

2010-2011 POULSBO DEVELOPMENT REGULATIONS UPDATE

AMENDMENT PACKAGE 1:

Introduction

The City of Poulsbo has approved a three-phase approach to update its development regulations. The first phase of the development regulation update is to develop provisions for the new land use classifications of Office Commercial Industrial and Park, as well as a number of amendments determined appropriate for this first phase by the Planning Department. The following sections in the Poulsbo Municipal Code are proposed for amendments during this first phase:

Poulsbo Municipal Code Title 16 Environment

PMC 16.20.155 Definitions

Title 17 Subdivisions

PMC 17.04 General Provisions

PMC 17.08.140 Underground Utilities

PMC 17.22 Boundary Line Adjustments

Title 18 Zoning

PMC 18.16 Low Density Residential District (RL District)

PMC 18.20 Medium and High Density Residential Districts (RM and RH Districts)

PMC 18.24 Commercial Districts (C District)

PMC 18.28 Business Park District (BP District)

PMC 18.32 Light Industrial District (LI District)

PMC 18.60 Special Development Standards and Design Guidelines

PMC 18.64 Sign Code

PMC 18.72 Uses Permitted Subject to Review and Approval by the Director

PMC 18.76 Conditional Use Permits

PMC 18.84 Zoning Interpretations and Exceptions

Zoning Ordinance Map

Title 19 Project Permit Procedures

PMC 19.01 Project Permit Application Procedures

The proposed amendments to the sections identified above, have been assigned an amendment number and are presented below in its sequential order per the Poulsbo Municipal Code. The amendments are represented as underline for proposed new language or additions, and ~~strikeout~~ for deletions. In the case of large sections of new text being proposed, underlining will not be included for ease of reading. *It should be noted that not all provisions of a specific section 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.*

Summary of Development Regulation Amendments

| Amendment Application Number | Existing PMC Citation | Title/Topic | Summary of Proposed Changes |
|-------------------------------------|------------------------------|---|---|
| 10-1 | 16.20.155 | Open Space definition | Clarification of open space definition in Critical Areas Ordinance. |
| 10-2 | 17.04 | General provisions for Subdivision ordinance | Deleting selected exemptions to Subdivision Ordinance. |
| 10-3 | 17.08.140 | Underground Utilities | Clarifying where underground utilities are required. |
| 10-4 | 17.22 | Boundary Line Adjustments (new section) | New section on Boundary Line Adjustments. |
| 10-5 | 18.16.020 | Residential Low district use table | Changing permit type required on selected uses. |
| 10-6 | 18.20.020 | Residential Medium and High districts use table | Changing permit type required on selected uses; and adding professional offices as new allowed use. |
| 10-7 | 18.24.020 | Commercial district use table | Changing permit type required on selected use. |
| | 18.24.070 | Development standards | Clarifying where underground utilities are required. |
| 10-8 | 18.28 | Business and Employment districts (delete existing and replace with new text) | New section establishing development regulations for new zoning district Office Commercial Industrial. Amend City’s zoning map to identify new OCI zoning district on properties with OCI land use designation in the City’s 2025 Land Use Comprehensive Plan Map. |
| 10-9 | 18.32 | Park district (delete existing LI text and replace with new text) | New section establishing development regulations for new zoning district Park. |
| 10-10 | 18.60.040 | Commercial development design standards | Extending design review process to commercial buildings in OCI, LI, BP, RM and RH zoning districts. |
| 10-11 | 18.64.180 | Sign Code – Regulations for noncommercial zoning districts outside of downtown area | Deleting reference to a zoning district that no longer exists. |
| | 18.64.170 | Variances | Authorizing an administrative modification process for signs. |
| 10-12 | 18.72 | Uses permitted subject to review and approval by the Director | Delete entire section. |
| 10-13 | 18.76 | Conditional Use Permits | New provisions for an administrative conditional use permit process; reformatting and consolidating existing text. |
| 10-14 | 18.84.070 | Exceptions to yard requirements | Allowing for minor structures to extend into side and rear setbacks. |
| 10-15 | 19.01.001 | Application identification, classification, and Review Authority | Identifying review authority for new permit types. Amending the timing of when annual comprehensive plan amendment applications are to be submitted to the |
| | 19.01.005 | Application types and classifications | |
| | 19.01.008 | Procedure for docketing and reviewing proposed | |

2010-2011 Poulsbo Development Regulations Update – Amendment Package 1

| | | | |
|-------|-----------|--|--|
| | 19.01.058 | comprehensive plan and development regulations amendments Type V procedure- Release of Concomitant Agreements (new section) | City, from June 1 st to November 15 th . Establishing a new Type V procedure for release of concomitant agreements. |
| 10-16 | 19.01.055 | Type IV permits – Legislative | Establishing a public participation program for Type IV permits. |

Amendment 10-1 PMC 16.20 Critical Areas

This amendment proposes clarifying the definition of open space for appropriate context in the City’s Critical Areas Ordinance. The current definition was derived from the City’s zoning ordinance, in which the definition was in relation to open space as required for Planned Residential Development projects. This amendment would clarify how the definition of open space applies in the City’s Critical Areas Ordinance.

PMC 16.20.155 Definitions

“Open space” means ~~land used for outdoor recreation, critical area or resource land protection, amenity, safety or buffer, including structures incidental to these open space uses, but excluding buffers, setbacks, etc., required by this chapter and land occupied by dwellings or impervious surfaces not related to the open space uses.~~ any land area the preservation of which land would: (1) conserve and enhance natural or scenic resources; (2) protect streams or water supply; (3) promote the conservation of regulated critical areas.

Amendment 10-2 PMC 17 Subdivisions

This amendment is proposed due to Amendment 10-4, proposing a new section in Title 17 Subdivisions, regarding Boundary Line Adjustments (BLA). The Planning Department wishes to establish an administrative review process for proposed Boundary Line Adjustments, and therefore, the exemption of BLA should be deleted in PMC 17.04.030 below. Further, the Planning Department noticed that short plats are exempted in this section, but since PMC 17.16 addresses short plats, this reference should also be deleted. This amendment also includes a small addition to the definition of Boundary Line Adjustment, to clearly indicate that BLAs are not to create a lot, tract, parcel or division.

Chapter 17.04 *General Provisions*

17.04.030 Scope.

This title shall apply to all subdivision of land for any purpose, except the following:

- A. Cemeteries and other burial plots while used for that purpose;
- B. Divisions of land into lots or tracts, each of which is 1/128th of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land; provided, that for purposes of computing the size of any lot under this subsection which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such centerlines;
- C. Divisions made by testamentary provision, or the laws of descent;
- D. Divisions of land into lots or tracts classified for industrial or commercial use pursuant to a binding site plan for the use of the land in accordance with local regulations; provided, that when a binding site plan authorized a sale or other transfer of ownership of a lot, parcel or tract, the building site plan shall be filed for recording in the county auditor’s office on each lot, parcel or tract created pursuant to the binding site plan; provided further, that the binding site plan and all of its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of the lot, parcel, or tract; and provided further, that sale or transfer of such a lot, parcel, or tract in violation of the binding site plan, or without obtaining binding site plan approval, shall be considered a violation of this title and shall be restrained by injunctive action and be illegal as provided in this title;
- E. A division for the purpose of lease when no residential structures other than mobile homes, as defined by Title 18 of this code, are permitted to be placed upon the land, and the city council has approved a binding site plan for the use of the land in accordance with city ordinances;
- ~~F. A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;~~
- ~~G-F.~~ A division which is made by subjecting a portion of a parcel or tract of land to Chapter 64.32 RCW, the Horizontal Property Regimes Act, under a binding site plan for the use of the land in accordance with city ordinances;

~~H. Short subdivision of land made pursuant to Chapter 17.16, Short Plats and Short Subdivisions.~~

17.04.040 Definitions.

~~“Boundary line adjustment” is any conveyance of land between adjoining property owners intended to adjust existing boundaries; provided, that no new building lot, is created.~~ a division of land made for the purpose of adjusting boundary lines between two lots, tracts, parcels, sites or divisions.

Amendment 10-3 PMC 17 Subdivisions

This amendment is proposed to clarify that a developer’s responsibility to underground utilities is to serve the proposed subdivision, and undergrounding of utilities off site and along peripheral streets is not required.

17.08.140 Underground utilities.

The subdivider, as a condition of approval of a preliminary plat, shall provide for the undergrounding of all existing and proposed utility distribution facilities (e.g. cable television, electric, gas, telephone and water), within the subdivision and as necessary in order to serve and support the preliminary plat ~~and along peripheral street~~, in compliance with the following standards:

A.6. The requirement to underground shall apply to all utility lines ~~traversing internal to a subdivision, or installed along either side of the streets and alleys adjoining the subdivision~~, except for electrical lines of 33 KVA or more. Where one line is exempt, all parallel lines on that same pole shall be exempt.

Only the two sections of 17.08.140 proposed for amendment are included; please refer to full section for all required standards.

Amendment 10-4 PMC 17 Subdivisions

This amendment is proposed to add a new section regarding the City’s review of Boundary Line Adjustments. The Planning Department wishes to establish an administrative review of BLAs in order to ensure that the property owner’s change in boundary lines does not create a new lot, is in conformance with City’s zoning regulations (minimum lot size, setbacks) and are not using the BLA process to circumvent the subdivision process or other regulatory requirements.

Add Chapter 17.22 *Boundary Line Adjustments*

(Note: All text in this section is new, therefore underline was omitted.)

Chapter 17.22 BOUNDARY LINE ADJUSTMENTS

Sections:

- 17.22.010 Purpose.**
- 17.22.020 Type of application.**
- 17.22.030 Application submittal and contents.**
- 17.22.040 Approval criteria.**
- 17.22.050 Recording.**

17.22.010 Purpose.

The purpose of this chapter is to provide a method for administrative review and approval of boundary line adjustments that satisfy public concerns of health, safety and welfare. The boundary lines separating two lots of record may only be adjusted under the provisions of this chapter. A boundary line adjustment is intended to apply to minor boundary changes, to correct a controversy regarding the location of a lot line, to remedy property use constraints caused by adverse topographical features, or to consolidate previously platted lots into a single parcel. An adjustment may not result in actions requiring the replat, amendment, alteration, or vacation of a plat or short subdivision, and must be consistent with all applicable zoning, health, building, and similar regulations.

17.22.020 Type of application.

A boundary line adjustment is a Type I application, and the planning director is the review authority. The application shall be processed as set forth in PMC 19.01.030.

17.22.030 Application submittal and contents.

To be considered a complete application, a boundary line adjustment application shall include five (5) copies of the following:

- A. Completed city application form for a boundary line adjustment, along with the appropriate fee.
- B. Clean and legible drawings suitable for recording showing the following:
 - 1. A map at a scale of not less than one inch equal to 100 feet which depicts the existing property configuration, including all lot lines, dimensions and lot area;
 - 2. A map at a scale of not less than one inch equal to 100 feet which depicts the proposed property configuration, including all lot lines, dimensions and lot area;
 - 3. The location and dimensions of all structures/improvements existing upon the affected lots and the distance between such structures/improvements and the existing and proposed boundary lines;

4. The location and dimensions of any easements within or adjacent to the affected lots;
 5. The location, dimensions and names of all existing or platted street rights-of-way, whether public or private, within or adjacent to the affected lots;
 6. The location of all existing and proposed water, sewer and storm drainage facilities, onsite wastewater disposal systems, drainfields, and wells;
 7. The location of access to all affected lots; and
 8. A north arrow and scale.
- C. The original legal descriptions of all affected properties, together with new separate legal descriptions for each parcel resulting from the adjustment;
 - D. Drawings and legal descriptions shall be prepared by a licensed surveyor unless otherwise waived by the planning director;
 - E. A copy of any CC&Rs, deed restrictions, concomitant agreements, easements, or development agreements pertaining to the affected properties;
 - F. If an existing on-site sewage (septic tank) disposal system will continue to be used on an affected property after the boundary line adjustment, and/or if a new on-site sewage disposal system is proposed for an affected property where city code does not require connection to the city's municipal sewer system, the applicant shall provide written verification from the Kitsap County health department that the proposed lot is adequate to accommodate an on-site sewage disposal system.

17.22.040 Approval criteria.

The planning director shall approve an application for a boundary line adjustment if it is determined that the adjustment will not:

- A. Create any additional lot, tract, parcel, or division;
- B. Create a lot that does not comply with requirements for minimum and maximum lot area, and minimum lot dimensions, as set forth in the city's zoning and land use and state and local health codes and regulations; provided that if the existing lot is already less than the required minimum standards, that the lot's nonconformity is not increased by the boundary line adjustment. This provision shall not be construed to require correction or remedy of pre-existing nonconformities or substandard conditions;
- C. Diminish or impair existing or future drainage, water supply, sanitary sewage disposal (including onsite sewage disposal);
- D. Create a lot without adequate vehicular access, including access for emergency response vehicles;
- E. Replat or vacate a full or short subdivision, or revise or amend the conditions of approval of any full or short subdivision;
- F. Amend or act contrary to the conditions of approval for property that is part of an existing plat or short subdivision;
- G. Result in a lot having more than one zoning and/or land use designation;
- H. Result in a lot located partially within any special overlay area or master planned area, and partially outside of such special overlay area or master planned area;
- I. Result in a lot located partially within the city limits, and partially within unincorporated Kitsap County; or
- J. Result in a lot which would be so constrained by topography, critical areas or buffers, unusual shape, or other site conditions, that a reasonable building site could not be obtained except through a variance, reasonable use exemption from critical areas permit, or other exemption from the city's zoning, land use or critical areas regulations; or
- K. Affect the boundaries of any lot, tract, parcel or division that is the subject of a current, unresolved city code enforcement action, code violation notice, or stop-work notice.

17.22.050 Recording.

- A. Upon approval of the application, the planning director shall notify the applicant. The applicant shall then record with the Kitsap County auditor the document indicating the planning director's approval of the boundary line adjustment, together with the legal document(s) showing the amended legal descriptions and maps, any applicable restrictive covenants, and the survey, if required and not yet recorded.
- B. A boundary line adjustment does not become effective until the applicant has recorded the documents required for recording with the Kitsap County auditor, and delivered one copy of each recorded document to the planning director. The copy must bear the county auditor's stamp and the recording number. No building or other site development permits for the affected lots shall be granted until the applicant returns the copy of the recorded document to the planning director.

Amendment 10-5 PMC 18 Zoning

This amendment introduces a new permit that the Planning Department is proposing – Administrative Conditional Use Permit (AC). Similar to Conditional Use Permit (C), the Administrative Conditional Use Permit evaluates certain uses for compatibility and their effect on surrounding properties, on a case by case basis. The AC, however, allows for an administrative process allowing the Planning Director to evaluate, condition and authorize these specifically identified uses. In the Low Density Residential District (RL), proposed uses subject to the AC process are Accessory Dwelling Units and Home Occupations. The AC process is set forth in full detail under Amendment 10-13. In conjunction with the establishment the AC, is the deletion of the R/A “review and approval” permit which is being replaced with the more formalized AC process.

Included with this amendment is refining the type of permit for church use. The AC process is proposed for churches that wish to locate within existing buildings and are 5,000 square feet or smaller. New construction or utilizing a larger existing structure will require the full C process.

Also included in this amendment are two clarifying changes – correctly identifying Planned Residential Developments (PRD) and deleting temporary offices and model homes which are reviewed and permitted through Temporary Use Permits.

Table 18.16.020 does not include the full table of uses in the RL zoning district, but those uses where amendments are proposed. The list of uses will need to be renumbered based on the proposed deletion of business services.

Chapter 18.16 Low Density Residential District (RL District)

18.16.020 Uses.

The following table “Low Density Residential Use—Table 18.16.020” is a list of examples of allowable uses in the RL district. The appropriate review, as listed, is mandatory.

| | |
|---------|--|
| “P” – | Permitted uses |
| “AC” – | Administrative conditional uses which may be permitted, subject to the provisions of Chapter 18.76, Conditional Use Permits |
| “C” – | Conditional uses which may be permitted, subject to the provisions of Chapter 18.76, Conditional Use Permits |
| “R/A” – | Uses permitted subject to review and approval, subject to the provisions of Title 19 of this code, Project Permit Application Procedures |
| “X” – | Uses specifically prohibited |

Table 18.16.020 —Low Density Residential Use

| | |
|----------------------------------|---|
| A. Residential | |
| Single-family detached dwellings | P |

| | |
|--|-----------------------------|
| Single-wide mobile homes as defined in Section 18.08.010 | X |
| Guest houses | P |
| Accessory uses and structures normal to residential environment | P |
| Residential care home | P |
| Bed and breakfast house | C |
| Planned unit developments <u>Planned residential developments</u> (subject to provisions of PUD <u>PRD</u> chapter, 18.80) | PUD <u>P</u> |
| Rooming and boarding houses | C |
| Mobile home or manufactured housing subdivision | C |
| Residential infill incentive densities development | C |
| Home occupations | R/A <u>AC</u> |
| Accessory dwellings | R/A <u>AC</u> |
| B. Services, Business | |
| Temporary offices and model homes | R/A |
| F. Services, Membership Organizations | |
| Churches, <u>new freestanding structures and existing building(s) 5,000 square feet or larger</u> | C |
| Churches, <u>under 5,000 square feet and within an existing building(s)</u> | <u>AC</u> |

Amendment 10-6 PMC 18 Zoning

This amendment includes most of the proposed changes from Amendment 10-5 regarding the introduction of the administrative conditional uses, size refinement for churches, changing R/A uses to AC, deleting temporary uses, and clarification of PRDs, in the Residential Medium and Residential High zoning districts. The amendment includes refinement and clarifications for private recreation facilities and clubs, lodges and charitable institutions. Change of permit type is proposed for a few uses as well.

Of primary significance, this amendment proposes allowing professional offices in the RM and RH zoning districts through the AC process. While the current use table allows for medical and dental clinics, the amendment proposes allowing other professional office uses in addition to the medical/dental uses. A size limitation has been established for these non-residential office uses.

The last main amendment is the government and public administration use, which provides an expanded use list from the current code, and allows non-government offices and commercial uses to be located within the government building, limited to 25% of the building’s square footage.

Chapter 18.20 Medium & High Density Residential Districts (RM & RH Districts)

18.20.020 Uses

The following table “Medium and High Density Residential Use—Table 18.20.020” is a list of examples of allowable uses in the RM and RH districts. The appropriate review, as listed, is mandatory.

| | |
|---------|---|
| “P” – | Permitted uses |
| “AC” | <u>Administrative conditional uses which may be permitted, subject to the provisions of Chapter 18.76, Conditional Use Permits</u> |
| “C” – | Conditional uses which may be permitted, subject to the provisions of Chapter 18.76, Conditional Use Permits |
| “R/A” – | Uses permitted subject to review and approval, subject to the provisions of Title 19 of this code, Project Permit Application Procedures |
| “X” – | Uses specifically prohibited |

Table 18.20.020 Medium and High Density Residential Use

| Medium and High Density Residential (RM and RH District) Uses | RM (10 dwelling units per acre) | RH (14 dwelling units per acre) |
|--|--|--|
| A. Residential | | |
| 1. Accessory dwelling | R/A <u>AC</u> | R/A <u>AC</u> |

| | | | |
|--|--|--------------------------|--------------------------|
| 2. | Accessory uses and structures normal to a residential environment | P | P |
| 3. | Bed and breakfast | C <u>AC</u> | C <u>AC</u> |
| 4. | Existing single-family dwelling | P | P |
| 5. | Single-family dwellings attached | P | P |
| 6. | Single-family dwellings detached | R/A <u>P</u> | R/A <u>P</u> |
| 7. | Duplex and other multiple-family dwellings | P | P |
| 8. | Mobile home or manufactured housing parks or subdivisions | C | C |
| 9. | Residential PUD <u>Planned residential development</u> (subject to provisions of PUD <u>PRD</u> chapter, <u>18.80</u>) | PUD <u>P</u> | PUD <u>P</u> |
| 10. | Boarding or rooming house | C <u>AC</u> | C <u>AC</u> |
| 11. | Home occupations | R/A <u>AC</u> | R/A <u>AC</u> |
| B. Services, Business | | | |
| 1. | Mini-storage warehouses <u>Self-serve mini storage</u> | X | C <u>X</u> |
| 2. | Temporary sales offices | R/A | R/A |
| 2. | <u>Professional offices, freestanding up to 5,000 square feet, with a maximum 2,500 square foot building footprint</u> | <u>AC</u> | <u>AC</u> |
| C. Services, Medical and Health | | | |
| 1. | Convalescent, nursing or rest home | C | C |
| 2. | Congregate care facility | P | P |
| 3. | Medical/Dental <u>offices and clinics, freestanding up to 5,000 square feet, with a maximum 2,500 square-foot building footprint</u> | C <u>AC</u> | P <u>AC</u> |
| 4. | Residential care facility | C | C |
| 5. | Animal hospital and veterinary clinics, <u>freestanding up to 5,000 square feet, with a maximum 2,500 square-foot building footprint</u> | P <u>AC</u> | P <u>AC</u> |
| D. Services, Amusement | | | |
| 1. | Private recreation facility, <u>such as marina, country clubs and golf courses, but not including such intensive commercial recreation uses as a golf driving range (unless within a golf course), race track, amusement park, or gun club</u> | C | C |
| E. Services, Membership Organizations | | | |
| 1. | Churches, <u>new freestanding structures or existing building(s) 5,000 square feet or larger</u> | P <u>C</u> | P <u>C</u> |
| 2. | <u>Churches and related uses under 5,000 square feet and within an existing building(s)</u> | <u>AC</u> | <u>AC</u> |
| 2-3. | Clubs, lodges and charitable institutions, <u>new freestanding structures or existing</u> | C | C |

| | | |
|---|--------------|--------------|
| <u>building(s) 5,000 square feet or larger</u> | | |
| 4. <u>Clubs, lodges, charitable institutions and similar uses, under 5,000 square feet and within an existing building(s)</u> | <u>AC</u> | <u>AC</u> |
| F. Services, Educational | | |
| 1. Public and private schools | C | C |
| 2. Day care centers | P | P |
| G. Public Services and Facilities | | |
| 1. Parks and recreational facilities | P | P |
| 2. Essential public facilities (as defined by the Growth Management Act) | C | C |
| 3. <u>Governmental structures and public administration buildings, including fire stations, recreation buildings, post offices, and similar government services, but not including government maintenance shops. Non-government professional office use, personal service, eating/drinking and retail commercial use may be permitted within government/public administration buildings; all non-government uses combined shall not total more than 25% of gross square footage of the individual building. (Other agreements, funding constraints or mechanisms that limit the use(s) of government/public administration buildings shall supersede this provision).</u> | P | P |
| <u>Existing structures or new construction 5,000 square feet or less</u> | <u>AC</u> | <u>AC</u> |
| <u>New construction 5,001 square feet or more</u> | <u>C</u> | <u>C</u> |
| 4. Transit facilities | C | C |
| 5. Public facilities | C | C |
| 6. Utility facilities | C | C |
| 7. Wireless communication facilities | C | C |
| H. Food and Fiber Production | | |
| 1. Agriculture | C | C |
| I. Other | | |
| 1. Cemeteries and mausoleums | C | C |

Amendment 10-7 PMC 18 Zoning

This amendment relates to the Commercial districts, and includes the inclusion of the administrative conditional use permit applied to one use in the use table for this phase; identifying museums, historic and cultural exhibits as a permitted use (instead of a conditional use); and a new provision that commercial projects requiring site plan review are required to underground utilities.

Minimal amendments to the Commercial chapter are proposed during this first phase of the development regulation update. It is expected that more significant amendments to Chapter 18.24 will be proposed at the second phase of the development regulation update process.

Chapter 18.24 Commercial Districts
18.24.020 Uses

The uses set out in Table 18.24.020 below are examples of uses allowable in the commercial zones. The appropriate review authority is mandatory.

| | |
|---------|--|
| “P” – | Permitted uses |
| “R/A” – | Uses permitted subject to review and approval, subject to the provisions of Title 19 of this code, Project Permit Application Procedures |
| “AC” – | <u>Administrative conditional uses which may be permitted, subject to the provisions of Chapter 18.76, Conditional Use Permits</u> |
| “C” – | Conditional uses which may be permitted subject to the approval of a conditional use permit |
| “X” – | Uses specifically prohibited |

Table 18.24.020 — Commercial Use

| Zone | C | DC |
|--|----------------|---------------------------|
| B. Retail Sales—Food | | |
| 1. Supermarkets in excess of 25,000 square feet gross floor area | P | X |
| 2. Convenience stores—5,000 to 25,000 square feet gross floor area | P | C |
| 3. Convenience stores equal to or less than 5,000 square feet gross floor area | P | P |
| 4. Delicatessen | P | P |
| 5. Specialized food markets, such as meat, fish, fruit and vegetable, dairy and poultry | P | C |
| 6. Other specialized food stores where manufactured elsewhere | P | P |
| 7. Other specialized food stores where <u>food or drink products are</u> manufactured and sold on premises—less or equal to 5,000 square feet gross floor area | P | C <u>AC</u> |
| Q. Services—Amusement | | |
| 6. Carnival (temporary) and circus (temporary) | R/A | R/A |

| T. Public Services and Facilities | | |
|--|----------|----------|
| 1. Buildings and other structures such as police and fire substations | P | P |
| 2. Educational institutions | P | C |
| 3. Sewer, water and utility transmission lines | P | P |
| 4. Sewer, water supply, water conservation and flood control and installations other than transmission lines | P | P |
| 5. Zoos museums, historic and cultural exhibits and the like | C | C |
| 6. <u>Museums, historic and cultural exhibits</u> | <u>P</u> | <u>P</u> |
| 7. Transit facility | C | C |
| 8. Wireless communication facility (exceeding 20 feet in height) | C | X |
| 9. Wireless communication facility (roof-mounted less than 20 feet in height) | P | C |

(Note: Items will need to be renumbered based on these changes.)

18.24.070 Additional development standards and design guidelines.

A. Commercial District or “C” District.

1. Landscaping. *No amendment is proposed for this subsection.*

2. Underground utilities. As a condition of approval, new commercial projects or remodeled commercial projects that enlarge the existing structure’s gross square footage by more than 50 percent, shall underground existing and proposed utility distribution facilities (e.g. cable television, electric, gas, telephone and water), internal to the project site.

Amendment 10-8 PMC 18 Zoning

This amendment establishes development regulations for the new Office Commercial Industrial zoning district. Through this new zoning district, the Business Park (BP) and Light Industrial (LI) zoning districts have been combined into Chapter 18.28, now titled “Business and Employment districts.” This proposed consolidation made sense as the OCI, BP and LI zoning districts share many of the same uses and development standards. It also provides a new format where all applicable development standards are located within the chapter itself, for ease of administration. This format is planned to be applied to all zoning districts in the second phase of the development regulation update process.

This amendment also includes amending the Zoning Ordinance to identify properties with the new OCI Zoning District that are identified with the OCI land use designation on the 2009 Comprehensive Plan’s 2025 Land Use Comprehensive Plan Map (Figure LU-1).

Delete existing text in Chapter 18.28 and replace with the following:

(Note: All text in this section is new, therefore underline was omitted.)

Chapter 18.28 Business and Employment Districts

18.28.010 Zoning Districts.

The City’s Comprehensive Plan establishes three land use designations that support the business and employment goals and policies of the City of Poulsbo. The three land use designations will also serve as titles of zoning districts on the City’s Zoning Map, and are identified as:

- Office Commercial Industrial (OCI)
- Business Park (BP)
- Light Industrial (LI)

The three business and employment districts are intended to enhance Poulsbo’s economic base by providing suitable areas to support the employment needs of the community. The business and employment districts provide for the location of manufacturing, product processing, research and development facilities, assembly, warehousing, distribution, professional services, corporate headquarters, medical facilities and complementary educational and recreational uses among others. Limited retail, business and support services that generally serve the needs of the districts’ tenants and patrons are allowed. The business and employment districts are intended to have limited nuisance factors and hazards.

18.28.020 Purposes.

The Office Commercial Industrial (OCI) district provides for business and professional offices, corporate headquarters, research and development facilities, light industry and complementary educational, and recreational uses. The district is not intended to support the general commercial needs of the community; however, limited retail sales,

convenience and personal services, and residential, as subordinate uses are allowed. The OCI district is intended to be compatible and transitional with adjoining uses and have less nuisance factors and hazards than the Light Industrial district.

The Business Park (BP) district, located in the College MarketPlace planned development, is intended to enhance the city’s economic base by providing for an integrated grouping of businesses and buildings of a larger size and scale than the OCI or LI districts may support. The BP district supports a variety of uses, such as light manufacturing, professional office buildings, and warehousing and distribution.

The Light Industrial (LI) district provides appropriate locations for combining light, clean industries, including industrial service, manufacturing, fabrication, assembly and production; business and technology research and development; and warehousing, distribution and storage activities. Professional offices and sale of goods are subordinate to permitted activities.

18.28.030 Uses.

- A. Types of uses. For the purposes of this chapter, there are four kinds of use:
 1. A permitted (P) use is one that is permitted outright, subject to all the applicable provisions of this title.
 2. A conditional use (C) is discretionary use reviewed through the process set forth in Chapter 18.76 governing conditional uses.
 3. An administrative conditional use (AC) is a discretionary use reviewed through the process set forth in Chapter 18.76 governing administrative conditional uses.
 4. A prohibited use (X) is one that is not permitted in the zoning district under any circumstances.

- B. Recognizing that there may be certain uses not mentioned specifically in Table 18.28.030 because of changing business markets, technology advances or other reasons, the Planning Director is authorized to make similar use determinations. In making such determinations, the Planning Director shall evaluate and determine that the proposed use is similar and in conformity to the designated primary uses allowed in the zoning district. Similar use determination shall be a Type I procedure as set forth in Title 19, Project Permit Application Procedures.

The following Table 18.28.030 is a list of uses for the three zoning districts:

Table 18.28.030 Business and Employment District Uses

| USE | | OCI | BP | LI |
|----------|--|-----|----|----|
| A | Office and Professional Services | | | |
| 1 | All forms of corporate, professional, public, brokerage, administrative, financial, building trade, and research offices | P | P | X |
| 2 | Corporate headquarters and regional offices | P | P | X |

| | USE | OCI | BP | LI |
|----------|---|------------|-----------|-----------|
| 3 | Office-oriented service providers, such as communications services, photocopying, and courier and messenger services, graphic design, printing, promotional products, and the like | P | P | X |
| 4 | Office equipment sales and services | P | P | X |
| 5 | Technology service and support, copy and connectivity centers, telework centers | P | P | X |
| B | Business/Technology Research and Development | | | |
| 1 | Biotechnology/medical laboratories | AC | AC | AC |
| 2 | Computer technology | P | P | P |
| 3 | Electronic components and board systems engineering and development | P | P | P |
| 4 | Research and research industry-oriented service providers | P | P | P |
| 5 | Software engineering | P | P | P |
| C | Commercial Services and Retail | | | |
| 1 | Auto and boat service and repair (but not sales) | X | X | P |
| 2 | Building materials retail sales (not including big box retailers) | AC | AC | X |
| 3 | Commercial convenience and personal services <i>(In existing or new structures 5,000 square feet or larger, commercial convenience, personal service uses, and eating/drinking establishments, are allowed but are to be subordinate to the building's primary uses. All commercial uses located in the structure shall be limited to 25% of the building's gross square footage. Businesses offering solely retail sales are not allowed under this specific use provision. No drive-through facilities are allowed.)</i> | P | P | X |
| 4 | Commercial retail in conjunction with a primary use <i>(Retail sales of products assembled, manufactured, etc. in the OCI/BP/LI zoning districts are allowed but are to be subordinate to the building's primary use. Retail sales use is limited to 25% of the building's gross square footage.)</i> | P | P | P |
| 5 | Food service contractor | P | P | P |
| 6 | Food and drink where manufactured and sold on premises <i>(on-premise tasting room, restaurant, and/or retail sales limited to 25% of gross square footage)</i> | AC | AC | X |
| 7 | Nursery/landscaping materials retail sales | AC | P | X |
| 8 | Wholesale Product Showrooms | P | P | X |
| D | Light Industrial | | | |
| 1 | Equipment rental | AC | AC | P |
| 2 | Industrial laundry and upholstery services | X | AC | P |
| 3 | Resource recycling and recovery (not including recycling drop off facilities) | X | X | P |
| E | Manufacturing | | | |
| 1 | Beverage products | AC | P | P |
| 2 | Cabinet shop or carpenter shop | AC | AC | P |
| 3 | Electrical and electronic equipment manufacture | AC | P | P |
| 4 | Electrical component assembly, including assembly of | P | P | P |

| | USE | OCI | BP | LI |
|----------|--|------------|-----------|-----------|
| | computer products, office equipment, and related components | | | |
| 5 | Metal, wood and other materials fabrication and assembly in an enclosed building | AC | AC | P |
| 6 | Food and kindred products, manufacture, processing and packaging <i>(excluding animal slaughtering and processing)</i> | AC | P | P |
| 7 | Furniture and fixtures manufacture and assembly | AC | P | P |
| 8 | Handcrafted products, crafts or other art-related items | P | P | P |
| 9 | Large scale and mass produced Lumber and Wood Products <i>(excluding sawmills)</i> | X | AC | P |
| 10 | Measuring, analyzing and control instruments | P | P | P |
| 11 | Medical equipment and supplies | P | P | P |
| 12 | Miscellaneous light fabrication and assembly not otherwise named | AC | AC | P |
| 13 | Perfumes, cosmetics and similar preparations | AC | AC | P |
| 14 | Photographic, medical, audio and optical equipment | AC | P | P |
| 15 | Printing, publishing and allied products | AC | P | P |
| 16 | Products made from light stone, clay and glass | AC | P | P |
| 17 | Signs | P | P | P |
| 18 | Textiles, apparel and leather goods | P | P | P |
| F | Warehousing, Distribution and Storage | | | |
| 1 | Equipment/materials outdoor storage as a primary use (including building trade and landscaping) | | | |
| | a. Storage yards occupying less than 10,000 square feet | AC | AC | P |
| | b. Storage yards occupying more than 10,000 square feet | X | AC | AC |
| 2 | Commercial Fuel distributors | X | C | AC |
| 3 | Mail order or direct selling and distribution | P | P | P |
| 4 | Packing, crating and convention and trade show services | P | P | P |
| 5 | Processing and/or packaging previously prepared materials | P | P | P |
| 6 | Self-serve mini storage | X | AC | P |
| 7 | Truck and freight transportation services | X | C | AC |
| 8 | Warehousing, product distribution, and wholesale trade | X | AC | P |
| G | Residential | | | |
| 1 | Dwelling units above non-residential uses (mixed use) <i>(Non-residential uses must be located on ground level or first floor if ground level is parking)</i> | P | P | AC |
| 2 | Employee/security units in conjunction with manufacturing, distribution or storage uses | P | P | P |
| 3 | Existing residential use without increase in density | P | P | P |
| 4 | Live/work units | P | X | X |

| USE | | OCI | BP | LI |
|----------|---|-----|----|----|
| H | Public and quasi-public | | | |
| 1 | Government maintenance shops and fleet vehicle storage | AC | AC | P |
| 2 | Local and regional utilities | P | P | P |
| 3 | Public administration office and services | P | P | P |
| 4 | Public Parks | P | P | P |
| 5 | Solid waste transfer facilities | X | C | C |
| 6 | Recycling drop off facilities | X | AC | P |
| 7 | Transit facilities, including park and ride lots and transfer centers | C | C | C |
| 8 | Wireless communication facilities (exceeding 10 feet in height) | C | C | C |
| 9 | Wireless communication facilities (building attached 10 feet or less) | P | P | P |
| I | Other | | | |
| 1 | Adult Entertainment businesses | X | X | P |
| 2 | Ambulatory and outpatient care services (physicians, outpatient clinics, dentists) | P | P | X |
| 3 | Child care centers | AC | AC | X |
| 4 | College, universities, technical, trade and other specialty schools | C | C | X |
| 5 | Existing legal non-conforming uses (<i>provided that the legal non-conforming use continues and does not cease to be in use for six months or longer. See PMC 18.88</i>). | P | P | P |
| 6 | Grade Schools (K-12) | C | C | X |
| 7 | Hospital | C | C | X |
| 8 | Museums, historic and cultural exhibits | P | P | X |
| 9 | Privately owned amusement, sports or recreation establishments (<i>retail sales limited to 25% of use's total square footage</i>) | P | P | X |
| 10 | Churches, new freestanding structures and existing building(s) 5,000 square feet or larger | C | C | X |
| 11 | Churches, under 5,000 square feet and within an existing building(s) | AC | AC | X |
| 12 | Sports arena or stadium | C | C | X |
| 13 | Veterinary Clinics (not including kennels) | P | P | X |

18.28.040 Development Standards.

For development standards, see Table 18.28.040 below.

| Table 18.28.040 Business and Employment Districts Development Standards | |
|--|--|
| Minimum Lot Area | No minimum lot area requirement. |
| Maximum Building Coverage | As provided after setbacks, landscaping, parking and other applicable standards are met. |
| Minimum setbacks when | 20 feet, plus an additional 1 foot for each foot the building |

| | |
|---|--|
| lot line is adjacent to a R zoning district | wall facing the R district exceeds 25 feet in height, to a maximum setback requirement of 40 feet. |
| Minimum setbacks when lot line is adjacent to non-residential zoning district | Front Yard: 10 feet Other Yards: 5 feet Street (public or private) frontage: 10 feet <i>Setbacks may be enlarged to provide additional area to meet overall site landscaping requirement.</i> |
| Maximum Building Height | No building or structure shall exceed thirty-five feet in height. (Roof-mounted mechanical equipment and its screening shall not be included in the height calculation.) |

18.28.050 Site Planning and Design.

A. Landscaping.

1. A minimum of 20 percent of the property area shall be landscaped.
 - a. Critical area buffers may count toward this requirement, but cannot contribute more than 40% of the 20% overall site landscaping requirement.
 - b. Retaining land at its natural grade with existing vegetation is encouraged and may count toward the required landscape percentage requirement if the existing vegetation is healthy and likely to survive development. If existing vegetation does not remain healthy, additional vegetation appropriate to the overall site’s landscape plan as approved by the Review Authority must be installed.
 - c. Low impact development techniques for storm water management that are not fenced and can be designed to integrate vegetation appropriately into the site’s overall landscape plan, may count toward this requirement at the determination of the Review Authority.
2. Setback Landscaping.
 - a. Setback areas are to be landscaped and covered with live plant materials that will ultimately cover 75 percent of the ground area within three years. One tree (deciduous tree of a minimum of two-inch caliper or one six-foot-high evergreen tree) and three shrubs which will attain a height of three and one-half feet within three years, shall be provided for every 300 square feet of area to be landscaped.
 - b. When adjacent to any R zoning district, setback landscaping shall be provided for the full width of the setback, and will include a combination of sight obscuring fencing, solid screen of evergreen trees and shrubs and berming, as approved by the Review Authority.
3. Street Trees. At time of construction for collector streets, or time of development of the adjoining land abutting a collector street, street trees and related landscaping shall be provided 30 feet on center. Ground cover of sod or other approved ground cover shall be provided. Species of trees

shall be as set forth in the City’s Master Street Tree Plan, if applicable, or as otherwise approved by the Review Authority.

4. **Parking Lot Landscaping.** Parking lots with more than 10 spaces shall be landscaped. A minimum of five percent of the parking lot area (that area inside parking lot perimeter curbing) shall be landscaped; planting areas shall be a minimum of five feet in width. Providing adequate shading opportunities should be taken into account. Parked vehicles may not overhang if the planting area is the minimum width of five feet and wheel stops will be required.
5. **Building perimeter.** For any structure exceeding 30 feet in height combined with an unmodulated wall exceeding 100 feet in length, (not including loading areas), a planting bed is required, with a hierarchy of plantings for at least 60% of the wall’s length provided: 1) columnar trees shall be planted at a minimum of 20 feet on center and installed 4 feet from the building’s foundation within a minimum six-foot wide planting bed at the structure’s foundation/base; or larger trees may be planted 25 feet on center within a 15 foot planting bed and 10 feet from the building’s foundation. 2) Shrubs or small trees ranging from one to six feet in height at maturity shall be planted three to six feet on center (depending on size at maturity) within the required planting bed. 3) Ground cover, or non-living material shall be provided to reduce wind and water erosion.

B. On-site pedestrian circulation.

1. Buildings shall be linked to their fronting street with primary walkways.
2. Primary walkways shall be a minimum of five feet in width, and must be visually distinct from parking lot and driveway surfaces.
3. Secondary walkways are those that provide for pedestrian movement between buildings without depending upon parking lots. All buildings shall be linked to each other by a secondary walkway promoting the shortest distance between building entrances. When adjacent to an undeveloped parcel, a secondary walkway shall be provided to the property line to provide future pedestrian connection separate from a future street connection.

C. Building Design Standards.

The following standards apply to building design in all three of the Business and Employment Zoning Districts. The City’s design review process applies to all proposals that require site plan review or a building permit that contains substantial building façade alteration to the exterior of an existing building.

1. **Building facades.**
 - a. Architectural interest is required for all building facades visible from public streets and other publicly visible areas, such as parking areas.

- c. Accents or graphics may be brighter than main or trim color and shall be limited to fifteen percent of the façade area, excluding glass. Bright, high-contrast color banding is limited to maximum four inches in width.

18.28.060 Performance Standards.

No land or structure shall be used or occupied unless there is compliance with the following minimum performance standards:

- A. **Outdoor Storage.** Outdoor storage of materials and supplies shall be completely screened with a combination of fencing and landscaping, from adjacent properties and public right-of-way, and be located in the interior of the lot to the extent possible as determined by the Planning Director.
- B. **Emissions.** Any air emissions shall meet applicable regulations of the Puget Sound Air Pollution Control Authority, and no visible, frequent smoke, dust, or gases shall be emitted.
- C. **Exterior Lighting.** Exterior lighting, except for warning or emergency lighting, shall be hooded or shielded so direct illumination shall be confined to the property boundaries of the light source.
- D. **Noise.** Noise levels shall not exceed the maximum allowed in Chapter 173-60 WAC for Class B (commercial) environmental designations or as set forth in the International Building Code requirements.
- E. **Exterior Mechanical Equipment.** All HVAC equipment, pumps, heaters and other mechanical devices shall be screened from view from adjacent streets and properties. Vents, mechanical penthouses, elevator equipment and similar appurtenances that extend above the roofline must be surrounded by a sight-obscuring screen constructed to the same height as the mechanical equipment, and conforms to the following criteria:
 - 1. The screen must be integrated into the architecture of the building.
 - 2. The screen must obscure to the extent possible the view of the appurtenances from adjacent streets and properties.
 - 3. Rod, wire and dish antennas are exempt from the screening requirement if the screening would interfere with the effective operation of the antenna.
- F. **Odors.** The emission of objectionable odors or matter in such quantities as to be readily detectable at any point beyond the property line of the use causing such odors is prohibited.
- G. **Heat and Glare.** Except for exterior lighting, operations producing heat and glare shall be conducted within an enclosed building.

H. Trash Dumpsters shall be screened from view with a combination of sight obscuring fencing and vegetative screening.

I. Ground and Soil Contamination. Materials shall be handled in such a manner to prevent ground or soil pollution, or which may contaminate aquifer or other natural drainage systems.

J. Fire and Explosive Hazards. The manufacture, use, processing or storage of flammable liquids or materials, liquids or gases that produce flammable or explosive vapors or gases shall be permitted in accordance with the regulations of the adopted International Fire Code and International Building Code.

K. In addition to the standards identified above, the City may utilize its authority under the State Environmental Policy Act (SEPA), to identify additional mitigations on impacts to the environment, as determined at time of project review.

18.28.070 Residential Uses.

A. Mixed Use. Residential units above non-residential uses are allowed in the OCI and BP zoning districts. This combination of uses, referred to as “mixed use,” in these two zoning districts will foster convenient access between employment and residential opportunities.

1. Residential units must be located above non-residential uses (not at street level or below); non-residential uses must be located on ground level or first floor if ground level is parking.
2. Residential units shall not occupy more than 40% of the building’s gross square footage.
3. The mixed use building shall be designed to look and function as an integrated development and encourage pedestrian travel between uses and adjacent buildings.
4. At least one outdoor activity feature shall be provided for the mixed use building, including but not limited to courtyards, delineated gathering spaces, or seating areas. These areas may be paved and/or landscaped.
5. Private open space shall be provided for each of the residential units, such as a private outdoor balcony.
6. On-site pedestrian circulation that links the public street and the primary entrance to the structure or residential units shall be provided. When the pedestrian circulation crosses driveways, parking areas and loading areas, it must be clearly identifiable through use of different paving materials.
7. Two parking spaces per residential unit in addition to other uses’ required spaces shall be provided.

B. Live/Work Units. Live/Work units are allowed in the OCI zoning district, and are a building use that combines business or manufacturing activities within the same

structure as a residential living space. Live/Work units are distinctive from mixed use because the business owner or employee must live in the unit. In addition, they can provide affordable work and housing space, meet the needs of special groups such as artists, and serve to incubate new businesses.

1. The total Live/Work unit is limited to 3,000 square feet in gross floor area.
2. The nonresidential use portion must be located on the first floor of the unit or if parking is the first floor, the unit's main floor area.
3. The nonresidential area is limited to 50 percent of Live/Work unit's area.
4. Living space shall be physically integrated into the Live/Work unit and not be rented, leased, sold or occupied separately.
5. Private outdoor open space shall be provided for the Live/Work units, such as a balcony or patio.
6. The Live/Work unit shall be occupied and used only by the owner of the business or manufacturing activity, or the owner's employee, and that person's household.
7. The business may employ up to five persons who do not reside in the Live/Work unit.
8. On-premise sales of goods shall be limited to those produced within the Live/Work unit or related to the permitted business activity.
9. A valid business license associated with the business or manufacturing activity must be obtained from the City.
9. An annual certificate of inspection to ensure circumstances and conditions remain compliant, shall be required to be obtained from the Planning Director.
10. Other restrictions may apply subject to the requirements of the adopted International Building Code.

18.28.080 Parking and Loading.

The following standards apply to parking and loading in the OCI, BP and LI zoning districts. All other applicable provisions from Chapter 18.52 also apply.

- A. Number of spaces required:
 1. Office and Professional Services: 1 spaces per 300 gsf.
 2. Business/Technical Research and Development: 1 spaces per 300 gsf.
 3. Commercial Services and Retail
 - a. Convenience and Personal services: 1 spaces per 300 gsf.
 - b. Eating/Drinking establishments: 1 spaces per 200 gsf.
 - c. Building trade/landscaping materials sales: 1 space per 300 gsf. Of retail area; and 1 space per 500 gsf of warehouse or storage area (including outdoor).
 - d. Food/Drink manufacturing: 1 space per 500 gsf.
 - e. Food/Drink manufacturing w/on-premise tasting room, restaurant and/or retail sales: 1 space per 200 gsf.
 4. Manufacturing: 1 space per 500 gsf.
 5. Warehouse, Distribution and Storage: 1 space per 500 gsf.

6. Residential and Live/Work units: 2 space per residential unit in addition to other use required spaces, including additional customer/client and employee spaces for live/work units.
 7. Ambulatory and outpatient care services: 1 space per 200 gsf.
 8. Assembly uses: to be determined by Planning Director at time of project.
 9. Other uses not specifically listed shall furnish parking as required by the director.
- B. When underbuilding parking is proposed in the OCI district and the structure fronts a collector or arterial street, at least fifty percent of street frontage (of the collector or arterial street) shall include square footage that is to be occupied by permitted uses.
 - C. On-street parking or staging of trucks on public streets is prohibited.
 - D. The primary vehicular access shall avoid a street that primarily serves residential uses.
 - E. Entrances and exits to and from parking and loading facilities shall be clearly marked with appropriate directional signage.
 - F. Internal circulation shall be designed for safety and efficiency by reducing conflicts between vehicular and pedestrian traffic, combining circulation and access areas where possible, and providing adequate truck maneuvering, stacking, and loading areas.
 - G. Loading facilities shall be located internal to the site. Loading docks and doors facing a public street shall be offset from the access drive and shall be screened from the street as much as possible.

18.28.090 Signage Standards.

The following standards apply to signage in the OCI, BP and LI zoning districts. All other applicable sign provisions from Chapter 18.64 apply.

- A. Wall mounted signs shall be fifty square feet or one square feet per one foot of lineal façade area where the sign is affixed, not to exceed two hundred fifty square feet per sign. In no case shall the total length of all signs exceed seventy percent of the lineal feet of the building frontage. No wall-mounted sign shall extend above the height of the roofline or parapet of the building.
 1. For multi-occupancy buildings, the façade area for each tenant or user is derived by measuring only the surface area of the exterior façade of the premises actually used by the tenant or use. One sign shall be allowed per tenant or use.
- B. Freestanding signs shall not exceed seventy-five square feet in area per face and have a maximum height of twelve feet above grade. One freestanding sign shall be permitted on each street frontage of property on which the business is located.
 1. No more than one free standing sign is permitted per multiple occupancy building unless the building fronts more than one public street.

2. All freestanding signs shall include landscaping at their base, at a minimum of one square foot for each square foot of sign surface area, and shall be included in the site's landscape plan.
- C. Directional signs shall not exceed ten square feet per face and shall be located on the premises to which the sign is intended to guide or direct traffic. Directional signs are not included in the maximum number of freestanding signs allowed.

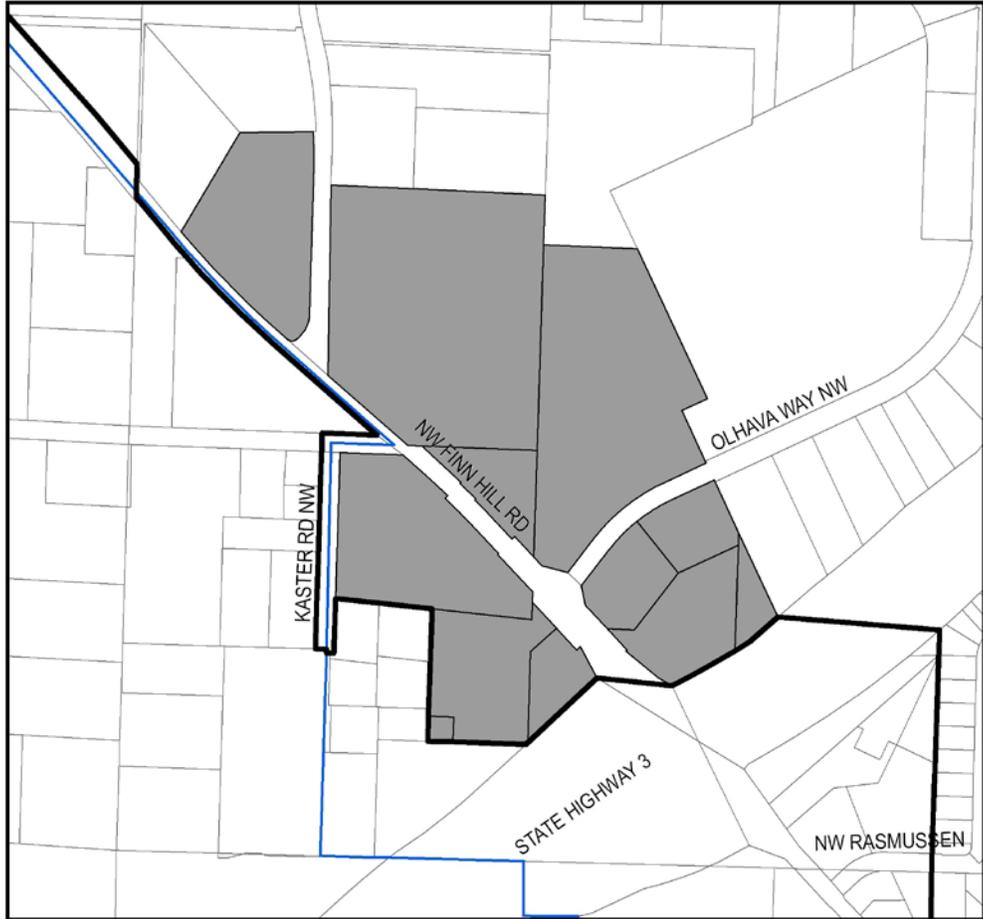
18.28.100 Project Review.

Before a building permit will be issued, the site plan review process as specified in Chapter 18.68 PMC shall be followed. If a use is identified as an ACUP or CUP, the Conditional Use (Chapter 18.76) and Site Plan Review process shall be consolidated. All project permits shall follow the process set forth in Title 19 Project Permit Application Procedures.

18.28.110 Administration.

As a condition for granting of a development permit or building permit, the director may request information sufficient to determine the degree of compliance with the standards of this section shall be furnished by the applicant or property owner. Such a request may include continuous records of operation, for periodic checks to assure maintenance of standards or for special surveys.

Zoning Ordinance Map Amendment: Identify following properties with OCI zoning district on the Zoning Ordinance Map. (These properties are currently designated OCI in the City’s 2009 Comprehensive Plan’s 2025 Land Use Comprehensive Plan Map Figure LU-1).



| | | |
|--|--|--|
| <p>CITY OF POULSBO KITSAP COUNTY WASHINGTON Site Map LEGEND</p> | <p> City Limits  Urban Growth Area</p> | <p> Properties to be zoned OCI</p> |
| <p> NOT DRAWN TO A SPECIFIC SCALE</p> | | |

Amendment 10-9 PMC 18 Zoning

This amendment is the establishment of development regulations for the new Park zoning district. The 2009 Comprehensive Plan policy LU-5.1 establishes that city owned parks shall be identified as a Park land use classification and zoning district.

Delete existing text in Chapter 18.32 and replace with the following:

(Note: All text in this section is new, therefore underline was omitted.)

18.32 Park Zoning District

18.32.010 Purpose.

The general purpose of the Park (P) zoning district is to provide recreation and open space functions for the long-term benefit and enjoyment of City residents, adjacent neighborhoods and the greater North Kitsap community. This district is applied only to city owned parks.

18.32.020 Permitted uses.

Types of uses. The following permitted uses are allowed in the Park zoning district:

Table 18.32.020 Park District Uses

| USE | | |
|-----|--|---|
| 1 | City approved festivals and community events | P |
| 2 | Community and recreation centers | P |
| 3 | Community gardens | P |
| 4 | Concession stands | P |
| 5 | Open spaces | P |
| 6 | Other buildings and structures to support park use | P |
| 7 | Other uses identified through a master park plan and as approved by the City | P |
| 8 | Parking areas/lots to serve park use | P |
| 9 | Pedestrian and multi-use trails | P |
| 10 | Recreation areas and facilities | P |
| 11 | Residence for park caretaker and accessory structures | P |
| 12 | Restrooms | P |
| 13 | Stages and band shells | P |

18.32.030 Development standards.

- A. Lot area. There is no minimum lot size in the P zone.
- B. Setbacks. The minimum front yard setback is 20'. Other yard setbacks are 10'.
- C. Building Lot Coverage. The maximum building lot coverage shall not exceed 35 percent of the lot area. For community or recreation centers, the maximum building lot coverage shall not exceed 60 percent.
- D. Height. No structure or building shall exceed thirty-five feet in height.

- E. Landscaping. All required yard setbacks shall be landscaped. Any storage areas visible shall be screened. Perimeter, interior and parking area landscaping locations and species types shall be identified in the park master plan or site plan application landscape plan.
- F. Parking. The Planning Director shall determine the number of parking spaces required based upon the type and extent of the park/recreation facility.
- G. Signs. Freestanding signs shall not exceed seventy-five square feet in area per face and have a maximum height of twelve feet above grade. One freestanding sign shall be permitted on each street frontage of property on which the Park use is located. Directional signs are limited to 6 square feet in size.

18.32.040 Master Park Plan.

All newly acquired land for public park purposes may have a Master Park Plan prepared for the park land, in order to guide the development of the City parks through a phased process as funds and resources become available. If a Master Park Plan is developed, it shall be submitted to the Poulsbo City Council for its review and approval.

18.32.050 Site Plan Review.

Before a clearing, grading or building permit will be issued, the site plan process as specified in Chapter 18.68 PMC shall be followed. If a Master Park Plan has been prepared, substantial compliance with the Master Park Plan shall be reviewed in addition to the development standards identified in 18.32.030.

Amendment 10-10 PMC 18 Zoning

This amendment is expanding the applicability of building design standards and the design review process to the Office Commercial Industrial, Business Park, and Light Industrial zoning districts, as well as the limited commercial uses/businesses that may locate in the Residential Medium and Residential High zoning districts (see Amendment 10-6).

No amendments are proposed to the building design standards at this time (other than as identified in the OCI/BP/LI zoning districts amendment). However, it is anticipated that a review of building design standards will be part of the second phase of the development regulations update process.

18.60.040 Commercial ~~development~~ building design standards.

A. Applicability. The city’s design review board shall review all proposals which require site plan review, minor site plan review, or building permit which affects any exterior facade on any structure or building within the commercial district, ~~or~~ downtown core commercial district, office commercial industrial, business park and light industrial zoning districts, and commercial uses/businesses or mixed use in the residential medium or residential high zoning districts. Minor exterior facade modifications consistent with the structure’s exterior design and which require a building permit, including but not limited to replacing or creating doorways, windows, awnings, or addition of previously approved design components, may be approved by the planning director without design review board review and recommendation.

B. Commercial building design standards. ~~and Downtown Core Commercial Zoning Districts.~~

Amendment 10-11 PMC 18 Zoning

This amendment proposes minor changes to Chapter 18.64, the City’s sign code. The first amendment is deleting the reference to Light Business zone (LB), as this zone no longer exists. The second is establishing an administrative variance process for signs, as the “minor variance” process reference in the text, no longer exists. It is expected that a comprehensive review and update to the sign code will be part of the second phase of the development regulation update.

Chapter 18.64 Sign Code

18.64.080 Regulations for noncommercial zoning districts outside of downtown area.

- E. Special Restrictions for Signage ~~in the Light Business Zone (LB) Located Outside of the Downtown Area~~ and for Conditional Uses in Residential Zones ~~Located Outside of the Downtown Area~~. Each use ~~or business located within a light business zone~~ and each conditional use located within a residential zone will be allowed only half the total amount of signage provided for in subsection A of this section, half the sign size permitted under subsection B of this section, half the height provided for in subsection C of this section, and, if applicable, half the signage allowed for multiple occupancy buildings by subsection C of this section

18.64.170 Administrative Modification of Sign Standards Variances.

Any person may apply for an administrative modification of sign standards variance ~~from under~~ the requirements of this chapter. The ~~variance~~ administrative modification shall be processed as an administrative sign modification minor variance as prescribed in Title 19 and the application fee shall be as set forth in the fee schedule for land use applications adopted by Section 3.12.010(A) of the Poulsbo Municipal Code. No application for an administrative modification variance shall be granted unless the following findings can be made:

- A. The modification variance shall not constitute a grant of a special privilege inconsistent with the limitation in this chapter on the types of signs allowed in the same vicinity and zone;
- B. The modification variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the same vicinity and zone, and the enforcement of the chapter would cause undue hardship; and
- C. The granting of the modification variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity.

Amendment 10-12 PMC 18 Zoning

This amendment proposes Chapter 18.72 in its entirety be deleted. The Planning Department is proposing a new administrative conditional use permit replace this process.

Delete Chapter 18.72 *Uses Permitted Subject to Review and Approval by the Director*

This chapter will be deleted in its entirety.

~~Chapter 18.72 USES PERMITTED SUBJECT TO REVIEW AND APPROVAL BY THE DIRECTOR~~

~~Sections:~~

~~18.72.010 Purpose.~~

~~18.72.020 Review procedure for the director.~~

~~18.72.030 Findings.~~

~~18.72.040 Reapplication.~~

~~18.72.010 Purpose.~~

~~Uses as identified in the various zone use tables may be reviewed and approved by the director; provided, that the director is of the opinion that such uses would not be incompatible with the existing character of the area. Further, the director, at his or her discretion, may refer any proposal to the planning commission for their review and approval, or denial. Any uses approved under the provisions of this chapter by either the director or planning commission shall be consistent with the adopted comprehensive plan.~~

~~18.72.020 Review procedure for the director.~~

~~Planning director review and approval shall be processed according to the provisions of Title 19, Project Permit Application Procedures.~~

~~18.72.030 Findings.~~

~~In approving a use, the director shall first make a finding that all of the following conditions exist:~~

~~A. That the site of the proposed use is adequate in size and shape to accommodate said use along with all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this title;~~

~~B. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;~~

~~C. That the proposed use will have no substantial adverse effect on abutting property or the permitted use thereof;~~

~~D. That in the case of residential uses, the housing density of the development is consistent with the existing zoning densities and the comprehensive plan, and that all other aspects for the development are consistent with the public health, safety, and general welfare for the development and for adjacent properties;~~

~~E. Said findings shall be sent to the applicant and kept on file in the office of the city clerk.~~

~~18.72.040 Reapplication.~~

~~In the case of uses subject to review and approval by either the director or planning commission no person, including the original applicant, shall reapply for a similar use on the same land, building, or structure within a period of one year from the date of the final decision on such previous application, unless such decision is a denial without prejudice, or unless in the opinion of the director, conditions have substantially changed. The applicant or any interested party may appeal a decision of the director to the planning commission or a decision of the planning commission to the city council as set forth in Title 19. (Ord. 2003-10 § 1 (Exh. A, VII(B)(4)), 2003)~~

Amendment 10-13 PMC 18 Zoning

This amendment proposes establishing a new permit process for administrative conditional use permits (AC). The administrative conditional use is a mechanism by which the City may require special conditions on development or on the use of land to ensure compatibility with other adjacent uses, but through an administrative process and without a public hearing requirement. The AC permit would be processed as a Type II permit as set forth in Title 19.01. Many of uses previously identified as R/A “Review and Approval” of the Planning Director, have been placed under the authority of the AC. This permit type is also used in the Business and Employment district uses, as a method of allowing for expanding conditioning authority on certain uses, without the time and expense that a Type III Conditional Use Permit requires. This amendment also includes reorganizing this section, identifying a process for administrative revisions to approved conditional use permits, and providing more specific decision criteria.

Chapter 18.76 Conditional Use Permits

- 18.76.010 Purpose.
- 18.76.020 Types of conditional use permit applications. ~~Authority.~~
- 18.76.030 Review authority. ~~Application.~~
- 18.76.040 Conditions authorized. ~~Investigation and report.~~
- 18.76.050 Neighborhood Meeting.
- 18.76.060 Decision criteria. ~~Public hearings.~~
- 18.76.070 Limitations of permit. ~~Action by the review authority.~~
- 18.76.080 Appeal.
- 18.76.090 Modification/Revocation by review authority.
- 18.76.100 Revisions. ~~Limitation on new applications.~~
- ~~18.76.100 Notification of action.~~

18.76.010 Purpose.

A conditional use permit is a mechanism by which the City may require special conditions on development or on the use of land in order to ensure that designated uses or activities are compatible with other uses in the same land use district and in the vicinity of the subject property.

~~In certain zones, conditional uses may be permitted, subject to the granting of a conditional use permit. Because of their unusual characteristics, or of the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this title and their effect on surrounding properties.~~

18.76.020 Types of conditional use permit applications.

There are two types of conditional use permits. An administrative conditional use permit (AC) application shall be processed as a Type II permit application; a conditional use

permit (C) shall be processed as a Type III (quasi-judicial) permit application. Both Type II and Type III permits shall be processed according to the provisions of Title 19. Land uses and development actions requiring an AC or C shall be identified in use tables in each respective zoning district.

~~18.76.020 Authority.~~

~~All conditional use permits shall be processed as Type III applications according to the provisions of Title 19. Changes in use, expansion, or contraction of site area, or alteration of structures or uses classified as conditional and existing prior to the effective date of this title shall conform to all regulations pertaining to conditional uses.~~

18.76.030 Review authority.

The review authority for an administrative conditional use permit application (AC) shall be the planning director, and the review authority for a conditional use permit application (C) shall be the hearing examiner, according to the provisions of Title 19. However, the planning director may elect to have any administrative conditional use permit application processed as a Type III conditional use permit application based on unusual characteristics of the land use or development proposal, special characteristics of the area in which they are to be located, or anticipated significant impacts to the surrounding property, neighborhood, or the city as a whole.

If an administrative conditional use permit application is submitted concurrently with any Type III permit application, the applications shall be subject to one combined Type III review and approval process.

~~18.76.030 Application.~~

~~A property owner or any interested person may make application for a conditional use permit which shall be made to the planning director in a manner prescribed by the city. Such application shall be accompanied by a site plan as provided by Chapter 18.68.~~

~~18.76.040 Investigation and report.~~

~~The director shall make an investigation of the application and shall prepare a report thereon, which shall be submitted to the review authority and made available to the applicant prior to the public hearing.~~

~~18.76.050 Public hearings.~~

~~Before a conditional use is permitted, the proposed conditional use shall be considered by the review authority at a public hearing.~~

18.76.0460 Conditions authorized Action by the review authority.

The review authority may approve, approve with conditions, or disapprove the application for a conditional use permit. In permitting a conditional use, the review authority may impose, in addition to regulations and standards expressly specified in this title, other conditions found necessary to protect the health, safety and welfare ~~best~~ interests of the surrounding property(ies), ~~or~~ neighborhood, or and the city as a whole. These conditions may include, but are not limited to, requirements increasing the required

lot size or yard dimensions, increasing street widths, controlling the location and number of vehicular access points to the property, increasing the number of off-street parking or loading spaces required, limiting the number of signs, limiting the coverage or height of buildings or structures because of obstructions to view and reduction of light and air to adjacent property, limiting or prohibiting openings in sides of buildings or structures or requiring screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area, and requirements under which any future enlargement or alteration of the use shall be reviewed by the city and new conditions imposed.

~~A. In order to grant any conditional use, the review authority must find that the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be significantly detrimental to the health, safety, or general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city.~~

~~B. The decision of the review authority shall be final.~~

~~C. A conditional use permit shall become void one year after approval, or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued, or if no such construction, alteration or enlargement is required, unless the permitted activity is being regularly conducted on the premises. The review authority may extend the permit for a period of one year.~~

18.76.050 Neighborhood Meeting.

When the subject site is within or adjacent to a residential zoning district, a neighborhood meeting is required to be conducted by the applicant for a Conditional Use Permit (C) permit and may be required by the Planning Director for an Administrative Conditional Use Permit (AC). Procedures for the neighborhood meeting are identified in PMC 19.01.040(A)(5).

18.76.060 Decision criteria.

The review authority may approve or approve with conditions, the application for a conditional use permit, if:

A. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and

B. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and

C. The conditional use will be served by adequate public facilities including streets, fire protection and utilities; and

D. The conditional use complies with all applicable requirements of this code.

Applications that do not meet all decision criteria will be denied.

18.76.070 Limitations of permit.

A. An AC permit or a C permit shall become void two years after approval, or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued, or if no such construction, alteration or enlargement is required, that the permitted use is regularly conducted on the premises. The planning director may extend the permit for one one-year extension.

B. In a case where an application is denied by the review authority specifically stated to be without prejudice, it shall not be eligible for resubmittal for the period of one year from the date of said denial, unless, in the opinion of the review authority, new evidence is submitted or conditions have changed to an extent that further consideration is warranted.

18.76.080 Appeal.

The applicant or any ~~interested person~~ party of record may appeal the decision of the review authority as set forth in Title 19.

18.76.090 Modification/Revocation by review authority.

The City may initiate a modification or revocation of an approved administrative conditional use permit and conditional use permit.

A. Modification. The City may initiate a modification to an approved AC or C permit through a Type II process as set forth in Title 19. The review authority of the original permit, may delete, modify or impose additional conditions upon finding that the use for which such approval was granted has been intensified, changed or modified by the property owner or by person(s) who control the property without approval so as to significantly impact surrounding land uses.

B. Revocation. The City may revoke an approved AC or C permit through a Type III process as set forth in Title 19. The review authority may revoke an approved permit only upon finding that:

1. Approval of the permit was obtained by misrepresentation of material fact; or
2. The permit is being exercised contrary to the terms of approval.

~~The review authority, on their own motion, may revoke any conditional use permit for noncompliance with conditions set forth in the granting of said permit after first holding a public hearing as provided in Title 19 for Type III application. The foregoing shall not be the exclusive remedy, and it shall be unlawful and punishable hereunder for any person to violate any condition imposed by a conditional use permit.~~

18.76.100 Revisions.

A. Minor revisions. The Planning Director may approve a minor revision to an approved AC or C permit. Minor revisions are those that entail changes by no more than 20 percent, in the gross floor area, density, or traffic generation.

Minor revisions will be processed as a Type II permit, and must meet the following decision criteria:

1. The minor revision maintains the intent or purpose of the original approval; and
2. The amendment is not materially detrimental to uses or property in the immediate vicinity of the subject property; and
3. The amendment complies with all applicable development regulations.

The Planning Director may include conditions as part of approving minor revisions.

B. Major revisions. Any revision to an approved AC or C permit that changes by 21 percent or more, the gross floor area, density or traffic generation; or has been determined by the Planning Director to increase impacts to the surrounding property or neighborhood, is considered a major revision, and is treated as a new application.

~~18.76.090 Limitation on new applications.~~

~~In a case where an application is denied by the review authority specifically stated to be without prejudice, it shall not be eligible for resubmittal for the period of one year from the date of said denial, unless, in the opinion of the review authority, new evidence is submitted or conditions have changed to an extent that further consideration is warranted.~~

~~18.76.100 Notification of action.~~

~~Notification shall be as provided by Title 19.~~

Amendment 10-14 PMC 18 Zoning

This amendment proposes allowing minor accessory structures sized so as not to require a building permit, to be located in side or rear setbacks up to 3 feet of the property line.

18.84.070 Exceptions to yard requirements.

A. Projections into Required Yards. Certain architectural features and structures may project into required yards or courts as follows:

1. Cornices, canopies, eaves, belt courses, sills, or other similar architectural features, landscaping features or fireplaces.

2. Fire escapes, open/uncovered porches, decks, balconies, landing places, or outside stairways may extend one and one-half feet into any required side or rear yard; and may extend up to six feet into any required front yard. Open/uncovered porches, decks, walkways or stoops less than eighteen inches in height may extend to within one and one-half feet to any lot line.

3. Open/uncovered pedestrian access to commercial or industrial zoned structures, such as walkways, decks, or stairways of any height, may extend into any side or rear setback up to ten feet of the setback width, as long as all other applicable development standards are met.

4. Greenhouses, storage sheds or other similar detached structures may extend into any side or rear setback up to three feet from the lot line. To extend into a side or rear setback, the structure must be limited to 120 square feet in size and no taller than 14' in height.

5. For existing nonconforming attached commercial structures, the established and pre-existing setbacks will be allowed for redevelopment purposes; provided, however, that the existing footprint is not expanded on the ground floor. In all cases, however, International Building Code requirements will need to be met.

Amendment 10-15 PMC 19 Project Permit Application Procedures

This amendment proposes revisions to Title 19, the City’s project permit application procedures. A number of additions are proposed for Table 19.01.001 identifying the three new permit types included in text amendments above; specifically Boundary Line Adjustments, Administrative Conditional Use Permits, and Administrative Sign Variances.

The main amendment to this Title is the identification of a new Type V permit/activity. This new Type V permit is for the release of approved Concomitant Agreements. The new permit provides a specific process for the City and property owners to follow to release an existing concomitant agreement. In the past, most concomitant agreements were released in conjunction with obtaining a new land use permit from the City, where the release was part of the approval action. However, there are some cases where the property owner simply wishes to release the concomitant agreement without a new land use permit, and allow the underlying zoning to regulate the property. In these cases, it would be beneficial for the Planning Department to have a specific process to follow.

Chapter 19.01 Project Permit Application Procedures

Table 19.01.001 Application Identification and Classification and Review Authority

| PERMIT/ACTIVITY | REVIEW AUTHORITY | EXEMPT | TYPE I | TYPE II | TYPE III | TYPE IV | <u>TYPE V</u> |
|---|-------------------------|---------------|---------------|----------------|-----------------|----------------|----------------------|
| <u>Administrative Sign Modification</u> | <u>PD</u> | | <u>X</u> | | | | |
| <u>Boundary Line Adjustment</u> | <u>PD</u> | | <u>X</u> | | | | |
| <u>Concomitant Agreements, Release</u> | <u>CC</u> | | | | | | <u>X</u> |
| <u>Conditional Use Permit, Administrative</u> | <u>PD</u> | | | <u>X</u> | | | |

Note: Table 19.01.001 only is identifying those portions proposed to be amended; it is not the full table of permit/activities.

19.01.005 Application types and classification.

New subsection C.3.e:

e. A Type V process involves the release of approved and valid concomitant agreements governing a specific property when it is in the best interest of the property owner and City to release the property from the conditions imposed by the concomitant agreement.

19.01.008 Procedure for docketing and reviewing proposed comprehensive plan and development regulations amendments.

B. Except as otherwise authorized by the Growth Management Act and/or this section, the city will review all proposed comprehensive plan and development regulation amendments in a single concurrent process occurring no more frequently than once per year. In order for any suggested or proposed comprehensive plan or development regulation amendment to be considered during this annual process, the application or suggestion must be submitted no later than ~~June 1st~~, **November 15th**, provided, that if ~~June 1st~~ **November 15th** falls on a weekend or holiday, then the deadline for filing shall be extended to the close of the next regular business day.

The following is a proposed new section, and therefore underlying has not been included.

New Section:

19.01.058 Type V procedure – Release of Concomitant Agreements.

- A. Applicability. A property owner or authorized agent may request the City consider releasing a concomitant agreement that has been recorded on a legal parcel or parcels of land.
- B. Submittal requirements. The property owner or authorized agent shall submit to the planning department a completed application on a form provided by the City, signed by the owner(s) of the property subject to the concomitant agreement, and accompanied by a copy of the valid concomitant agreement and legal description of the property.
- C. Complete application. The planning director will review the application form and documents to ensure all necessary and pertinent information has been submitted by the property owner or authorized agent. Within twenty-eight calendar days of receipt of the application form and documents, the planning director will provide in writing that the city has received the application and it is considered a complete application; or will specifically identify the information necessary for a complete application and a date for when the necessary information shall be submitted.
- D. Noticing. Upon acceptance of a complete application, the planning director will identify a date on which a public hearing before the City Council will be held to consider the release of the concomitant agreement. Noticing of this public hearing will be made consistent with the public noticing requirements of 19.01.045(B) for Type III permits.
- E. Report. The planning director will issue a staff report ten working days prior to the public hearing regarding the proposed release of the concomitant agreement, provide technical analysis and anticipated implications if the concomitant agreement is released, and a recommendation to the review authority.

F. Review authority. The City Council is the review authority for the release of valid concomitant agreements.

G. Public hearing. The City Council shall hold a public hearing to take public testimony and consider the release of the valid concomitant agreement. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be provided. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing before the city council.

H. Decision criteria. In order to approve the release the concomitant agreement, the review authority shall be required to make the following findings:

1. Development of the site would be consistent with current zoning regulations and comprehensive plan recommendations;
2. Adequate public/private services are available to support development of the site;
3. Development would not unreasonably impact nearby property development which has relied upon the covenant commitments; and
4. Future development under current zoning will be consistent with existing and planned development.

I. Decision. The City Council, at the conclusion of the public hearing or as soon thereafter as the City Council business permits, will issue a decision to approve or deny the release of the concomitant agreement. Where the concomitant agreement was entered into connection with a rezone of property, the decision shall be in the form of an ordinance. Within ten working days from the date of the decision, the planning director shall mail the notice of decision to the property owner, authorized representative, any parties of record, and all parties who received notice required by 19.01.058(D). The mailing shall include a notice that includes the following information:

1. A statement that the decision is final, but may be appealed as provided under the Land Use Petition Act, Chapter 36.70C RCW. Any such petition for review must be filed within twenty-one days of the date the decision is issued, as provided in RCW 36.70C.040, and the petition must meet all requirements set forth in said statute.
2. A statement that the complete case file is available for review. The notice shall list the place the case file is available and the name and telephone number of the city representative to contact about reviewing the case file.

J. Recording. If the release of a concomitant agreement is approved, the City and the applicant shall execute an appropriate agreement or instrument releasing the concomitant agreement and the same shall be recorded in the records of Kitsap County.

Amendment 10-16 PMC 19 Project Permit Application and Procedures

This amendment proposes revisions to Title 19, by codifying the public participation program the City will utilize for Type IV permits, in order to ensure the City provides for early and continuous public participation. In recent past, the City has adopted by resolution a public participation plan for each Type IV permit individually; the City Attorney has recommended that by including these provisions in Title 19, a separate resolution will not be necessary for each Type IV permit.

Chapter 19.01 *Project Permit Application Procedures*

19.01.055 New Subsection B (*underlying has been omitted*)

B. This subsection is intended to meet the requirements of 36.70A.140 RCW, that a public participation program be established and broadly disseminated identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans.

All Type IV permits shall be processed in a manner that encourages early and continuous public participation.

1. Purpose. In order to early and continuous public participation, the following public and agency participation goals have been established for Type IV permits:

To provide the public with timely information, an understanding of the process, and opportunities to review and comment on the comprehensive plan amendments, and to have these comments forwarded to the City’s decision makers.

Ensure that information about the process is provided to the public early in the process and at regular intervals thereafter, to maximize public awareness and participation in the process.

Actively solicit information from citizens, property owners and stakeholders about their concerns, questions and priorities for the amendment process and the future of Poulsbo land uses and the City’s Comprehensive Plan.

Encourage the public to informally review and comment on the update throughout the process.

Incorporate public comment into the local government’s review process prior to significant milestones or decisionmaking.

Provide forums for formal public input at milestones prior to decisionmaking by local officials.

Consult and consider recommendations from neighboring jurisdictions, federal and state agencies, and Native American tribes.

2. **Public Participation Plan.** A public participation plan will be developed for each Type IV permit and will be broadly disseminated by posting it on the City’s webpage and a summary of the public participation plan will be included in the application’s Notice of Application (NOA). As required in PMC 19.01.055(B)(2), the NOA shall be appropriately distributed, posted and published.

3. **Information Availability.** The following sets forth the procedures the City will undergo to make information available for all Type IV permits:

a. All documents related to a Type IV permit will be available for public review.

b. The primary clearinghouse for information related to the update is the city website www.cityofpoulsbo.com - where meeting dates, official notices, updates on process, notice of application and environmental review, public hearing notices, and findings of fact, will be posted. An email link for questions or comments will also be provided at the website.

c. Hard copy of all documents will also be available for review at Poulsbo City Hall. Copies will be provided at a reasonable cost.

d. Publication of official notices, such as notice of application and environmental review, hearing notices, and ordinance summary, will be made in the North Kitsap Herald and posting in the Poulsbo Post Office, Poulsbo Library and Poulsbo City Hall notice boards.

e. A mailing list of interested persons and organizations to receive notices regarding meetings will be maintained. Notice will be provided either by mail or e-mail. Planning Commission and City Council meetings are recorded. Recordings are available for public review or purchase.

f. The local news media will be notified of the Type IV permit and a City staff contact will be provided. The City will provide news releases at appropriate intervals for Type IV permits that require lengthy review timelines.

4. Comments on Type IV permits may be provided to the City at any time during the application process. Written comments will be taken by the City and forwarded to the recommending and decision making bodies as part of the record.

a. To ensure consideration, all written comments must be received by the City prior to close of the City Council public hearing. Verbal comments will be taken at the Planning Commission and City Council public hearings.

5. Public and agency review timeline. Upon initial public release of a Type IV permit application, a public agency review timeline will be distributed with the application documents and posted on the City’s website. The timeline shall identify dates of important application procedural milestones, as well as dates of recommending and decision making bodies workshops and public hearings.

6. Additional opportunities for public engagement, such as open houses, workshops, advisory committees, community online surveys, or other public information gathering techniques may be incorporated in any Type IV permit as determined appropriate by the City.

Renumber remaining subsections.