the remaining sides of the pond shall have side slopes of 3.5:1 equal to the walled perimeter length(i.e. 25% walls, requires 25% 3.5:1 slope). The 3.5:1 side slopes shall be landscaped with native vegetation.
11. Wetponds are no longer permitted in the City for stormwater treatment without approval of the City Engineer.

C. Hydraulic Analysis

1. A preliminary drainage report and plan shall be submitted with the land use application and include both an upstream analysis and a Level 1 downstream analysis. Further levels of analysis may be required at the discretion of the City Engineer.
- ~~2. For Planned Residential Developments (PRDs): The post developed quantities and calculations/methodologies shall be provided for each pervious and impervious element and be individually listed/presented. Elements include, but are not limited to, roofs, driveways, streets, sidewalks, offsite paved improvements, and storm pond surface area.~~
- ~~3. For long plats: One of the two following methods must be used to determine the post developed area:
 - a. In addition to the percent impervious area based on dwelling units per acre, as listed in the Modified Curve Number table in the Kitsap County Stormwater Management Manual, the post developed area calculations shall add the impervious area attributable to roads, sidewalks, and detention pond surface area. Quantities and calculations/methodologies shall be provided for each pervious and impervious element and be individually listed/presented;~~

—OR

~~b. The post developed quantities and calculations/methodologies shall be provided for each pervious and impervious element and be clearly listed and presented. Elements include, but are not limited to, roofs, driveways, streets, sidewalks, offsite paved improvements, and storm pond surface area.~~

~~2.4.~~ A final drainage report is required at the time of submittal of construction drawings, unless required earlier at the discretion of the City Engineer. The final drainage report shall include an analysis of the proposed drainage design which satisfies the City Engineer that the design complies with all City requirements and protects downstream properties and the surrounding area from damage and any adverse impacts. An Operations and Maintenance Plan in Accordance with PMC 13.17 manual shall be provided with the “as-built”/record drawings. The drainage report shall:

a. Include capacity calculations which verify all portions of the conveyance system are sized adequately.

b. Be submitted electronically with the hard copies. All data files from hydrology software programs shall be submitted in electronic format.

c. Clearly state the revision number and history on the cover page.

~~3.5.~~ In the case of conflicts among the standards and manuals, the more restrictive shall apply unless determined otherwise at the discretion of the Public Works Director. Requirements of the permit/approved plans are a minimum. Other actions may be necessary to comply with State statutes for clean water. The applicant is ultimately responsible for compliance.

~~4.6.~~ The cover page of the report shall be stamped by the applicant’s engineer and shall include the following statement:

“I hereby state that this Drainage Report has been prepared by me or under my supervision and meets the standard of care and expertise which is usual and customary in this community of professional engineers. The analysis has been prepared utilizing procedures and practices specified by the City of Poulsbo and within the standard accepted practices of the industry. I understand that the City of Poulsbo does not and will not assume liability for the sufficiency, suitability or performance of drainage facilities prepared by me.”

~~7. For individual lot infiltration in short or long plats the following shall apply:~~

~~a. Section 5.3.6 and Appendix 5A of the Kitsap County Stormwater Management Manual are only for individual single family infill lots.~~

~~b. An SBUH analysis for individual lot infiltration in new plats shall use both the 100-year/7-day and 100-year/24-hour events.~~

~~c. Soil logs (geo-technical report) from a geo-technical engineer must be submitted to the City Engineer which has a sufficient number of test pits to determine if infiltration is~~

~~possible and which includes any recommendations or requirements by the geo-technical engineer. A soil log from every lot location is not necessarily required. The applicant's engineer shall submit a "template" design for infiltration at the time of civil construction drawing approval. The template shall be included with each building permit for lots that are utilizing infiltration. At the time of each building permit's trench excavation, the soils shall be inspected by the geo-technical engineer for conformance with the soil log that the template was based on. If significant differences in soil horizons are encountered, a new design for those specific soil conditions is required.~~

D. Ownership and Maintenance

1. Stormwater systems on private property shall be **owned**, operated and maintained ~~by the owner~~ in accordance with Poulsbo Municipal Code 13.17. the City's established adopted stormwater manuals. The City may inspect the system periodically for conformance with the operation and maintenance requirements.
2. In **long** plats, the stormwater facility tract shall be dedicated to the City upon Final Plat approval. When the surface of detention vaults in plats is proposed for public use, appropriate legal agreements must be addressed in the preliminary plat conditions of approval and on the face of the recorded final plat.
3. For **long** plats, the developer shall be responsible for providing regular and adequate maintenance and supportive maintenance records for the stormwater detention system for a minimum of two-years or until 80% of the residences have been completed, whichever is longer. At the end of this time, the City will inspect the system and, if acceptable, the City will take over maintenance and operation of the system.
5. For short plats, the facility shall be privately owned and maintained. The face of the plat shall specify responsibility.

E. Pipe

Slope

1. The minimum pipe slope is 0.50% on storm pipes.

F. Structures

1. A catch basin or manhole will be required at all changes in pipe diameter and changes in grade or alignment.
2. The maximum distance between structures shall be 300 feet.
3. Structures with inside drops are required to increase to the next size regardless of depth.
4. Storm manholes deeper than 10 feet shall be 54-inch diameter or larger.
5. Large diameter pipes or multiple pipes may require the structure to be increased to the next size.

M. Materials and Methods

~~2. Pipe~~

~~a. All secondary pipe shall be smooth wall interior PVC D-3034 or CPE (N-12 Blue Seal or equal).~~

~~b. All pipe and fitting shall be testable at 3 pounds for 5 minutes.~~

2. ~~3.~~ Catch basins and manholes. Pipe penetrations and joints between catch basin and manhole sections shall be grouted on the inside and outside of the structure.

N. Clearing, Grading, and Erosion Control

2. The applicant ~~shall~~ may be required to ~~also~~ provide an analysis by a licensed geo-technical engineer in regard to grading and the design, location, and construction of roads/driveways, parking lots, rockeries/retaining walls, stormwater treatment and detention systems, and buildings on the site. The City Engineer may then hire an independent consultant of his choosing to review and comment on the adequacy of the applicant's proposal and analysis. Acceptance of the proposal and analysis shall be at the discretion of the City Engineer.

4. A Temporary Erosion and Sediment Control Plan shall be submitted to the City Engineer for approval. The plan shall conform to the requirements as set forth and established in the manual or manuals currently adopted pursuant to Poulsbo Municipal Code 12.02. standards of the Washington State Department of Ecology (DOE) Stormwater Management Manual for the Puget Sound Basin, the Kitsap County Stormwater Management Design Manual, and City of Poulsbo requirements. Control measures shall be in place prior to any clearing and/or grading activity. The site work contractor shall be responsible for maintaining all erosion and sedimentation control facilities.

6. Temporary erosion and sediment control shall be maintained on the site at all times. Control measures shall conform to the requirements as set forth and established in the manual or manuals currently adopted under Poulsbo Municipal Code 12.02. standards of the Washington State Department of Ecology (DOE) Stormwater Management Manual for the Puget Sound Basin, the Kitsap County Stormwater Management Design Manual, and City of Poulsbo requirements. Control measures shall be in place prior to any ground-disturbing activity. The site work contractor shall be responsible for maintaining all erosion and sedimentation control facilities. The property owner is ultimately responsible for compliance. Construction site operators are responsible for obtaining coverage under the Department of Ecology Construction Stormwater General Permit.

Appendix A – Standard Drawing Notes

General

1. The City of Poulsbo has adopted the following standards and specifications. In the event that

there is a conflict between the documents, the more restrictive shall apply, as determined by the Public Works Director/designee. Unless stated otherwise, the latest edition and amendments shall apply.

- a. The “City of Poulsbo Construction Standards and Specifications.”
- b. The “Standard Specifications for Road, Bridge, and Municipal Construction” and “Standard Plans For Road, Bridge and Municipal Construction” prepared by APWA / WSDOT.
- ~~c. The stormwater manual or manuals currently adopted under Poulsbo Municipal Code 12.02. DOE Stormwater Management Manual for the Puget Sound Basin (1992).~~
- ~~d. The Kitsap County Stormwater Management Design Manual.~~
- e. The Department of Ecology Criteria for Sewage Works Design.
- f. The Manual on Uniform Traffic Control Devices, US Department of Transportation, Federal Highway Administration.

Erosion Control

15. The contractor shall comply with erosion and sediment control requirements as outlined in Volume 2 1 Chapter 2 of the Department of Ecology Stormwater Manual. Minimum Requirement #1 (Erosion and Sediment Control) in section 1 2.5 of the Stormwater Management Manual for the Puget Sound Basin and the requirements of the Kitsap County Stormwater Manual.

Road and Storm Drainage Notes

- 5 Sidewalk contraction joints shall be spaced at 5-foot intervals. Expansion joints shall be spaced at intervals not to exceed 25 feet. Expansion joints in pervious concrete sidewalk shall be spaced at intervals not to exceed 30 feet.
- 17 All services (laterals) shall be 6-inch diameter, minimum, laid on a minimum slope of 2 percent. All laterals shall have a vertical inspection tee (riser pipe/cleanout), of the same diameter as the lateral, at the property line. The riser pipe shall have a screw cap and not be more than 12 8 inches or less than 6 4 inches below the finish grade elevation.

Sanitary Sewer Notes

8. All sewer installation inspections and test observations shall be made by the City of Poulsbo. A television inspection is required before final acceptance of the sewer system. The television inspection and acceptance is required before pavement is placed. The contractor shall furnish all equipment for video inspection. The video equipment shall be capable of recording the inspection on DVD format and a copy of the DVD shall

be supplied to the City. A report shall be provided which documents distances between manholes, locations/distances and directions of laterals, observations of defects or potential defects, and any other information which would be beneficial for determining the as-built configuration and condition of the sewer main. Final acceptance of sewer installations will not be made until tests and inspection are complete and prove satisfactory.

Water Notes

11. The contractor is responsible for filling, flushing (including proper disposal of super-chlorinated water), and pressure testing the water main. Satisfactory bacteria test results are required prior to pressure testing. The contractor is responsible for the cost of all testing. The contractor shall coordinate all filling, flushing, and testing with the City of Poulsbo Public Works Department, 360-779- 4078. All flushing shall occur at night between 10 pm and 2 am. **Pressure testing and acceptance is required before pavement is placed.**

16. **Meter box lids shall have a 1 3/4" hole for the sensor pad.**

Chapter 13.17
STORMWATER MANAGEMENT

13.17.010 Purpose.

A. Purpose. The provisions of this chapter are intended to establish regulations for all development, redevelopment, and construction activities within the City that will, or may, impact surface water or stormwater. The provisions of this chapter establish the minimum level of compliance which must be met to permit a property to be developed, redeveloped, or proceed with construction activities within the City. **The chapter also establishes the requirement for proper on-going inspection, operation, and maintenance of all public and private stormwater facilities and components for both new and existing development.** It is the purpose of this chapter to:

Comment [ah1]: Not a new requirement. Added for completeness of description.

1. Protect the health, safety and welfare of the inhabitants of the City.
2. ~~Provide a means of minimizing~~ **Minimize** water quality impacts to surface and ground waters resulting from land development, redevelopment, and construction activities **and from poor operation and maintenance practices of stormwater facilities.**
3. Maintain and protect storm water management infrastructure and downstream systems and properties.
4. Decrease stormwater-related damage to public and private property from existing and future runoff.
5. Preserve and enhance the aesthetic quality and suitability of surface waters for contact recreation, fishing, and other beneficial uses.
6. Provide minimum development regulations and construction procedures that will preserve, replace, enhance, or maintain existing vegetation and the natural qualities of lands, wetlands and water bodies to the maximum extent practicable.

Comment [ah2]: Improve grammar.

Comment [ah3]: Not a new requirement. Added for completeness.

7. **Comply with the City's NPDES Permit.**

Comment [ah4]: Not a new requirement. Added for completeness.

13.17.020 Definitions.

The terminology in this chapter shall have the meanings described as follows:

"Best Management Practices (BMPs)" means schedules of activities, prohibitions of practices, ~~general good housekeeping practices, pollution prevention and educational practices,~~ maintenance procedures, and structural and/or managerial ~~other management~~ practices **approved by the Washington State Department of Ecology** that, when used singly or in combination, prevent or reduce the ~~discharge~~ **release** of pollutants ~~or~~ and other adverse impacts ~~directly or indirectly~~ to Waters of the **Washington** State. ~~and have been approved by the Washington State Department of Ecology. BMPs are listed and described in the Stormwater Manual.~~

Comment [ah5]: Revise definition per current NPDES permit.

"City" means Poulsbo, Washington, or as indicated by the context, the Public Works Director or other authorized representative of the governmental authority of the City of Poulsbo.

"Director" means the **Engineering Director**, Public Works Director, ~~or designee(s), or other designated staff person(s) charged with the responsibility for implementation of this chapter or any of its sections.~~

Comment [ah6]: Revise to address departmental position title changes and provide flexibility for future title changes.

"Hard Surface" means an impervious surface, a permeable pavement, or a vegetated roof.

Comment [ah7]: Add definition per current NPDES permit.

"Impervious surface" means a ~~hard surface~~ **non-vegetated surface** area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A ~~hard surface~~ **non-vegetated surface** area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. ~~Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling; however, o~~Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for purposes of determining whether the thresholds for application of minimum requirements are exceeded. **Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.**

Comment [ah8]: Revise definition per current NPDES permit.

"Land disturbing activity" means any activity that results in movement of earth, or a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices, including landscape maintenance and gardening, are not considered land-disturbing activity. **Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.**

Comment [ah9]: Revise definition per current NPDES permit.

"Low Impact Development (LID)" means a **stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.** ~~non-structural measure for stormwater control and treatment that uses natural processes, restoration or enhancement of natural systems, or design approaches to control runoff and/or reduce pollutant levels. Such measures are used in lieu of or to supplement structural practices on a land development site. Non-structural measures include, but are not limited to: minimization and/or disconnection of impervious surfaces; development design that reduces the rate and volume of runoff; restoration or enhancement of natural areas such as riparian areas, wetlands, and forests; and on-lot practices such as rain barrels, cisterns, and vegetated areas that intercept roof and driveway runoff.~~

Comment [ah10]: Revise definition per current NPDES permit.

"LID Manual" means the *Low Impact Development: Technical Guidance Manual for Puget Sound, December 2012* adopted by the City for stormwater management pursuant to Poulosbo Municipal Code 12.02

Comment [ah11]: Added definition per 2014 Stormwater Manual.

"Maintenance" means repair and maintenance activities conducted on currently serviceable structures, facilities, and equipment that involves no expansion or use beyond that previously existing and results in no significant adverse hydrologic impact. It includes those usual activities taken to prevent a decline, lapse, or cessation in the use of structures and systems. Those usual activities may include replacement of dysfunctional facilities, including cases where environmental permits require replacing an existing structure with a different type structure, as long as the functioning characteristics of the original structure are not changed.

"Maintenance ~~Covenant~~" means a legally recorded binding agreement between the City of Poulsbo and the person(s) ~~or persons~~ holding title to a property served by a stormwater facility whereby the property owner agrees promises to, among other things, operate and maintain certain storm water facilities in accordance with City standards and codes; annually inspect the stormwater facilities, perform any required maintenance, and submit a report of the inspection and maintenance to the City; grants the City the right to enter the subject property to inspect the stormwater facilities to determine that the facility is properly maintained and functioning, and to make certain repairs or perform certain maintenance procedures on the stormwater control facilities when such repairs or maintenance have not been performed by the property owner when directed to do so by the City; and ~~agrees promises~~ to reimburse the City for the cost should the City perform such repairs or maintenance.

Comment [ah12]: Revise definition to provide accuracy and clarification of the description. No changes to the covenant.

"Maintenance ~~Plan Procedures Manual~~" means a compilation of maintenance-related policies, standards, responsibilities, procedures, **schedules, manuals,** and practices developed by the Director to implement this chapter.

Comment [ah13]: Revise terminology to reflect modified requirements & procedures.

~~"Maintenance schedule" means a document detailing required stormwater facility maintenance activities to be performed at specified intervals.~~

Comment [ah14]: Self-explanatory. Not needed. Delete to minimize extraneous content.

"NPDES Permit" ("National Pollutant Discharge Elimination System Stormwater Discharge Permit") means the permit issued by the Washington State Department of Ecology on January 17, 2007 to the City of Poulsbo that authorizes the discharge of pollutants to waters of the United States. It shall also mean any permit appendices, subsequent modifications, and new permits for subsequent permit terms issued by the Washington State Department of Ecology. Also known as "Western Washington Phase II Municipal Stormwater Permit".

"New development" means land disturbing activities, including Class IV general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of **hard** ~~impervious~~ surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

Comment [ah15]: Revise definition per current NPDES permit.

"Off-site drainage analysis" means a study of those land areas contributing surface runoff to a development site as well as a study of the existing and predicted impacts of surface runoff from the development site on properties and drainage features that have the potential to receive stormwater from the development site.

"Operation and maintenance manual" means a written manual, prepared by a qualified civil engineer, that provides a description of operation and maintenance procedures for specific stormwater control facilities, for use by operation and maintenance personnel **which are as protective or more protective than those specified in the Stormwater Manual. Maintenance of manufactured BMPs shall be per the manufacturer's recommendations.**

Comment [ah16]: Add language from current NPDES permit to specify the level of protection required.

Comment [ah17]: Revise per 2014 Stormwater Manual.

"Owner" means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a piece of land. As used herein, owner also refers to, in the appropriate context: (i) any other person authorized to act as the agent for the owner; (ii) any person who submits a stormwater management concept or design plan for approval or requests issuance of a permit, when required, authorizing land development to commence; and (iii) any person responsible for complying with an approved stormwater management design plan.

"Person" means any individual, association, organization, partnership, firm, corporation, business or other entity recognized by law and acting as either the owner or as the owner's agent.

"Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved.

"Project site" means that portion of a property, properties, or right of way subject to land disturbing activities, new impervious surfaces, or replaced impervious surfaces.

"Recharge" means the replenishment of underground water reserves.

"Redevelopment" means, on a site that is already substantially developed (i.e., has 35% or more of existing **hard impervious** surface coverage), the creation or addition of **hard impervious** surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of **hard impervious** surface that is not part of a routine maintenance activity; and land disturbing activities.

Comment [ah18]: Revise definition per current NPDES permit.

"Site" means the area defined by the legal boundaries of a parcel or parcels of land that is (are) subject to new development or redevelopment. For road projects, the length of the project site and the right-of-way boundaries define the site.

"Stop Work Order" means ~~an order issued that requires that all construction activity on a site be stopped.~~ **a written notice, signed by the Director and posted on the site of construction or other activity, which states that a violation of the Poulsbo Municipal Code has occurred and that all activity, except that of erosion and sediment control, must cease until further notice. The director may cause a stop work order to be issued whenever the director has reason to believe that there is a violation of the terms of this chapter. The effect of such a stop work order shall be to require the immediate cessation of such work or activity until authorization is given by the director to proceed.**

Comment [ah19]: Definition revised for clarification. No change to actual procedures.

"Stormwater" means **runoff during and following precipitation and snowmelt events, including surface runoff, drainage, or interflow. It is that portion of precipitation and snowmelt events** that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and/or other features of a stormwater drainage system into a defined surface water body or a constructed infiltration facility.

Comment [ah20]: Revise definition per current NPDES permit.

Comment [ah21]: Add for consistency with previous sentence.

"Stormwater drainage system" means constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat, or filter stormwater. A system includes, but is not limited to, the City's municipal separate storm sewer system, roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, retention and detention basins, ditches, and other drainage structures.

"Stormwater facility" means a **constructed** component of a **stormwater drainage system** ~~manmade drainage feature, or features,~~ designed or constructed to perform a particular function or multiple functions, including, but not limited to, pipes, swales, ~~bioretention facilities,~~ ditches, culverts, street gutters, detention ~~ponds basins,~~ retention ~~ponds basins,~~ ~~wetponds,~~ constructed wetlands, infiltration devices, catch basins, oil/water separators and **biofiltrations swales.** ~~sediment basins.~~ Stormwater facilities shall not include building gutters, downspouts and drains serving one single-family residence.

Comment [ah22]: Revise per 2014 Stormwater Manual.

"Stormwater Management" means the use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

"Stormwater Manual" means **the Stormwater Management Manual for Western Washington prepared by the Washington State Department of Ecology. The version shall be in accordance with the City's NPDES Permit and be** ~~the most current technical standards and specifications adopted by the City for stormwater management pursuant to Poulsbo Municipal Code 12.02 in accordance with the City's NPDES permit.~~

Comment [ah23]: Revise to reflect requirements of current NPDES permit.

"Stormwater Site Plan" means a comprehensive report containing all of the technical information and analysis necessary to evaluate a proposed new development or

redevelopment project for compliance with stormwater requirements for both construction and permanent stormwater management on the site.

"Watercourse" means a depression formed by runoff moving over the surface of the earth; any natural or artificial channel through which water flows; a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically.

"Waters of the State" means lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the State of Washington as defined in RCW 90.48.

13.17.030 Applicability.

All persons engaging in development, redevelopment, and/or construction site activities which meet the regulatory thresholds pursuant to Poulsbo Municipal Code 12.02 and the criteria set forth in this chapter shall be subject to its requirements. All public and private stormwater facilities constructed prior to the adoption of this Chapter are subject to the maintenance requirements of this chapter, except that a maintenance covenant is not required.

13.17.040 Administration, approval, and inspection authority.

A. Administrator. This chapter shall be administered, implemented and enforced by the ~~Public Works Director~~ **charged with the responsibility for implementation of this chapter or any of its sections or by** his/her designee(s). The Director shall have the authority to develop, adopt, **establish** and implement programs, policies and procedures to administer, implement, and enforce this chapter.

Comment [ah24]: Revise to address position title changes and provide flexibility for future title changes. See definition of "Director."

B. Review and approval. The Director may approve, conditionally approve, or deny any application for activities regulated by this chapter.

Comment [ah25]: Provide additional description and clarification for methods of creation of programs, policies, & procedures.

C. Inspection.

1. All development, redevelopment, and construction activities regulated by this chapter shall be inspected by the Director **in accordance with this chapter and the requirements of the NPDES permit**.

Comment [ah26]: Indicates a relationship between the referenced activities and the NPDES Permit.

~~a. Prior to clearing and construction, the Director shall inspect all development sites that have a high potential for sediment transport as determined through plan review based on definitions and requirements of the NPDES permit.~~

Comment [ah27]: Delete. Addressed by C.2 below.

b. 2. The Director shall inspect ~~projects~~ **all construction sites subject to this chapter** at various stages of the work requiring approval to determine that adequate control is being exercised. **temporary stormwater controls are installed and maintained properly and that all permanent stormwater controls are installed and functioning properly.** ~~is being exercised~~ Stages of work requiring inspection **may** include, but are not limited to: preconstruction, land-disturbing activities, installation of BMPs, ~~installation of~~ utilities, permanent storm water control facilities, landscaping, **and** retaining walls and **upon** completion of project. When required by the Director, special inspection and/or testing shall be performed.

Comment [ah28]: Revise for grammar and clarification.

23. The Director is directed and authorized to develop **and implement an inspection and** maintenance ~~inspection~~ program for **both public and privately-owned** stormwater facilities in the City **in accordance with the City's NPDES permit as provided for in Section 13.17.110.**

Comment [ah29]: Add clarification.

13.17.050 Requirements for approval of stormwater site plans.

A. Stormwater site plan approval required. Except for exempt activities as described in subsection D below, no regulated activity may be conducted on any site within the City unless and until the person proposing to conduct such an activity shall have applied for and obtained approval of a stormwater site plan from the Director.

B. Regulated Activities. Consistent with the minimum requirements contained in the Stormwater Manual and any other applicable standards adopted pursuant to Poulsbo Municipal Code 12.02, the Director shall approve or disapprove stormwater site plans for the following activities, unless exempted in subsection D below:

1. New development.

- a. Land disturbing activities;
- b. Structural development, including construction, installation or expansion of an existing building or other structure;
- c. Creation of impervious surfaces;
- d. Class IV general forest practices that are conversions from timber land to other uses; and
- e. Subdivision, short subdivision and binding site plans, as defined in RCW 58.17.

2. Redevelopment.

a. The creation, addition, and/or replacement of **hard impervious** surfaces that is not part of a routine maintenance activity;

Comment [ah30]: Revise definition per current NPDES permit.

b. Structural development including construction, installation or expansion of a building or other structure;

c. Land disturbing activities, including those associated with structural or **hard impervious** surface redevelopment;

Comment [ah31]: . Revise definition per current NPDES permit.

3. Incremental development or redevelopment. Projects that are incrementally developed or redeveloped at levels below the regulatory thresholds for land disturbance pursuant to the NPDES permit, as the same now exists or as the same may be hereafter amended or superseded, and which are not part of a larger development at the time, must address the cumulative changes in the amount and type of impervious surfaces and land disturbed once the combined increments meet or exceed minimum regulatory threshold values.

C. Additional reviewers. The following agencies may also require a drainage review to assess a site's impact. Any requirements imposed by these agencies are separate from the city mandates. It is the applicant's sole responsibility to resolve any conflicting issues that may arise from submittal reviews.

1. U.S. Army Corps of Engineers;
2. Washington State Department of Natural Resources;
3. **Bremerton-Kitsap Public County Health District;**
4. Washington State Department of Ecology: general permit is required for sites that disturb one acre or more;
5. Washington State Department of Fish and Wildlife;
6. Washington State Department of Transportation; and
7. Kitsap County.

Comment [ah32]: Corrected name.

D. Exemptions. The following activities are exempt from the provisions of this chapter:

1. Activities as described and detailed in Section 1 of NPDES Permit Appendix 1 and subsequent permit renewals, modifications, and/or amendments
2. Activities undertaken by the Washington State Department of Transportation (WSDOT) within state highway rights-of-way and which is regulated by Chapter 173-270 of the Washington Administrative Code, the Puget Sound Highway Runoff Program.

13.17.060 General stormwater management requirements.

A. Design, construction and maintenance requirements. Stormwater management design, construction, and maintenance standards, thresholds, and technical requirements are as adopted pursuant to Poulsbo Municipal Code 12.02 and the provisions of this chapter.

B. Low Impact Development. Low impact development methods ~~may be utilized~~ **shall be the preferred and commonly used approach to site development and redevelopment** ~~when~~ **and shall be** designed, ~~and~~ constructed **and maintained** in accordance with the standards and criteria adopted pursuant to Poulsbo Municipal Code 12.02 **and this chapter**; ~~however, the use of LID techniques shall not be in conflict with other City codes or standards. Requirements to address site conditions, access, and long-term maintenance shall be taken into account prior to approval.~~

Comment [ah33]: Revise per current NPDES Permit.

C. Prohibition of illicit discharges. In accordance with the City's NPDES permit and Poulsbo Municipal Code Chapter 13.18, it is unlawful for any person to throw, drain, or otherwise discharge, or cause or allow others under its control to throw, drain or otherwise discharge any materials other than stormwater into the municipal storm drain system and/or surface and ground waters of the City. Prohibited materials include, but are not limited to, pollutants or waters containing any pollutants, **and those listed pursuant to Chapter 13.18.070**, that cause or contribute to a violation of applicable water quality standards. The commencement, conduct, or continuance of any illicit discharge to the stormwater drainage system is prohibited.

Comment [ah34]: Not a new requirement. Add for further clarification.

D. Maintenance covenant. Development and redevelopment projects which meet the regulatory thresholds adopted pursuant to Poulsbo Municipal Code 12.02 and which will have privately-owned storm drainage facilities shall be required, as a condition of approval for development/redevelopment, to provide a maintenance covenant in accordance with Section 13.17.100.

13.17.070 Plan submittal.

A. Affected parties. All development and redevelopment projects meeting the regulatory thresholds adopted pursuant to Pouslbo Municipal Code 12.02 shall submit plans and analyses to the City for approval in accordance with the technical requirements of Pouslbo Municipal Code 12.02, the criteria stipulated in this section, and the policies and procedures of the Director.

B. Fees and deposits. Plan review and inspection fees and deposits shall be paid pursuant Pouslbo Municipal Code 3.12.

C. Qualifications. All plans and analyses shall be prepared by a qualified professional engineer.

D. Required submittals. Submittals shall include the following, along with any other additional information required by the Director:

1. Stormwater Site Plan. A stormwater site plan shall be prepared in accordance with the Stormwater Manual adopted pursuant to Chapter 12.02.

~~1-2.~~ Off-site drainage analysis. An off-site drainage analysis identified as "optional guidance" in Volume 1 of the Stormwater Manual shall be mandatory and shall be prepared by a qualified professional engineer and be based on a field investigation of the development's off-site contributing and receiving drainage areas.

~~2-3.~~ Geotechnical analysis. A geotechnical analysis prepared by a professional geotechnical engineer or licensed engineering geologist is required for development activities where grading or the construction of retention facilities, detention facilities, or other storm water facilities is proposed within a critical area pursuant to Pouslbo Municipal Code 16.20, or where the Director deems that the proposed construction poses a potential hazard due to its proximity to a critical area. The analysis shall address the effects of groundwater interception and infiltration, seepage, potential slip planes and changes in soil bearing strength. Analysis of additional elements may be required.

~~3-4.~~ Hydrogeological report. A hydrogeological report is required for development activities occurring in Critical Aquifer Recharge Areas pursuant to Pouslbo Municipal Code 16.20.

~~4-5.~~ Soils analysis. A soils analysis is required where the soils underlying the proposed project have not been mapped, or where existing soils maps of the project site are inconsistent, or where the Director deems that existing soils maps of the project site are not of sufficient resolution to allow proper engineering analysis.

Comment [ah35]: Not a new requirement. Add for completeness of description and provide reference to the technical requirements.

~~56. Operation and maintenance plan manual. An operation and maintenance plan manual that is consistent with this chapter and the Stormwater Manual shall be provided for all proposed regulated stormwater facilities and BMPs that will be privately owned and maintained. The plan shall state that the owner of the property is responsible for the correct and continued operation and maintenance of the stormwater facilities on the property. The plan shall be in conformance with the codes, policies, and procedures required by the City, including content and format. The party/parties responsible for maintenance and operation shall be identified in the operation and maintenance manual. For private facilities, a copy of the The plan manual shall be provided to the City for review and approval prior to occupancy final construction approval. The approved plan shall be recorded with the Kitsap County Auditor to run with the land and be included in any instrument of conveyance of the subject property. Recording costs shall be paid by the property owner. and a A copy of the plan shall be retained onsite or within reasonable access to the site, and shall be transferred with the property to subsequent owners. and be kept on file with the City. The property owner shall keep a log of maintenance activity that indicates what actions were taken and make the log available for inspection by the Director. The copy of the manual submitted to the City shall be retained in the Public Works Department.~~

Comment [ah36]: The manual and its recording is not new, but as a plan, there will be formatting and content requirements in addition to the manual. The revised requirements will result in consistent content of the manual/plan.

13.17.080 Performance deposit and agreement for site stabilization.

Pursuant to Poulsbo Municipal Code 15.35, all development subject to clearing and/or grading permits or development that involves soil disturbing activity to an extent that is potentially damaging to the environment or property shall be required to execute an agreement and make a cash deposit in an amount determined by the City Engineer to be sufficient to guarantee the performance and maintenance of site stabilization measures. The applicant shall also execute a right-of-entry authorizing the City and its authorized representatives and contractors to enter upon the property for the purpose of: (1) inspecting the premises for compliance with the permit conditions secured by the cash deposit required herein, and (2) performing any and all work necessary to provide interim erosion control, site stabilization, and control of drainage in the event of the permit applicant's failure to comply with the permit conditions secured by the cash deposit. The agreement and deposit shall remain in place until the City Engineer has granted final acceptance of the permitted activities.

13.17.090 General maintenance requirements.

A. ~~Maintenance required. All public and private stormwater facilities shall be operated and maintained in accordance with this chapter and the following.~~ Systematic, routine preventive maintenance is the goal of this chapter. Where differences occur between the **maintenance** standards, the most restrictive standards shall apply unless specifically determined otherwise by the Director. All public and private stormwater facilities shall be operated and maintained in accordance with this chapter and the following.

Comment [ah37]: Add for clarification.

1. The provisions of the Stormwater Manual, as adopted pursuant to Poulso Municipal Code 12.02, as the same now exists or as the same may be hereafter amended or superseded.

2. The provisions of the NPDES Permit, as the same now exists or as the same may be hereafter amended or superseded.

3. The provisions of an operations and maintenance manual which the Director is hereby authorized to **establish, develop, implement, adopt, and update** as necessary in order to implement this chapter **and the NPDES Permit.**

Comment [ah38]: Provide additional description and clarification for methods of creation of maintenance standards consistent with the current NPDES permit requirements. Maintenance standards are in the (adopted) stormwater manual or provided by manufacturers in the case of certain BMPs. Per the current NPDES permit, maintenance standards shall be "established" and, when no standard already exists, shall be developed.

4. The provisions of any maintenance standards established pursuant to Section B below.

5. The provisions of any approved operation and maintenance **plan Manual** for the facilities, as required by Section 13.17.070 of this chapter.

Comment [ah39]: Update terminology.

6. The provisions of the manufacturer for manufactured BMPs.

7. Where lack of maintenance is causing or contributing to a water quality **reduction or violation, problem, a hazard to public safety, endangerment of property, an adverse affect to the condition or capacity of any public or private drainage facilities, or an adverse affect to the safety and operations of city right-of-way,** immediate action shall be taken by the property owner to correct the problem. Such action may include maintenance, repair, replacement, or retrofit as required by the Director. ~~If a problem is observed by the City, after initial recognition of the problem, the City inspector shall revisit the facility to assure that the problem has been rectified within the time frame allowed by any Notice and Order issued~~ **Failure to maintain facilities in accordance with this chapter are subject to enforcement** pursuant to Section 13.17.140.

Comment [ah40]: Revise for clarification.

Comment [ah41]: Delete procedural statement that doesn't belong in this section

8. Disposal of waste from maintenance activities shall be conducted in accordance with the minimum Functional Standards for Solid Waste Handling,

Comment [ah42]: Add reference to warn of consequences for failure to maintain.

Chapter 173-304 WAC, and where appropriate, the Dangerous Waste Regulations, Chapter 173-303 WAC.

9. **The provisions of any policies or procedures implemented by the Director.**

Comment [ah43]: Provides notice of requirements beyond the NPDES permit and the stormwater manual.

10. **No person shall cause or permit any drainage system to be obstructed, filled, graded, or used for disposal of debris or any other material.**

Comment [ah44]: Not a new requirement, but is beneficial to be codified due to observations/problems on some private properties.

B. **Establishment of additional maintenance standards.** Pursuant to the NPDES permit, as the same now exists or as the same may be hereafter amended or superseded, the Director is hereby authorized to develop maintenance standards for facilities which do not have standards provided for in the Stormwater Manual.

Comment [ah45]: Add for clarification.

C. **Responsibility for maintenance.**

1. **Determination.** Prior to approval of any stormwater site plan required to be submitted under this chapter, the Director shall determine whether such facilities are appropriately a part of the City-owned and maintained stormwater drainage system or whether the facilities shall remain privately-owned and maintained. The conditions of approval for the site plan shall address the Director's determination and reflect the requirements of this section.

2. **City-owned stormwater facilities.** The City shall be responsible for the **inspection, operation, maintenance, and repair, restoration, and replacement** of all City-owned stormwater drainage systems and BMPs. **Inspection frequency shall be per the NPDES permit.**

Comment [ah46]: Revise for completeness and clarification.

3. **Privately-owned stormwater facilities.** **The property owner, or facility owner, as identified by means of a proper legal document, shall inspect, operate, maintain, repair, restore, and replace, at the owner's expense, all private stormwater drainage facilities on the property.** ~~Property owners shall be responsible for the maintenance, operation, and repair of privately owned stormwater drainage systems and BMPs. Privately owned facilities are those which have not been assumed by the City pursuant to Section 13.17.120.~~

Comment [ah47]: Revise for completeness and clarification.

a. Where a privately-owned stormwater drainage system is located in a private easement, the owner of the stormwater drainage system shall be responsible for obtaining all necessary rights to **inspect, operate, maintain, repair, restore, and replace** the same from the owners of the property on which the system is located.

Comment [ah48]: Revise for completeness and clarification.

b. The maintenance requirements specified in this chapter shall be enforced against the owner(s) of the subject property served by the stormwater facility **pursuant to Section 13.17.140**. In addition, all properties are subject to Chapter 13.18, Illicit Discharge and Detection and Elimination.

Comment [ah49]: Add clarification.

13.17.100 Maintenance covenant and compliance inspections required for privately maintained drainage facilities.

A. Maintenance covenant required. Development and redevelopment projects which meet the technical thresholds adopted pursuant to Poulsbo Municipal Code 12.02 and which will have privately-owned storm drainage facilities shall be required, as a condition of approval for development/redevelopment, to provide a maintenance covenant and allow compliance inspections. Prior to **final construction approval** the use of the development or redevelopment project, a maintenance covenant shall be recorded on a form approved by the City Attorney, which guarantees the City of Poulsbo that the stormwater facilities shall be properly operated, maintained and inspected by the property owner, and which gives the City the right of entry to enter and inspect the facility for conformance with the covenant, compliance with this chapter, and to take any necessary enforcement action pursuant to this chapter and Chapter 13.18. The restrictions set forth in such covenant shall run with the land be included in any instrument of conveyance of the subject property and shall be recorded with the Kitsap County auditor. Recording costs shall be paid by the owner.

Comment [ah50]: Revise for clarification and accuracy.

B. Term of covenant. Maintenance covenants shall remain in force for the life of the development.

13.17.110 Inspection and maintenance of privately-owned inspections — of privately maintained stormwater facilities.

A. Purpose. The purpose of the **an inspection and maintenance** program for privately-owned maintained stormwater facilities **is to ensure that** shall be to determine if the stormwater facilities, conveyance structures, and water quality facilities are **properly inspected, operated, and maintained** in good working order and are properly maintained, and to ensure that stormwater quality BMPs are in place and that nonpoint source pollution control is being implemented.

B. Property owner required to perform and document periodic inspections and maintenance. The property owner is responsible for the inspection of all components of his stormwater facilities and for documenting all **inspection and maintenance and inspection** activities. Inspection, maintenance, and documentation shall be performed in accordance with this chapter. **Documentation shall be provided to the City in accordance with the policies and procedures established pursuant to Section 13.17.090.**

C. Frequency.

1. Annual Inspection. Inspection of stormwater treatment and flow control facilities shall be conducted at least annually. The Director may determine that more frequent inspections are required due to:

- a. The type of facility involved;
- b. The critical nature of the facility;
- c. Unique site conditions or special circumstances affecting the property;
- d. Other factors related to public or environmental protection; or
- e. The manufacturer of any BMP recommends more frequent inspections.

2. Frequency reduction. A reduction in inspection frequency from the minimum annual requirement shall be in accordance with the requirements of the NPDES Permit.

~~3. For new residential developments that are part of a larger common plan of development or sale, flow control and water quality treatment facilities, including catch basins, shall be inspected every 6 months during the first two years following subdivision approval or until 80% of the houses are complete, whichever is later.~~

D. Compliance inspections authorized. Whenever necessary to fulfill the requirements of ~~the an~~ inspection program or whenever there is cause to believe that a violation of this chapter has occurred or is occurring, the Director is authorized to make inspections of privately ~~owned maintained~~ stormwater drainage systems within the City in order to determine compliance with this chapter. Inspections by the Director do not relieve the owner of his obligations under this chapter and are not in lieu of the inspections required of the owner. **Deficiencies and a time frame for correction will be documented in writing to the private facility owner. Failure to comply with the correction notice is a violation of this chapter.**

E. Inspection hours. All inspections shall be conducted during regular business hours or at other reasonable times, provided that inspections may occur at other times in the case of an emergency or as circumstances related to any alleged violation may warrant.

F. Inspection access to properties with a maintenance covenant. Access by the Director is secured without prior approval by the owner in accordance with the maintenance covenant required pursuant to Section 13.17.120.

Comment [ah52]: Delete. This is an NPDES Permit requirement that is more appropriately done under Public Works procedures. The developer/on-site contractor is still required to immediately correct any maintenance deficiencies.

Comment [ah53]: Change to refer to inspection programs in general.

Comment [ah54]: Improve accuracy.

Comment [ah55]: This is part of a non-codified procedure (ref: 13.17.090), but its mention is beneficial to the reader's understanding of the compliance process.

G. Inspection access to properties without a maintenance covenant. Prior to making any inspection, the Director shall present identification credentials to the owner or other person occupying or in control of the property where the stormwater drainage ~~facility is~~ **facilities are** located, shall state the reason for the inspection, and shall request entry. Entry shall be limited as follows:

Comment [ah56]: Grammar correction.

1. If the property or any building or structure on the property is unoccupied, the Director shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the property or portions of the property and request entry.
2. If after reasonable effort, the Director is unable to locate the owner or other person(s) having charge or control of the property, and has reason to believe the condition of the stormwater drainage system creates an imminent hazard to persons or property, the Director may enter.
3. Unless entry is consented to by the owner or person(s) in control of the property or portion of the property or unless conditions are reasonably believed to exist which create imminent hazard, the Director shall obtain a warrant, prior to entry, as authorized by the laws of the State of Washington.
4. The Director may inspect the stormwater drainage system without obtaining a search warrant provided for in Subsection 3 above, provided the inspection can be conducted while remaining on public property or other property on which permission to enter is obtained.

~~H. Documentation.~~

- ~~1. Maintenance and inspection activities shall be documented and a copy of said documentation shall be provided to the City in accordance with the Operations and Maintenance manual adopted pursuant to Section 13.17.090(A)(3).~~
- ~~2. Maintenance and inspection records for each facility shall be maintained on file by the City in accordance with the policies and procedures adopted pursuant to this chapter.~~

Comment [ah57]: Delete. Addressed in Item B, above.

13.17.120 Assumption of permitted drainage facilities by the City

A. Determination. Pursuant to Section 13.17.090(C), the Director shall determine which permitted facilities are appropriate for City ownership and maintenance.

B. Maintenance Bond or Other Security. After satisfactory completion of facilities which are **determined by the Director** to be owned and maintained by the City, the applicant constructing the facilities shall commence a maintenance period during which the applicant shall guarantee that the facilities will remain free from defects in workmanship or materials and shall operate according to the approved design thereof. The maintenance period shall be for two years or, in the case of single-family residential plats, until eighty percent of the residences are complete, whichever is longer. A maintenance bond or other suitable security, in a form approved by the City Attorney and in an amount to be determined by the Director, shall be posted to guarantee such obligation for the maintenance period.

Comment [ah58]: Add for clarification.

C. Assumption. The City may assume operation and maintenance responsibility for retention/detention or other stormwater drainage facilities proposed for assumption in an approved stormwater site plan after expiration of the warranty period established by Section (B) above if the following conditions are met:

1. All of the requirements of the approved **stormwater site** plan have been complied with and the storm water facility, as designed and constructed, conforms to the provisions of this chapter; and

Comment [ah59]: Add for clarification.

2. **In single-family residential plats at least eighty percent of the lots have been completed, unless waived by the Director; and**

Comment [ah60]: Delete. Addressed in #3 below.

~~2.3.~~ All drainage facilities have been inspected and accepted by the Director and have been in satisfactory operation for at least two years **or, in the case of single-family residential plats, at least two years or until eighty percent of the residences are complete, whichever is longer;** and

Comment [ah61]: Add for clarification .

~~3.4.~~ **Immediately prior to assumption by the City the** The applicant has **cleaned the entire facility and** made corrections or repairs to the facility as directed by the Director; and

Comment [ah62]: Add for clarification.

~~4.5.~~ All drainage facilities reconstructed during the maintenance period have been accepted by the Director; and

~~5.6.~~ For ~~non-standard drainage~~ facilities **with manufactured BMPs**, an operation and maintenance manual, including a maintenance schedule, **for the manufactured BMPs** has been submitted to, and accepted by, the City; and

Comment [ah63]: Revise for clarification.

~~67.~~ All necessary **deeds**, easements, ~~or~~ dedications, **and conveyances** entitling the City to properly own and/or operate and maintain the facility have been conveyed to the City and recorded with the Kitsap County auditor; and

Comment [ah64]: Revise for completeness and clarification.

~~8.~~ The applicant has supplied to the City an accounting of maintenance activities, including those scheduled as required plus any additional activities, and expenses for the permanent drainage facilities up to the end of the maintenance period; and

Comment [ah65]: Delete. Performance of #3 is sufficient.

~~79.~~ A complete and accurate set of reproducible as-built drawings have been provided to the City. A professional engineer shall certify that both the vertical and horizontal alignment meet the design objectives.

13.17.130 Assumption of existing stormwater facilities.

A. Conditions for assumption. The City may accept for maintenance those stormwater facilities for single-family residential plats existing prior to the effective date of the ordinance codified in this chapter that meet the following conditions:

1. Improvements have been completed on at least eighty percent of the lots; and
2. The person or persons holding title to the properties served by the stormwater facilities show proof of the correction of any defects in the drainage facilities, as required by the Director; and
3. An inspection by the Director has determined that the stormwater facilities are functioning as designed **and the maintenance condition is satisfactory**; and
4. The stormwater facilities have had at least two years of satisfactory operation and maintenance, unless otherwise waived by the Director; and
5. The person or persons holding title to the properties served by the stormwater facilities submit a petition containing the signatures of the title holders of more than fifty percent of the lots served by the stormwater facilities requesting that the City **own and** maintain the stormwater facilities; and
6. All necessary easements or dedications entitling the City to properly access, own, and/or operate and maintain the facility have been conveyed to the City and recorded with the Kitsap County Auditor.

Comment [ah66]: Revise for completeness and clarification.

Comment [ah67]: Revise for completeness and clarification.

13.17.140 Enforcement and penalties.

A. Authorization. The Director is authorized to enforce this chapter and any permit, order, or approval issued pursuant to this chapter, against any violation or threatened violation thereof.

B. Cumulative Civil Penalty. Any person who violates the provisions of this chapter, who fails to operate or maintain a stormwater drainage facility according to the provisions of this chapter or any condition of an approved stormwater site plan, who fails to comply with corrective measures set forth in a notice and order issued under this section, or who aids or abets any other person in any such violation or failure to comply, shall incur a cumulative civil penalty in the amount of one hundred dollars per day for each day that elapses from the date set by the Director for correction until the correction takes place.

Violations of This Chapter. Any activities or operations which violate the provisions of this chapter shall be, and the same hereby are declared to be, unlawful and a public nuisance and may be abated as such through the use of penalties and stop work orders, as well as any other remedies which are set forth in this chapter or other referenced chapters. The choice of enforcement action taken and the severity of any penalty shall be based on the nature of the violation and the damage or risk to the public or to public resources.

C. **Penalties. Anyone who violates the provisions of this chapter will be subject to Section 1.16, General Penalty, of the Pousbo Municipal Code.**

Notice and Order. Whenever the Director determines that a violation or failure to comply has or is occurring, the Director is authorized to issue a Notice and Order to the violator. The Notice and Order shall be in writing and shall contain:

1. The name and address of the violator, if known;
2. The street address, when available, and the tax parcel number of the real property or a legal description sufficient for identification of the building, structure, premises, or land upon or within which the violation is occurring;
3. A statement of the nature of such violation(s);
4. A statement of the action required to be taken in order to correct the violation, including repair of any stormwater drainage facility, as determined by the Director, and a date for correction; and

Comment [ah68]: Delete. Process is now per PMC 1.16. (Item C, below).

Comment [ah69]: Add for clarification.

Comment [ah70]: Adopt enforcement process codified in PMC 1.16 for consistency, functionality, and efficiency.

5. — A statement that a cumulative penalty as provided in subsection (B) shall be assessed against the violator for each and every day following the date set for correction on which the violation continues.

D. — ~~Service of Notice.~~ The notice may be served upon the violator by use of any or all of the following methods:

1. — By personal delivery, in which case the notice shall be deemed received on the date delivered; or

2. — By posting the notice on the property on which the violation has or is occurring, together with mailing as provided in subsections (3) or (4), in which case the notice shall be deemed received as provided in those subsections; or

3. — By certified mail, return receipt requested, in which case the notice shall be deemed received upon signature of the return receipt; or

4. — By regular mail, in which case the notice shall be deemed received three days after the Director deposits the same, postage prepaid, in the United States mail.

E. — ~~Stop Work Order.~~ In addition to the notice of violation, the Director may issue a stop work order if an action is being undertaken in violation of this chapter. If a portion of a project is in violation of this chapter, the Director may issue a stop work order for the entire project. Stop work orders shall be issued as follows:

1. — The order shall contain:

a. — A description of the nature, extent, and time of the violation; and

b. — A requirement that the violation immediately cease and, in appropriate cases, the specific corrective action, including site restoration, to be taken within a specific time.

2. — Stop work orders shall become effective immediately upon service of the same upon the violator. Service shall be effective upon the sooner of:

a. — Personal delivery; or

b. — Posting of the site of the violation; or

c. — Receipt of certified mail, return receipt requested; or

d. — Three days after the Director deposits the same, postage prepaid, in the United States mail.

~~F. Criminal Penalty. Any person violating any stop work order issued under the provisions of this chapter shall be guilty of a gross misdemeanor and, upon conviction thereof, shall be punished as provided in Section 2.16.110(C) of the Poulsbo Municipal Code.~~

~~G. Nuisance. In addition to the penalties provided elsewhere in this section, any condition caused or permitted to exist in violation of the provisions of this chapter is a public nuisance, and any and all remedies given by law for the prevention and abatement of nuisances shall apply in addition to any other remedy.~~

Comment [ah71]: Delete. Process is now per PMC 1.16. (Item C, above).

~~H. D Remedies not exclusive. The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state, or local law or ordinance and it is within the discretion of the City to seek cumulative remedies.~~

13.17.150 — Appeals.

~~A. Appeal submittal. The Director's Notice and Order may be appealed to the City Council by persons to whom the Notice and Order is issued. An appeal shall be considered timely if, but only if, it is filed in writing with the Director within 10 working days of service, and the appeal fee is paid in full. In addition to the appeal fee, if the Director determines that the services of an independent consultant are reasonably necessary in adjudicating the appeal, the appellant shall make an initial cash deposit to pay for an independent review as the same may be reasonably required by the Director. The initial deposit, which is only an estimate of the consultant's costs, shall be paid in advance of the hearing. If it is determined during any point in the appeal process that the initial deposit is insufficient to cover all reasonable consultant costs, the appellant shall be required to make an additional deposit in an amount sufficient to cover the same. Any portion of the deposit that is not used to cover all reasonable consultant costs shall be refunded to the appellant. The amount of the deposit shall be at least \$500 but not more than \$1500, and it shall be determined by the Director based upon a good faith estimate of permissible costs. The appellant shall be given equal access to any report prepared by the consultant.~~

~~B. Hearing schedule and fee refunds. The Director shall accept appeals that meet the requirements of this section and shall schedule such appeals for consideration by the City Council. The City Council hearing shall be scheduled within 60 days after the appeal is accepted. The Director shall reject any appeal that fails to meet the filing and submittal requirements of this section. The appeal fee shall be refunded in the event the Director rejects the appeal or in the event that the appellant files a statement with the Director withdrawing the appeal at least 15 calendar days before the scheduled hearing. In all other cases, the appeal fee shall be nonrefundable.~~

~~C. Appeal contents. The written appeal shall contain all of the following information and attachments:~~

- ~~1. A copy of the notice and order being appealed;~~
- ~~2. The name of the property owner and, if applicable, the owner's agent;~~
- ~~3. The name and signature of each appellant and a statement showing that each is entitled to file the appeal under subsection A of this section; and~~
- ~~4. A statement of appeal identifying each issue in the notice and order that the appellant wishes to appeal, the reasons why each issue is in error as a matter of fact and/or law, and evidence relied upon.~~

~~D. Appeal hearing. The City Council, under its quasi-judicial authority, shall hear the appeal in an open record hearing. At least ten business days before the hearing, notice of the same shall be mailed to parties who are entitled to notice of the decision. The notice of hearing does not need to be posted or published. The appeal shall be limited to those issues raised in subsection (C)(4), and shall be similar in format as other quasi-judicial matters that may from time to time come before the City Council.~~

~~E. Appellant report. At least ten business days before the hearing, the appellant shall submit, as part of the record, a report to the City Council containing a statement of the issues and applicable laws, discussion and analysis, proposed findings of fact and conclusions of law, and copies of any pertinent documents referenced therein. The burden shall be on the City to support the order of the Director by a preponderance of the evidence. Reports, if any, prepared by the independent consultant referenced above in subsection (A) shall be part of the record. The City Council shall decide as follows, based upon the record made during the course of the public hearing:~~

- ~~1. Uphold the order of the Director in its entirety; or~~
- ~~2. Uphold the order of the Director in part and reverse the order in part; or~~
- ~~3. Reverse the order of the Director in its entirety.~~

~~F. City Council decision. The City Council shall issue a final decision on the appeal supported by written findings and conclusions within 10 business days of the hearing. The decision shall also include venue information and limitations on filing judicial appeal(s) of the decision. The Director shall serve a copy of the final decision to the appellant and other parties of record. Service shall be in the same manner as set forth in Section 13.17.160(D).~~

Comment [ah72]: Delete. Process is now per PMC 1.16. (Item C, above).

13.17.160 Construction - intent.

This chapter is enacted as an exercise of the City's power to protect and preserve public health, safety, and welfare. Its provisions shall be liberally construed to give full effect to the objectives and purposes for which it was enacted. This chapter is not enacted to create or otherwise establish or designate any particular class or group of persons who will, or should be, especially protected or benefited by the terms of this chapter. The primary obligation of compliance with this chapter is placed upon the person holding title to the property. Nothing contained in this chapter is intended to be, or shall be, construed to create or form a basis for liability for the City, its officers, employees or agents for any injury or damage resulting from the failure of the person holding title to the property (owner of record) to comply with the provisions of this chapter, or by reason or in consequence of any act or omission, to act in connection with the implementation or enforcement of this chapter by the City, its officers, employees, or agents.

EXHIBIT B

Planning Commission Minutes 9/27/2016

City of Poulsbo

PLANNING COMMISSION

Tuesday, September 27, 2016

DRAFT MINUTES

Members Present

Gordon Hanson (GH), Shane Skelley (SS), Ray Stevens (RS), Kate Nunes (KN), Jim Coleman (JC), Bob Nordnes (BN)

Staff

Diane Lenius (DL), Anja Hart (AH), Karla Boughton (KB), Helen Wytko (HW)

1. Call to Order
2. Flag Salute
3. Approval of Minutes – 08/23/16 COLEMAN/NUNES, **Vote: 6 in favor.**
4. Modifications to Agenda – NONE
5. Comments from Citizens – regarding items not on the agenda – NONE
6. Public meeting LID Update
KB good evening, we have Diane Lenius, City Engineer and Anja Hart, Senior Engineering Technician to go over the NPDES Permit Code Amendments. The purpose is to adopt 2012 as amended in 2014 Department of Ecology Stormwater Manual, and to remove any barriers within our development regulations and make Low Impact Development (LID) techniques and best management practices the preferred and commonly used approach to site management development. Required by Department of Ecology. All jurisdictions are required to go through it or have gone through it. Must be adopted by the end of the year and must be in effect in January.

AH: NPDES requires that LID be the preferred and commonly used practice. Also examine city code and standards that would find gaps or barriers to implementing LID features.

We call it the 2014 but it is the 2012 as amended in 2014. With this focus on LID it is information dense. In short mimic pre-developed hydrologic conditions by minimizing impervious surfaces, native vegetation loss, and stormwater runoff.

LID is addressed in the code amendments and 2014 DOE manual through various methods. Examples: Retain native vegetation, disperse stormwater, rain gardens / bioretention, infiltration, permeable driveways, patios, etc, amended soil for lawn and landscape, integrate LID into landscaping. Under the previous NPDES permit, LID was to be “encouraged” in preparation for it being required under the current permit. A significant amount of work was done previously with the 2013 Zoning Code Update and opportunities to allow and encourage LID methods were introduced. Because of the work done previously, the code review required by the current permit led to minimal zoning code changes.

Significant has been done under zoning update. Didn't want to get behind the 8 ball. KB was responsive to the fact that this is coming down the pike. This LID requirement produces a shift in the development design process. They have to do infiltration and pit test. Retain good trees and retain good soil retain. More small stormwater facilities spread over site. Still may have pond but with smaller footprint. Different way of developing land and maximizing features on property. Helps with flooding aquifer recharge. More stormwater facilities spread over a site.

Stormwater thresholds for regulation change once this is adopted after December 31, 2016. Currently if there is < 5,000 SF new impervious surface are not regulated. If there is > 5,000 SF but < 1 acre (disturbed) the project is vested to the 1992 DOE or 1997 Kitsap. If > 1 acre (disturbed) the project is vested to the 2005 DOE manual. Technically-complete plat then vested to manual in effect at applications time of submittal (Poulsbo Meadows, Blue Heron, Mesford vested to 1997 Kitsap). After December 31, 2016 all projects including redevelopment have to abide by the 2014 DOE manual and all technically complete plat applications are vested to manual in effect at time of submittal.

BN: Can you go back one just for clarity? Poulsbo Meadows, Blue Heron and Mesford come first of 2017, they are grandfathering in and they know that?

AH/KB: Yes.

List of Chapters Amended.

- PMC 12.02 – Construction and Development Standards
- PMC 13.16 – Storm Drainage Utility
- PMC 13.17 – Stormwater Management
- PMC 15.35 – Clearing and Grading
- PMC 16.20 – Critical Areas
- PMC 18 – Zoning
- City Construction Standards

Amendment 1: 12.02.030 Stormwater design manual adoption. Adopt The Stormwater Management Manual for Western Washington, as amended December 2014. Delete 12.02.040 Stormwater design manual thresholds and Figure 12.02.040

Amendment 2: 3.16.060 Deposit in storm drainage utility fund. Deposits into the storm drainage utility fund are also used for compliance with the City's NPDES Permit. Does not change how we use the funds but explain how used.

Amendment 3: Specifically states the NPDES Permit requirement for LID to be the preferred and commonly used approach to site development. Has extensive revisions to reflect current NPDES Permit language, provide clarifications, and revise processes. Attachment "A" to the amendment package has full text with comments explaining the revisions. Grammar changes. Explanations about various revisions in attachment.

Amendment 4: 15.35.060 Application required. Add soils and infiltration areas to plans which designate protection during clearing and grading activity. 15.35.073 Protection measures. New section which adds a number of requirements and measures to protect areas during clearing and grading activities

Amendment 5: 16.20.253 Wetlands. Adds criteria and requirements for locating LID features in Category 3 or 4 wetland buffers.

SS: I have a quick question I am trying to find she is going through each table?

AH: Doing an overview of what the topics are about.

Amendment 6: 18.130.040 General provisions. Utilize LID in landscaping plan to the extent feasible. 18.130.050 Installation. Require compost to be used as a soil amendment. Installation require compost to be used as a soil amendment. 18.180.030 Retention Required. Tree retention priority retaining conifers over deciduous trees.

Amendment 7: Construction Standards: Section 2 – Streets. Amended to allow for driveways and parking lots to be constructed of: asphalt, concrete, grasscrete, permeable pavers, porous asphalt, pervious concrete. Section 5 – Storm. Modular wetland system required for water quality treatment for City projects. Detention pond design no wetponds, max 50% perimeter walls, other 50% 3.5:1 side slope with landscaping or native vegetation, and bank and perimeter landscaping. Report submittal requirements. Delete out-dated and unnecessary standards. Appendix A – Standard Drawing Notes. Remove reference to old manuals. Minor installation requirements to provide better product in the end. Adding minor refinements for TV sewer inspection before paving and water pressure test before paving.

I talked fast with the overview so we could get to the individual pages.

JC: Page 5 of 17 Phase II stormwater permit, what does it allow city to do or not to do?

AH: Gives us permission to discharge stormwater to the state, such as Liberty Bay. Requires to do it in specific ways.

JC: So amendment to approve upon release of the water.

AH: Yes.

RS: Seems we should go through page by page. I have a question on page 1 of 17 in the overview document that we have, there is an emphasis on protecting areas that are well suited to handling stormwater. Does that essential create a critical area of perkable land?

AH: If you are thinking of creating a wetland than no.

RS: More like protecting a section of land because it accepts rain water.

AH: We are encouraged to do that not incompatible with that. But they recognize that this part of the site is good for LID features is good and preserve and make use of area. Not exclusive but take extra care.

RS: What that tells me is that it reduces the amount of buildable area that we have. Does that affect our density or buildable are projections?

KB: Good question, one of the questions that planners have brought up to Ecology. Answer is that density and GMA requirements are not considered reasons not to do LID.

RS: Do you remember the refuse area discussion?

KB: That is different from critical areas.

RS: I understand, but it creates a question. Does it affect our buildable areas analysis in the long run, and is that something that needs to be addressed in comp plan?

AH: Emphasis on trying to preserve. It is saying when you are designing site to look at and take advantage of it. It all works together but is not excluding.

RS: Not handled like a wetland?

KB: Remains to be seen, zoning ordinance took advantage of dual use and landscaping not taking away buildable area. One of the reasons we generalized landscaping standards so that landscaping for LID would not be constraining it. Also infiltration can be practiced in open space requirements. One of the ones they looked at and encourage is clustering which we call PRD. What we are hoping to see is dual use of land. To minimize impact on buildable area. Ensure that we have urban development in our city. Bigger cities got to do this first.

RS: I have a few general questions because I do experience this. Is this being done for individual houses? No lower limit on impervious area, because Seattle is doing it by house. Is that the intent for what we are doing?

AH: For us in a new plat that is part of the design upfront. For infill for one house there are still triggers.

DL: There is also a linkage to the value of improvements that you perform. Like tenant improvement the amount of ADA is proportionate to the dollar value of the TI. The questions you bring up are the challenges that we see. We also see the developer has to come in and show us how LID does not work. Not a completely objective determination. The things you bring up are the challenges that we worry about. We looked at cities a step ahead of us and we didn't want to be on the cutting edge wanted to refine as we move forward and ground water and interflow before surface and Liberty Bay.

RS: I think infiltration is a good idea. So I have no problem with that I just see how it has been done in Seattle and it is pretty dramatic.

AH: My understanding to that it is not going to affect what you have for lot coverage and sizes. Techniques to manage stormwater. SF houses are often not problematic.

KB: One thing that Ecology recommended is a max impervious surface area which we are not proposing. In commercial projects we do have a 20% landscaping requirement. I think that the plats are where we are going to see how they are going to be able to incorporate and plan for it. We will see changes in how local developers who typically max out lots and put pond in low spot. Significant design changes.

BN: That is going to be the biggest challenge, who will be the person who reviews it for inconsistency?

DL: We have a stormwater utility engineer who is one of the best in the county and we will be sending stuff out to consultants for independent review.

AH: Mention our soils here are kind of iffy for infiltration. We have plats that are built on sand and some on hard pan. They may be looking at underlying soils and feasibility. Need to find out if what they are saying is accurate.

KB: It will be interesting to see because they are going to want to say nothing infiltrates.

RS: Realize this is being imposed on us.

KB: Trying to take as much of a common sense approach to us as we can. Need to do to be in compliance.

RS: Lets keep going.

KN: General question. On first page of package. Last couple sentences. What might the other LID suggestions that staff isn't supporting be?

DL: A couple examples. You will see in the construction standards we prefer modular wetland type facilities for treatment because we don't like filterra and that is based on maintenance guys preferences. Pervious pavement doesn't work well in areas with steep slopes. Anything that we say is not a good idea it is from our operations folks from a practicality standpoint. We have some big projects that are using LID on projects and TMDL study increased water quality in Liberty Bay. Construction inspectors don't care if they work 10 or 20 years from now and we need to make them think ahead. It has put a lot of pressure on our division to make sure they are done correctly. Protect what we have to maintain for the long term.

KN: When we talk about pervious roadways are we also talking about bike lanes and sidewalks. Big holes in sidewalks and not going to get fixed anytime soon.

DL: Still accepting pervious for shared use path. Also how we get most of the money from Ecology, we know LID features haven't perfected yet.

GS: One little question, LID in the past is commonly used as local improvement district. I wonder if zoning code is different and just ignore.

KB: Zoning does define as Low Impact Development. Are not hardly used as they were 20 years ago. If we say Local improvement district we say it out.

RS: Let's get started on the pages 1 nothing, 2 nothing, 3 nothing, 4 nothing, 5 does this change the meter rates if we are holding all of our stormwater on site? Our meter rates are determining sewer water?

AH: If you are talking about stormwater fees, we are not set up for credits even for retrofits. Part of what's happening permit requirements are extensive in O&M. Had to step up our maintenance, programs, equipment. New rate increase is helping us be compliant. Do not see it going down. Benefitting from the entire system city wide.

RS: Assuming that was going to be the case but I guess what that does lead to as well when we see raingardens I think Morrow Manor. It was affected by this. Are these like the detention ponds going to be deeded to the city?

AH: SF house with a raingarden, they maintain themselves. But bio retention cell city might own those. Depends on design properties that are not in the right of way. Street, stormwater will be ours to maintain but not individual raingardens on single family lot.

DL: KTrans has substantial stormwater on site that is owned and maintained by them.

RS: Discovering that there is quite a lot of maintenance that has to be done on these things. Keep serviceable by public utilities because owners won't do it.

AH: Questions and comments are good but it has to do with maintenance of private facilities and we have an annual program. We are going to have to look at what it will mean for SF houses with raingardens. Have to have a maintenance covenant but on us to decide if they are honoring covenant or not.

BN: Is it doable?

KB: Yes, we have to.

AH: Find a way to do it the best we can. Extra time and staff resources.

KN: Are there inspections like there are for septic systems?

AH: Different cities do in different ways. We do not have a staff person. So we have a program that they self inspect and report and we spot check. Under the manual, a permit requires that projects that were permitted since February 2010 have to have maintenance covenant and annual inspections. Everyone else before then, we have pulled them into the program, but they are not required. We do it under illicit discharge. Idea is we hope to rotate through and catch everybody. Eventually we will. We have a new person, casual person who is now full time and half time with me half time operations. Now we have help but not going out and inspecting all of these properties ourselves. Is our responsibility that quality of stormwater out of our MS 4 going into state is clean as possible. Different ways we can get there. Will increase overtime.

JC: I have one on page 5, Amendment 3 what constitutes redevelopment. 50%? what triggers this?

AH: Manual has definitions for redevelopment and there are several factors and guidelines.

JC: Are they spelled out in here

AH: No in the manual which spells out all technical information.

RS: And we don't have a choice, we have to adopt manual.

SS: Question about maintaining hydrology. If a slope was cut off and water was put somewhere else. Now water from slope is on a separate piece of property but now intercepted by property below. Isn't there way that water could go the same way it used to go? How does that work?

AH: Well the routing of water is reviewed at time of permit. Which basin etc. very individual depending on what they are going to do on site. It can be interrupted, where upstream water is routed around and discharged at natural location.

DL: Where does it discharge and needs to go to same place. If going into creek or stream, then needs to send water back that direction. If it travels further distance test downstream. All those things play into it.

KB: All of thing things that are looked at with the permit and storm report.

SS: Just so I understand fully. We have direct discharge to the bay where I live and that is given by an easement. All that water is going out but offsite water coming onto our property. As soon as I develop property above it, can it continue to go the way it went predevelopment?

DL: In general, the water should go the same direction as preexisting condition is. We can talk about it.

KB: Want to note that Amendment 3 that is going to be at the end detailed in attachment A.

RS: Page 6 on E.A cover with mulch...typically they use hog fuel or bark.

KB: Over the critical root zone?

RS: Yes, so does the city arborist get involved for this?

KB: The city arborist gets involved in tree retention areas. In this case, the city arborists might be involved in permit that establishes fencing standards during clearing. Because we don't have one on staff. We will see if we can go out and do inspections ourselves based on conditions of approval. If complicated he might go out and do it. We might go out and say protection area are installed correctly and doesn't disappear when equipment shows up on site. It is hard because developers don't like tree retention. Requires to do full fencing and flag that it is good. Going to be a change.

RS: 6 page 7?

JC: On page 7. 1,2,3,4,5 end of the sentence ends with and? can we get rid of and?

KB: That is fine.

JC: Just confusing.

KB: Will make complete sentences no problem.

RS: Wouldn't you need to add up above, all of the following?

KB: Yes.

RS: 7? 8 nothing, 9.

GH: I have question page 9.c.a, I was confused by this residential cul-de-sac integrated storm drain systems. These set areas shall not be used for stormwater retention areas ponds. So you can't use cul-de-sac for pond?

AH: Reason that we have a cul-de-sac that has a planting area in it. Done partly because of obstructions and garbage truck access.

DL: Similar to what we have in the code already. Changing out areas and replacing it with ponds.

DL: There are infiltration galleries that are happening in cul-de-sacs. PW has said major features impede garbage trucks.

RS: Try to meet open space by putting grass in middle of cul-de-sac?

DL: ISU we calculate as well as charge is directly related to how much impervious surface.

RS: YOU do realize that this is significant cost to do this?

DL: Yes, it is, the more clarity we can provide. We are putting together a template so it will be easier for us to review and modeling after city of Tacoma. It is going to cost more.

RS: For infill, if there is any way you can come up with a prescriptive method so the regular people are aided.

DL: We have been doing that. AH has been working with Kitsap Conservation District. They will do design for you and they are wonderful that way.

AH: Just so you know bio retention cells are engineered but raingardens are cookie cutter. They fall under the categories of the thresholds that make it doable for them to do that.

KN: Under driveway materials, what about dirt or gravel. I have a lot of neighbors who have those driveways, would they then also have to redo their driveways?

AH: For SF house where they are doing a remodel. It doesn't trigger like a stormwater site plan.

KN: So even if they are building an ADU?

DL: I have to look that up to make sure we are giving you the right answer.

KN: Gravel should be added?

DL: It is impervious.

AH: Back in the old days we required paving for erosion and track out reasons. Safety and water quality why that was to begin with. With existing SF there is nothing we can require.

DL: Look at adding gravel to the list.

BN: Keeps the tax man off of you property taxes go hire with paved driveway.

RS: Anything on page 10? Nothing. 11? This is where I noticed you would like modular type wither than filterra system. Example?

DL: If you drive by front street and by American Legion Park. We have modular wetlands right outside the building here on 3rd Ave. 6th Ave is perfect example. bulb outs in street have them. The wetland is media, does a good job of cleaning the water. Easier to maintain whereas

filtreras require 2 visits a year, change mulch, examine media. Modular lower cost, better water quality, less maintenance.

RS: Secondary drain systems, when would someone be able to use?

DL: Picks up all the water from houses and connects to storm drain.

RS: When do these get utilized?

DL: The stormwater system in the roadway picks up in right-of-way. If you can't get gravity to go where you want it to go, the secondary is owned and maintained by property owner. Happens often, Crystal View which you all saw not too long ago has them.

AH: Secondary systems tend to be behind the sidewalk rather than in the street.

DL: One of the challenges that we have had with those is indication within the face of plat. We have had a couple situations where that is happening.

RS: Anything else on 11? Nothing. 12? Nothing. 13? Nothing. 14? Nothing. 15, just one nitpicky thing. N.2 you have applicant struck out shall but I think you need to bold and underline may. Do we have a numbering issue?

KB: No. Shows ones that have changed.

RS: Ok anything else on page 15? 16? down under number 17 under you have 6 underlined but 4 is not.

KB: It is struck out, four is picky that way. See in comp plan now know what to look for.

RS: Anything on 16 or 17? Let's get into the attachment stormwater managements. Anything? I am on 1 of 24. Everyone get this far in the reading? 2 nothing, 3 nothing, 4 nothing like the comments off to the side. 5 nothing, 6 nothing, 7 nothing, 8 nothing, 9 nothing, 10 nothing, 11 nothing, 12.

SS: Does the city have a monitoring program for outfalls that come out that they test periodically.

AH: Yes, we do.

SS: Is there an inventory.

AH: Yes, we do have maps, inventory, and contract with the Health District. We used to do illicit discharge check in August. Going to see it more when things are dry. We got in our permit we got pulled into that piece. Ecology has changed and realized each community looks at illicit discharge program but do not dictate you have to do in August. TMDL we do three a year instead of one a year. For right now that is the screening that we do. We have also added

stations, so not only do we do outfalls around the bay, but dogfish creek. Right now we are not sampling Johnson we are focusing on Dogfish.

RS: Where in creek are those stations? At city limits or shoreline?

AH: Yes and yes, Dogfish Creek by the yacht club but a couple upstream. Bjorgen by school and Mesford road by church. Dogfish creek at 305 and Iverson.

BN: So when you were doing Johnson you measured where?

AH: Finn Hill to see Olhava and on a private property, the owner gave us permission. It is pricey to do sampling and we had to make a decision and TMDL looked at 40 stations. Cost reasons we had to take out. Had to look at which ones to continue.

BN: Does it look like an improvement?

AH: Yes, but after heavy rain it goes up. Stepping up our catch basin maintenance program. Have to do once every 2 years and get less growth. Does make a difference. There are many reasons how bacteria gets in there and can be different at different times of day. Have to take even a step further and make additional visits. Additional improvements and differences.

RS: On page 14, page 15?

JC: General question on 14 and 15 on the privately owned stormwater systems, are there any reporting requirements?

AH: Yes.

JC: I didn't find reporting requirements.

AH: In here on page 15 at the bottom 13.17.110.

JC: Got it thank you.

RS: Page 16 nothing, 17 nothing, 18 nothing, 19 nothing, 20 nothing, 21 nothing, 22 nothing, 23 nothing, 24 nothing.

K: You guys did it good job.

RS: You guys going to meet next week?

KB: Yes, but we will be doing comp plan review anyway. If you have something between then and now, let us know and we can do some research.

DL: Charlie Roberts worked really hard on this.

KB: Thank you Anya.

BN: Good to see you.

RS: Next thing is the meeting on the comp plan release.

7. 2016 Draft Comprehensive Plan

KB: With pleasure that I provide to you the long awaited comprehensive plan. We are far behind schedule, but we did everything we set out to do. What we are going to do tonight is an overview and how the plan is organized and the review schedule. Because we spent so much time and effort and resources, and you spent almost a year reviewing in 2009, we felt like we didn't need to do a major overhaul. Picked strategic things we wanted to look at. Economic Development Chapter, four out of our six functional plans were updated and that was our most significant plan. Our capital facilities plan with budget and functional plan with comp plan. It is almost as if we meant to do all of this which we did. Proposed to be adopted with plan. Highlights are in capital facilities plan. The third thing is that we have some new data section 3. We underwent an extensive process with buildable lands and land capacity analysis that we did independent. Is programmed into our buildable lands every 7 years. Other thing that was helpful is that we received no population allocation. Our 2009 period was 2025 our new is 2036. One site specific application which was turned in November 2015 and docketed in January 2016. Property that is looking to be rezoned to developed in coordinated way next to Gravitec. To kick things off we did a public participation community survey and we and hosted an open house where we collected feedback. We provided it to you again in notebook.

Theme is we are staying the course, it is relevant and appropriate. Not looking at a change in population allocation, want to remain consistent with shared identity. There is a very strong collective identity that you don't experience elsewhere in Kitsap County. Want to remain Poulsbo but accommodate for growth, which can be a conflict for each other as things move forward.

I will walk you through notebook. Beginning is a seven-page summary of amendments. Walked through every chapter and what amendments are proposed. Please use in tandem as going through. Policy Section 1 little changes. Concentrated to land use chapter, urban forestry looked at by tree board. Goals and polices. Not much changes until economic development chapter. Every map has been updated with new parcel layer to incorporate new lots since 2009 maps. Substantial map changes noted. There have been some changes to the transportation figures which are noted specifically in there. We received new USGS scientific investigation reports. Streams we have agreed to change to alpha system. We were using numeric system F for fish. That is the DNR hydrology water typing that is defined in the WAC we have defined it to our streams. Parks and Recreation Open Space looks like a lot of changes, I had a magazine editor on board and she made everything beautiful. Same but more eloquently put. It will look like there is some changes, her editor hat was on. Also collapsed a number of policies. We took opportunity to consolidate ones. I have all the notes to tell you where it went to. EDC chapter we spent a year with City Council. In our community survey we did a business section that Chamber helped distribute. Able to use as a building block to start the rest of the chapter. People move to Poulsbo because they want to live here first. Shift for us because we realized our work of

enhancing quality of life directly relates to businesses. We have a lot of new policies that play to that. Second piece as emerging roll as a college town identity.

Section 2 - capital facility plan includes an updated of 2 of our 3 utilities, transportation, and parks.

Finally, Section 3 is our land development review and data. Just to give you a reminder that buildable lands report is required under GMA and whether it is meeting our density requirements or subarea plan under UGA. We look at gross density which is based on gross acreage and net density. As we expected because we have been doing GMA planning since 1994 plan, we are meeting expectations. We have a land capacity that examines land for available growth. One thing is that we seem to be growing faster than what our target estimates. We have 4,000 people to accommodate before 2036. Change from 2009 when we talked about shrinking our Urban Growth Areas. If you are curious. Appendix A does decade and year.

The last thing is we are going to adopt the functional plan as part of comp plan. I have not given them to you because they would be another notebook. They have been reviewed by CC. If you desire, we can have engineering staff there that night. We can provide functional plans to you if you would like. Happy to provide. Website not quite live yet, will be tomorrow.

If you go past the summary, there is a timeline. I apologize that it is delayed so we have a compact reviewed timeline. We are going to be meeting every Tuesday including the month of October. The amendments are as you come to expect bold underline for addition. October 11 which was our 2nd LID we will go through cap facility plan and functional plan. There will be someone from Engineering here in case your questions are above my knowledge. October after those three meeting we can have an optional Saturday workshop if you wanted more time to review it. October 25 public hearing date and a wrap up if we need it on November 1st I will release Planning Commission Public Hearing document. Will be released for public and what the PC is proposing for changes and Public Hearing on November 8th. Then I take to City Council. Hoping for Public Hearing December 14th or on December 21st. I apologize for having this later than expected. Our functional plans took a little bit longer. I think when you go through the amendments it is staying the course. Not a lot of dramatic changes to it. After the timeline I have the required public participation plan and community results and feedback. Though it would be good to have in here to refresh your memory. If you would like full survey, please see our website or let Helen or myself know.

BN: So the last time we were down there wasn't that the last time we had the realtor guy. That was the 2000 zoning ordinance. But we went through this quite extensively so you are saying there isn't many changes.

KB: There are minor amendments like changing the year to 2036 or updating population. Just a reminder we are required to do the update every 8 years. Of course we have some annual amendments. There is some irony that we are advertising for amendments for 2017.

BN: This my last year to do this.

RS: This is my 20th year.

KB: You are a great year to work worth. So we are going to start our meetings at 6pm and we start winding down we plan on 8:30 Look forward to working with you guys. If you have any questions between now and next Tuesday.

8. Comments from citizens – none

9. Commission comments

RS: How is it going?

KB: Better now that this is out. Going good. Lots of support have a good staff.

BN: Already made some legislation changes down in my neighborhood.

KB: ADU permit.

BN: I applaud her for being legal and I wouldn't have.

KN: I do have one question along that line, what is the City doing to regulate rentals?

KB: City's position on that is we are not regulating short term rentals. When we updated zoning ordinance we asked if we should do some regulation to short term rentals. We have never received a single complaint. And a lot of our new regulations come out of bad experiences or complaints. So BB and I talked with staff and the Mayor and determined at this point and time we will not do it. The Mayor did reiterate these are not becoming an issue in these neighborhood, so right now we are not requiring amendments. If short term rentals are managed to maintain quality, then city is not interested in maintaining them.

KN: No business license?

KB: Yes, they get one through the state and get a city business license. They get their building permit for upgrades.

KN: Trying to figure out what is in my neighborhood.

KB: Short term rentals Cannot be and ADU. Explicit no ADUs in code, guest houses are different. Only thing that prohibits short term rental.

KN: You will see in housing rentals. Because people are renting out and not available for families to move into so decreasing housing stock.

RS: There is people who that is how they make their living.

KN: We have one house on our block.

RS: They don't get rented out if they look bad. Well maintained for that reason.

KN: Hearing how we have shortage of housing and promoting ADU in our neighborhood and just wanted to make sure. Couldn't find anything just curious what City's position on it is.

KB: For now they are not regulated by the city, didn't think about taking it out of the housing stock. Keep that in your mind as you are out as time goes by. It is not that we would not do it if the need arose. Will mention to her about the housing stock.

RS: If it can self-regulate itself then that is okay.

KB: Did some research on it for the quilting retreat on Hostmark and would be dealt with differently today. Once I started doing research on short term rentals, you can fall down a black hole. Cannon Beach does a lottery. That is a community based on short term rentals. Doesn't take much to make it a code enforcement issue. I am defiantly with self-regulation as long as we are not experiencing complaints.

BN: Good we to experience area.

KB: Right now there is a shortage of rentals from market rate or below market rate. Definitely an issue county wide. Some of it pent up demand from recession. And part of it is we haven't had a multifamily market.

RS: Facility in pop estimate is because people are going to be pushed across from Seattle.

KB: Eventually we will have to painfully update subarea plan.

RS: They want it because they get tax base

KB: Unpopular increasing density and building height. A case that we can make modest expansion and urban reserve. Given the fact that we are probably going to reach our 4,000 before 2036 will be on work program. We have painted ourselves into a corner.

BN all the backlash we got west another option.

RS: Anything else?

10. Meeting Adjourned 8:08

Ray Stevens

Chairman, Poulsbo Planning Commission

EXHIBIT C

Required Public Noticing Documents

EXHIBIT C.1

Notice from Washington State Department of Commerce



STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

September 15, 2016

Karla Boughton
Senior Planner
City of Poulsbo
19050 Jensen Way Northeast
Post Office Box 98
Poulsbo, Washington 98370

Dear Ms. Boughton:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

City of Poulsbo - Proposed 2016 NPDES Permit Code Amendment Package - Adopting the Department of Ecology 2012 Stormwater Management manual for Western Washington as amended in December 2014; and amendments to various sections of the Poulsbo Municipal Code to incorporate Low Impact Development (LID) principles and best management practices and to address additional NPDES Permit and programmatic revisions. These materials were received on September 15, 2016 and processed with the Material ID # 22850.

We have forwarded a copy of this notice to other state agencies.

If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment, then final adoption may occur no earlier than November 14, 2016. Please remember to submit the final adopted amendment to Commerce within ten (10) days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Dave Andersen (509) 434-4491.

Sincerely,

Review Team
Growth Management Services

EXHIBIT C.2

Initial Release Public Notice



AFFIDAVIT OF PUBLIC NOTICE

Helem Wytka, being first duly sworn, upon his/her oath deposes and says: That he/she is now, and at all times herein mentioned has been, a citizen of the United States and the State of Washington, over and above the age of twenty-one years and a resident of said County, that on 16 September, 2016, affiant that a copy of the following City of Poulsbo public notices, and which is attached to this affidavit,

INITIAL RELEASE

- Notice of Application
- SEPA Determination
- Notice of Public Hearing
- Notice of Decision

has been provided, mailed and/or posted to the attached distribution lists, property addresses or posting locations:

- US Mail
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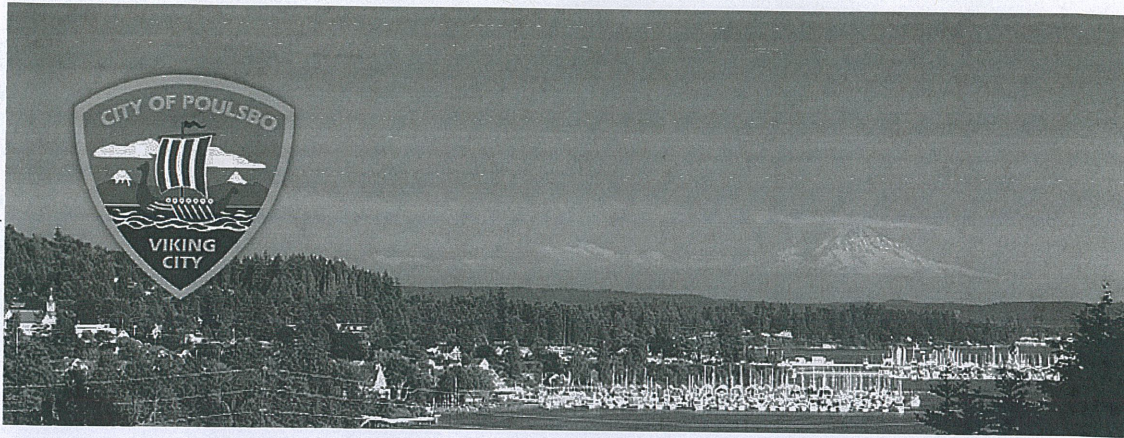
Subscribed and sworn to before me this Helem Wytka 16th day of Sept, 2016.



Cheryl J. Haley
NOTARY PUBLIC in and for the State of Washington, residing at:

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My Commission expires on:

3.13.19

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Hello!

You are receiving this email because you've signed up to receive periodic notices regarding proposed amendments to the City of Poulsbo's development regulations. Thank you for your interest in Poulsbo.

The City has prepared an amendment package to various sections of the Poulsbo Municipal Code in order to adopt the Department of Ecology 2012 Stormwater Management Manual for Western Washington as amended in December 2014; and amendments to development regulations in order to incorporate Low Impact Development (LID) principles and best management practices. Both of these are requirements of the Washington Department of Ecology and must be completed by December 31, 2016.

The Draft Poulsbo Municipal Code Amendments Package to adopt the 2014 DOE Stormwater Manual and amendments to incorporate LID principles and best management practices, overview memo and public participation plan are available at the link below. All pertinent documents will also be posted to this link as the public review process progresses:

<http://www.cityofpoulsbo.com/publicworks/PoulsboMunicipalCodeDraftTitle14.04-TransportationConcurrency.htm>

The City encourages all interested parties to review the Draft Code Amendment Package and attend any and all of the schedule workshops. Comments on the Draft Code Amendment Package may also be made in writing to engineeringdept@cityofpoulsbo.com or to Poulsbo Engineering Department, 200 NE Moe Street, Poulsbo WA 98370. To ensure consideration, all written comments must be received by the City prior to the close of the City Council public hearing.

Please feel free to contact the Poulsbo Engineering Department at (360) 779-4078 with any questions.

Thank you for your interest in the City of Poulsbo.

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Sue Wieland
Sandra Farley

EXHIBIT C.3

Notice of Application with Optional DNS



CITY OF POULSBO

NOTICE OF APPLICATION and Optional DNS 36.70B.110

2016 NPDES Permit Code Amendment Package

**Adopt DOE 2012 Stormwater Management Manual (as amended 2014)
and amend various sections of the Poulsbo Municipal Code to incorporate
Low Impact Development (LID) principles and best management practices**

Type IV Permit

Planning File: 2016 NPDES Permit Code Amendment Package

Date of Application: September 23, 2016

Summary of Proposed Application:

The City has prepared an amendment package to various sections of the Poulsbo Municipal Code in order to adopt the Department of Ecology 2012 Stormwater Management Manual for Western Washington as amended in December 2014; and amendments to development regulations in order to incorporate Low Impact Development (LID) principles and best management practices. Both of these are requirements of the Washington Department of Ecology and must be completed by December 31, 2016.

The Draft Poulsbo Municipal Code Amendments Package to adopt the 2014 DOE Stormwater Manual and amendments to incorporate LID principles and best management practices, overview memo and public participation plan are attached to this email and are available at the link below. All pertinent documents will be posted to this link as the public review process progresses: <http://www.cityofpoulsbo.com/publicworks/PoulsboMunicipalCodeDraftTitle14.04-TransportationConcurrency.htm>

The 2014 Manual represents a shift in the development process which puts an emphasis on protecting areas which are well suited to handling stormwater. The 2014 Manual requires that all projects shall complete LID feasibility analysis and implement LID best management practices to the extent feasible. The primary LID principles and BMPs to be incorporated are: (1) Measures to minimize impervious surfaces; (2) Measures to minimize loss of native vegetation; and (3) Other measures to minimize stormwater runoff. Conventional stormwater management has led to large storm facilities in one location; the 2014 Manual will result in more numerous but smaller facilities which may look more natural. Installation of rain gardens on individual lots, bioretention areas near parking lot islands, pervious driveways, and infiltration areas will take precedence over the use of conventional systems. The purpose of the code updates is to remove barriers to LID implementation within City codes and standards. Some LID features and facilities are not supported by staff, for example pervious public roadways, due to a number of reasons including maintenance and safety issues.

Six municipal code sections and portions of the City construction standards were identified as part of the LID code review process. In general these amendments and revisions serve to allow LID and clarify where and what type of facility is acceptable. In addition, some non-LID stormwater code revisions to PMC 13.16 and 13.17 are included which provide clarifications, procedural revisions, and compatibility with the current NPDES Permit.

A summary of all amendments is in the following table. The full package should be reviewed for specific revision and amendment language.

SUMMARY OF LID AMENDMENTS

Amd. #	PMC Section to be Amended	Title/Topic	Summary of Proposed Change
1	12.02 Construction and Development Standards	Adopt 2014 DOE Stormwater Management Manual for Western Washington	Adds 2014 DOE Stormwater Management Manual and deletes manuals and sections no longer relevant
2	13.16 Storm Drainage Utility	Storm Drainage Utility/ Use of Funds	Adds clarification that funds support NPDES Permit compliance
3	13.17 Stormwater Management	Requirement for LID and General Stormwater Management Requirements	Makes LID the preferred and commonly used approach to site development; identifies additional amendments
4	15.35 Clearing & Grading	15.35.060 Application Required	Adds soils and infiltration areas that are to be protected to the required site plan content
		15.35.073 (new) Protection Measures	Add measures to be used to protect site features that support LID
5	16.20 Critical Areas	16.20.235.F Low Impact Development	Clarifies when storm water facilities and LID BMPs are allowed in wetland buffers
6	18 Zoning	18.130.040 Landscaping/ General Provisions	When feasible, LID features can be integrated into landscape plans
		18.130.050 Landscaping/ Installation	Compost amended soil required
		18.180.030 Tree Retention/ Retention required	Retention of conifers is a priority for preservation
7	City Construction Standards	Section 2 – Streets; Section 5 – Storm; Appendix A – Standard drawing notes	Numerous references to the use of the 2014 manual, reduction of hard surfaces, maintenance issues

Environmental Review: The City of Poulsbo has reviewed the proposed amendments for probable adverse environmental impacts and expects to issue a determination of nonsignificance (DNS) for the proposed amendments. The Optional DNS process is being used as authorized by WAC 197-11-355 and the Poulsbo Municipal Code 16.04.115. This may be

the only opportunity to comment on the environmental impacts of the proposals. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for the proposed amendments may be obtained upon request.

Agencies, tribes, and the public are encouraged to review and comment on the proposed project and its probable environmental impacts. Comments related to environmental review must be submitted by the date noted below to Poulsbo Planning Department, 200 NE Moe Street, Poulsbo, Washington 98370 or plan&econ@cityofpoulsbo.com.

Public Comment Period for Environmental Review Related Comments: Comments may be submitted on environmental related aspects of the proposed amendments and the comment period will remain open until **October 7, 2016**.

Public Comment Methods: Comments on the 2016 NPDES Permit Code Permit Amendments are encouraged and may be provided to the City at any time during the process up to and at the City Council public hearing preliminarily scheduled for December 7, 2016. Written comments may be mailed, faxed or emailed to the City. Comments may also be hand delivered to City Hall. Verbal comments will be taken at the Planning Commission and City Council meetings and hearings. The public may request notification of any hearings or meetings and request a copy of the decision once made.

All comments will be forwarded to the Poulsbo Planning Commission and City Council. Written comments can be submitted by the following methods:

Mail: City of Poulsbo Engineering Department
200 NE Moe Street
Poulsbo, WA 98370

Fax: (360)697-8269
Phone: (360)779-4078
Email: engineeringdept@cityofpoulsbo.com

Interested citizens are also encouraged to attend and provide verbal comments to the City at the Planning Commission and City Council workshops and public hearings. Workshops and hearings are held at Poulsbo City Hall, 200 NE Moe Street, Poulsbo, WA.

Sources of Information: The City's website, www.cityofpoulsbo.com is the primary clearinghouse for information related to the 2016 NPDES Code Permit Amendments. The City has posted all pertinent information regarding the development regulation update at its website, www.cityofpoulsbo.com at the following link:
<http://www.cityofpoulsbo.com/publicworks/PoulsboMunicipalCodeDraftTitle14.04-TransportationConcurrency.htm>

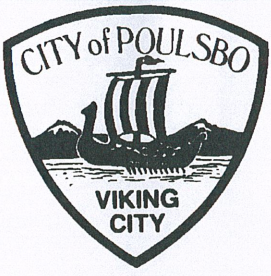
Public Participation Plan: A public and agency participation plan has been developed for this application, and can be viewed at the City's website, under the link <http://www.cityofpoulsbo.com/publicworks/documents/2016NPDESPermitCodeAmend.PublicParticipationPlan.pdf>. A copy is also available at the City Engineering Department.

Date, Time and Place of Meetings and Hearings: The Planning Commission has scheduled public workshops on September 27 and October 11, 2016; a public hearing is scheduled for October 25, 2016. The City Council has workshops scheduled for November 2 and November 9, 2016; and a public hearing scheduled on December 7, 2016. Additional workshops may be scheduled by the Planning Commission or City Council and if so, will be noted on the NPDES Code Permit Amendment Package website.

All meetings and hearings will be held at Poulsbo City Hall Council Chambers and will begin at 7 p.m. unless otherwise noticed. Public notices for public hearing dates will be issued and published in the City's official newspaper and City's website.

The Planning Commission will make recommendations to the City Council. The City Council is the decision making authority for the proposed amendments. Hearing procedures are available from the Planning Department and City Clerk's office and are conducted based on Roberts Rules of Order.

Further Information: Please contact the Poulsbo Engineering Department at (360) 779-4078, www.cityofpoulsbo.com or engineeringdept@cityofpoulsbo.com for further information.



AFFIDAVIT OF PUBLIC NOTICE

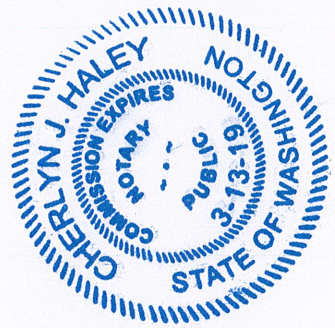
Helen Wytko, being first duly sworn, upon his/her oath deposes and says: That he/she is now, and at all times herein mentioned has been, a citizen of the United States and the State of Washington, over and above the age of twenty-one years and a resident of said County, that on 23 September, 2016, affiant that a copy of the following City of Poulsbo public notices, and which is attached to this affidavit,

- Notice of Application
- SEPA Determination
- Notice of Public Hearing
- Notice of Decision

has been provided, mailed and/or posted to the attached distribution lists, property addresses or posting locations:

- US Mail
- Email
- Post at Library, City Hall, Poulsbo Post Office, Website
- Site Posting Address: _____

Subscribed and sworn to before me this 23rd day of Sept, 2016.



Cherylyn J. Haley
 NOTARY PUBLIC in and for the State of Washington, residing at:

Poulsbo
 My Commission expires on:

3.13.19

Helen M. Wytko

From: Helen M. Wytko
Sent: Friday, September 23, 2016 2:34 PM
Cc: Karla Boughton
Subject: City of Poulsbo - LID NOA w/opt DNS
Attachments: NOA_LID.pdf; SEPAchecklist_LID Update_reduced.pdf

You are receiving this email because you are on the City of Poulsbo's Notice of Application Distribution List.

Please see the attached NOA and SEPA checklist for the 2016 NPDES Permit Code Amendment Package.

Thank you,

Helen Wytko

Poulsbo Planning and Economic Development
Phone: 360-394-9748
200 NE Moe St
Poulsbo, WA 98370

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Helen M. Wytko

From: Helen M. Wytko
Sent: Friday, September 23, 2016 2:48 PM
Cc: Karla Boughton
Subject: City of Poulsbo - LID NOA w/opt DNS
Attachments: NOA_LID.pdf; SEPAchecklist_LID Update_reduced.pdf

You are receiving this email because you are on the City of Poulsbo's SEPA Distribution List.

Please see the attached Notice of Application and SEPA Checklist for the 2016 NPDES Permit Code Amendment Package.

Thank you,

Helen Wytko

Poulsbo Planning and Economic Development
Phone: 360-394-9748
200 NE Moe St
Poulsbo, WA 98370

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<tom.brobst@pse.com>; 'Tom Harvey' <tharvey@poulsbofire.org>; 'WA Dept of Natural Resources - SEPA' <sepacenter@dnr.wa.gov>; 'WA Department of Ecology SEPA' <sepaunit@ecy.wa.gov>; 'WA Department of Ecology SEPA Register' <separegister@ecy.wa.gov>; 'WA Dept of Fish and Wildlife ' <chris.waldbillig@dfw.wa.gov>; 'WA Dept of Fish and Wildlife - SEPA' <SEPAdesk@dfw.wa.gov>; 'WA Office of the Attorney General- Ecology' <ecyolyef@atg.wa.gov>; 'WSDOT Olympic Region SEPA' <OR-SEPA-REVIEW@wsdot.wa.gov>

North Kitsap Herald

Affidavit of Publication

State of Washington }
County of Kitsap } ss

Dicy Sheppard being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the North Kitsap Herald a weekly newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a weekly newspaper in Kitsap County, Washington and is and always has been printed in whole or part in the North Kitsap Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Kitsap County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of NKH722999 2016 NPDS AMENDMENTS as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 09/23/2016 and ending on 09/23/2016 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$96.90

Dicy Sheppard

Subscribed and sworn before me on this

23 day of Sept,
2014

Debra Ann Grigg

Notary Public in and for the State of Washington.

City of Poulsbo-Planning | 80707350
HELEN WYTKO

DEBRA ANN GRIGG
Notary Public
State of Washington
My Commission Expires
October 31, 2017

CITY OF POULSBO
NOTICE OF APPLICATION
and Optional DNS
36.70B.110

2016 NPDES Permit Code
Amendment Package
Adopt DOE 2012 Stormwater
Management Manual
(as amended 2014)
and amend various sections
of the Poulso Municipal
Code to incorporate
Low Impact Development
(LID) principles and best
management practices
Type IV Permit

Planning File: 2016 NPDES
Permit Code Amendment
Package

Date of Application: Septem-
ber 23, 2016

Summary of Proposed Appli-
cation:

The City has prepared an amendment package to various sections of the Poulso Municipal Code in order to adopt the Department of Ecology 2012 Stormwater Management Manual for Western Washington as amended in December 2014; and amendments to development regulations in order to incorporate Low Impact Development (LID) principles and best management practices. Both of these are requirements of the Washington Department of Ecology and must be completed by December 31, 2016.

The Draft Poulso Municipal Code Amendments Package to adopt the 2014 DOE Stormwater Manual and amendments to incorporate LID principles and best management practices, overview memo and public participation plan are attached to this email and are available at the link below. All pertinent documents will be posted to this link as the public review process progresses: <http://www.cityofpoulsbo.com/publicworks/PoulsoMunicipalCodeDraftTitle14.04-TransportationConcurrency.htm>

The 2014 Manual represents a shift in the development process which puts an emphasis on protecting areas which are well suited to handling stormwater. The 2014 Manual requires that all projects shall complete LID feasibility analysis and implement LID best management practices to the extent feasible. The primary LID principles and BMPs to be incorporated are: (1) Measures to minimize impervious surfaces; (2) Measures to minimize loss of native vegetation; and (3) Other measures to minimize stormwater runoff. Conventional stormwater management has led to large storm facilities in one location; the 2014 Manual will

AB

result in more numerous but smaller facilities which may look more natural. Installation of rain gardens on individual lots, bioretention areas near parking lot islands, pervious driveways, and infiltration areas will take precedence over the use of conventional systems. The purpose of the code updates is to remove barriers to LID implementation within City codes and standards. Some LID features and facilities are not supported by staff, for example pervious public roadways, due to a number of reasons including maintenance and safety issues.

Six municipal code sections and portions of the City construction standards were identified as part of the LID code review process. In general these amendments and revisions serve to allow LID and clarify where and what type of facility is acceptable. In addition, some non-LID stormwater code revisions to PMC 13.16 and 13.17 are included which provide clarifications, procedural revisions, and compatibility with the current NPDES Permit.

A summary of all amendments is in the following table. The full package should be reviewed for specific revision and amendment language.

SUMMARY OF LID AMENDMENTS

Amd.#/ PMC Section to be Amended/ Title/Topic/ Summary of Proposed Change
1/ 12.02 Construction and Development Standards/Adopt 2014 DOE Stormwater Management Manual for Western Washington/Adds 2014 DOE Stormwater Management Manual and deletes manuals and sections no longer relevant
2/ 13.16 Storm Drainage Utility/ Storm Drainage Utility/ Use of Funds/ Adds clarification that funds support NPDES Permit compliance
3/ 13.17 Stormwater Management/Requirement for LID and General Stormwater Management Requirements/ Makes LID the preferred and commonly used approach to site development; identifies additional amendments
4/ 15.35 Clearing & Grading/ -15.35.060 Application Required/ Adds soils and infiltration areas that are to be protected to the required site plan content
-15.35.073 (new) Protection Measures/ Add measures to be used to protect site features that support LID
5/ 16.20 Critical Areas/ 16.20.235.F Low Impact Development/ Clarifies when storm water facilities and LID BMPs are allowed in wetland buffers
6/ 18 Zoning
-18.130.040 Landscaping/ General Provisions/ When feasible, LID features can be integrated into landscape plans

-18.130.050 Landscaping/
Installation/ Compost amend-
ed soil required

-18.180.030 Tree Retention/
Retention required/ Retention
of conifers is a priority for
preservation

7/ City Construction Stan-
dards/ Section 2 - Streets;
Section 5 - Storm; Appendix
A - Standard drawing notes/
Numerous references to the
use of the 2014 manual, re-
duction of hard surfaces,
maintenance issues

Environmental Review: The
City of Poulsbo has reviewed
the proposed amendments for
probable adverse environ-
mental impacts and expects to
issue a determination of non-
significance (DNS) for the pro-
posed amendments. The Op-
tional DNS process is being
used as authorized by WAC
197-11-355 and the Poulsbo
Municipal Code 16.04.115.
This may be the only opportu-
nity to comment on the envi-
ronmental impacts of the pro-
posals. The proposal may
include mitigation measures
under applicable codes, and
the project review process
may incorporate or require
mitigation measures regard-
less of whether an EIS is pre-
pared. A copy of the subse-
quent threshold determination
for the proposed amendments
may be obtained upon re-
quest.

Agencies, tribes, and the pub-
lic are encouraged to review
and comment on the pro-
posed project and its probable
environmental impacts. Com-
ments related to environmen-
tal review must be submitted
by the date noted below to
Poulsbo Planning Depart-
ment, 200 NE Moe Street,
Poulsbo, Washington 98370
or [plan&econ@
cityofpoulsbo.com](mailto:plan&econ@cityofpoulsbo.com).

Public Comment Period for
Environmental Review Relat-
ed Comments: Comments
may be submitted on environ-
mental related aspects of the
proposed amendments and
the comment period will re-
main open until October 7,
2016.

Public Comment Methods:
Comments on the 2016
NPDES Permit Code Permit
Amendments are encouraged
and may be provided to the
City at any time during the
process up to and at the City
Council public hearing prelimi-
narily scheduled for Decem-
ber 7, 2016. Written com-
ments may be mailed, faxed
or emailed to the City. Com-
ments may also be hand de-
livered to City Hall. Verbal
comments will be taken at the
Planning Commission and
City Council meetings and
hearings. The public may re-
quest notification of any hear-
ings or meetings and request
a copy of the decision once
made.

All comments will be forward-
ed to the Poulsbo Planning
Commission and City Council.
Written comments can be
submitted by the following

methods:

Mail: City of Poulsbo Engineering Department
200 NE Moe Street
Poulsbo, WA 98370
Fax: (360)697-8269
Phone: (360)779-4078
Email: engineeringdept@cityofpoulsbo.com

Interested citizens are also encouraged to attend and provide verbal comments to the City at the Planning Commission and City Council workshops and public hearings. Workshops and hearings are held at Poulsbo City Hall, 200 NE Moe Street, Poulsbo, WA. Sources of Information: The City's website,

www.cityofpoulsbo.com is the primary clearinghouse for information related to the 2016 NPDES Code Permit Amendments. The City has posted all pertinent information regarding the development regulation update at its website, www.cityofpoulsbo.com at the following link:

<http://www.cityofpoulsbo.com/publicworks/PoulsboMunicipalCodeDraftTitle14,04-TransportationConcurrency.htm>

Public Participation Plan: A public and agency participation plan has been developed for this application, and can be viewed at the City's website, under the link

<http://www.cityofpoulsbo.com/publicworks/documents/2016NPDESPermitCodeAmend.PublicParticipationPlan.pdf>. A copy is also available at the City Engineering Department.

Date, Time and Place of Meetings and Hearings: The Planning Commission has scheduled public workshops on September 27 and October 11, 2016; a public hearing is scheduled for October 25, 2016. The City Council has workshops scheduled for November 2 and November 9, 2016; and a public hearing scheduled on December 7, 2016. Additional workshops may be scheduled by the Planning Commission or City Council and if so, will be noted on the NPDES Code Permit Amendment Package website.

All meetings and hearings will be held at Poulsbo City Hall Council Chambers and will begin at 7 p.m. unless otherwise noticed. Public notices for public hearing dates will be issued and published in the City's official newspaper and City's website.

The Planning Commission will make recommendations to the City Council. The City Council is the decision making authority for the proposed amendments. Hearing procedures are available from the Planning Department and City Clerk's office and are conducted based on Roberts Rules of Order.

Further Information: Please contact the Poulsbo Engineering Department at (360) 779-4078, www.cityofpoulsbo.com or engineeringdept@cityofpoulsbo.com for further

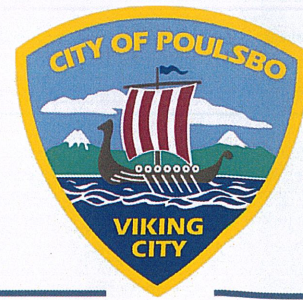
information.
Date of publication: 09/23/16
(NKH-722999)

EXHIBIT C.4

SEPA Threshold Determination DNS with commented checklist

City of Poulsbo

Planning & Economic Development



DETERMINATION OF NONSIGNIFICANCE (DNS) WAC 197-11-970

2016 NPDES Permit Code Amendment Package **Adopt DOE 2012 Stormwater Management Manual (as amended 2014)** **and amend various sections of the Poulsbo Municipal Code to incorporate** **Low Impact Development (LID) principles and best management practices**

Planning File: 2016 NPDES Permit Code Amendment Package

Applicant: City of Poulsbo, Engineering Department, 200 NE Moe Street, Poulsbo, WA 98370

Location of Proposal: Amendments included in the 2016 NPDES Permit Code Amendment Package are found in the Poulsbo Municipal Code and City's Construction Standards. See details under "Description of Proposal" below.

Description of Proposal: The City has prepared an amendment package to various sections of the Poulsbo Municipal Code in order to adopt the Department of Ecology 2012 Stormwater Management Manual for Western Washington as amended in December 2014; and amendments to development regulations in order to incorporate Low Impact Development (LID) principles and best management practices. Both of these are requirements of the Washington Department of Ecology and must be completed by December 31, 2016.

The Draft Poulsbo Municipal Code Amendments Package to adopt the 2014 DOE Stormwater Manual and amendments to incorporate LID principles and best management practices, overview memo and public participation plan are attached to this email and are available at the link below. All pertinent documents will be posted to this link as the public review process progresses:

<http://www.cityofpoulsbo.com/publicworks/PoulsboMunicipalCodeDraftTitle14.04-TransportationConcurrency.htm>

The 2014 Manual represents a shift in the development process which puts an emphasis on protecting areas which are well suited to handling stormwater. The 2014 Manual requires that all projects shall complete LID feasibility analysis and implement LID best management practices to the extent feasible. The primary LID principles and BMPs to be incorporated are: (1) Measures to minimize impervious surfaces; (2) Measures to minimize loss of native vegetation; and (3) Other measures to minimize stormwater runoff. Conventional stormwater management has led to large storm facilities in one location; the 2014 Manual will result in more numerous but smaller facilities which may look more natural. Installation of rain gardens on individual lots, bioretention areas near parking lot islands, pervious driveways, and infiltration areas will take precedence over the use of conventional systems. The purpose of the code updates is to remove barriers to LID implementation within City codes and standards. Some LID features and facilities are not supported by staff, for example pervious public roadways, due to a number of reasons including maintenance and safety issues.

Six municipal code sections and portions of the City construction standards were identified as part of the LID code review process. In general these amendments and revisions serve to allow LID and clarify where and what type of facility is acceptable. In addition, some non-LID stormwater code revisions to PMC 13.16 and 13.17 are included which provide clarifications, procedural revisions, and compatibility with the current NPDES Permit.

A summary of all amendments is in the following table. The full package should be reviewed for specific revision and amendment language.

SUMMARY OF LID AMENDMENTS

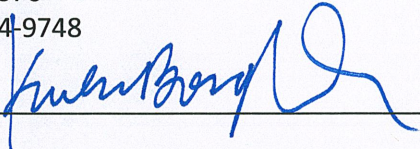
Amd. #	PMC Section to be Amended	Title/Topic	Summary of Proposed Change
1	12.02 Construction and Development Standards	Adopt 2014 DOE Stormwater Management Manual for Western Washington	Adds 2014 DOE Stormwater Management Manual and deletes manuals and sections no longer relevant
2	13.16 Storm Drainage Utility	Storm Drainage Utility/ Use of Funds	Adds clarification that funds support NPDES Permit compliance
3	13.17 Stormwater Management	Requirement for LID and General Stormwater Management Requirements	Makes LID the preferred and commonly used approach to site development; identifies additional amendments
4	15.35 Clearing & Grading	15.35.060 Application Required	Adds soils and infiltration areas that are to be protected to the required site plan content
		15.35.073 (new) Protection Measures	Add measures to be used to protect site features that support LID
5	16.20 Critical Areas	16.20.235.F Low Impact Development	Clarifies when storm water facilities and LID BMPs are allowed in wetland buffers
6	18 Zoning	18.130.040 Landscaping/ General Provisions	When feasible, LID features can be integrated into landscape plans
		18.130.050 Landscaping/ Installation	Compost amended soil required
		18.180.030 Tree Retention/ Retention required	Retention of conifers is a priority for preservation
7	City Construction Standards	Section 2 – Streets; Section 5 – Storm; Appendix A – Standard drawing notes	Numerous references to the use of the 2014 manual, reduction of hard surfaces, maintenance issues

Lead Agency: City of Poulsbo

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

Responsible official: Karla Boughton
Position/Title: Interim Planning Director
Address: City of Poulsbo
200 NE Moe St
Poulsbo, WA 98370
Phone: (360) 394-9748

Date: October 17, 2016 Signature:  _____

You may appeal this determination in writing to the responsible official listed above no later than 10 working days from the date of this notice.

You should be prepared to make specific factual objections. Contact the responsible official to read or ask about the procedure for SEPA appeals.



City of Poulsbo Environment Checklist

A. Background		
Name of proposed project, if applicable: 2016 NPDES Permit Code Amendment	Date Prepared: September 20, 2016	
Name of Applicant: City of Poulsbo	Address: 200 NE Moe Street Poulsbo, Washington 98370	Phone Number: (360) 779-4078
Contact: Diane Lenius, City Engineer	Agency Requesting Checklist: City of Poulsbo	
Proposed timing or schedule (including phasing, if applicable) The Planning Commission has scheduled public workshops on September 27 and October 11 and 12, 2016, with a Public Hearing October 25. The City Council has workshops scheduled for November 2 and 9, and a Public Hearing scheduled December 7, 2016		
Do you have any plans for future additions, expansions, or further activity related to or connected with this proposal? If yes, explain. It is unlikely that all environmental impacts can be identified and appropriately mitigated as a part of this application, because there isn't a specific development project. The City will utilize the provisions of WAC 197-11-060(5) that provides for Phased Review of SEPA – this provides for a broad environmental review of the proposed ordinance and project-specific environmental review as development proposals are submitted.		
List any environmental information you know about that has been prepared, directly related to this proposal. No specific environmental information has been prepared for the draft amendment package. A Final Supplemental Environmental Impact Statement was issued in conjunction with the 2009 Comprehensive Plan on September 29, 2009. Land use development projects submitted to the City will be required to be processed under the provisions of Title 19, and will require environmental review when development is proposed, as applicable pursuant to SEPA rules.		
Do you know whether applications are pending for governmental approvals or other proposals directly affecting the property covered by your proposal? If yes, explain. No.		
List any government approvals or permits that will be needed for your proposal, if known. City Council approval and adoption.		

Reviewed & commented by Kellen Boughlton, Interim Planning Director, 9/23/2016.

Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

The Washington State Department of Ecology (DOE) National Pollution Discharge Elimination System (NPDES) Stormwater Permit issued to the City of Poulsbo requires the City to adopt the *2012 Stormwater Management Manual for Western Washington (as amended in December 2014)* and amend appropriate sections of the Poulsbo Municipal Code to require Low Impact Development principles and best management practices to be the preferred and commonly-used approach to site development. The adoption of the 2014 Manual and amendments to the PMC regarding LID must be completed by December 31, 2016.

Proposed amendments to various sections of the PMC, overview memo, and public participation plan are available at the link below. All pertinent documents will be posted to this link as the public review process progresses: <http://www.cityofpoulsbo.com/publicworks/PoulsboMunicipalCodeDraftTitle14.04-TransportationConcurrency.htm>

Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Poulsbo is located in Township 26 North, Range 1 East, Willamette Meridian and is located in all or portions of Sections 9, 10, 11, 13, 14, 15, 22, 23, 24, 25, and 26. Amendments are located in the following Sections:

The proposed amendments to the Poulsbo Municipal Code will adopt the Department of Ecology 2012 Stormwater Management Manual for Western Washington as amended in December 2014.

The following sections are proposed form amendments: Poulsbo Municipal Code 12.02 Construction and Development Standards, 13.16 Storm Drainage Utility, 13.17 Stormwater Management, 15.35 Clearing and Grading, 16.20 Critical Areas, 18 Zoning, and the City's Construction Standards. See amendment package for the specific amendments to each section.

B. Environmental Elements	Agree	Disagree	Mitigate
---------------------------	-------	----------	----------

1. Earth			
-----------------	--	--	--

a. General description of the site (check one):			
--	--	--	--

<input checked="" type="checkbox"/> flat, <input type="checkbox"/> rolling, <input checked="" type="checkbox"/> hilly, <input type="checkbox"/> steep, <input checked="" type="checkbox"/> slopes, <input type="checkbox"/> mountainous, <input type="checkbox"/> other.	✓		
---	---	--	--

Poulsbo's topography varies throughout the city, from flat to areas of steep slopes.			
--	--	--	--

Actual development will be subject to additional SEPA review as appropriate. Environmental review and a threshold determination will be required at the time of development review. Site specific development impacts are not identified at this time.			
--	--	--	--

b.	<p>What is the steepest slope on the site (approximate percent slope)?</p> <p>There are areas within the city limits with slopes exceeding 40 percent, and potential geohazard areas are mapped on the City's critical areas maps. At the time of a development proposal, additional information on slopes will be required. Future development will require additional environmental review.</p>	✓		
c.	<p>What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.</p> <p>According to the Kitsap County Soil Survey, the soils within the city limits is predominately classified as Poulsbo Gravelly sandy loam, with areas of Kapowsin gravelly loam and Sinclair soils.</p> <p>No development is proposed at this time, therefore site specific development impacts are not identified. Future development will be subject to phased SEPA review.</p>	✓		
d.	<p>Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.</p> <p>Geohazards are mapped in the City's critical areas maps and unstable soils/slopes are regulated by the City's Critical Areas Ordinance.</p> <p>No development is proposed at this time. Review of soil conditions will occur at the time specific proposals move forward.</p>	✓		
e.	<p>Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.</p> <p>This is not applicable to this non-project action.</p>	✓		
f.	<p>Could erosion occur as a result of clearing, construction or use? If so, generally describe.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Erosion control would be addressed through existing City ordinances, including the clearing and grading and critical areas regulations.</p>	✓		
g.	<p>About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?</p> <p>This is not applicable to this non-project action. No development is</p>	✓		

	proposed at this time. Projects will require further analysis and SEPA review, where appropriate.			
h.	Proposed measures to reduce or control erosion, or other impacts to the earth, if any. None. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		

2. Air

a.	What types of emissions to the air would result from the proposal (i.e. dust, automobile, odors, industrial, wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
b.	Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
c.	Proposed measures to reduce or control emissions or other impacts to air, if any. None. No development is proposed at this time. Determination will be made at the time specific proposals move forward. New construction will comply with the requirements of the Poulsbo Municipal Code and the Engineering Department, which will be reviewed at the time of a specific project proposal moving forward.	✓		

3. Water

a.	Surface:			
1)	Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. Poulsbo's main surface water body is Liberty Bay; there are numerous streams and wetlands throughout the city limits. There is no development proposed at this time; future development will require additional environmental review.	✓		

	<p>2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.</p> <p>No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
	<p>3) Estimate the amount of fill and dredge that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
	<p>4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities, if known.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
	<p>5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.</p> <p>No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
	<p>6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		

b.	Ground:			
	<p>1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		

2)	<p>Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: domestic sewage; industrial, containing the following chemicals.; agricultural; etc...). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
c. Water Runoff (including storm water):				
1)	<p>Describe the source of runoff (including storm water) and method of collection and disposal, if any (including quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Future development will lead to stormwater runoff, which will be reviewed and required to meet City and State regulations for stormwater management. Determination will be made at the time specific proposals move forward.</p>	✓		
2)	<p>Could waste materials enter ground or surface waters? If so, generally describe.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
d.	<p>Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:</p> <p>This is not applicable to this non-project action. No development is proposed at this time. At the time of development review, projects will be reviewed for compliance with the City's adopted storm water management regulations and critical areas ordinance.</p>	✓		
4. Plants				
a.	<p>Check types of vegetation found on the site:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Deciduous tree: alder, maple, aspen, other <input checked="" type="checkbox"/> Evergreen tree: fir, cedar, pine, other <input checked="" type="checkbox"/> Shrubs <input checked="" type="checkbox"/> Grass <input checked="" type="checkbox"/> Pasture <input type="checkbox"/> Crop or grain <input checked="" type="checkbox"/> Wet soil plants: cattail, buttercup, bulrush, skunk cabbage, 			

The required adoption of the 2014 DOE Manual represents a shift in the development process which is designed to reduce the impacts on water runoff by: 1) minimizing impervious surfaces; 2) minimize loss of native vegetation, & 3) infiltration & other methods to minimize stormwater runoff. (1/2)

	<p>other <input type="checkbox"/> Water plants: water lily, eelgrass, milfoil, other <input type="checkbox"/> Other types of vegetation</p> <p>The checked vegetation is found throughout Poulsbo.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. The existing vegetation for sites will be determined at the time of development review.</p>	✓		
b.	<p>What kind and amount of vegetation will be removed or altered?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
c.	<p>List threatened or endangered species known to be on or near the site.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
d.	<p>Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Landscaping is typically required for new development proposals.</p>	✓		
5. Animals				
a.	<p>Check any birds and animals which have been observed on or near the site or are known to be on or near the site:</p> <p><input checked="" type="checkbox"/> Birds: hawk, heron, eagle, songbirds, other: <input checked="" type="checkbox"/> Mammals: deer, bear, elk, beaver, other: <input checked="" type="checkbox"/> Fish: bass, salmon, trout, herring, shellfish, other:</p> <p>There are a variety of birds, fish, and mammals that inhabit Poulsbo. They are primarily located near streams and Liberty Bay.</p>	✓		
b.	<p>List any threatened or endangered species known to be on or near the site.</p> <p>Poulsbo has several listed species, including bald eagle, blue heron, harbor seal, salmon (Chinook, chum, coho), steelhead, cutthroat, hardshell clam, smelt, and sand lance.</p> <p>No development is proposed at this time. Additional environmental review will be conducted at the time of application for specific</p>	✓		

	development.			
c.	<p>Is the site part of a migration route? If so, explain.</p> <p>Liberty Bay and adjacent streams are known to contain anadromous salmonids. The City is located within the Pacific Flyway -- a flight corridor for migrating waterfowl and other birds -- that extends from Alaska to Mexico and South America.</p>	✓		
d.	<p>Proposed measures to preserve or enhance wildlife, if any.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. The City's Critical Areas Ordinance provides protection for wildlife. Any additional mitigation necessary will be identified at the time of site specific development review.</p>	✓		
6. Energy and Natural Resources				
a.	<p>What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Electric energy is available city-wide and natural gas is available in specific locations in the city limits.</p>	✓		
b.	<p>Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
c.	<p>What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Future development will meet the current energy code as identified in the International Building Code.</p>	✓		
7. Environmental Health				
a.	<p>Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill or hazardous waste, that could occur as a result of this proposal? If so, describe.</p>			

	This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
1)	Describe special emergency services that might be required. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
2)	Proposed measures to reduce or control environmental health hazards, if any. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		

b. Noise				
1)	What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? The city has a typical level of noise expected in an urban environment.	✓		
2)	What types of levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
3)	Proposed measures to reduce or control noise impacts, if any. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Construction noise is regulated in the Poulsbo Municipal Code.	✓		

8. Land and Shoreline Use

a.	What is the current use of the site and adjacent properties? The city has a variety of single-family residential development along with commercial areas, and other uses including multifamily residential, light industrial, institutional, and parks.	✓		
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b.	<p>Has the site been used for agriculture? If so, describe.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
c.	<p>Describe any structures on the site.</p> <p>No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
d.	<p>Will any structures be demolished? If so, what?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
e.	<p>What is the current zoning classification of the site?</p> <p>No development is proposed at the comprehensive plan amendment stage. Determination of zoning classification and applicable review requirements will be made at the time specific proposals move forward.</p>	✓		
f.	<p>What is the current comprehensive plan designation of the site?</p> <p>No development is proposed at the comprehensive plan amendment stage. Determination of comprehensive plan designation will be made at the time specific proposals move forward.</p>	✓		
g.	<p>If applicable, what is the current shoreline master program designation of the site?</p> <p>No development is proposed at the comprehensive plan amendment stage. Determination of shoreline designation and applicable review requirements will be made at the time specific proposals move forward.</p>	✓		
h.	<p>Has any part of the site been classified as “environmentally sensitive area? If so, specify..</p> <p>The actual development of the specific sites will be subject to additional development review, and would be subject to environmental review. Site specific development impacts are not identified at this time. Identification of environmentally sensitive areas will be made based on the City’s Critical Area Ordinances maps and site specific environmental information prepared during the development review process.</p>	✓		
i.	<p>Approximately how many people would reside or work in the completed project?</p>			

	This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
j.	Approximately how many people would the completed project displace? This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
k.	Proposed measures to avoid or reduce displacement impacts, if any. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
l.	Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any. This process of reviewing comprehensive plan amendments is one measure to ensure future development is compatible and consistent with the City's comprehensive plan. No development is proposed with the comprehensive plan amendments. Determination of specific measures to ensure compatibility will be made during development review.	✓		
9. Housing				
a.	Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. None. This is a non-project action.	✓		
b.	Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. None. This is a non-project action.	✓		
c.	Proposed measures to reduce or control housing impacts, if any. This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.	✓		
10. Aesthetics				
a.	What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building			

	<p>material(s) proposed?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
b.	<p>What views in the immediate vicinity would be altered or obstructed?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
c.	<p>Proposed measures to reduce or control aesthetic impacts, if any.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p> <p>While site specific development impacts are not identified at this time, building height and design review requirements are set forth in Poulsbo's zoning ordinance.</p>	✓		
11. Light and Glare				
a.	<p>What type of light or glare will the proposal produce? What time of day would it mainly occur?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
b.	<p>Could light or glare from the finished project be a safety hazard or interfere with views?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
c.	<p>What existing off-site sources of light or glare may affect your proposal?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
d.	<p>Proposed measures to reduce or control light and glare impacts, if any.</p> <p>This is not applicable to this non-project action. No development is</p>	✓		

	<p>proposed at this time. Determination will be made at the time specific proposals move forward.</p> <p>While site specific impacts are not identified at this time, the City's zoning ordinance contains lighting requirements. Additional environmental review will be required as sites are proposed for development.</p>	✓		
12. Recreation				
a.	<p>What designated and informal recreational opportunities are in the immediate vicinity?</p> <p>Poulsbo has a variety of public parks and recreation opportunities throughout the city.</p>	✓		
b.	<p>Would the proposed project displace any existing recreational uses? If so, describe.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
c.	<p>Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
13. Historic and Cultural Preservation				
a.	<p>Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.</p> <p>Unknown at this time. This is a non-project action. Determination will be made at the time of specific proposals for development.</p>	✓		
b.	<p>Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.</p> <p>Unknown at this time.</p>	✓		
c.	<p>Proposed measures to reduce or control impacts, if any.</p> <p>If at the time of site specific development, evidence of historic or cultural resources are found, proper protocols and notifications will be initiated.</p>	✓		

14. Transportation

a.	<p>Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.</p> <p>Major streets and highways in Poulsbo include Highway 3, 305, State Route 307, Viking Avenue, Finn Hill, Front Street, Fjord Drive, Hostmark, Caldart, and Lincoln.</p>	✓		
b.	<p>Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop.</p> <p>Kitsap Transit provides public transit throughout the city.</p>	✓		
c.	<p>How many parking spaces would the completed project have? How many would the project eliminate?</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
d.	<p>Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
e.	<p>Will the project use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe.</p> <p>No.</p>	✓		
f.	<p>How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
g.	<p>Proposed measures to reduce or control transportation impacts, if any.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		

15. Public Services

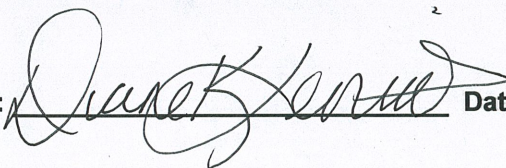
<p>a.</p>	<p>Would the project result in an increased need for public service (for example fire protection, police protection, health care, schools, other)? If so, generally describe.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	<p>✓</p>		
<p>b.</p>	<p>Proposed measures to reduce or control direct impacts on public services, if any.</p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	<p>✓</p>		

16. Utilities

<p>a.</p>	<p>Check the utilities currently available at the site: <input checked="" type="checkbox"/> electric, <input checked="" type="checkbox"/> natural gas, <input checked="" type="checkbox"/> water, <input checked="" type="checkbox"/> refuse service, <input checked="" type="checkbox"/> telephone, <input checked="" type="checkbox"/> sanitary sewer, <input type="checkbox"/> septic system, <input type="checkbox"/> other.</p> <p>Utilities are also available throughout the city, with natural gas only available in specific areas. No development is proposed with the amendments, and specific determination of utility services will be made at the time of development review.</p>	<p>✓</p>		
<p>b.</p>	<p>Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.</p> <p>Utilities are also available throughout the city, with natural gas only available in specific areas. No development is proposed with the amendments, and specific determination of utility services will be made at the time of development review.</p>	<p>✓</p>		

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  Date Submitted: 9-23-16

D. Supplemental Sheet For Non-Project Actions

(DO NOT USE THIS SHEET FOR PROJECT ACTIONS)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent of the proposal, or the types of activities likely to result from the proposal, that would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substance; or production of noise?

As a non-project action, 2016 NPDES Permit Code Amendment would not create any of these effects. All development and uses will be subject to all applicable local, state and federal regulatory requirements and will be reviewed on a case-by-case basis during the development review process.

Proposed measures to avoid or reduce such increases are:

No measures are proposed with the 2016 NPDES Permit Code Amendment. However, measures will be identified as necessary during the development permit and environmental process for specific projects. Compliance with city regulations and other appropriate mitigations would reduce increases.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

As a non-project action, the 2016 NPDES Permit Code Amendment would not directly affect plants, animals, fish or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

The City's Critical Areas ordinance provides regulatory protective measures to protect and conserve vegetation and wildlife habitat. Additional measures may be identified during the development permit and environmental review process for specific projects.

3. How would the proposal be likely to deplete energy or natural resources?

As a non-project action, the 2016 NPDES Permit Code Amendment would not deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:

Measures would be identified during the project specific development permit and environmental review. Compliance with city regulations and other appropriate mitigations would provide the appropriate measures to reduce impacts.

4.	<p>How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?</p> <p>No development is proposed with the proposed 2016 NPDES Permit Code Amendment. There will not be negative effects to environmentally sensitive areas designated or under study for protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands.</p> <p>Proposed measures to protect such resources or to avoid or reduce impacts are:</p> <p>Measures would be identified during the project specific development permit and environmental review. Compliance with city regulations and other appropriate mitigations would provide the appropriate measures to reduce impacts.</p>
5.	<p>How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?</p> <p>Projects resulting from the proposed 2016 NPDES Permit Code Amendment will require further review at the time of development application.</p> <p>Proposed measures to avoid or reduce shoreline and land use impacts are:</p> <p>As a non-project action, the 2016 NPDES Permit Code Amendment would not impact shoreline or land use.</p>
6.	<p>How would the proposal be likely to increase demands on transportation or public services and utilities?</p> <p>No development is proposed with the proposed 2016 NPDES Permit Code Amendment.</p> <p>Proposed measures to reduce or respond to such demand(s) are:</p> <p>No measures are proposed with the 2016 NPDES Permit Code Amendment.</p>
7.	<p>Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.</p> <p>The proposed 2016 NPDES Permit Code Amendment does not conflict with any local, state or federal laws or requirements for the protection of the environment. All future development proposals would be required to follow all applicable regulations regarding the protection of the environment.</p>

EXHIBIT C.5

Notice of Planning Commission Public Hearing



CITY OF POULSBO PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

2016 NPDES Permit Code Amendment Package
Adopt DOE 2012 Stormwater Management Manual (as amended 2014)
and amend various sections of the Poulsbo Municipal Code to incorporate
Low Impact Development (LID) principles and best management practices

Hearing Date: October 25, 2016

Time: The hearing is scheduled to begin at 7:00 pm.

Place: Poulsbo City Hall, Council Chambers, 200 NE Moe Street, Poulsbo, WA.

To: Interested citizens and agencies

Summary of the Proposed Applications:

The City has prepared an amendment package to various sections of the Poulsbo Municipal Code in order to adopt the Department of Ecology 2012 Stormwater Management Manual for Western Washington as amended in December 2014; and amendments to development regulations in order to incorporate Low Impact Development (LID) principles and best management practices. Both of these are requirements of the Washington Department of Ecology and must be completed by December 31, 2016.

The Draft Poulsbo Municipal Code Amendments Package to adopt the 2014 DOE Stormwater Manual and amendments to incorporate LID principles and best management practices, overview memo and public participation plan are attached to this email and are available at the link below. All pertinent documents will be posted to this link as the public review process progresses: <http://www.cityofpoulsbo.com/publicworks/PoulsboMunicipalCodeDraftTitle14.04-TransportationConcurrency.htm>

The 2014 Manual represents a shift in the development process which puts an emphasis on protecting areas which are well suited to handling stormwater. The 2014 Manual requires that all projects shall complete LID feasibility analysis and implement LID best management practices to the extent feasible. The primary LID principles and BMPs to be incorporated are: (1) Measures to minimize impervious surfaces; (2) Measures to minimize loss of native vegetation; and (3) Other measures to minimize stormwater runoff. Conventional stormwater management has led to large storm facilities in one location; the 2014 Manual will result in more numerous but smaller facilities which may look more natural. Installation of rain gardens on individual lots, bioretention areas near parking lot islands, pervious driveways, and infiltration areas will take precedence over the use of conventional systems. The purpose of the code updates is to remove barriers to LID implementation within City codes and standards. Some LID features and facilities are not supported by staff, for example pervious public roadways, due to a number of reasons including maintenance and safety issues.

Six municipal code sections and portions of the City construction standards were identified as part of the LID code review process. In general these amendments and revisions serve to allow LID and clarify where and what type of facility is acceptable. In addition, some non-LID stormwater code revisions to PMC 13.16 and 13.17 are included which provide clarifications, procedural revisions, and compatibility with the current NPDES Permit.

A summary of all amendments is in the following table. The full package should be reviewed for specific revision and amendment language.

SUMMARY OF LID AMENDMENTS

Amd. #	PMC Section to be Amended	Title/Topic	Summary of Proposed Change
1	12.02 Construction and Development Standards	Adopt 2014 DOE Stormwater Management Manual for Western Washington	Adds 2014 DOE Stormwater Management Manual and deletes manuals and sections no longer relevant
2	13.16 Storm Drainage Utility	Storm Drainage Utility/ Use of Funds	Adds clarification that funds support NPDES Permit compliance
3	13.17 Stormwater Management	Requirement for LID and General Stormwater Management Requirements	Makes LID the preferred and commonly used approach to site development; identifies additional amendments
4	15.35 Clearing & Grading	15.35.060 Application Required	Adds soils and infiltration areas that are to be protected to the required site plan content
		15.35.073 (new) Protection Measures	Add measures to be used to protect site features that support LID
5	16.20 Critical Areas	16.20.235.F Low Impact Development	Clarifies when storm water facilities and LID BMPs are allowed in wetland buffers
6	18 Zoning	18.130.040 Landscaping/ General Provisions	When feasible, LID features can be integrated into landscape plans
		18.130.050 Landscaping/ Installation	Compost amended soil required
		18.180.030 Tree Retention/ Retention required	Retention of conifers is a priority for preservation
7	City Construction Standards	Section 2 – Streets; Section 5 – Storm; Appendix A – Standard drawing notes	Numerous references to the use of the 2014 manual, reduction of hard surfaces, maintenance issues

Public Comment Methods: Comments may be provided to the City at any time during the public review process. Written comments received by the City will be forwarded to the recommendation and decision making bodies for consideration and made part of the record. Written comments may be mailed, faxed, or e-mailed to the Planning Contact indicated below. To ensure consideration, all written comments must be received by the City prior to close of the public hearings.

Public Participation Plan: The Public and Agency Participation Plan for the 2016 NPDES Permit Code Amendment Package is available on the City's website and at the Engineering Department.

Hearing Information: The Planning Commission public hearing on the 2016 NPDES Permit Code Amendment Package is scheduled for October 25, 2016. The City Council public hearing on the applications is tentatively scheduled for December 7, 2016. The Planning Commission will make recommendations to the City Council. City Council is the review and decision making authority for the NPDES Permit Code Amendment Package. Hearing procedures are available from the Planning Department and City Clerk's office and are conducted based on Roberts Rules of Order.

Additional Information: Information on proposed amendment package is on the City's website at <http://www.cityofpoulsbo.com/publicworks/PoulsboMunicipalCodeDraftTitle14.04-TransportationConcurrency.htm> and at the Engineering Department. The files are available for review at the Engineering Department between 8:30 am and 4:00 pm. Hard copies can be provided at a reasonable cost.

Staff Contact: City of Poulsbo Engineering Department
200 NE Moe Street, Poulsbo, WA 98370
Phone: (360) 770-4078 Fax: (360) 697-8269
E-mail: engineeringdept@cityofpoulsbo.com

All interested people are invited to attend the hearing. If you are unable to attend, your written comments, received no later than the date and time scheduled for the hearing, will be given careful consideration by the Planning Commission and made a part of the record. Testimony will be allowed on the proposal and related environmental issues and SEPA documents.

The following procedural rules have been established for public hearings to allow a fair and orderly hearing:

1. The length of time given to individuals speaking for or against a proposal may be determined by the Planning Commission prior to the application being considered;
2. A speaker representing each side of the issue is encouraged.

THE CITY OF POULSBO STRIVES TO PROVIDE ACCESSIBLE MEETINGS FOR PEOPLE WITH DISABILITIES. PLEASE CONTACT THE POULSBO PLANNING DEPARTMENT AT 360-394-9748 AT LEAST 48 HOURS PRIOR TO THE MEETING IF ACCOMMODATIONS ARE NEEDED FOR THIS MEETING.



AFFIDAVIT OF PUBLIC NOTICE

Helen Wytko, being first duly sworn, upon his/her oath deposes and says: That he/she is now, and at all times herein mentioned has been, a citizen of the United States and the State of Washington, over and above the age of twenty-one years and a resident of said County, that on 7 October, 2016, affiant that a copy of the following City of Poulsbo public notices, and which is attached to this affidavit,

- Notice of Application
- SEPA Determination
- Notice of Public Hearing
- Notice of Decision

has been provided, mailed and/or posted to the attached distribution lists, property addresses or posting locations:

- US Mail
- Email
- Post at Library, City Hall, Poulsbo Post Office, Website
- Site Posting Address: _____

Subscribed and sworn to before me this Helen Wytko day of October, 2016.



Cheryln J. Haley
NOTARY PUBLIC in and for the State of Washington, residing at:

Poulsbo
My Commission expires on:
3-13-19

Helen M. Wytko

From: Helen M. Wytko
Sent: Friday, October 07, 2016 1:18 PM
Subject: City of Poulsbo Notice of Public Hearing - LID proposed amendments
Attachments: 5 PC Public Hearing Notice_Oct_25_16.pdf

Hello!

You are receiving this email because you've signed up to receive Notices of Public Hearings. Thank you for your interest in Poulsbo.

The City has prepared an amendment package to various sections of the Poulsbo Municipal Code in order to adopt the Department of Ecology 2012 Stormwater Management Manual for Western Washington as amended in December 2014; and amendments to development regulations in order to incorporate Low Impact Development (LID) principles and best management techniques. Both of these are requirements of the Department of Ecology and must be completed by December 31, 2016.

The Poulsbo Planning Commission will be holding a **public hearing** on the proposed amendment package on **October 25, 2016 at 7:00 p.m.** A final review workshop will be held prior to the public hearing from 6-7 p.m. Please see attached notice for the Planning Commission public hearing. The workshop and hearing will be held in Poulsbo Council Chambers, at City Hall, 200 NE Moe Street, Poulsbo.

Due to scheduling constraints, the City Council anticipated workshops of Nov. 2 and 9th have been cancelled; the City Council will hold a workshop on Wednesday, October 12, 2016 to receive an overview of the proposed amendments. The City Council will hold their public hearing on the code amendment package on December 7, 2016. Another email will be sent prior to the City Council hearing.

All information regarding the NPDES Permit Code Amendment package can be found at the following link: <http://www.cityofpoulsbo.com/publicworks/PoulsboMunicipalCodeDraftTitle14.04-TransportationConcurrency.htm>

The City encourages all interested parties to review the Draft Code Amendment Package. Comments may be made in writing to engineeringdept@cityofpoulsbo.com or to Poulsbo Engineering Department, 200 NE Moe Street, Poulsbo WA 98370. To ensure consideration, all written comments must be received by the City prior to the close of the City Council public hearing.

Please feel free to contact the Poulsbo Engineering Department at (360) 779-4078 with any questions. Thank you for your interest in the City of Poulsbo.

Helen Wytko
Poulsbo Planning and Economic Development
Phone: 360-394-9748
200 NE Moe St
Poulsbo, WA 98370

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

Helen M. Wytko

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Helen M. Wytko

From: Helen M. Wytko
Sent: Friday, October 07, 2016 1:19 PM
Subject: City of Poulsbo - Development Regulations Update LID public hearing
Attachments: 5 PC Public Hearing Notice_Oct_25_16.pdf

Hello!

You are receiving this email because you've signed up to receive periodic notices regarding proposed amendments to the City of Poulsbo's development regulations. Thank you for your interest in Poulsbo.

The City has prepared an amendment package to various sections of the Poulsbo Municipal Code in order to adopt the Department of Ecology 2012 Stormwater Management Manual for Western Washington as amended in December 2014; and amendments to development regulations in order to incorporate Low Impact Development (LID) principles and best management techniques. Both of these are requirements of the Department of Ecology and must be completed by December 31, 2016.

The Poulsbo Planning Commission will be holding a **public hearing** on the proposed amendment package on **October 25, 2016 at 7:00 p.m.** A final review workshop will be held prior to the public hearing from 6-7 p.m. Please see attached notice for the Planning Commission public hearing. The workshop and hearing will be held in Poulsbo Council Chambers, at City Hall, 200 NE Moe Street, Poulsbo.

Due to scheduling constraints, the City Council anticipated workshops of Nov. 2 and 9th have been cancelled; the City Council will hold a workshop on Wednesday, October 12, 2016 to receive an overview of the proposed amendments. The City Council will hold their public hearing on the code amendment package on December 7, 2016. Another email will be sent prior to the City Council hearing.

All information regarding the NPDES Permit Code Amendment package can be found at the following link: <http://www.cityofpoulsbo.com/publicworks/PoulsboMunicipalCodeDraftTitle14.04-TransportationConcurrency.htm>

The City encourages all interested parties to review the Draft Code Amendment Package. Comments may be made in writing to engineeringdept@cityofpoulsbo.com or to Poulsbo Engineering Department, 200 NE Moe Street, Poulsbo WA 98370. To ensure consideration, all written comments must be received by the City prior to the close of the City Council public hearing.

Please feel free to contact the Poulsbo Engineering Department at (360) 779-4078 with any questions.

Thank you for your interest in the City of Poulsbo.

Helen Wytko

Poulsbo Planning and Economic Development
Phone: 360-394-9748
200 NE Moe St
Poulsbo, WA 98370

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

Hello,

The City has prepared an amendment to the Planning Department's 2013 Strategic Plan. The amendment is intended to align the City's Strategic Plan with the State's Strategic Plan. The amendment is being prepared in order to align the City's Strategic Plan with the State's Strategic Plan. The amendment is being prepared in order to align the City's Strategic Plan with the State's Strategic Plan. The amendment is being prepared in order to align the City's Strategic Plan with the State's Strategic Plan.

The Planning Department will hold a public hearing on the amendment on the following date and location. The hearing will be held in order to provide an opportunity for the public to provide input on the amendment. The hearing will be held in order to provide an opportunity for the public to provide input on the amendment. The hearing will be held in order to provide an opportunity for the public to provide input on the amendment.

Due to the City's Strategic Plan, the City Council will be held on the following date and location. The City Council will be held in order to provide an opportunity for the public to provide input on the amendment. The City Council will be held in order to provide an opportunity for the public to provide input on the amendment. The City Council will be held in order to provide an opportunity for the public to provide input on the amendment.

Information regarding the City Council's Strategic Plan is available on the City's website. The City Council's Strategic Plan is available on the City's website. The City Council's Strategic Plan is available on the City's website. The City Council's Strategic Plan is available on the City's website.

The City Council's Strategic Plan is available on the City's website. The City Council's Strategic Plan is available on the City's website. The City Council's Strategic Plan is available on the City's website. The City Council's Strategic Plan is available on the City's website. The City Council's Strategic Plan is available on the City's website.

Please contact the Planning Department at [phone number] if you have any questions. The Planning Department is available to provide information on the amendment. The Planning Department is available to provide information on the amendment. The Planning Department is available to provide information on the amendment.

Thank you for your interest in the City's Strategic Plan. The City's Strategic Plan is available on the City's website. The City's Strategic Plan is available on the City's website. The City's Strategic Plan is available on the City's website. The City's Strategic Plan is available on the City's website.

Heidi Wilson

Helen M. Wytko

Contact Group Name: Notice of Public Hearing

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WSDOT Olympic Region SEPA	

North Kitsap Herald

Affidavit of Publication

State of Washington }
County of Kitsap } ss

Kathleen Landis being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the North Kitsap Herald a weekly newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a weekly newspaper in Kitsap County, Washington and is and always has been printed in whole or part in the North Kitsap Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Kitsap County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of NKH725269 PH 2016 NPDES PERMIT as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 10/07/2016 and ending on 10/07/2016 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$79.89.

Kathleen Landis

Subscribed and sworn before me on this

7 day of Oct,

2016.

Debra Ann Grigg

DEBRA ANN GRIGG
Notary Public
State of Washington
My Commission Expires
October 31, 2017

Notary Public in and for the State of
Washington.

CITY OF POULSBO
PLANNING COMMISSION
NOTICE OF
PUBLIC HEARING
2016 NPDES Permit Code
Amendment Package
Adopt DOE 2012 Stormwater
Management Manual
(as amended 2014)
and amend various sections
of the Poulsbo Municipal
Code to incorporate
Low Impact Development
(LID) principles and best
management practices
Hearing Date:
October 25, 2016

Time: The hearing is sched-
uled to begin at 7:00 pm.
Place: Poulsbo City Hall,
Council Chambers, 200 NE
Moe Street, Poulsbo, WA.
To: Interested citizens and
agencies

Summary of the Proposed Ap-
plications:

The City has prepared an
amendment package to vari-
ous sections of the Poulsbo
Municipal Code in order to
adopt the Department of
Ecology 2012 Stormwater
Management Manual for
Western Washington as
amended in December 2014;
and amendments to develop-
ment regulations in order to
incorporate Low Impact De-
velopment (LID) principles
and best management practi-
ces. Both of these are require-
ments of the Washington De-
partment of Ecology and must
be completed by December
31, 2016.

The Draft Poulsbo Municipal
Code Amendments Package
to adopt the 2014 DOE Storm-
water Manual and amend-
ments to incorporate LID prin-
ciples and best management
practices, overview memo and
public participation plan are
attached to this email and are
available at the link below. All
pertinent documents will be
posted to this link as the pub-
lic review process progresses:
[http://www.cityofpoulsbo.com/
publicworks/PoulsboMunici-
palCodeDraftTitle14.04-Trans-
portationConcurrency.htm](http://www.cityofpoulsbo.com/publicworks/PoulsboMunicipalCodeDraftTitle14.04-TransportationConcurrency.htm)

The 2014 Manual represents
a shift in the development pro-
cess which puts an emphasis
on protecting areas which are
well suited to handling storm-
water. The 2014 Manual re-
quires that all projects shall
complete LID feasibility analy-
sis and implement LID best
management practices to the
extent feasible. The primary
LID principles and BMPs to be
incorporated are: (1) Meas-
ures to minimize impervious
surfaces; (2) Measures to
minimize loss of native vege-
tation; and (3) Other meas-
ures to minimize stormwater
runoff. Conventional storm-
water management has led to

A13

large storm facilities in one location; the 2014 Manual will result in more numerous but smaller facilities which may look more natural. Installation of rain gardens on individual lots, bioretention areas near parking lot islands, pervious driveways, and infiltration areas will take precedence over the use of conventional systems. The purpose of the code updates is to remove barriers to LID implementation within City codes and standards. Some LID features and facilities are not supported by staff, for example pervious public roadways, due to a number of reasons including maintenance and safety issues.

Six municipal code sections and portions of the City construction standards were identified as part of the LID code review process. In general these amendments and revisions serve to allow LID and clarify where and what type of facility is acceptable. In addition, some non-LID stormwater code revisions to PMC 13.16 and 13.17 are included which provide clarifications, procedural revisions, and compatibility with the current NPDES Permit.

A summary of all amendments is in the following table. The full package should be reviewed for specific revision and amendment language.

SUMMARY OF

LID AMENDMENTS

Amd.#/ PMC Section to be Amended/ Title/Topic/ Summary of Proposed Change
1/ 12.02 Construction and Development Standards/ Adopt 2014 DOE Stormwater Management Manual for Western Washington/ Adds 2014 DOE Stormwater Management Manual and deletes manuals and sections no longer relevant
2/ 13.16 Storm Drainage Utility / Storm Drainage Utility/ Use of Funds/ Adds clarification that funds support NPDES Permit compliance
3/ 13.17 Stormwater Management/ Requirement for LID and General Stormwater Management Requirements/ Makes LID the preferred and commonly used approach to site development; identifies additional amendments
4/ 15.35 Clearing & Grading/ 15.35.060 Application Required/ Adds soils and infiltration areas that are to be protected to the required site plan content 15.35.073 (new) Protection Measures/ Add measures to be used to protect site features that support LID
5/ 16.20 Critical Areas/ 16.20.235.F Low Impact Development/ Clarifies when storm water facilities and LID BMPs are allowed in wetland buffers
6/ 18 Zoning/ 18.130.040 Landscaping/General Provisions/ When feasible, LID features can be integrated into landscape plans

of the record. Testimony will be allowed on the proposal and related environmental issues and SEPA documents.

The following procedural rules have been established for public hearings to allow a fair and orderly hearing:

1. The length of time given to individuals speaking for or against a proposal may be determined by the Planning Commission prior to the application being considered;
2. A speaker representing each side of the issue is encouraged.

THE CITY OF POULSBO STRIVES TO PROVIDE ACCESSIBLE MEETINGS FOR PEOPLE WITH

DISABILITIES. PLEASE CONTACT THE POULSBO PLANNING DEPARTMENT AT 360-394-9748 AT LEAST 48 HOURS PRIOR TO THE MEETING IF ACCOMMODATIONS ARE NEEDED FOR THIS MEETING.

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