EXHIBIT A
2017 Land Division Ordinance
Planning Commission Modified

# Title 17 Land Division

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# 17.10 GENERAL PROVISIONS.

## 17.10.010 Purpose.

The purpose of this Title is to implement the provisions of the various applicable state statues, including but not limited to, Chapters 58.17, 35.63 and 65.08 RCW, and the City of Poulsbo Comprehensive Plan and Poulsbo Municipal Code. The regulations contained herein are intended to:

A. To regulate the subdivision of land and to promote the public health, safety and general welfare in accordance with standards established by the state and City.

B. Promote the effective utilization of land and infrastructure.

C. Made adequate provision for the housing, commercial and industrial needs of the City.

D. Prescribe procedures for the expeditious review of proposed subdivision of land in accordance with officially adopted plans, policies and standards, including the provisions of the Zoning Code (PMC Title 18).

E. Provide for the efficient processing of subdivision applications.

F. Implement the Growth Management Act and the policies of the City of Poulsbo Comprehensive Plan.

G. Facilitate adequate provision for streets, water, sanitary sewer, utilities, storm water drainage, schools and park and recreation areas, and other public requirements.

H. Provide for proper and safe ingress and egress.

I. Provide for uniform monumenting of land subdivisions and conveyance by accurate legal descriptions.

J. Provide for access to utilities for ease of installation, inspection and maintenance.

## 17.10.020 Title.

This Title shall be known as the Poulsbo Land Division Ordinance and shall supplement and implement the state regulations of plats, subdivisions and dedications found in Chapter 58.17 RCW. This Title also complies with the requirements of the Growth Management Act and is consistent with the City's Comprehensive Plan.

## 17.10.030 Applicability.

A. All division and redivision of land into lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership shall comply with the requirements of this Title except where specifically exempted herein. Subdivisions, short subdivisions, binding site plans, boundary line adjustments, plat alterations and plat vacations are all considered divisions or redivisions of land for the purposes of this Title.

B. Exemptions. The following are exempt from the provisions of this Title except where expressly indicated.

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1. Cemeteries and burial plots while used for that purpose.

2. Testamentary Divisions. Divisions made by testamentary provisions or the laws of descent; provided that a map is recorded with Kitsap County Auditor Office at the time the land is divided and that all lots created must meet the requirements of this Chapter and other applicable regulations. Land divided in this manner does not guarantee creating legal lot, nor exempt the division to meet other City standards such as but not limited to, lot size requirements, frontage and infrastructure improvements as applicable.

3. 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. For purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line.

4. A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose consistent with RCW 58.17.040(8).

5. A division of land into lots or tracts of less than 3 acres that is recorded in accordance with chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of the City. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. (New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed).

### 17.10.040 Interpretation.

This Title shall be liberally interpreted and construed to secure the public health, safety, morals, and welfare, to implement the City of Poulsbo Comprehensive Plan, and to comply with all applicable requirements of Washington State law, and the rule of strict construction shall have no application.

### 17.10.050 Concurrent applications.

Land divisions applications may be processed concurrently with other required applications for approval. Multiple applications will be processed according to the requirements of PMC Title 19, Project Permit Application Procedures.

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## 17.20 DEFINITIONS.

As used in this Title, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this Chapter shall have the following meanings.

**Alteration.** An alteration is the amendment or change to a recorded final plat, recorded short plat, recorded binding site plan, or any portion thereof, that results in changes to conditions of approval, configuration of lots, street alignment, utility provision, or the removal of plat or lot restrictions or dedications that are shown on the recorded plat. An alteration does not include a Boundary Line Adjustment.

**Binding site plan**. A binding site plan is a plan drawn to scale in accordance with the provisions of this Title and Chapter 58.17 RCW, and which: (a) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by this Title; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the Review Authority; and (c) contains provisions making any development or division of land be in conformity with the site plan.

**Block**. Block is a group of lots, tracts, or parcels within well-defined and fixed boundaries.

**Boundary Line Adjustment**.

a. An adjustment of boundary lines between two or more lots, tracts, parcels, sites or divisions 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 and may be accomplished in nonconforming situations when the degree of nonconformity is not increased; or

b. A consolidation (or aggregation) of multiple lots into one single lot; provided, that the consolidation does not create any additional lot, tract, or parcel; and does not create any lot, tract, or parcel which contains insufficient area and dimension to meet minimum requirements for width and area of a building site.

**Building Site.** A building site is the physical portion of real property upon which structures are situated, and which must satisfy the applicable zoning code standards.

**City Engineer.** The City Engineer shall mean the designated Poulsbo City Engineer or a duly authorized designee.

**Condominium.** A condominium, pursuant to RCW 64.34.020(9), means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and survey map and plans have been recorded.

**Dedication**. A dedication is the deliberate appropriation of land by an owner for general and public uses, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentation for filing of a final plat

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or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing with the Kitsap County Auditor.

**Director**. The Director shall mean the designated Director of the Poulsbo Planning and Economic Development Department (PED) or a duly authorized designee.

**Division of Land**. For purposes of this Title, division of land means any transaction or action, not otherwise exempt, which alters or affects the shape, size or legal description of any part of a lot, parcel or site.

**Easement**. An easement is a grant by the property owner to specific persons or to the public to use land for a specific purpose or purposes.

**Electric Utility Facilities**. For purposes of this Title, electric utility facilities are unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations.

**Final plat**. A final plat is the final drawing of the subdivision and dedication prepared for filing for record with the Kitsap County Auditor and containing all elements and requirements set forth in this Title and 58.17 RCW.

**Health Officer**. Health Officer means the designated health officer of the Kitsap County Health Department or a duly authorized designee.

**Lot.** A lot is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area and intended for development. The term shall include parcels, sites or divisions.

**Model Home.** For purposes of this Title, a model home is a single family residence that is allowed to be constructed in an approved preliminary subdivision prior to final subdivision approval and recording.

**Modification.** A modification is a revision, correction or change to an approved preliminary plat, short plat or binding site plan prior to recording.

**Personal Wireless Services**. For purposes of this Title, personal wireless services means any federally licensed personal wireless service. Personal Wireless Facilities means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures.

**Planning Commission**. Planning Commission is the designated members of the City of Poulsbo Planning Commission.

**Plat**. A plat is a map or representation of a subdivision and short subdivision respectively, showing thereon the division of a parcel of land into lots, blocks, tracts, streets and alleys or other divisions and dedications.

**Preliminary Plat**. A preliminary plat is a neat and approximate drawing of proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a

subdivision consistent with the requirements of this Title and 58.17 RCW. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

**Review Authority**. The person or body responsible for interpreting and/or directing a land use permit or activity, and as set forth in PMC Title 19 Project Permit Application Procedures, **Table 19.20.020.**

**Short Plat**. A short plat is a drawing of a proposed short subdivision showing the layout of streets, alleys, lots, tracts and other elements of a short subdivision required by this Title and 58.17 RCW. The short plat shall be the basis for the approval or disapproval of the layout of a subdivision.

**Short Subdivision**. A short subdivision is the division or redivision of land into four or fewer lots, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

**Street**. A street is a private or public way designed primarily for vehicular traffic. It includes the terms "road," "highway," "avenue," "boulevard," "thoroughfare," and other traffic way, and usually includes improvements, including curbs, sidewalks, and street pavement.

**Subdivision**. A subdivision is the division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

**Tract**. A tract, for purposes of this Title, shall mean land reserved for specified uses, including but not limited to, surface water retention, utility facilities, access, open space, recreation areas, tree retention areas, critical area and buffers. Tracts are not considered lots or building sites for purposes of development.

**Vacation**. A vacation, for purposes of this Title, shall mean rendering the plat, or portion thereof, null and void and no longer platted.

# 17.30 BOUNDARY LINE ADJUSTMENTS.

## 17.30.010 Purpose.

A. The purpose of this section is to provide for the review and approval of adjustments to boundary lines of existing lots of record which does not create any additional lot, tract, parcel, site or division.

B. A boundary line 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 engineering regulations. In general, a boundary line adjustment purpose applies to minor boundary changes, correct a controversy regarding the location of a lot line, remedy property use constraints caused by adverse topographical features, consolidate previously platted lots into a single or fewer parcels, or other similar circumstances.

## 17.30.020 Type of Application.

A A boundary line adjustment is a Type I application, and shall be processed as set forth in PMC Title 19.

B. Boundary line adjustments and lot consolidations may also be accomplished as part of a plat or short plat.

### 17.30.030 Application Submittal Requirements.

An applicant shall submit a complete boundary line adjustment application to the City. A complete application for the purposes of this chapter shall consist of the following:

A. Completed application form(s) per City requirements.

B. The required application fee.

C. Clean and legible drawings suitable for recording showing the following:

1. A map at a scale of not less than 1" to 50' which depicts the existing property configuration, including all lot lines, dimensions and lot area.

2. A map at a scale of not less than 1" to 50' 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, on-site wastewater disposal systems, drainfields, and wells.

7. The location of access to all affected lots.

8. A north arrow and bar scale.

D. The original legal descriptions of all affected properties, together with new separate legal descriptions for each parcel resulting from the adjustment.

E. Drawings of the original lot configuration of all affected properties, together with new drawing of adjusted lot configuration(s).

F. All drawings and legal descriptions are required to be prepared, stamped and dated by a licensed land surveyor as set forth in Section 17.80.**080** ~~070~~.

G. A copy of any Covenants, Conditions and Restrictions (CCRs), deed restrictions, concomitant agreements, easements, or development agreements pertaining to the affected properties.

H. If an existing on-site sewage (septic tank) disposal system and/or well will continue to be used on an affected property after the boundary line adjustment, and/or if a new on-site sewage disposal system or well is proposed for an affected property where city code does not require connection to the city's municipal sewer and/or water system,

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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 and/or well.

### 17.30.040 Decision Criteria.

The Review Authority may approve an application for a boundary line adjustment provided the following criteria are met:

A. The boundary line adjustment shall not result in the creation of any additional lot, tract, parcel, site, or division.

B. The lots or parcels resulting after the boundary line adjustment shall meet all dimensional requirements specified for the applicable zone as set forth PMC Title 18 – Zoning.

1. Boundary line adjustments in residentially zoned property must meet the requirements of minimum and maximum lot sizes, as set forth in PMC 18.70.040, Table 18.70.050 or Table 18.70.060.

a. In the RL zoning district, when adjusting lots through this section, one lot may exceed the maximum lot size if it is a minimum 15,000 square feet or larger, in order be of sufficient size to be further subdivided in the future; and which no existing or future structure(s) is located in such a way as to prevent future subdivision that meets the City's lot dimensional requirements. All other adjusted lots must meet the minimum/maximum lot size requirement.

C. No lot, use, or structure is made nonconforming or more nonconforming than that which existed at the time of application, and subject to the provisions of PMC 18.160.

D. Will not diminish or impair existing or future drainage, water supply, sanitary sewage disposal (including on-site sewage disposal) or legal access.

E. Shall not be reconfigured or adjusted which would render access for vehicles, utilities, fire protection, or existing easements impractical to serve their purpose.

F. Shall not violate or be inconsistent with any conditions of approval for a previously filed land use action, subdivision, short plat, or binding site plan.

G. Shall not result in a lot having more than one land use designation and/or zoning; or result in being located partially within and partially outside any special overlay or master planned area.

H. Shall not result in a lot located partially within the city limits and partially within unincorporated Kitsap County.

I. Shall not 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 cannot be obtained except through a variance, reasonable use exemption from a critical areas permit, or other special exemption from the City's zoning, land use or critical area regulations.

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J. Shall not 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; **except as provided under circumstances where a boundary line adjustment provides an appropriate resolution.**

### 17.30.050 Recording.

A. Prior to recording, the applicant shall submit boundary line adjustment drawing(s) for approval and signatures by the Planning and Economic Development (PED) Director and City Engineer.

B. All drawings and legal descriptions are required to be prepared, stamped and dated by a licensed surveyor as set forth in Section 17.80.080.

C. The City will record the boundary line adjustment drawing and all other legal documents.

D. A boundary line adjustment does not become effective until all documents are recorded with the Kitsap County Auditor. The boundary line adjustment shall be recorded within 180 days of the Notice of Decision date or be null and void. The applicant shall be responsible for submitting all final documents for recording.

E. Within 30 days of the date the applicant submits all final documents, the City will record the boundary line adjustment drawing and all other legal documents. Recording fees shall be the responsibility of the applicant.

## 17.40 SHORT SUBDIVISION.

### 17.40.010 Purpose.

Pursuant to RCW 58.17.060, it is the intent of this chapter:

A. To permit administrative processing and approval of a division of land into four or fewer lots or parcels.

B. To promote the public health, safety and general welfare, and to further the goals and policies of the City Comprehensive Plan.

C. To facilitate adequate provisions for water, sewer, storm water drainage, ingress and egress, and public uses.

D. To protect critical areas and critical area buffers as designated in PMC 16.20.

E. To require conveyance by accurate legal description.

### 17.40.020 General Standards.

A. A short subdivision is the division or redivision of land into four or fewer lots, parcels or sites, for the purpose of sale, lease or transfer of ownership. All short subdivision applications are processed as a Type II application established in PMC Title 19.

B. All proposed lots in a short subdivision must meet the site requirements of the zoning district in which they are located or as otherwise allowed in the zoning ordinance (i.e. infill provisions); and shall be of sufficient size, dimension, design and configuration so

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as to permit development of the lot without variance from the applicable zoning requirements.

C. A short subdivision may contain any number of tracts (land reserved for special uses, such as surface water retention, utility facilities, access, open space, recreation areas, tree retention areas, critical area and buffers). Tracts are not considered lots or building sites for purposes of development or density, shall be identified as such on the face of the short plat, and held under common ownership by the plat lot owners. When tracts are provided and intended for common ownership (i.e. not dedicated to the City), a statement on the face of the plat and in the plat's Covenants, Conditions and Restrictions (CCRs) shall be included that states: "Tracts identified are intended for their stated purpose and have no development potential, cannot be sold or further subdivided."

D. Contiguous parcels that have one or more common owners, one or more persons who have an interest in the entity that owns or has an ownership interest in contiguous parcels, or a developer who intends to develop contiguous properties, must comply with the preliminary plat subdivision requirements of this Title if the total resultant lots will exceed ten in number.

~~1.~~The short subdivision section may not be used as a mechanism to avoid the requirements of the subdivision code where there are adjacent parcels under common ownership, as described herein, that, but for the property boundaries, would be required to comply with the subdivision requirements.

E. Property which has been subject to a short subdivision within a period of five years from its recording may not be further divided except through the provisions of a preliminary subdivision, Section 17.**60**~~50~~.

~~1.~~Provided that if the approved short subdivision had less than four lots, a plat alteration application as set forth in Section 17.90, may be submitted to create a cumulative total of up to four lots.

F. As required by 58.17 RCW, a short subdivision shall be approved, approved with conditions, denied, or returned to the applicant for modification or correction within 30 days from the date of filing of a complete application unless the applicant agrees to an extension of the time period in writing, or as set forth in PMC Section 19.80 Time Frames for Review. A short subdivision application shall not be deemed filed until all of the requirements for a technically complete application established in PMC Section 19.30 have been met.

**G. A short subdivision utilizing the Infill Residential Development Standards provisions found in PMC Section 18.70.070.O shall be reviewed by the Poulsbo Planning Commission, and a recommendation offered to the Review Authority.**

### 17.40.030 Application Submittal Requirements.

An application for a short subdivision shall contain the following:

A. Completed application form(s) per City requirements and all identified submittal requirements.

B. The required application fees.

C. A set of short plat drawings shall be prepared as set forth in the short subdivision application form and shall include the following:

1. Dimensions of the subject property and each existing and proposed lot, parcel, and tract; as well as buildings and other structures within the property.

2. Structures and driveways within 150' of the property, on both sides of the street.

3. Existing and proposed easements and any encroachments.

4. Existing and proposed road and utilities, including any stormwater detention facilities.

5. List proposed impervious area(s), including proposed pollution generating pervious and impervious area(s).

6. Critical areas as indicated in PMC 16.20, located on or within 300' of the property.

7. Streets adjacent to, surrounding or intended to serve the property.

8. Zoning of adjacent properties.

D. Legal Descriptions of the proposed lots, tracts and easements and other as appropriate.

E. A completed SEPA checklist (if required).

F. Demonstrate compliance with current stormwater regulations.

G. All offsite easements necessary to provide access to the short subdivision or to serve the short subdivision with utility infrastructure.

H. Any Critical Areas special reports identified in the pre-application conference letter.

I. A title report or plat certificate for all parcels involved.

J. For residentially zoned property, density calculations indicating maximum and minimum density requirements for the proposed plat as set forth in PMC 18.70.040, Table 18.70.050 or Table 18.70.060.

K. Any additional information identified by the City as necessary in order to provide a complete review of the proposed plat.

L. Any additional information identified in the proposed plat's pre-application summary letter.

**17.40.040 Decision Criteria.**

A. A proposed short subdivision may be approved only if the following findings are made by the Review Authority

1. The proposed short subdivision conforms to the requirements of this Title.

2. The short subdivision conforms to the site requirements for the zoning district in which the property is located and/or other applicable zoning provisions.

3. The short subdivision:

   a. Makes adequate provision for access through streets, roads, alleys, other public ways, and transit stops as required; and the proposed street system provides for the safe, orderly and efficient circulation of traffic.

   b. Will be adequately served with water, sewer, storm drainage, and other utilities appropriate to the nature of the short subdivision.

   c. ~~Makes adequate provision for parks, recreation and playgrounds, as required.~~

   d. ~~Makes adequate provision for schools and school grounds, as required.~~

   e. Makes adequate provisions for sidewalks and other planning features that provide safe walking conditions for students who walk to and from school.

   f. Makes adequate provisions for critical area protection pursuant to PMC 16.20.

   g. Makes adequate provisions for fire and emergency access and protection.

   h. Serves the public interest and makes appropriate provisions for the public health, safety, and welfare.

B. **If the findings in Section A have not been met, the Review Authority shall deny the proposed short subdivision, unless specified conditions have been issued to fully satisfy the criteria.** ~~Lack of compliance with the findings in Section A above shall be grounds for denial of a proposed short subdivision or for the issuance of conditions necessary to more fully satisfy the criteria.~~

**17.40.050 Approval Process**.

A. The Review Authority shall approve, approve with conditions, or deny a short subdivision application. The decision shall be in writing and shall include findings and conclusions based on the record to support the decision.

B. Approval by the Review Authority of the short subdivision shall constitute authorization for the applicant to develop the short subdivision improvements, upon review and approval of final engineering construction drawings by the City Engineer as set forth in Section 17.80.090. All development of a short subdivision shall be subject to any conditions imposed by the City on the short subdivision approval.

**17.40.060 Final Review Requirements.**

A. Engineering plans for streets, drainage controls, utilities and other proposed or conditioned improvements shall be prepared, submitted and reviewed for approval **by** the City Engineer prior to the commencement of on-site clearing or construction activities.

B. Plans and technical information reports required shall be submitted to the City Engineer and prepared consistent with the City's Construction Standards and Specifications requirements.

C. All required facilities and improvements shall be completed prior to short plat recording, as set forth in Section 17.80.100.

D. Final short subdivision survey, drawing and documents prepared for recording, shall be submitted to the City Engineer for review and approval prior to short plat recording.

E. All documents necessary for facilities to be dedicated to the public, including but not limited to streets, roads, sanitary sewer facilities, storm drainage systems and water supply systems, shall be submitted to the City Engineer for review and approval prior to short plat recording.

F. When **required** ~~necessary~~, a final copy of the short subdivision's Covenants, Conditions and Restrictions (CCRs) shall be submitted to the City **Engineer** for review and approval prior to short plat recording.

### 17.40.070 Short Subdivision Recording.

All short subdivisions shall be recorded in compliance with the following:

A. Prior to recording the applicant shall submit short plat drawing(s) to the Engineering Department for signature(s).

- Signature and date lines for certification by a registered land surveyor of the state of Washington that the short plat and legal descriptions were prepared under his or her direct supervision.
- Signature and date lines for the approvals of the City Engineer and Planning and Economic Development (PED) Director.
- Signature and date lines subscribed by all owners and acknowledgment of all owners' signatures.

B. Prior to recording, the property owner shall ensure all requirements by the Kitsap County Treasurer regarding property taxes have been met.

C. Recording shall not be authorized by the City Engineer unless and until all required facilities and improvements are as provided in Section 17.80.100.

D. Prior to recording, the City Engineer may require a maintenance bond or other suitable security as set forth in 17.80.100.E. If required, a maintenance bond or other suitable security for landscaping as set forth in PMC 18.130.060.

E. The City is responsible for the recording of the short plat drawing(s) and all other legal documents, including but not limited to: lot, parcel and tract legal descriptions; utility and access easements; street and other public use dedications; conditions of approval; and Covenants, Conditions and Restrictions (CCRs) at the Kitsap County Auditor. Recording fees shall be the responsibility of the applicant.

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F. Pursuant to 58.17.065 RCW, lots created by the short subdivision shall not be deemed approved until filed with the Kitsap County Auditor.

**17.40.080 Expiration and Extension of Time.**

A. Short subdivision approval shall expire ~~2~~ **3** years from the date of the Notice of Decision if the short plat has not been recorded.

B. Upon written request by the property owner filed no less than 30 days prior to the date of expiration, the PED Director and City Engineer may grant an extension of time up to but not exceeding 1 year. Any extensions of time shall be based upon finding:

1. There has been no material change of circumstances applicable to the property since short subdivision approval.

2. The applicant has attempted in good faith to submit the final short plat within the two-year period and the likelihood that short plat will be recorded within the additional year.

3. The City shall not grant more than one 1-year extension.

C. If the short subdivision has not been recorded after the initial ~~2~~ **3**-year validity or after the additional 1-year extension, it will be considered expired and a new application will be required to be submitted.

**17.40.090 Short Subdivision Modifications.**

A. Modifications to short subdivisions after City approval, but prior to recording with the Kitsap County Auditor, may be requested by submitting a completed Subdivision Modification application form, all identified submittal requirements, and the required application fee. All property owners having an ownership interest in the plat shall sign the application form.

B. Short subdivision modifications shall be processed as a Type I application according to the provisions of PMC Title 19.

C. The following are examples of modifications (but are not limited to), which may be considered and approved under this section.

1. Technical engineering items and details, unless the proposed detail modifies or eliminates features specifically required as an element of approval.

2. Minor changes in lot or tract lines or dimensions, with no change in density or required minimum standards; and minor changes to street alignment or utility design.

3. Reduction in the number of lots approved, as long as the modification meets the minimum density requirement.

4. Minor changes to clarify notations on the face of the plat.

5. A change to a condition of approval that does not modify the intent of the original condition.

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6. ~~Reconfiguration of any designated open spaces or recreation areas, provided that no reduction in overall area occurs~~.

D. When approving a short subdivision modification, the Review Authority shall make written findings and conclusions. Modifications must meet the following criteria:

1. The modification complies with all of the requirements of this Chapter and other applicable chapters of the Poulsbo Municipal Code.

2. There will not be substantial changes in the impacts on the neighborhood or the City as a result of the modification.

3. No increase in density or lots is proposed.

4. No new land use is proposed.

5. The modification will not substantially alter any condition of approval.

~~6. The modification does not reduce any designated open space or recreational amenity.~~

E. Modifications that result in an increase in the number of lots and or density previously approved; significant street or storm water redesign or relocation; or modifications in the opinion of the Review Authority would significantly increase any adverse impacts or effects of the plat, shall require a new application and fee.

F. The Review Authority's decision will be the final decision of the City unless appealed in accordance with PMC Title 19.

G. A statement is required on the plat drawing and any other affected documents, noting the changes and that the revised plat drawing/documents supersedes the originally approved drawing/documents.

H. Modifications to preliminary subdivision shall not amend or extend the established time limit for short subdivision approval as provided in Section 17.40.080 above

I. Alterations to a short subdivision after recording with the Kitsap County Auditor shall follow the process established in Section 17.90 or through submittal of a new application. Vacations of an approved short subdivision shall be made through the subdivision vacation process in Section 17.90.

## 17.<u>50</u> ~~60~~ BINDING SITE PLANS.

### 17.<u>50</u>~~60~~.010 Purpose.

The purpose of this section is to create a process for an alternative method of land division using the binding site plan process pursuant to RCW 58.17.035.

### 17.<u>50</u>~~60~~.020 Applicability.

Division of land using the binding site plan process is limited to:

A. Divisions for the sale or lease in **the following zoning districts:** Commercial (C) zoning districts, and Office Commercial Industrial (OCI), Business Park (BP) or Light Industrial (LI) zoned property.

B. Divisions for the purpose of lease when no residential structures other than mobile homes or travel trailers are permitted to be placed on the land.

C. Divisions of land into lots or tracts made under the provisions of the Horizontal Properties Regimes Act (RCW Chapter 64.32) or the Condominium Act (RCW Chapter 64.34).

### 17.5060.030 Type of Application.

All binding site plan applications are processed as a Type II application according to the provisions of PMC Title 19.

### 17.5060.040 Application Submittal Requirements.

An application for a binding site plan shall contain the following:

A. Completed application form(s) per City requirements, and all identified submittal requirements.

B. The required application fees.

C. The binding site plan application drawings shall be prepared as set forth in the binding site plan application form and shall include the following:

1. Project name, plan date, and/or revision date.
2. Name and phone number of preparer.
3. North arrow and bar scale.
4. Dimensions of the subject property and each existing and proposed lot, parcel, and tract; as well as any building and other structures within the property.
5. Structures and driveways within 150’ of the property, on both sides of the street.
6. Existing and proposed easements and any encroachments.
7. Existing and proposed road and utilities, including any storm water detention facilities.
8. Location of existing and proposed walls and fences, with an indication of their height and construction materials.
9. Existing and proposed topography at contour intervals of no more than 5 feet.
10. Critical areas as indicated in PMC 16.20, located on or within 300’ of the property.
11. Streets adjacent to, surrounding or intended to serve the property.

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12. Location and layout of off-street parking and loading facilities, and number and dimensions of parking stalls.

13. Zoning of adjacent properties.

14. For Commercial, Office Commercial Industrial, Business Park and Light Industrial zoned property, an integrated site design may be proposed. An integrated site design typically contains within it multiple tracts of land for separated leasehold or ownership, but functions as a single center. Characteristics of an integrated site design includes commonly shared access, parking, utilities, signage and landscaping; and zoning regulations are applied to the entire site, as if there were no interior property lines.

15. For Commercial, Office Commercial Industrial, Business Park and Light Industrial zoned properties, structures and/or use do not have to be identified at time of binding site plan application; provided that site plan review for subsequent building size, location, use and compliance with the approved binding site plan and any applicable development standards, will be required and shall be submitted and processed as a Type II process (unless otherwise required).

D. Legal description for the property to be subdivided and legal descriptions for new lots/parcels/tracts.

E. A completed SEPA checklist.

F. List proposed impervious area(s) including proposed pollution generating pervious and impervious area(s).

G. Any Critical Areas special reports identified in the pre-application conference letter.

H. A title report or plat certificate (within six months of date of submission) for all parcels involved.

I. Proposed covenants, conditions and restrictions, if **required.** ~~necessary~~.

J. Preliminary landscape plan.

K. A traffic study, if required.

L. Proposed division plan, if applicable.

M. Any additional information identified by the City as necessary in order to provide a complete review of the proposed binding site plan.

N. Any additional information identified in the proposed binding site plan pre-application summary letter.

**17.50~~60~~.050 Decision Criteria.**

A. A proposed binding site plan may be approved only if the following findings are made by the Review Authority.

1. The binding site plan conforms to the requirements of this Title.

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2. The proposed binding site plan conforms to the site requirements for the zoning district in which the property is located and other applicable zoning provisions.

3. The proposed binding site plan:

   a. Makes adequate provision for streets, roads, alleys, other public ways, and transit stops as required; and the proposed street system provides for the safe, orderly and efficient circulation of traffic.

   b. Will be adequately served with water, sewer, storm drainage, and other utilities appropriate to the nature of the binding site plan.

   c. Makes adequate provision for parks, recreation and playgrounds, as required.

   d. Makes adequate provision for schools and school grounds, as required.

   e. Makes adequate provisions for sidewalks and other planning features that provide safe walking conditions for students who walk to and from school.

   f. Makes adequate provisions for critical area protection pursuant to PMC 16.20.

   g. Serves the public interest and makes appropriate provisions for the public health, safety, and welfare.

B. **If the findings in Section A have not been met, the Review Authority shall deny the proposed binding site plan, unless specified conditions have been issued to fully satisfy the criteria.** ~~Lack of compliance with the findings in Section A above shall be grounds for denial of a proposed binding site plan or for the issuance of conditions necessary to more fully satisfy the criteria.~~

C. Where a binding site plan is to be developed in divisions, each division must be approved as a "stand alone" division, and all infrastructure necessary to support the division is improved prior to issuance of building permits for the specific division.

**17.50~~60~~.060 Approval Process.**

A. The Review Authority shall approve, approve with conditions, or deny a binding site plan application. The decision shall be in writing and shall include findings and conclusions based on the record to support the decision.

B. Approval by the Review Authority of the binding site plan shall constitute authorization for the applicant to develop the required binding site plan improvements, upon review and approval of final engineering construction drawings by the City Engineer as set forth in Section 17.50~~60~~.070 below. All development of a binding site plan shall be subject to any conditions imposed by the City on the binding site plan approval.

**17.50~~60~~.070 Final Review Requirements.**

A. Engineering and construction plans for streets, roads, drainage controls, utilities and other proposed or conditioned improvements shall be prepared, submitted and reviewed for

approval the City Engineer prior to the commencement of on-site clearing or construction activities.

B. Plans and technical information reports required shall be submitted to the City Engineer and prepared consistent with the City's Construction Standards and Specifications requirements.

C. The approved binding site plan shall be surveyed by a land surveyor per requirements of Section 17.80.080.

D. All required facilities and improvements shall be completed prior to binding site plan recording, as set forth in 17.80.090.

E. Final survey, drawing and documents prepared for recording, shall be submitted to the City Engineer for review and approval prior to binding site plan recording.

F. All documents necessary for facilities to be dedicated to the public, including but not limited to streets, roads, sanitary sewer facilities, storm drainage systems and water supply systems, shall be submitted to the City Engineer for review and approval prior to binding site recording.

G. A final copy of the binding site plan's Covenants, Conditions and Restrictions (CCRs) shall be submitted to the City for review and approval prior to binding site plan recording.

H. If the binding site plan **includes** ~~is in conjunction with~~ condominiums, pursuant to Chapter 64.32 or 64.34 RCW, the following statement must be included on the face of the binding site plan: "*All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now and hereafter having any interest in the land described herein."*

I. A declaration is required on the face of the binding site plan and in the Covenants, Conditions and Restrictions (CCRs) stating the following: "*All development of the property shall be in conformity with the approved binding site plan and any existing or subsequent applicable permit approval. All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any person acquiring a lease or other ownership interest of any lot, parcel, or tract that does not conform to the requirements of the binding site plan approval, shall be considered a violation*."

**17.5~~060~~.080 Binding Site Plan Recording.**

All binding site plans shall be recorded in compliance with the following:

A. Prior to recording the applicant shall submit an original binding site plan drawing to the Engineering Department for signature(s).

- Signature and date lines for certification by a registered land surveyor of the state of Washington that the binding site plan and legal descriptions were prepared under his or her direct supervision;
- Signature and date lines for the approvals of the City Engineer and Planning and Economic Development (PED) Director;
- Signature and date lines subscribed by all owners and acknowledgment of all owners' signatures.

B. Prior to recording, the property owner shall ensure all requirements by the Kitsap County Treasurer regarding property taxes have been met.

C. Recording shall not be authorized by the City Engineer unless and until all required facilities and improvements are completed as provided in Section 17.80.100.

D. Prior to recording, the City Engineer may require a maintenance bond or other suitable security as set forth in 17.80.100 E. The PED Director may require a maintenance bond or other suitable security for landscaping as set forth in PMC 18.130.060.

E. The City is responsible for the recording of the binding site plan drawing and all other legal documents, including but not limited to: lot, parcel and tract legal descriptions; utility and access easements; street and other public use dedications; conditions of approval; and CCRs; at the Kitsap County Auditor. Recording fees shall be the responsibility of the applicant.

**17.5~~060.~~090 Expiration and Extension of Time.**

A. Binding site plan approval shall expire ~~2~~ **3** years from the date of the Notice of Decision if the binding site plan has not been recorded.

B. Upon written request by the property owner filed no less than 30 days prior to the date of expiration, the PED Director and City Engineer may grant an extension of time up to but not exceeding 1 year. Any extensions of time shall be based upon finding:

1. There has been no material change of circumstances applicable to the property since binding site plan approval.
2. The applicant has attempted in good faith to submit the final binding site plan within the two-year period and the likelihood that short plat will be recorded within the additional year.
3. The City shall not grant more than 1 extension.

C. If a binding site plan has not been recorded after the initial ~~2~~ **3**-year validity or after the additional 1-year extension, it will be considered expired and a new application will be required to be submitted.

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**17.5060.100 Binding Site Plan Modifications.**

A. Modifications to binding site plans after City approval, but prior to recording with the Kitsap County Auditor, may be requested by submitting a completed Subdivision Modification application form, any identified submittal requirements, and the required application fee. All property owners having an ownership interest shall sign the application form.

B. Binding Site Plan modifications shall be processed as a Type I application according to the provisions of PMC Title 19.

C. The following are examples of modifications (but are not limited to), which may be considered and approved under this section.

1. Technical engineering items and details, unless the proposed detail modifies or eliminates features specifically required as an element of approval.

2. Minor changes in lot or tract lines or dimensions, with no change in density; and minor changes to street alignment or utility design.

3. Reduction in the number of lots approved, as long as the modification meets the minimum density requirement.

4. Minor changes to clarify notations on the face of the plat.

5. A change to a condition of approval that does not modify the intent of the original condition.

6. Reconfiguration of any designated landscaping, open spaces or recreation areas, provided that no reduction in overall area occurs.

D. When approving a binding site plan modification, the Review Authority shall make written findings and conclusions. Modifications must meet the following criteria:

1. The modification complies with all of the requirements of this Chapter and other applicable chapters of the Poulsbo Municipal Code.

2. There will not be substantial changes in the impacts on the neighborhood or the City as a result of the modification.

3. No increase in density, number of dwelling units or lots, or square footage is proposed.

4. No new land use is proposed.

5. The modification will not substantially alter any condition of approval.

6. The modification does not reduce any designated open space or recreational amenity.

E. Modifications which would result in an increase in the number of lots or density, or square footage than previously approved; significant redesign; street or storm water redesign or relocation; or modifications in the opinion of the Review Authority would

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significantly increase any adverse impacts or effects of the binding site plan, shall require a new application and fee.

F. The Review Authority's decision will be the final decision of the City unless appealed in accordance with PMC Title 19.

G. A statement is required on the drawing and any other affected documents, noting the changes and that the revised plat drawing/documents supersedes the originally approved drawing/documents.

H. Modifications to preliminary subdivision shall not amend or extend the established time limit for binding site plan approval as provided in Section 17.60.090 above.

I. Alterations to a binding site plan after recording with the Kitsap County Auditor shall follow the process established in Section 17.90 or through submittal of a new application. Vacations of an approved binding site plan shall be made through the subdivision vacation process in Section 17.90.

## 17.60~~50~~ PRELIMINARY SUBDIVISION.

### 17.60~~50~~.010 Purpose.

Pursuant to RCW 58.17, it is the intent of this Chapter:

A. To establish processing and approval of a division of land.

B. To promote the public health, safety and general welfare, and to further the goals and policies of the City Comprehensive Plan.

C. To facilitate adequate provisions for water, sewer, storm water drainage, ingress and egress, and public uses.

D. To protect critical areas and critical area buffers as designated in PMC 16.20.

E. To require conveyance by accurate legal description.

### 17.60~~50~~.020 General Standards.

A. All preliminary subdivisions applications shall be processed as a Type III application according to the provisions of PMC Title 19.

B. All proposed lots in a preliminary subdivision must meet the site requirements of the zoning district in which they are located or as otherwise allowed in the zoning ordinance (i.e. planned residential development; lot averaging); and shall be of sufficient size, dimension, design and configuration so as to permit development of the lot without variance from the applicable zoning requirements.

C. A preliminary subdivision may contain any number of tracts (land reserved for special uses, such as surface water retention, utility facilities, access, open space, recreation areas, tree retention areas, critical area and buffers). Tracts are not considered lots or building sites for purposes of development or density, shall be identified as such on the face of the plat, and held under common ownership by the plat lot owners. When tracts are provided and intended for common ownership (i.e. not dedicated to the City), a

statement on the face of the plat and in the plat's Covenants, Conditions and Restrictions (CCRs) shall be included that states "Tracts identified are intended for their stated purpose and have no development potential, cannot be sold or further subdivided."

D. As required by 58.17 RCW, a preliminary subdivision shall be approved, approved with conditions, denied, or returned to the applicant for modification or correction within 90 days from the date of filing of a complete application unless the applicant agrees to an extension of the time period in writing, or as set forth in PMC Section 19.80 Time Frames for Review. A preliminary subdivision application shall not be deemed filed until all of the requirements for a technically complete application established in PMC Section 19.30 have been met.

**17.60~~50~~.030 Application Submittal.**

An application for a preliminary subdivision shall contain the following:

A. Completed application form(s) per City requirements, and all identified submittal requirements.

B. The required application fees.

C. The preliminary plat drawings shall be prepared as set forth in the preliminary subdivision application form and shall include the following:

1. Project name, plan date, and/or revision date.
2. Name and phone number of preparer.
3. North arrow and bar scale.
4. Dimensions of the subject property, and all existing and proposed lots, parcels, and tracts; as well as any building and other structures within the property.
5. List proposed impervious area(s), including proposed pollution generating pervious and impervious area(s).
6. Structures and driveways within 150' of the property, on both sides of the street.
7. Existing and proposed easements and any encroachments.
8. Existing and proposed road and utilities, including any storm water detention facilities.
9. Location of existing and proposed walls and fences, with an indication of their height and construction materials.
10. Existing and proposed topography at contour intervals of no more than 5 feet.
11. Critical areas as indicated in PMC 16.20, located on or within 300' of the property.
12. Streets adjacent to, surrounding or intended to serve the property.
13. Zoning of adjacent properties.

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D. A completed SEPA checklist.

E. Demonstrate compliance with current storm water standards.

F. Any Critical Areas special reports as identified in the pre-application conference letter.

G. All offsite easements necessary to provide access to the subdivision or to serve the subdivision with utility infrastructure.

H. Proposed Covenants, Conditions and Restrictions (CCRs).

I. Preliminary landscape plan, if required.

J. Tree retention plan, if required.

K. A traffic study, if required.

L. Proposed plat divisions.

M. A title report or plat certificate (within six months of date of submission) for all parcels involved

N. Any additional information identified by the City as necessary in order to provide a complete review of the proposed preliminary subdivision.

O. Any additional information identified in the proposed preliminary subdivision pre-application summary letter.

**17.60~~50~~.040 Decision Criteria.**

A. A proposed preliminary subdivision may be approved only if the following findings are made by the Review Authority

1. The proposed preliminary subdivision conforms to the requirements of this Title.

2. The proposed preliminary subdivision conforms to the site requirements for the zoning district in which the property is located and/or other applicable zoning provisions.

3. The proposed preliminary subdivision:

a. Makes adequate provision for streets, roads, alleys, other public ways, and transit stops as required; and the proposed street system provides for the safe, orderly and efficient circulation of traffic.

b. Will be adequately served with water, sewer, storm drainage, and other utilities appropriate to the nature of the subdivision, and meets all current and applicable standards.

c. Makes adequate provision for parks, recreation and playgrounds, as required.

d. Makes adequate provision for schools and school grounds, as required.

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e. Makes adequate provisions for sidewalks and other planning features that provide safe walking conditions for students who walk to and from school.

f. Makes adequate provisions for critical area protection pursuant to PMC 16.20.

g. Makes adequate provisions for fire and emergency access and protection.

h. Serves the public interest and makes appropriate provisions for the public health, safety, and welfare.

B. **If the findings in Section A have not been met, the Review Authority shall deny the proposed preliminary plat, unless specified conditions have been issued to fully satisfy the criteria.** ~~Lack of compliance with the findings in Section A above shall be grounds for denial of a proposed preliminary plat subdivision or for the issuance of conditions necessary to more fully satisfy the criteria.~~

C. Where a preliminary plat subdivision is to be developed in divisions with a final plat approved and recorded separately for each division, the applicant shall request approval of divisions as part of the preliminary plat subdivision application. Each separate division shall be required to meet the requirements of Section A above and all other applicable City codes when considered independently from any other division. When an applicant requests divisions after preliminary plat approval has been granted but prior to recording, divisions may be approved only through modification of the preliminary plat subdivision as set forth in 17.**60**~~50~~.070.

**17.60~~50~~.050 Approval Process**.

A. The Review Authority shall approve, approve with conditions, or deny a preliminary subdivision application. The decision shall be in writing and shall include findings and conclusions based on the record to support the decision.

B. Approval by the Review Authority of the preliminary subdivision shall constitute authorization for the applicant to develop the subdivision improvements, upon review and approval of final engineering construction drawings by the City Engineer as set forth in Sections 17.80.090. All development of the preliminary subdivision shall be subject to any conditions imposed by the Review Authority.

**17.60~~50~~.060 Limitation on Preliminary Approval.**

A. The time period for filing of a final plat after preliminary subdivision approval shall be as set forth in RCW 58.17.140.

B. Upon written request by the property owner filed no less than 30 days prior to the date of expiration, the PED Director and City Engineer may grant an extension of time up to but not exceeding 1 year. Any extensions of time shall be based upon the finding:

1. There has been no material change of circumstances applicable to the property since subdivision approval.

2. The applicant has attempted in good faith to submit the final plat within the prescribed time period and the likelihood that the preliminary plat will be recorded within the additional year.

3. The City shall not grant more than one 1-year extension.

C. If a final plat has not been filed after the initial RCW 58.17.140 validity or after the additional 1-year extension, it will be considered expired and a new application will be required to be submitted.

**17.60~~50~~.070 Modifications to Preliminary Subdivisions.**

A. Modifications to a preliminary subdivision after City approval but prior to final plat recording with the Kitsap County Auditor, may be requested by a property owner and approved by the Review Authority and shall follow the procedures of a Type II permit process review, Section 19.40.030, including issuance and distribution of a Notice of Application.

B. An application for preliminary subdivision modification shall be submitted on Subdivision Modification application form, any identified submittal requirements, and the required application fee. The application shall require an explanation of the reasons for the modification and contain signatures of all parties having an ownership interest in the plat.

C. The following are examples of modifications (but are not limited to), which may be considered and approved under this section.

1. Technical engineering items and details, unless the proposed detail modifies or eliminates features specifically required as an element of approval.

2. Minor changes in lot or tract lines or dimensions, with no change in density; and minor changes to street alignment or utility design.

3. Reduction in the number of lots approved, as long as the modification meets the minimum density requirement.

4. Minor changes to clarify notations on the face of the plat.

5. A change to a condition of approval that does not modify the intent of the original condition.

6. Reconfiguration of any designated open spaces or recreation areas, provided that no reduction in overall area occurs.

D. When approving a preliminary subdivision modification, the Review Authority shall make written findings and conclusions. Modifications must meet the following criteria:

1. The modification complies with all of the requirements of this Title and other applicable chapters of the Poulsbo Municipal Code.

2. There will not be substantial changes in the impacts on the neighborhood or the City as a result of the modification.

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3. No increase in density, number of dwelling units or lots is proposed.

~~4. No new land use is proposed.~~

5. The modification will not substantially alter any Hearing Examiner Findings of Fact or conditions of approval.

6. The modification does not reduce any **required** designated open space or recreational amenity.

E. Alterations which exceed the criteria established in 17.**60**~~50~~.070.C and D above, but are limited in scope and impact, may be considered by the **initial approval Review Authority** ~~Hearing Examiner~~ as a major modification, and processed as a Type III application. The **initial approval Review Authority** ~~Hearing Examiner~~ shall hold a public hearing on the limited in scope proposed modifications and include written findings that the modification is: 1) consistent with the original preliminary plat findings of fact and conditions of approval; 2) does not create additional lots, tracts or parcels; 3) consistent with development regulations in effect at the time of the preliminary subdivision approval; and 4) does not increase any adverse impacts or effects of the plat. If these findings cannot be made, the proposed modification shall be denied.

F. Modifications which would result in an increase in the number of lots and or density previously approved, constitutes significant plat redesign or modifications in the opinion of the Review Authority would increase any adverse impacts or effects of the plat, shall require a new application and fee.

G. The Review Authority's decision will be the final decision of the City unless appealed in accordance with PMC Title 19.

H. A statement is required on the plat drawing and any other affected documents, noting the changes and that the revised plat drawing/documents supersede the originally approved drawing/documents.

I. Modifications to preliminary subdivision shall not amend or extend the established time limit for final subdivision approval as provided in Section 17.50.060 above.

J. Modifications to a subdivision after recording with the Kitsap County Auditor shall follow the plat alteration process established in Section 17.90 or through submittal of a new preliminary subdivision application. Vacations shall be made through the subdivision vacation process in Section 17.90.

**17.60~~50~~.080 Model Homes.**

A. Purpose. The purpose of model homes shall be to demonstrate a variety of housing designs together with all associated on-site improvements (i.e. streets, utilities, storm management, driveways, landscaping, patios, etc.) prior to recording of final plat.

B. Number Authorized. After preliminary plat approval is granted, **the number of homes permitted shall be no greater than 15% of the approved lots within each division, not to exceed a total of 10 homes. In the event the calculation creates a fractional unit, any fractional result above and including one-half will be rounded up to the next consecutive whole number; and any fractional result below one-half will be**

**rounded down to the next consecutive whole number, not to exceed the maximum allowed.** ~~up to four model homes for each division of development may be permitted; however,~~ **M**~~m~~odel homes may be permitted in a later phase of development only after a final plat has been approved for each preceding division.

C. Eligibility. Any applicant who has received preliminary plat approval may apply for a building permit(s) for model homes, if the following criteria are met:

1. The applicant for the model home building permit, if different than the owners and applicant for the approved preliminary plat shall provide a signed and notarized document by the owner demonstrating that the applicant has real or possessory interest in the property described in the legal description of the approved preliminary plat.

2. The applicant has submitted and received approval of **civil engineering** construction drawings as required by the City Engineer.

3. Storm water facilities that serve the model home lots shall be in place or approved in the case of individual lot storm water management.

4. Any road improvement required as a condition of preliminary plat approval that is designed to provide access to the model home from an existing public right-of-way shall be complete.

5. Lot corners shall be staked by or under the supervision of a licensed land surveyor in accordance with the preliminary plat lot configuration prior to construction of the model home.

6. All areas of the subdivision serving the model home(s) have installed frontage improvements as required by the City Engineer.

7. Water and sewer are installed to each lot proposed for model home(s), as directed by the City Engineer and Fire Official.

8. Fire protection must be available to any lot proposed for construction of a model home.

D. Application requirements. Each residential building permit application for a model home(s) shall include the following submittals:

1. Applications for model homes shall be submitted on the same form as if the model homes were a standard dwelling unit, and shall be subject to all applicable codes of the City.

2. Copy of Hearing Examiner decision of approval and approved preliminary plat drawing.

3. Building site plan(s) showing the location of the proposed model home(s) with distances indicated from the proposed final plat lot lines. Model homes shall comply with minimum setback and development standards of the applicable zoning district and conditions of approval. Prior to building permit issuance, the location of the lot, building, corners and offset stakes 5' from each exterior

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structure corner, shall be staked by a licensed land surveyor prior to construction, and a certification from the surveyor provided to the City confirming the proper home location.

4. Overall site plan showing the location of proposed temporary improvements specific to the model home(s) uses such as signage, flags, banners, fencing, landscaping, and impervious surfaces such as parking areas and sidewalks.

5. Two drawings of the proposed final plat.

6. The owners shall submit a written covenant that states construction of the model home(s) are at their own risk, and hold harmless and indemnify the City, its officers, agents, and employees, for claims associated with the removal of such buildings and portions thereof not in compliance with the final plat approval.

7. The owners shall post a bond in a form acceptable to the City Attorney in an amount sufficient 1) to remove said buildings or any portion thereof to the extent which the buildings are inconsistent with any final plat approval, or in the event that such plat is disapproved, or to bring about compliance with the applicable zoning **standards**; and 2) to restore the site to conditions as existing prior to the construction of the model home(s).

8. All applicable building permit plan review and construction fees and a model home fee shall be required.

9. All applicable and required impact fees.

E. One model home may be used, after final inspection, as a temporary marketing center. Other model homes may be furnished and decorated to show the general public after final inspection.

F. No model home shall be issued a certificate of occupancy or occupied for residential use prior to the recording of the final plat. No model home shall be sold, leased, rented or otherwise transferred in ownership until the final plat is recorded, unless the property interest is transferred in conjunction with a transfer in interest of the plat as a whole.

G. At the time of final plat application submittal, a certification from a licensed land surveyor shall be provided confirming the location of the constructed model homes are placed appropriately on their respective lots and meet all setback requirements and/or conditions of approval.

H. Any modification proposed to an approved preliminary plat due to the subsequent placement of a model home shall be processed according to the provisions of Section 17.**60**~~50~~.070. No variances will be allowed.

I. No new dwelling units other than model homes shall be permitted within the approved preliminary plat prior to final plat approval and recording.

# 17.70 FINAL PLATS.

## 17.70.010 Purpose.

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The purpose of this section is to establish the procedures and criteria for the preparation and recording of an approved subdivision containing all the required elements of this Title, 58.17 RCW and conditions of approval.

**17.70.020 Time Limits.**

A. A final plat application shall be submitted within the time limits established in **RCW 58.17.140.** ~~Section 17.50.060.~~

B. Final plats shall be approved, disapproved or returned to the applicant for modification or correction within 30 days from the date of filing unless the applicant consents to an extension of such time period.

1. The City will not accept a final plat application until a construction punch list has been produced by the City, or unless otherwise allowed by the City Engineer.

2. The City shall have the authority to place the final plat application on hold for the purposes of this required time frame, in order for all improvements to be adequately completed per City inspections and City Engineer approval, and the applicant shall sign a waiver to the 30 day review timeframe.

**17.70.030 Application Submittal.**

A. Completed application form(s), including all identified submittal requirements and the required application fees.

B. Final plat drawings shall be prepared as follows:

1. Final plat on reproducible mylar**, or approved equivalent,** in a size per the City's requirement(s). Each sheet of the final plat shall contain the subdivision name, sheet number, scale, and north arrow.

2. Boundary of the subdivision with complete bearings and lineal dimensions.

3. Primary control points, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.

4. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-ways, and property lines of residential lots and other sites, with accurate dimensions, bearings, and radii, arcs, central angles of all curve arcs.

5. Name and right-of-way width of each street or other right-of-way.

6. Location, dimensions and purpose of all easements.

7. Number to identify each lot or parcel.

8. Purpose for which tracts or parcels, other than residential lots, are dedicated or reserved.

9. Location and description of monuments by symbol.

10. Reference to plats of adjoining land by their recorded name, date, volume and page number.

11. Certification by licensed land surveyor or licensed professional civil engineer.

C. Plans and profiles of all utilities and street improvements showing approval of the design by the City Engineer.

D. Title insurance report (within ~~six~~ **6** months of date of submission) confirming that the title of the lands as described and shown on the final plat is in the name of the owners signing the plat certificate or instrument of dedication.

E. A copy of all Covenants, Conditions and Restrictions (CCRs) to be imposed upon the land within the subdivision.

F. A certification from a licensed land surveyor confirming the location of the constructed model homes are placed appropriately on their respective lots and meet all setback requirements and/or conditions of approval.

**17.70.040 Review by City.**

Findings and recommendations shall be made and forwarded to the City Council. The Planning and Economic Development (PED) Director and City Engineer shall assure that:

A. Compliance with all terms, conditions and requirements of the preliminary approval have been met or sufficiently addressed.

B. The proposed final plat meets all standards established by state law and this Title relating to the final plat drawings and subdivision improvements.

C. The proposed final plat bears the certificates and statements of approval required by this Title and RCW 58.17.

D. A current title insurance report furnished by the subdivider confirms that title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the final plat.

E. The legal description of the plat boundary on the current title insurance report agrees with the legal description on the final plat.

F. The facilities and improvements required to be provided by the subdivider have been completed as provided in Section 17.80.090.

G. The surveyor has certified that all survey monument lot corners are in place and visible and consistent with requirements in Section 17.80.070.

H. The final plat contains a dedication to the public of all common improvements, including but not limited to streets, sewage disposal systems, storm drainage systems, and water supply systems which were a condition of approval. The intention to dedicate shall be evidenced by the owner's presentment of a final plat showing the dedication, and the acceptance by the City shall be evidenced by the approval of the final plat.

I. The Covenants, Conditions and Restrictions (CCRs) have been reviewed and determined to consistent with the preliminary plat approval and conditions of approval.

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### 17.70.050 Decision Criteria.

No final plat shall be approved unless it:

A. Substantially conforms to all terms, conditions, and provisions of preliminary approval.

B. Findings have been made that the requirements in Section 17.70.040 are sufficiently met.

C. Contains a dedication to the **City** ~~public~~ of all common improvements, including but not limited to streets, roads, sewage disposal systems, storm drainage systems, and water supply systems that were a conditional of approval. The intention to dedicate shall be evidence by the owner's presentation of a final plat showing the dedication, and the acceptance by the City shall be evidenced by the approval of the final plat.

D. Meets the requirements of this Title, applicable state laws, and all other local ordinances adopted by the City that were in effect at the time a complete application for preliminary plat was filed.

E. All required improvements have been constructed, inspected and accepted by the City Engineer consistent with Section 17.80.100.

### 17.70.060 City Council Review.

A. The City Council shall review the final plat at a public meeting. No public hearing is required.

B. The City Council shall review the final plat according to the decision criteria set forth in Section 17.70.050.

C. If the City Council approves the final plat, the Mayor shall be authorized to inscribe and execute the written approval on the face of the plat map. If the City Council denies the final plat, the final plat will be returned to the applicant with reasons for denial and conditions for compliance.

### 17.70.070 Recording.

All final plats shall be recorded in compliance with the following:

A. Filing required. No final plat shall be recorded unless approved by the City Council. The original of the approved final plat shall be filed by the City with the Kitsap County Auditor. Recording fees shall be the responsibility of the applicant.

B. Maintenance Assurance. All required maintenance assurances required by Section 17.80.**100**~~090~~.D shall be satisfied.

C. All final plats shall be recorded within 120 days after final approval is granted by the City Council. Approval shall expire if the final plat is not recorded within this time limit.

### 17.70.080 Final Plat Validity.

Lots in a final plat filed that have been recorded shall be a valid land use notwithstanding any change in zoning laws for a period of time as set forth in RCW 58.17.170.

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# 17.80 LAND DIVISION STANDARDS

## 17.80.010 Lot Standards.

A. All lots shall meet the lot standards of the zoning district in which they are located or as otherwise allowed in the zoning ordinance, and shall be of sufficient size, dimension, design and configuration so as to permit development of the lot without variance from the applicable zoning requirements. Corner lots for residential use may require additional width to insure appropriate building setback requirements.

B. Building Setback Lines. Generally, building setback lines are not required to be shown. Where watercourses, topography, geology and soils, vegetation, utilities, lot configuration or other unique circumstances dictate a different building envelope than that set forth in the setback requirements for the zoning district in which the lot is located, the building setback lines may be required to be shown on the land division instrument and observed in the development of the lot.

C. Future Subdivision of Lots. When the subdivision or short subdivision in residential zoned districts will result in a lot 15,000 square feet or larger in size, it may be required that the location of lot lines and other details of layout be such that **the** future subdivision may readily be made without violating the requirements of this section and without interfering with orderly extension and connection of adjacent streets.

D. Lots for Building Pads. In commercial, industrial, business park, and multi-family residential development utilizing binding site plan, lots with boundaries coterminous or nearly so with building walls may be created. The standards that normally would apply to such lots shall apply instead to the project tract of which such lots are a part.

## 17.80.020 Easements.

A. Public and private easements for the construction and maintenance of water, sewer, storm drainage, and other utilities and public and private facilities shall be granted to provide and maintain adequate utility service to each lot and adjacent lands. Width of easement requirement shall be as set forth in the City's Construction Standards and Specifications. Building setbacks from these easements may be required as a condition of approval when determined necessary by the Review Authority.

B. Easements required by this Title shall be granted by the terms and conditions of such easements being shown on the face of the land division instrument approved for recording under this Title or by separate recorded instrument for properties outside of the plat.

## 17.80.030 Water, Sewer, and Storm Drainage Systems.

A. Water, sewer and storm drainage system alignment shall be designed and located consistent with the City's Comprehensive Plan including water, sanitary sewer and storm drainage functional plans.

1. Where topography, property owner willingness, natural features or other conditions make achievement of the planned alignment in the functional plans impractical, the utility alignment and/or location shall be as approved by the City

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Engineer consistent with the purpose and intent of the functional plan's alignment.

2. That the required alignment/improvement must be related in nature and extent to the impact of the development, i.e. it must be roughly proportional to the impact of the development.

B. All lots shall be served by adequate public water, sanitary sewer, and storm drainage systems approved by the City **Engineer** and meeting the design and construction requirements of the City's adopted regulations and the City of Poulsbo Construction Standards and Specifications manual.

C. All public water, sanitary sewer, and storm drainage systems shall be placed underground in appropriate public easements or tracts and dedicated to the City, provided that those portions of storm water systems that are required to be above ground in order to function (i.e. storm water ponds, drainage swales, and similar facilities), may be installed above ground.

D. When a public street is to be dedicated or where a public street is widened or structurally altered by an applicant as a condition of land division approval, the applicant shall provide and dedicate any required storm drainage system.

**17.80.040 Underground Utilities.**

A. Developments shall be responsible for the undergrounding utilities both existing and new, within the plat and along the frontage road.

1. New interior plat roads shall have underground utilities (cable television, electric, gas, telephone, fiber optic, etc.). An empty 4" conduit shall be placed in the trench and dedicated to the City for future utilities.

2. Street lights shall be located on decorative concrete poles and shall match the style used in residential neighborhoods within the City. ~~a.~~Cobra-head style street lights are not permitted in residential neighborhoods.

3. The frontage improvements of the plat shall include undergrounding of existing utility facilities unless exempt as outlined in Section 17.80.040 B.

4. Short subdivisions which meet the infill provision Section 18.70.070.O are exempt from undergrounding requirements if 50% of the utilities in a 500ft radius are above ground.

B. The following are exempt from this Section requirements:

1. Transformers, pedestal-mounted terminal boxes, meter cabinets, and concealed ducts may be placed above ground within the subdivision when used in connection with the underground utilities.

2. Existing poles on the frontage which do not require relocation to accommodate the proposed frontage improves, which meet the following are exempt:

a. Carry 33kVa electric lines or greater; or

b. Support street lights **on an existing utility pole**.

3. **The City Council may waive any requirement of this section.**

4. All parallel lines on exempt power poles.

C. Payment for costs of undergrounding shall be as follows:

1. Arrangements, including payment of costs, shall be made by the developer directly with the serving utility company(ies). Undergrounding of utility structures may be done by the developer, with permission from the serving utility.

2. A developer with property frontage of any length may petition the City to establish an assessment district to fulfill the requirement for undergrounding utilities. Prior to the approval of a preliminary plat, developer shall have an assessment district in place or shall have made provision for undergrounding pursuant to subsection (D)(3) of this section.

3. Unless otherwise specified any other provision herein notwithstanding, the entire cost to underground street crossing utility lines shall be the responsibility of the developer of the property served by the utility lines.

**17.80.050 Street Standards.**

A. Each lot or unit within the subdivision shall have direct access to a public or private street. No new direct driveway access from individual residential lots onto divided major arterials, major arterials, minor arterials, neighborhood collectors shall be permitted, unless otherwise approved by the City Engineer.

B. All street frontage improvements, new street design, grades, widths, street lighting and construction shall comply with the standards and specifications as set forth in the City's Construction Standards and Specifications, including current ADA standards. Additional right-of-way may be required where future conditions and development impacts warrant, or where topographical requirements necessitate cuts or fills for proper grading of the streets.

C. Preliminary plats shall provide for at least two different standard routes for ingress and egress.

1. The requirement for an existing or future street connection(s) in Section 17.80.060 shall contribute to meeting this requirement.

2. If, based upon existing development pattern, topography, adjacent property owner willingness, or street connectivity to adjacent property will occur in the future, and only one public street provides primary access to the entrance points of a new residential subdivision, the following shall apply:

a. A secondary emergency access road of a minimum of 20' unobstructed width shall be established within an access easement and connect to a different street than the primary access points. The emergency access road shall be constructed as an all-weather surface as approved by the City Fire Official and City Engineer. When street connection to adjacent property

or a second public street access is provided, the emergency access road may be abandoned, if approved by the City's Fire Official and City Engineer.

b. If a secondary emergency vehicle access easement cannot be provided, and the plat is greater than 30 lots, the following shall be required:

i. Sufficient evidence must be provided to the City that an emergency access road could not be acquired due to adjacent property owner willingness, topography, or other technically acceptable reason.

ii. Additional fire protection and emergency vehicle access measures, such as but not limited to sprinklering, widening the primary access street with turn-outs, building in phases, shall be proposed by the applicant of the preliminary plat and incorporated into the plat design and/or conditions of approval.

c. The City Engineer may determine the secondary emergency access is not required, upon consultation and concurrence by the City Fire Official, based upon the size of plat, topography, existing land development pattern, access to public streets or other technical reasons that will be entered into as a finding for the preliminary plat.

**17.80.060 Street Connectivity.**

The purpose of street connectivity is three-fold: 1) to implement the City's Comprehensive Plan's Future Street Plan; 2) to provide redundant and efficient routes and connections within the City; and 3) provide superior emergency vehicle response time by providing multiple access to streets. Street connectivity shall be implemented as follows:

A. New streets shall be provided and located consistent with the City's Comprehensive Plan Transportation Map Series and New Roadway Segments map:

1. Where topography, **adjacent** property owner willingness, natural features or other conditions make achievement of a planned alignment impractical, the street alignment, connection and/or location shall be as approved by the City Engineer consistent with the intent of planned alignment.

2. The required improvement must be related in nature and extent to the impact of the development.

3. When requiring a new street to be provided consistent with the City's Comprehensive Plan New Roadway Segments map, the City shall provide a finding of fact with the subdivision decision, setting forth that the requirement of the new street is supported under the City's Growth Management Act responsibility to provide for adequate streets and roads for its allocated population, and based upon the City's adopted Comprehensive Plan, there is a reasonable assurance the new street shall be completed.

B. New subdivisions shall connect to or provide a future connection to adjacent property.

1. New subdivisions shall use existing street connections, if provided, unless it is technically infeasible to do so as determined by the City Engineer.

2. When providing for street connectivity, the public streets and utilities shall be extended to the property boundary.

3. When a street connection is required to undeveloped property zoned for residential development, a sign is required to be posted at the connection point indicating the intent of a future road connection.

4. When a street is required to undeveloped property, a preliminary engineering analysis of the feasibility of the future street connection shall be submitted with the development permit application.

5. Pedestrian and bicycle connection to adjacent subdivisions or property shall be provided as feasible and as consistent with the intent of the City's Comprehensive Plan's identified sidewalk and path connections.

6. The City Engineer may exempt the requirement for street connectivity under the following circumstances:

    a. There are existing and available connections to collector or arterial streets.

    b. The existing development and ownership pattern, site and/or surroundings area's topography make connectivity technically and physically unfeasible.

    c. Temporary emergency vehicle access is provided, and street connectivity will occur in the future.

    d. The street connection is not identified on the Comprehensive Plan Transportation Map series.

**17.80.070 Monuments.**

A. Permanent survey control monuments shall be provided for all land divisions at:

1. All controlling corners on the boundaries of the land division.

2. The intersection of centerlines of roads within the land division.

3. The beginning and ends of curves on centerlines or points of intersections on tangents.

B. Permanent survey control monuments shall be set in 2" pipes, 24" long, filled with concrete, or shall be constructed of an approved equivalent. Permanent survey control monuments within a street shall be set after the street is paved. Every lot corner shall be marked by a ¾" galvanized iron pipe, ½" rebar or approved equivalent, driven into the ground.

**17.80.080 Survey Required.**

The survey shall be made by or under the supervision of a licensed land surveyor. All surveys shall conform to standard practices and principles of land surveying as set forth in the laws of the

State of Washington. Primary survey control points shall be referenced to section corners and monuments. Lot corners shall be in place and visible prior to recording.

### 17.80.090 Construction of Subdivision Improvements.

Construction of subdivision improvements shall be as follows:

A. Complete construction drawings and specifications shall be submitted to the City Engineer for review and approval prior to the commencement of construction. The submitted drawings and specifications shall be designed and certified by a registered civil engineer. Construction drawings shall be in conformance with the conditions, applicable city standard, and the City's Construction Standards and Specifications manual.

B. Construction of the subdivision improvements shall proceed as approved on the construction drawings and specifications. Construction shall proceed under the supervision of a registered civil engineer. The City Engineer will inspect construction progress to review compliance with construction plans and required standards. All costs of inspections by the City Engineer shall be borne by the developer. Any changes to the construction drawings or specifications involving design of the subdivision improvements shall first be reviewed and approved by the City Engineer.

### 17.80.100 Improvements and Maintenance.

A. All utilities, streets and other infrastructure shall be designed and constructed in accordance with the current City of Poulsbo Construction Standards and Specifications manual or as required in Conditions of Approval. City capital improvement, utility or other projects performed on behalf of the City shall meet all standards outlined in the Construction Standards and Specifications manual, except for otherwise allowed by approved deviations.

B. For all land divisions, the applicant shall complete the required improvements before the land division is approved to be recorded. The applicant may request, and the City Council may accept at its discretion, a financial guarantee for the installation of the required improvements, pursuant to the provisions set forth below:

1. When approved by the City Council, the applicant may file a completion bond or other suitable security in a form approved by the City Attorney sufficient to guarantee actual construction and installation of such improvements within 2 years of recording.

    a. Upon written request by the applicant/developer filed no less than 30 days prior to the due date of the improvement completion, the City Engineer may grant an extension of time up to but not exceeding 1 year. Any extensions of time shall be based upon the finding:

        i. There has been no material change of circumstances applicable to the property since completion bond or other security approval.

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ii. The applicant must provide good cause for the delay and demonstrate the likelihood that construction will be completed within the additional year.

iii. The City Engineer shall not grant more than 1 extension.

2. The amount of the security for completion shall not be less than 200% of the City Engineer's estimate of the cost of such improvements, but the City Engineer may set a higher percentage based upon the complexity of the project.

C. After the completion of improvement construction, three sets of "as built" drawings **and an electronic version** showing the subdivision improvements as constructed shall be certified as true and complete by a registered civil engineer and one shall be on reproducible mylar**, or approved equivalent**. The certified "as built" drawings shall be submitted to the City prior to the acceptance of the improvements by the City.

D. After the completion of improvement construction and all required corrections, the City Engineer shall accept the improvements. Acceptance of improvements shall mean the improvements are satisfactorily completed and suitable for public use.

E. Before recording, the applicant shall file a maintenance bond or other suitable security in a form approved by the City Attorney and in an amount to be determined by the City Engineer guaranteeing the repair or replacement of any improvement that proves defective or fails to survive within 2 years after final acceptance of the improvements by the City.

F. The City shall enforce the performance or maintenance security required by this section.

1. In the event the improvements are not completed as required, or maintenance is not performed satisfactorily, the City Engineer shall notify the property owner and the guarantor in writing which shall set forth the specific defects which must be remedied or repaired and shall state a specific time by which such shall be completed.

2. In the event repairs or maintenance are not completed by the specified time as identified by the City Engineer in Section 17.80.100.F.1 above, the City may proceed to repair the defect or perform the maintenance by either the City personnel, or by private contractor. Upon completion of the repairs or maintenance, the cost thereof, plus interest at 12% per annum, shall be due and owing to the City from the owner and guarantor as a joint and several obligations. In the event the City is required to bring suit to enforce maintenance, the subdivider and guarantor shall be responsible for any costs and attorneys' fees incurred by the City as a result of the action. In the event that the security is in the form of a cash deposit with the City, the City may deduct all costs set forth in this section from the cash on deposit and the subdivider shall be required to replenish the same for the duration of the guaranty period.

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G. Release. A performance assurance shall not be released by the City unless and until the required performance has been completed and accepted by the City and the required maintenance security has been provided. The maintenance security shall not be released by the City unless and until the improvements have been inspected and accepted and the 2-year period has been completed.

# 17.90 PLAT ALTERATIONS AND VACATION.

## 17.90.010 Purpose.

The purpose of this section is to provide the procedures to alter or vacate recorded final subdivisions, recorded short subdivisions, and recorded binding site plans.

## 17.90.020 Alteration of Recorded Land Division.

A. Plat alterations are required when a property owner wishes to make any change to a recorded final subdivision, recorded short subdivision or recorded binding site plan. An alternative to the plat alteration process described herein is to submit a new application for the subdivision, or through a boundary line adjustment if appropriate. This process cannot be used to create additional lots, tracts or parcels.

B. Application requirements. A completed Plat Alteration application and application fee, with a drawing showing the details of the alteration shall be submitted.

1. The application shall contain signatures of the majority of those persons having an ownership interest of lots, parcels, sites, tracts, or divisions in the subject subdivision or portion to be altered.

2. If the subdivision is subject to restrictive covenants that were filed at the time of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

3. Easements established by a dedication are property rights that cannot be extinguished or altered without the written and filed approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement.

C. Notice of Application required. A Notice of Application shall be provided to all owners within the subdivision and to property owners within 300 feet from the subdivision, posted on the property in three locations, and published in a paper of general circulation.

D. Public hearing required. The Review Authority shall conduct a public hearing on the application for a subdivision alteration. A public hearing notice shall be prepared and distributed as set forth in Section 17.90.020.C above. The Notice of Application and public hearing notice may be combined; provided that it is distributed no less than 14 days prior to the public hearing.

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E. Decision criteria. The Review Authority shall approve, approve with conditions, or deny an alteration. The decision shall be in writing and shall include findings and conclusions based on the record to support the decision.

1. The proposed alteration complies with this Title and other applicable City requirements.

2. The proposed alteration will serve the public interest or use.

3. The proposed alteration will not result in the violation of any requirements of the original approval, unless conditions necessitating such requirements have changed since the original plat was recorded.

F. Assessments. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots or parcels or be levied equitably on the lots resulting from the alteration.

G. Revised plat drawing. After approval of the alteration, the applicant shall produce a revised plat drawing titled "Alteration of (insert subdivision/project name)" showing the entire subdivision or portion thereof being altered. The altered plat shall include a note indicating the nature of the alteration. The new drawing shall be submitted to the City for signatures. After recording, the applicant shall submit a copy of the recorded alteration drawing to the City.

**17.90.030 Vacation of Recorded Land Division.**

A. Plat vacations are required whenever a property owner wishes to vacate, or a portion thereof, a recorded final subdivision, short subdivision or binding site plan. For purposes of this section, vacation shall mean rendering the plat, or portion, null and void and no longer platted.

B. Application requirements. A completed Plat Vacation application for vacation of all or any portion of a subdivision shall be submitted. The applicant shall set forth the reasons for vacation, and the application shall contain signatures of all parties having an ownership interest in that portion to be vacated.

1. If the subdivision is subject to restrictive covenants which are filed at the time of approval of the subdivision, and the vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation.

C. When the vacation application is specifically for a City street or right of way, the procedures for street vacation in chapter 35.79 RCW shall be utilized. When the application is for the vacation of the plat together with the streets, the procedure for vacation in this section shall be used, but vacations of streets may not be made that are prohibited under RCW 35.79.030.

D. Notice of Application required. A Notice of Application shall be provided to all owners within the subdivision and to property owners within 300 feet from the subdivision, posted on the property, and published in a paper of general circulation.

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E. Public hearing required. The Review Authority shall conduct a public hearing on the application for a subdivision alteration. A public hearing notice shall be prepared and distributed as set forth in section 17.90.030.D above. The Notice of Application and public hearing notice may be combined; provided that it is distributed no less than 14 days prior to the public hearing.

F. Decision criteria. The Review Authority shall approve the application for vacation for the subdivision or approve the application with conditions it determines that the public use and interest will be served by the vacation. The Review Authority shall deny the application for vacation if it finds that the public use and interest will not be served by the alteration.

G. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the City, shall be deeded to the City unless the Review Authority adopts written findings that the public use would not be served in retaining title to those lands.

H. Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the Review Authority has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the Review Authority. When the street that is to be vacated was contained wholly within the subdivision and is part of the boundary of the subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

# 17.100 ADMINISTRATION.

## 17.100.010 Authorization.

A. The Planning and Economic Development (PED) Director and/or City Engineer is authorized to require more detailed requirements for the submittal of complete preliminary subdivision, short subdivision, binding site plan, boundary line adjustments, final plat approval, plat alterations and plat vacations, including size, scale, number of copies, and content.

B. The PED Director shall be responsible for the administration and interpretation of this Title.

1. The PED Director shall review and resolve any questions involving the proper interpretation or application of the provisions of this Title. The PED Director's decision shall be in keeping with the spirit and intent of this Title and of the Comprehensive Plan.

## 17.100.020 Conflict of Provisions.

Should a conflict between the provisions of this Title or between this Title and the laws, regulations, codes or rules promulgated by other authority having jurisdiction within the City, the most restrictive requirement shall be applied, except when constrained by federal or state law, or where specifically provided otherwise by this Title.

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### 17.100.030 Severability.

If any provision of this Title or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this Title are declared to be severable.

### 17.100.040 Power to Correct Errors or Clarify.

A. The ~~PED Director~~ **Review Authority** may at any time amend an administrative decision to correct ministerial errors clearly identifiable from the public record.

B. The ~~PED Director~~ **Review Authority** may at any time clarify a statement in a written administrative decision as long as the clarification does not alter the intent or effect of the decision.

### 17.100.050 Employees Not Personally Liable.

Any employee charged with the administration and/or enforcement of this Title, acting in good faith and without malice for the City in the discharge of duties, shall not thereby render him/herself liable personally and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason off any act or omission in the discharge of duties. Any suit brought against the employee, because of such act or omission performed in the enforcement of any provision of this title, shall be fully defended by the City Attorney's Office until final termination of the proceedings.

## 17.110 ENFORCEMENT.

### 17.110.010 Authorization.

The Planning and Economic Development (PED) Director is authorized with the enforcement of the provisions of this Title, and to designate City employees as authorized representatives of the department to investigate suspected violations of this Title and to issue notice infractions.

### 17.110.020 Investigation and Right of Entry.

When it is necessary to make an inspection to enforce the provisions of this Title, or when the PED Director has reasonable cause to believe that a condition exists on property which is contrary to, or in violation of, this title, the PED Director or his/her designee may enter the property to inspect, pursuant to the provisions of PMC Section 1.16.050.

### 17.110.030 Violation.

It shall be unlawful for any person, firm or corporation to sell, lease, transfer, erect, construct, alter, or use any land in the City, or cause the same to be done, contrary to or in violation of any provision of this Title, or contrary to or in violation of the terms and conditions of any permit or approval issued by the City pursuant to this Title.

### 17.110.040 Imminent and Substantial Dangers.

Notwithstanding any provision of these regulations, the PED Director may take immediate action to prevent an imminent and substantial danger to the public health, welfare, safety or the environment by the violation of any provision of this Title.

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### 17.110.050 Stop Work Orders.

Whenever any work or activity is being done contrary to the provisions of this Title or conditions of an approved permit, the PED Director or designee may order the work stopped by notice in writing, pursuant to the provisions in PMC 1.16.

### 17.110.060 Penalties.

Penalties for the violation of any provision of this Title or conditions of an approved permit, shall be as established in PMC 1.16.

### 17.110.070 Nuisance.

In addition to the penalties set forth in PMC 1.16, all remedies given by law for the prevention and abatement of nuisances shall apply regardless of any other remedy. All violations of this Title, permit conditions, or rules and regulations adopted thereunder, are determined to be detrimental to the public health, safety and welfare and are public nuisances. The City may cause all conditions which are public nuisances to be abated pursuant to the procedures of Chapter 7.48 RCW.

### 17.110.080 Revocation of Permit.

A. Permits are revoked and voided if not used within the time limit identified for each respective permit. Extension of permit time limit is as set forth in each of the respective permit section in this Title.

B. Any approval, permit, certificate, or license issued based on a knowing and material misrepresentation by an application may be suspended or revoked by the PED Director.

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EXHIBIT B
Poulsbo Planning Commission Minutes
10/10/17 and 10/17/17

# PLANNING COMMISSION

## Tuesday, October 10, 2017

## Poulsbo City Hall Council Chambers

## MINUTES

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

Staff Present: Karla Boughton, Helen Wytko

6:00 PM

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

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

   BN: Have you talked to the Mayor?

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

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

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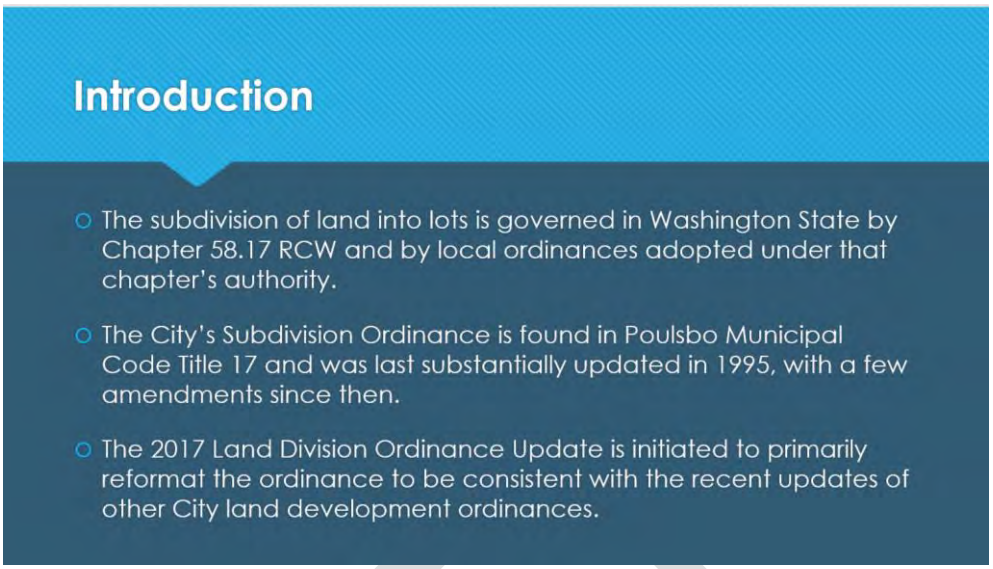
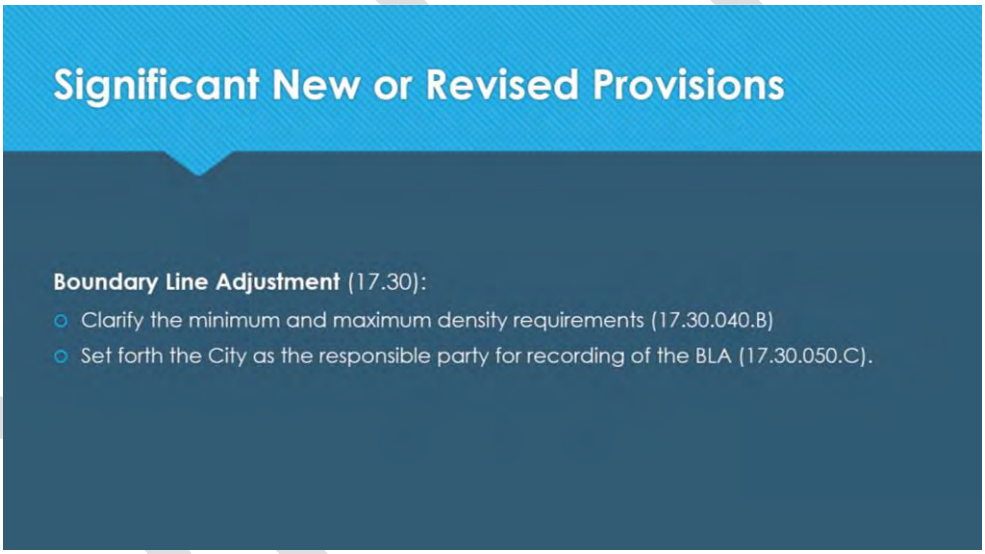
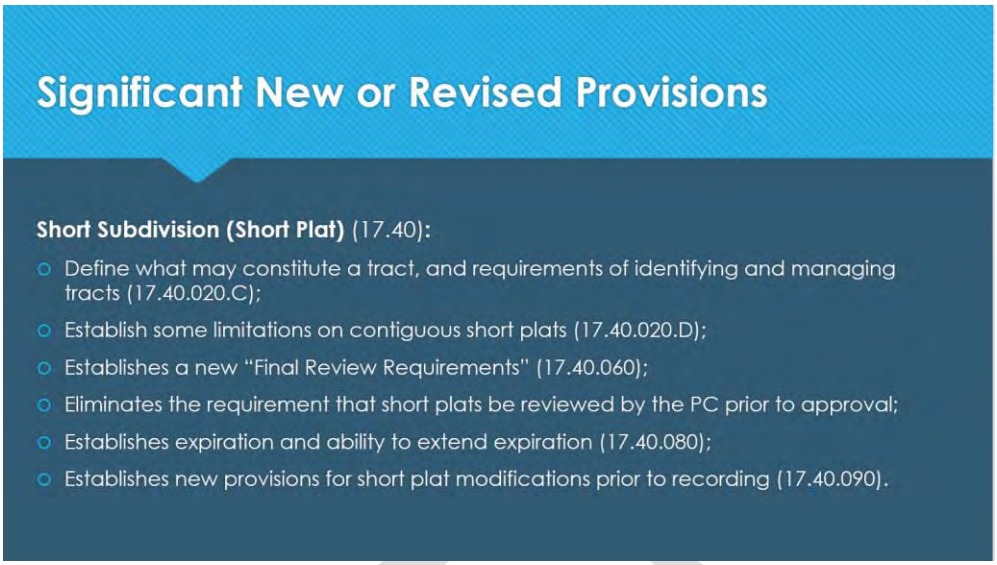


GH: Are BLAs required by the state?

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

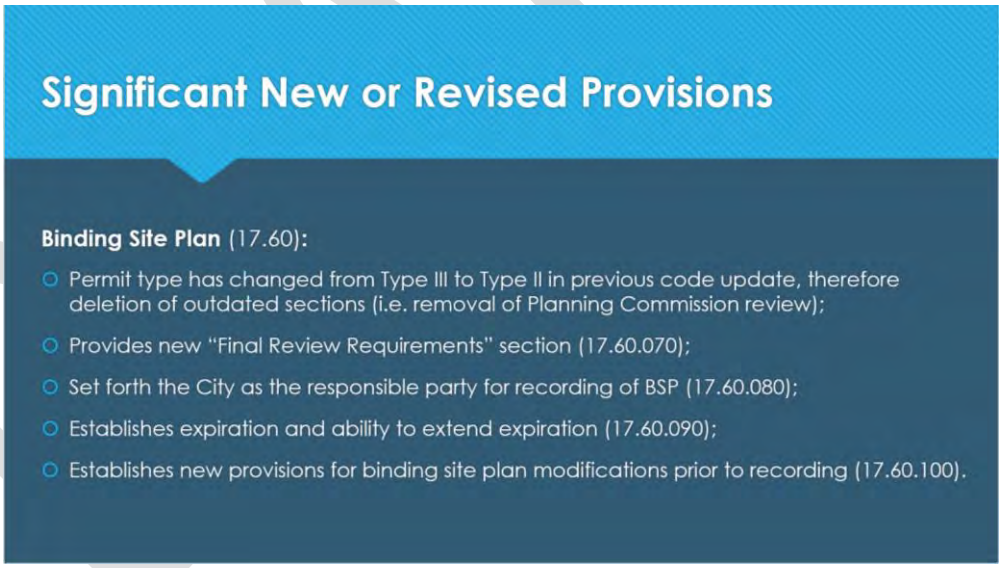
KB: This is a new ordinance so there is no line in or line out.






GH: Is a tract definition a state requirement?

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



## Significant New or Revised Provisions

**Final Plat** (17.70):

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

## Significant New or Revised Provisions

**Land Division Standards** (17.80):

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

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

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

JC: Other chapters that come into play?

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

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

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

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

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

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

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

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

JC: Do we need a definition on that also?

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

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

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

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

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

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

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

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

KN: How much are latecomer charges?

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

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KN: Think that state would want to encourage it.

GH: They can still do LIDs.

BN: Used to be common to use LIDs.

JC: 17.03.040 review authority, who is that?

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

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

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

BN: Which is a good thing for them to fix a code enforcement violation.
KB: Let me see if I can pinpoint the circumstance that caused this to be in there.
JC: 17.03.050.B licensed surveyor - does it need to be a WA state licensed?

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

JC: Want to be consistent.

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

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

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

BN: Lets use lower Lincoln, Antonson.

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

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

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

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

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

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

KB: No.

BN: So an infill project applications made, notices sent out, what is the opportunity for neighbors to make his or hers point?
KB: We issue the NOA, 14 day public comment period. Typically we will accept up until the day of the NOD. Unlike a public hearing which is a finite point where they can get their questions answered.

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

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

KB: Yes.

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

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

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

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

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

BN: Isn't there impact fees?

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

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

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

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

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

JC: Where is there enforcement?

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

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

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

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

GH: Got mine with the title report.

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

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

JC: Looking at item 6.

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

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

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

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circumnavigate the plat process.

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

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

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

KB: That is the language from stormwater manual.

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

KB: In preliminary subdivision section now. Most part they are used for creating residential lots. Preliminary subdivision is a way to create land division for other zoned properties as well. Olhava example where you had other zoned property. Good question because if it is a permitted use could be possible. Let me look into seeing if we really need something.
GH: Good place to stop.
JC: 15.50.080 is where we will pick up next meeting.

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

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

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

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

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

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

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

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

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

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

KB: Whitford to underground new utilities. Developers option.

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

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

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

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# PLANNING COMMISSION

## Tuesday, October 17, 2017
## Poulsbo City Hall Council Chambers
## MINUTES

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

Staff Present: Karla Boughton, Helen Wytko

6:00 PM

1. Call to Order
2. Flag Salute
3. Approval of Minutes – None
4. Modifications to the Agenda
5. Comments from Citizens regarding items not on the agenda - none
6. Public Meeting
   Land Division Ordinance Update
   Staff: Boughton

   KB: Ended at page 22 under model homes.

   RS: We will go back and do a short review.

   KB: Model homes are under our zoning ordinance and the building home. Only model homes in a subdivision setting. At the very beginning you brought up the question of what is the rule of strict construction. We have it in every ordinance which is a statement that the interpretation of this code when in court is going to be liberally applied. Judges are often called upon to make an interpretation during a disputes. Saying that the judge should look at the entire code and comprehensive plan instead of a narrowly construed and technical interpretation. Find that language in all of our ordinances. For Ray the discussion on short plat which is a type II administratively approved permit. The proposal is to have them administratively approved and not go to Planning Commission. Not because of title 19 but language in the subdivision ordinance. Proposal would have it to be run as all other permits through title 19. They do have to do a CUP which allows for specific conditions.

RS: My only concern with doing that is if we are shoehorning in to something in an existing area, does it need a higher level of review? In the past we have been reviewing them because of the subdivision ordinance.

KB: Yes, so you had the Schattin Short Plat and the Antonson Short Plats. You get everything right now. Do you still want to get everything?

RS: I would imagine that having a closer look at those tough ones where there could be citizen concerns, but I don't want to make it more burdensome for people who are trying to do it.

BN: Infill you are going to have decisions that are going to be made. I think it is a better representation of the City to have the 7 Commissioners. If it was straight forward than yes, but not always so.

KB: Infill is a very difficult thing, which is why we made the ACUP process, so it had extra scrutiny to it. You can make it so that you only review infill short plats.

BN: They are going to be the toughest. Antonson looks good.

KB: They had a good designer but you don't always get those.

Consensus Infill Only.

RS: Concerned about timeframe for all of these. We have two years for having something recorded, which means that everything has to be done. Do we have issues with extensions?

KB: Great question, will recommend going back to five years. Trying to add something to get short plats and site plans to prevent open ended. Talked about short plats are easier smaller, less capital outlay. We could make it five years like a pre-plat. Or you could do three years and have a one year extension. No we haven't dealt with it because we don't have any expiration dates. We have some short plats that have been approved but not recorded because they haven't done their infrastructure. Practically, what has been happening is that most people move forward, but we have a few out there that haven't been improved.

RS: No problem with giving them a deadline, but two years is too short.

KB we want to convey that you need to be ready to go. Tired getting applicants who are not serious about developing.

JC: I don't think we go out to five years need to keep it on a tighter

frame. Three years with a one year extension.

KB: Have to show they are trying to make it work in good faith to receive extension.

RS: Hard to do funding and everything is taking longer. Lets do three years with a one year extension.

GH: Short plat and binding site plan should have identical expirations.

KB: Yes have those two the same and then pre plat is governed by the state.

RS: On page 21 letter E. Considered by hearing examiner shouldn't it be the review authority?

KB: This is for preliminary plats and all plats are required to be reviewed by the hearing examiner.

RS: But if it changes we are caught there, whereas everything else it says the review authority.

KB: Hesitating because the review authority for plat modifications is for the Planning Director and City Engineer. I had a plat approved by HE and found out that they couldn't afford the storm water engineer plans. I didn't feel comfortable approving it because it was so drastically different. Look at other jurisdictions limited in scope but exceed minor changes like reconfiguring open space tract, tweak the road radius. Not a full redesign of their storm water system. I would like to say something about the initial review authority. The idea is to get it out of my realm to the HE who has the proper authority to make those decision. Legislature does change the law and at some point they could change the designation. Could change to the initial review authority?

KN: Or what if we just got rid of the piece on D5.

KB: We would need to modify E. A lot of it is subjective but anytime an applicant asks for HE makes very specific findings. Some discretion that the planning director has, but I want to give them a route in lieu of submitting for a new application.

KN: I had a note that you were going to get back to on D4.

KB: I did I am going to propose to strike that.

KB: Model homes – lot of work because there are no real lot lines. We

have added a number of things that we found in practice we are requiring so we can make it work.

KN: I had a lot of questions about allowing 4 model homes. Is there some sort of percentage calculation. If I am coming in with a 5 plat subdivision and I am asking for 4 model homes before I have final plat approval.

KB: For the most part I don't think we have subdivision that small. Antonson was creating short plat to do they could not do model homes in short plat.

KN: Maybe do a table with amount and model homes. More model homes would lead to different house styles.

JC: How many model homes at Mountain Aire?

KB: They had four, and everyone does four. Takes a lot of coordination between all the departments.

RS: People are going to buy what they see, would encourage with the table.

KB: Is there a cap? How about 10?

JC: I think 10 is fine.

GH: If they built the model homes and screw up and it is there responsibility to fix it?

KB: It is their responsibility.

RS: D7 page 23?

JC: Question on page 26. If I am putting that home in, I am going to make sure that it is in the right place.

KB: It does happen, that is when they come in for a plat modification.

JC: Is it like temporary marketing center?

KN: That is the point, that they can sell the models.

KB: One house real estate is run out of. The other ones are remaining models that people can go in and view.

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RS: They have to fix the buildings if wrong before final plat. My concern is that on developments that we have specific design approval.

KB: Back to if you want short plats?

GH: I say no.

GH: One question on page 22 c.2 – presume construction drawings are for the preliminary plat?

KB: It is actually for the civil engineering. It is for roads, water, sewer, storm. Have to have fire flow and street to your model homes. Term that our guys use.

GH: What is a plat certificate.

RS: Page 26 under letter I CC&Rs if necessary.

KB: If required would be better. We require if there is something for an HOA to manage. BSP will always have something. Did make that change to short plats.

RS: page 27

JC: Item H at the bottom.

KB that came from the state statute. Example if you are using for condominiums. State governs ownership. Applicant does not have to tell us if they change, but have to make a statement.

JC: In conjunction kind of threw me.

RS: Should say which include?

KB: Let us do that. If a BSP includes condos the following statement shall be included…

RS: Page 28 this has a couple 2 year things.

KB: Change along with page 29.

RS: Page 30 one question final plats they are related to pre-plats. Are they related to BSP?

KB: No.

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RS: Shouldn't we put this section before BSP so it is sequential. BSP, Short Plat, Admin.

KB: That sound find. Pre plat 17.60 and final 17.70.

RS: Is this a review type, refers back to the RCW? Hate refer to section that refers to section. Why don't we just put the RCW in there instead of referring to section.

KB: Okay let's do that directly refer back to RCW.

BN: Page 31 throughout the document you have used numbers can you use 6 instead of six.

KB: Will try to but code publishing usually changes it.

JC: Page 32 17.70.050.A. who confirms that all components conform.

KB: We have a punch list, and hearing examiner's condition do a staff report and we convey to CC. Wanted to bring it up, for years we were required to go to the CC. However, this legislative session allows for administrative approval for final plats. Council Committee not excited. Do you think there is merit to bringing it forward? Any tract that the city takes over, our finance dept require CC approval for that. Work for staff and developer.

RS: I have a good example on BI, somebody we were going to build house for went through a huge process to put in a dock on Manzinita. Got all completed and spent tens of thousands. Died at CC over political stuff because a council member did not want more docks.

KB: CC might not like it, but the developer has already put in all this infrastructure. Hands to a political body.

JC: All required improvements have been constructed .

KB: Some plats Poulsbo not one of them. Allows for performance bonding of their infrastructure. We have never practiced that ever. Our Engineers have held firmly that they are not going to go out there and building.

RS: It just puts them in a bad position.

KB: There is nothing you can do to fix anything at that time, CC is stuck with what is being brought forward.

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JC: When approved by CC they can bond. B.1 pg 39.

KB: Rarely allow for performance bonding, CE wants the CC to make that decision. If you feel like you want to make a recommendation, you can do that here.

JC: I have no trouble with it being approved by the planning director, but if they don't feel comfortable they can bounce to CC. Gone through all those steps who better knows the process.

RS: I would recommend to them that they step away from it.

KN: On 17.70.070 should be 17.80.100.d and on the first paragraph c contains dedication most other places it has to the city.

RS: Under C at the top of page there is missing dot third line down. That THE.

JC: 35 all lots shall be served approved by the city. Is that the City Engineer or City?

KB it would be the City.

KN: 17.80.040.2 street lights – seems like we have different lights throughout city.

KB: Yes, this is trying to standardize it. Part of this should be in the E Construction Standards. They have been requesting in our zoning ordinance.

KN: b.2.b if I have a street light on the pole I don't have to burry it?

KB: Not sure, I will talk to them. This underground utilities should be in construction standards. Let me clarify.

KN: On 3 is this previously waived by CC. Is there a time limit? When would council do that waiver?

GH: A1 now require empty 4" conduit. Should have been done 20 years ago.

KB: Yes supposed to be for fiber.

GH: Encourages competition

KN: page 17.60 A1 question property owner willingness in that

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sentence.

KB: Let me think about that.

RS: I think the property owner's willingness is the problem of the developer.

GH: Meant for new but does come up in old spaces.

KB: Completely right and I don't want that to be used. Came from Comp Plan for future streets and trail plan is people who refused to let a street go on their property. Both our plans show conceptual alignments that go on property lines for the most part. It is the issue of the developer but I want to take another look at it because Kate's point is right. Connectivity has long been a requirement by the CE but the neighbors don't like it.

KN: Don't want to make it too easy.

KB: We need connectivity. Crystal View Meredith Heights Deer Run. Make for safety emergency response.

RS: And to not have a landlocked piece of land.

KN: Suggest deleting that phase and if they want to fight us on it they can go back to the Comp Plan.

JC: Page 38 what type of sign would you put at the end of the road?

KB: In the construction manual.

KN: Says something like future road connectivity.

KB: Been in since the mid 2000s.

JC: Who maintains it?

KB: In our right of way so PW maintains it. We make the developer put them in though.

GH: Page 40 item c at the top. Talking about as builts. Should we make a requirement that we keep the as builts. People try to go in to get as builts to know where utilities are located, and City does not have a copy or they are inaccurate.

KB: Engineering department is getting electronic and Mylar. Let me

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check to see if they still want to do this.

GH: As built not where it should be, where it is.

RS: Should we add something about electronic version?

KB: Going to check with engineering.

KN: Page 44 top of the page A should we say approving official instead of PED Director?

KB: Let me look at that.

KN: PED Director is throughout that section.

KB: Okay.

JC: I would like to back up to page 41 17.90.020.A if I want to make changes but the as built not reality, what happens?

BN: Call before you dig.

JC: What option would a property owner have then?

RS: To call 811.

BN: Come a long way, used to be field notebooks.

KB: We do not need a workshop next week. I will send out redline version and public hearing on November 7th you will get red lined version prior to that.

7. Comments from Citizens - None
8. Commissioner Comments
   BN: The lines up there on 305 what are the lines. Just past Viking heights, what is going on.

   GH: Sewer pipes.

   KB: Engineering sewer replacement project. Additional information available on website.

   KB: Two new PC members, will keep you updated.

   BN: Liberty Shores abandoned building.

   KB: They keep calling for inspections at 179 days, so still an active

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jobsite.

KB: Sound West Group update.

RS: Where is Edward Rose at.

KB: Trying to move forward with Engineering firm and architectural Master plan amendment potential.

JC: Poulsbo Place Assisted Living?

KB: Withdrawn application have been told they are planning on doing something.

10:00 PM 9. Automatic Adjournment (unless meeting is extended by majority vote)
Meeting adjourned 8:09

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EXHIBIT C
Public Comment Received (to date)

| | |
|---|---|
| **From:** | Cindy Baker |
| **To:** | City of Poulsbo Planning and Economic Development |
| **Subject:** | Comment on Land Use regulation changes |
| **Date:** | Friday, October 20, 2017 12:24:15 PM |

Council members, Commissioners, City of Poulsbo staff and the public

The first, and most important aspect of any regulation is to ask, "Does this regulation fit the City of Poulsbo's Comprehensive Plan," which is the guiding light for development of the city. Because I am not available to specifically reference the letter I sent to the council and staff about downtown development in general and in particular, development on the previous police station property located on Hostmark and Fjord, please include this letter as comment on the revised Land Use code environmental review and any other corolating documents.

The city needs to look at impacts of development in the downtown and whether revisions to the Land Use Code allow a simplified and unrestricted allowance for this development. This should not occur.

The citizens decided that they wanted a small and quaint downtown. The Land Use code should adhere to this City of Poulsbo comprehensive plan focus.

Cindy Baker
206-819-2027
Owner of property on Fjord Drive, Poulsbo

Sent from my Verizon, Samsung Galaxy smartphone

RECEIVED
OCT 20 2017
PLANNING

PO Box 1141
Poulsbo WA 98370
Oct 20, 2017

Dear Sir, Ms.:
I am concerned about Getting my land off the map as a trail. I don't wish to pay $1,480 dollars
I am concerned about my 120 year (second growth) trees. I am Concerned about attracting unusual people.
I have much paper work on trails. It can be shared with the planners if possible
Thank you
Rita Hagwell

Please don't let this happen to Rita Hagwell. I will fill in more details later

No Belfast in Poulsbo
Rita Hagwell

RECEIVED
OCT 17 2017
PLANNING



BELFAST JOURNAL

# Sectarian Strife Invades a Neighborhood Built to Foster Tolerance

By PATRICK KINGSLEY

LFAST, Northern Ireland
ien a young Catholic cook
d into a newly built house
rotestant part of Belfast
eptember, it was a vote of
n not just his own future —
at of the province of North-
eland.
hteen years on from the
deal that largely ended
decades of sectarian vio-
between people of Catholic
rotestant backgrounds
the two communities still
rgely apart. But the cook's
ome stood in Cantrell
, a flagship housing project
vas built in 2016 specifically
ommodate people from all
rounds.
province where over 90
nt of pupils still receive a
y segregated education, the
then 23, could imagine his
son attending a mixed
l, several years down the

t hope ended just before
ght on a Tuesday in late
mber, when two policemen
ed on his door and that of
other Catholic families in
ell Close. "We believe there
reat on your life," the cook
nbers being told, "if you're
t of your property by Fri-

cook, his pregnant fiancée
eir 14-month-old son were
y Wednesday morning. At
wo other Catholic families
at day, too, while others
cal politicians that they
d to leave as soon as possi-

several days afterward,
who fled were forced to
a different friend's house
ight, said the cook, who
that he and his fiancée not
med because he felt their
were still in danger.
s kind of intimidation is not
Northern Ireland, nor
t appear to be on the rise.
d 30 people have declared
elves homeless for similar
s each year for the past
ecade, according to stat-
provided by the Northern
government, and this year's
of 33 is no departure from
end.
the recent episodes at
ell Close have made head-
n Northern Ireland be-
they occurred in a place
as intended to be a founda-
one for a post-sectarian
y. It has also raised con-

PAULO NUNES-DOS SANTOS FOR THE NEW YORK TIMES

The flag of the Ulster Volunteer Force, a terrorist group that killed over 400 people during the Troubles, flying at Cantrell Close.

cerns about certain politicians' commitment to the process of integration, and about the ability of the Northern Irish police to curb the influence of sectarian paramilitary groups.

"This is a very good illustration of a much deeper problem," said Stephen Farry, a lawmaker from the Alliance Party, which tries to bridge the divides between the province's Unionists and nationalist communities. "Northern Ireland is not yet a peaceful society. We have ongoing coercive control by paramilitary structures at a local level across many communities."

A recent stroll down Cantrell Close, a tiny T-shaped cul-de-sac, did not make this instantly obvious. At first sight, it was a picture of prim, docile suburbia: 41 two-story homes, each with a tidy lawn and a garden fence, lined a quiet road with a shiny bike rack at one end and a speed bump at the other. The tensions became apparent only when you looked toward the sky.

Flying from some of the lampposts were the flags of the Ulster Volunteer Force, or U.V.F., a banned terrorist group that killed more than 400 people during the Northern Irish Troubles, mostly targeting Catholics and Irish nationalists, or those opposed to Northern Ireland remaining part of the United Kingdom.

No faction has claimed responsibility, but the police believe that the threats came from people purporting to be part of the U.V.F. Two men have been questioned in connection to the crime, on suspicion of membership in the group.

The East Belfast Community Initiative, which says it mediates on behalf of former U.V.F. combatants, said the U.V.F. was not involved. Cantrell Close, meanwhile, is just one of many streets in East Belfast lined with the group's flags.

On Cantrell Close itself, there appears to be an informal omertà in place. Of those who answered their doors on a recent afternoon,

*At least three Catholic families have fled after warnings of a threat.*

none would discuss the threats to their former neighbors.

One man even claimed he knew nothing at all about the situation, his mouth curling into a faint smile.

Some outside the neighborhood have been more outspoken, however, about a culture of impunity that they believe encouraged whoever made the threats.

Before moving in, residents of Cantrell Close signed pledges against the display of controversial flags. The government also says it is illegal to fly the flags of terrorist groups.

Yet when the U.V.F. flags suddenly appeared in June, no action was taken either to find the perpetrators or to remove them, creating the impression that sectarianism would be tolerated even at such a symbolic housing development.

"The police, who you'd expect to lead, didn't," said Mairtín Ó Muilleoir, a lawmaker from Sinn Féin, an Irish nationalist party. "And the gangs were emboldened."

Local unionist politicians were also perceived to take too weak a stance back in June.

"I'll always be cautious about causation and correlation," said Cillian McGrattan, a politics professor at Ulster University. But the reaction of politicians from the Democratic Unionist Party, or D.U.P., to sectarian episodes during the summer, including the Cantrell Close issue, "really left a lot to be desired," he added.

Asked for comment, Emma Little-Pengelly, one of the party lawmakers facing criticism, said she had been clear in June about her opposition to paramilitary flags. She and a D.U.P. colleague also issued an immediate condemnation of last month's threats to Catholic residents.

Belfast's top policeman meanwhile suggested that the flags had not been deemed problematic enough to justify their removal back in June.

"The reality is that while we understand the public's frustration in this matter, police will only act to remove flags if there are substantial risks to public safety," Chief Superintendent Chris Noble said in an emailed statement.

(The flags were taken down only several days after the threats were made.)

For the young cook and his fiancée, these explanations mean little. They feel frustrated at the authorities for doing nothing in the first place to remove the flags, which they said were clearly intimidating. They feel abandoned by the police for failing, once the threats were made, to provide a permanent presence on the street.

And they fault the housing authorities for failing to quickly find them alternative accommodations — and for assuring them that the street was safe to move to.

The cook's fiancée, a 20-year-old waitress, said officials should have recognized her vulnerability as a young mother with a newborn in tow before encouraging her to move in.

Politicians like Mr. Ó Muilleoir hope the episodes at Cantrell Close will not derail plans for more integrated housing projects. "In Europe in 2017, we either let an armed gang dictate policy," he said, "or we step things up."

But for the targeted families themselves, the integration dream is over. From now on, the cook said, his family would stick to neighborhoods with a Catholic majority.

# EXHIBIT D.1
# Public Participation Plan

2017 Land Division Ordinance Update

# Public Participation Plan

*October 2017*

## INTRODUCTION

The Growth Management Act requires local governments to establish a public participation program for the evaluation and update of its comprehensive plan and development regulations. Poulsbo Municipal Code (PMC) 19.40.050(D) further develops the requirements of the public participation program in the City of Poulsbo. This public and agency participation plan describes the steps that the City of Poulsbo will take to involve the community. The purpose of the public and agency participation plan is to inform the public, agencies with jurisdiction, and other interested parties about the update of the City's Land Division Ordinance.

This document is a working document and will be adjusted if needed to provide for the greatest and broadest public participation.

## PUBLIC AND AGENCY GOALS

- To provide the public with timely information, an understanding of the process, and opportunities to review and comment on the critical areas ordinance 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 decision making.
- Provide forums for formal public input at milestones prior to decision making by local officials.
- Consult and consider recommendations from neighboring jurisdictions, federal and state agencies, and Native American tribes.

## PUBLIC ENGAGEMENT OPPORTUNITIES

The City is committed to providing multiple opportunities for the public to engage throughout the process. The City will take advantage of various modes of communication to inform the public and encourage their participation.

- *Website*: The City's Planning and Economic Development (PED) Department webpage will house the **Land Division Ordinance Update** where interested citizens and community members may visit for status updates, draft documents, official notices, minutes, and project information. This webpage will be the primary repository of all information related to the process: https://cityofpoulsbo.com/development-regulation-amendments/
- *E-Notice Mailing List*: An e-notice mailing list of interested persons and organizations has been established. Those on the e-notice list will receive periodic notices regarding the **Land Division Ordinance Update** progress. Individuals interested in being on the mailing list should contact the PED Department at (360) 394-9748 or at plan&econ@cityofpoulsbo.com and request being placed on the Development Regulations updates e-notice mailing list.

- *Comment*: Interested citizens are encouraged to provide comments to the City by letter, email or fax. All comments will be forwarded to the Poulsbo Planning Commission and City Council. Written comments can be submitted by the following methods:

  City of Poulsbo Planning and Economic Development Department
  200 NE Moe Street
  Poulsbo, WA 98370
  Fax (360)697-8269
  plan&econ@cityofpoulsbo.com

- *Attend*: Interested citizens are encouraged to attend and provide verbal comments to the City at the Planning Commission and/or City Council workshops and public hearings.

## INFORMATION AVAILABILITY

The revised and proposed **Land Division Ordinance** is available for public review. The primary repository of all information related to the update is the City's website— www.cityofpoulsbo.com – at the Planning and Economic Development main page – where draft documents, meeting dates, updates on process, and official notices (notice of application, environmental review, public hearing notices, etc.), will be posted. An e-mail link for questions or comments will also be provided at the website.

Documents are also available for review at Poulsbo City Hall 200 NE Moe Street, Poulsbo. Copies will be provided at a reasonable cost. Official notices will be published in the North Kitsap Herald and posted in the Poulsbo Post Office, Poulsbo Library, and Poulsbo City Hall notice boards. The local news media will be kept up to date on the update process, and receive copies of all official notices.

## PUBLIC AND AGENCY REVIEW TIMELINE

A Public Participation Plan is required by the Growth Management Act to describe how the City will encourage early and continuous public participation throughout the process of reviewing and updating Development Regulations. The Public Participation Plan includes opportunities to comment, review timeline, and contact information. Please see https://cityofpoulsbo.com/development-regulation-amendments/ to review the Public Participation Plan.

**October 2, 2017**
Public Release of Land Division Ordinance Update: 1) post on City's website; 2) distributed to local, regional and state agencies; 3) distributed to Planning Commission and City Council; 4) email announcing availability of material sent to email list.

**October 6, 2017**
Notice of Application with Optional DNS published in NK Herald; distributed to resource agencies, Tribe, other interested parties

**October 10, 2017**
Planning Commission (PC) workshop - 6 p.m. | Council Chambers

**October 17, 2017**
PC Workshop - 6 p.m. | Council Chambers

**October 20, 2017**
NOA/ODNS comment period over

**October 20, 2017**
PC Public Hearing Notice published in NK Herald; posted and distributed

**October 24, 2017**
PC Workshop – 6 p.m. | Council Chambers

**October 25, 2017**
Economic Development Committee - 3:30 p.m. | 3rd floor conference room

**November 7, 2017**
PC Public Hearing 7 p.m. | Council Chambers

**November 10, 2017**
Transmittal PC Recommended Land Division Update to City Council

**November 15, 2017**
City Council Workshop

**November 17, 2017**
City Council (CC) Public Hearing Notice published in NK Herald, posted and distributed

**November 29, 2017**
Economic Development Committee – 3:30 p.m. | 3rd floor conference room

**December 6, 2017**
City Council Public Hearing

## PUBLIC HEARINGS

The Planning Commission and City Council will conduct at least one public hearing each to gather and consider public testimony on the 2017 Land Division Update. The hearing(s) are anticipated for **November 7, 2017 (PC) and December 6, 2017 (CC)**. Public notice of all hearings will state explicitly the date/time, review body and location of the public hearing. The public notices will be published in the North Kitsap Herald, posted at the City's public notice locations, sent to the E-notice mailing list and others who request such notice.

## RECORDING OF MEETINGS

All public meetings and hearings will be audio recorded. Minutes and/or meeting summary for all public meetings will be prepared, and hard copies made available upon request.

## Nikole CH. Coleman

**From:** Nikole CH. Coleman
**Sent:** Monday, October 02, 2017 11:01 AM
**To:** Nikole CH. Coleman
**Subject:** Land Division Ordinance Update

Hello!

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

The Planning and Economic Development Department (PED) has drafted an update to the Land Division Ordinance (PMC Title 17). The 2017 Land Division Ordinance Update is initiated to primarily reformat the ordinance to be consistent with the recent updates of other City land development ordinances (i.e. zoning ordinance, critical areas ordinance and permit procedural ordinance). The City PED staff believe that the reorganization of the ordinance will result in ease of administration for both the private sector users and City staff. Additionally, the updated ordinance includes new or revised sections based on input received internally and externally.

The 2017 Land Subdivision Ordinance, overview memo, and public participation plan are available at the following link https://cityofpoulsbo.com/development-regulation-amendments/. All pertinent documents will be posted to this link as the public review process progresses.

The City encourages all interested parties to review the 2017 Land Subdivision Ordinance Update, and attend any or all of the scheduled workshops. Comments may also be made in writing to plan&econ@cityofpoulsbo.com or to Poulsbo Planning and Economic Development Department 200 NE Moe Street, Poulsbo WA 98370. To ensure consideration, all written comments must be received by the City prior to the close of the City Council public hearing (tentatively scheduled for December 6, 2017).

Please feel free to contact the Poulsbo PED Department at (360) 394-9748 with any questions regarding the Land Subdivision Ordinance Update.

Again, thank you for your interest in the future of Poulsbo.

Best,

Nikole Coleman, AICP
Associate Planner | City of Poulsbo
200 NE Moe Street | Poulsbo WA 98370
(360) 394-9730 | ncoleman@cityofpoulsbo.com

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

# EXHIBIT D.2
# Initial Release Public Notice

Land Division Ordinance Update

# *Overview Memo*

*October 2017*

## INTRODUCTION

The subdivision of land into lots is governed in Washington State by Chapter 58.17 RCW and by local ordinances adopted under that chapter's authority. The City's Subdivision Ordinance is found in Poulsbo Municipal Code Title 17 and was last substantially updated in 1995, with a few amendments since then.

The 2017 Land Division Ordinance Update is initiated to primarily reformat the ordinance to be consistent with the recent updates of other City land development ordinances (i.e. zoning ordinance, critical areas ordinance and permit procedural ordinance). The City Planning and Economic Development (PED) staff believe that the reorganization of the ordinance will result in ease of administration for both the private sector users and City staff. Additionally, the updated ordinance includes new or revised sections based on input received internally and externally.

## SUMMARY OF UPDATE

Land division of into buildable lots are achieved in a variety of methods, as set forth in Chapter 58.17 RCW. All local ordinances must address the following methods of land division:

- Subdivision – division or redivision of land into five or more lots.
- Short Subdivision – division or redivision of land into four or fewer lots.
- Binding Site Plan – an alternative method division of land for commercial or industrially zoned property, for mobile home parks or condominiums.
- Final Plats – the final drawing of a subdivision which is prepared for filing to be recorded. This is the mechanism where buildable lots are created.

The Draft 2017 Land Division Ordinance includes provisions consistent with state statute for the four methods of land division identified above, as well as other regulations pertaining to the preparation and act of division of land. The organization of the Draft Title 17 is as follows:

| | |
|---|---|
| 17.10 | General Provisions |
| 17.20 | Definitions |
| 17.30 | Boundary Line Adjustments |
| 17.40 | Short Subdivision |
| 17.50 | Preliminary Subdivision |
| 17.60 | Binding Site Plans |
| 17.70 | Final Plats |
| 17.80 | Land Division Standards |
| 17.90 | Plat Vacation and Alterations |
| 17.100 | Administration |
| 17.110 | Enforcement |

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

Of main significance, the Draft 2017 Land Division Ordinance's new or revised provisions include:

- Boundary Line Adjustment (17.30):
  - Clarify the minimum and maximum density requirements (17.30.040.B)
  - Set forth the City as the responsible party for recording of the BLA (17.30.050.C).

- Short Subdivision (17.40):
  - Define what may constitute a tract, and requirements of identifying and managing tracts (17.40.020.C);
  - Establish some limitations on contiguous short plats (17.40.020.D);
  - Establishes a new "Final Review Requirements" (17.40.060);
  - Eliminates the requirement that short plats be reviewed by the Planning Commission prior to approval;
  - Establishes expiration and ability to extend expiration (17.40.080);
  - Establishes new provisions for short plat modifications prior to recording (17.40.090).

- Preliminary Subdivision (17.50):
  - Define what may constitute a tract, and requirements of identifying and managing tracts (17.50.020.C);
  - Sets forth how development in phases or divisions shall occur (17.50.040.C);
  - Moves provisions regarding utilities to other section of the ordinance;
  - Establishes new provisions for preliminary plat modifications prior to recording (17.50.070);
  - Provides additional clarifications for the construction of model homes (17.50.080).

- Binding Site Plan (17.60):
  - Permit type has changed from Type III to Type II in previous code update, therefore deletion of outdated sections (i.e. removal of Planning Commission review);
  - Provides new "Final Review Requirements" section (17.60.070);
  - Set forth the City as the responsible party for recording of BSP (17.60.080);
  - Establishes expiration and ability to extend expiration (17.60.090);
  - Establishes new provisions for binding site plan modifications prior to recording (17.60.100).

- Final Plat (17.70):
  - Moves instructions for surveys, certification and improvement requirements to other sections of the ordinance;
  - Consolidates sections regarding the review process by the City.

- Land Division Standards (17.80);
  - New section that establishes standards that apply to each of the methods of land division. In general, the provisions were found in the land division type chapter, and are now consolidated into this section. These include survey instructions, utilities, easements, improvements, bonding and maintenance requirements.
  - Clarify when and how utilities are to be underground (17.0.040);
  - New section setting forth street standards, including frontage improvements and required routes for ingress and egress and emergency access requirements (17.80.050);
  - New section setting forth requirements for street connectivity (17.80.060).

- Plat Alterations and Vacation (17.90):
  - New section establishes procedures for changes to recorded subdivisions, short subdivisions and binding site plans. Primarily set forth by requirements of 58.17 RCW.

## PUBLIC PARTICIPATION AND TIMELINE

A Public Participation Plan is required by the Growth Management Act to describe how the City will encourage early and continuous public participation throughout the process of reviewing and updating Development Regulations. The Public Participation Plan includes opportunities to comment, review timeline, and contact information. Please see https://cityofpoulsbo.com/development-regulation-amendments/ to review the Public Participation Plan.

**October 2, 2017**
Public Release of Land Division Ordinance Update: 1) post on City's website; 2) distributed to local, regional and state agencies; 3) distributed to Planning Commission and City Council; 4) email announcing availability of material sent to email list.

**October 6, 2017**
Notice of Application with Optional DNS published in NK Herald; distributed to resource agencies, Tribe, other interested parties

**October 10, 2017**
Planning Commission (PC) workshop - 6 p.m. | Council Chambers

**October 17, 2017**
PC Workshop - 6 p.m. | Council Chambers

**October 20, 2017**
NOA/ODNS comment period over

**October 20, 2017**
PC Public Hearing Notice published in NK Herald; posted and distributed

**October 24, 2017**
PC Workshop – 6 p.m. | Council Chambers

**October 25, 2017**
Economic Development Committee - 3:30 p.m. | 3rd floor conference room

**October 31, 2017 – Halloween**

**November 7, 2017**
PC Public Hearing 7 p.m. | Council Chambers

**November 10, 2017**
Transmittal PC Recommended Land Division Update to City Council

**November 15, 2017**
City Council Workshop

**November 17, 2017**
City Council (CC) Public Hearing Notice published in NK Herald, posted and distributed

**November 22, 2017 – Thanksgiving Week**

**November 29, 2017**
Economic Development Committee – 3:30 p.m. | 3rd floor conference room

**December 6, 2017**
City Council Public Hearing

EXHIBIT D.3
Department of Commerce Notice to Adopt | Letter

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

October 2, 2017

Karla Boughton
Senior Planner
City of Poulsbo
200 Northeast Moe Street
Poulsbo, Washington 98370

Dear Ms. Boughton:

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

**City of Poulsbo - Proposed 2017 Land Division Ordinance Update is initiated to primarily reformat the ordinance to be consistent with the recent updates of other City land development ordinances (i.e. zoning ordinance, critical areas ordinance and permit procedural ordinance). The City Planning and Economic Development (PED) staff believe that the reorganization of the ordinance will result in ease of administration for both the private sector users and City staff. Additionally, the updated ordinance includes new or revised sections based on input received internally and externally. These materials were received on October 02, 2017 and processed with the Material ID # 24178.**

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

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

If you have submitted this material as a draft amendment, then final adoption may occur no earlier than sixty days following the date of receipt by Commerce. Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Dave Andersen (509) 434-4491 or Paul Johnson (360) 725-3048.

Sincerely,

Review Team
Growth Management Services

# EXHIBIT D.4
# Notice of Application with Optional DNS

# NOTICE OF APPLICATION and Optional DNS

**Planning and Economic Development Department**
200 NE Moe Street | Poulsbo, Washington 98370
(360) 394-9748 | fax (360) 697-8269
www.cityofpoulsbo.com | plan&econ@cityofpoulsbo.com

## TITLE 17 LAND DIVISION ORDINANCE UPDATE, TYPE IV

### Comments Due: October 20, 2017

The public has the right to review contents of the official file for the proposal, provide written comments, participate in any public hearings, and request a copy of the final decision.

| | |
|---|---|
| **Planning File:** | 2017 Land Division Ordinance Update |
| **Notice of Application:** | October 6, 2017 |
| **Summary of Proposed Application:** | The subdivision of land into lots is governed in Washington State by Chapter 58.17 RCW and by local ordinances adopted under that chapter's authority. The City's Subdivision Ordinance is found in Poulsbo Municipal Code Title 17 and was last substantially updated in 1995, with a few amendments since then.<br><br>The 2017 Land Division Ordinance Update is initiated to primarily reformat the ordinance to be consistent with the recent updates of other City land development ordinances (i.e. zoning ordinance, critical areas ordinance and permit procedural ordinance). The City Planning and Economic Development (PED) staff believe that the reorganization of the ordinance will result in ease of administration for both the private sector users and City staff. Additionally, the updated ordinance includes new or revised sections based on input received internally and externally |
| **Environmental Review:** | The City of Poulsbo has reviewed the proposed project for probable adverse environmental impacts and expects to issue a determination of nonsignificance (DNS) for this project. The Optional DNS process in WAC 197-11-355 is being used. ***This may be the only opportunity to comment on the environmental impacts of the proposed project.*** The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for the proposal may be obtained upon request.<br><br>Agencies, tribes, and the public are encouraged to review and comment on the proposed project and its probable environmental impacts. **COMMENTS RELATED TO ENVIRONMENTAL REVIEW MUST BE SUBMITTED BY OCTOBER 20, 2017** |
| **Public Comment Methods:** | Interested citizens are encouraged to provide comments to the City on the Draft Land Division Ordinance by letter, email or fax. All comments will be forwarded to the Poulsbo Planning Commission and City Council. Written comments can be submitted by the following methods:<br><br>Mail: City of Poulsbo Planning and Economic Development Department<br>200 NE Moe Street<br>Poulsbo, WA 98370<br>Fax: (360) 697-8269 \| Email: plan&econ@cityofpoulsbo.com |

| | |
|---|---|
| | Interested citizens are also encouraged to attend and provide verbal comments to the City at the Planning Commission and City Council workshops and public hearings. Workshops and hearings are held at Poulsbo City Hall, 200 NE Moe Street, Poulsbo, WA. |
| **Public Participation Plan:** | A public and agency participation plan has been developed for this application, and can be viewed at the City's website, under the link https://cityofpoulsbo.com/development-regulation-amendments/ a copy is also available at the Planning and Economic Development (PED) Department. |
| **Date, Time, and Place of Meetings and Hearings:** | The Planning Commission has scheduled public workshops on October 10, 17, and 24, 2017; a public hearing is scheduled for November 7, 2017. The City Council has a workshop scheduled for November 15, 2017 and a public hearing scheduled on December 6, 2017.<br><br>All meetings and hearings will be held at Poulsbo City Hall Council Chambers. Public notices for public hearing dates will be issued and published in the City's official newspaper and City's website.<br><br>The Planning Commission will make recommendations to the City Council. The City Council is the decision-making authority for the draft ordinance. Hearing procedures are available from the PED Department and City Clerk's office and are conducted based on Roberts Rules of Order. |
| **Further Information:** | Please contact the Poulsbo PED Department at (360) 394-9748, www.cityofpoulsbo.com or plan&econ@cityofpoulsbo.com for further information. |
| **Examination of File:** | The complete document may be viewed at the PED Department, Poulsbo City Hall, 200 NE Moe Street, from 8:30 a.m. to 4:30 p.m. Monday through Friday. Project documents are also available online here: https://cityofpoulsbo.com/development-regulation-amendments/ |

Title 17

# AFFIDAVIT OF PUBLIC NOTICE

Helen Wytko, being first duly sworn, upon his/her oath deposes and says: That he/she is now, and at all times herein mentioned has been, a citizen of the United States and the State of Washington, over and above the age of twenty-one years and a resident of said County, that on 4 October, 2017, affiant that a copy of the following City of Poulsbo public notices, and which is attached to this affidavit,

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

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

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

Helen Wytko

Subscribed and sworn to before me this 4th day of Oct, 2017.

CHERLYN J. HALEY
Notary Public
State of Washington
My Commission Expires
March 13, 2019

Cherlyn J Haley

NOTARY PUBLIC in and for the State of Washington, residing at:

Poulsbo

My Commission expires on:

3-13-19

## Helen M. Wytko

**Subject:** FW: City of Poulsbo - Land Division Ordinance Update
**Attachments:** 2 - SEPA Checklist - Signed_reduced.pdf; NOA_Title17.pdf

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**From:** Helen M. Wytko
**Sent:** Wednesday, October 04, 2017 2:48 PM
**Cc:** Nikole CH. Coleman <ncoleman@cityofpoulsbo.com>
**Subject:** City of Poulsbo - Land Division Ordinance Update

Please see the attached Notice of Application with Optional DNS along with the SEPA Checklist for Title 17 Land Division Ordinance Update.

Thank you,


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


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EXHIBIT D.5
SEPA Threshold Determination DNS with commented checklist

# SEPA ENVIRONMENTAL CHECKLIST

200 NE Moe Street | Poulsbo, Washington 98370
(360) 394-9748 | fax (360) 697-8269
www.cityofpoulsbo.com | plan&econ@cityofpoulsbo.com

## A. BACKGROUND

| | | |
|---|---|---|
| Name of proposed project, if applicable:<br>2017 Land Division Ordinance | | Date Prepared:<br>September 28, 2017 |
| Name of Applicant:<br>City of Poulsbo | Address:<br>200 NE Moe Street<br>Poulsbo, Washington 98370 | Phone Number:<br>(360) 394-9748 |
| Contact:<br>Karla Boughton, Planning and Economic Development Director | Agency Requesting Checklist:<br>City of Poulsbo | |

Proposed timing or schedule (including phasing, if applicable)

The Planning Commission has scheduled public workshops on October 10, 17, and 24, 2017; a public hearing is scheduled for November 7, 2017. The City Council has workshops scheduled for November 15, 2017 and a public hearing scheduled on December 6, 2017

Do you have any plans for future additions, expansions, or further activity related to or connected with this proposal? If yes, explain.

The City's land use regulations are amended periodically, consistent with the Growth Management Act (GMA). The proposed changed will apply to future proposals subject to review under the Land Division Ordinance and will provide the basis to evaluate and regulate future development proposals.

List any environmental information you know about that has been prepared, directly related to this proposal.

No specific environmental information has been prepared for this update. Land use development projects submitted to the City will be required to be processed under the provisions of Title 19, and will require environmental review when development is proposed, pursuant to SEPA rules.

Do you know whether applications are pending for governmental approvals or other proposals directly affecting the property covered by your proposal? If yes, explain.

The City processes land on an ongoing basis which may include impacts to subdivisions. Permits will be processed under the current Land Division Ordinance until new regulations are adopted use and building permits and go into effect.

List any government approvals or permits that will be needed for your proposal, if known.

City Council approval and adoption.

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

The subdivision of land into lots is governed in Washington State by Chapter 58.17 RCW and by local ordinances adopted under that chapter's authority. The City's Subdivision Ordinance is found in Poulsbo Municipal Code Title 17 and was last substantially updated in 1995, with a few amendments since then.

The 2017 Land Division Ordinance Update is initiated to primarily reformat the ordinance to be consistent with the recent updates of other City land development ordinances (i.e. zoning ordinance, critical areas ordinance and permit procedural ordinance). The City Planning and Economic Development (PED) staff believe that the reorganization of the ordinance will result in ease of administration for both the private sector users and City staff. Additionally, the updated ordinance includes new or revised sections based on input received internally and externally.

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

Poulsbo is located in Township 26 North, Range 1 East, Willamette Meridian and is located in all or portions of Sections 9, 10, 11, 13, 14, 15, 22, 23, 24, 25, and 26. The updated Land Division Ordinance will apply city-wide and affects properties throughout the City of Poulsbo. The responses provided from this point forward imply city-wide applicability, unless otherwise specified. Updates are to Title 17 of the PMC.

| B. ENVIRONMENTAL ELEMENTS | Agree | Disagree | Mitigate |
|---|---|---|---|
| **1. Earth** | | | |
| a. General description of the site (check one):<br>☐ flat ☐ rolling ☐ hilly ☐ steep ☐ slopes ☐ mountainous<br>☐ other.<br>Poulsbo's topography varies throughout the city, from flat to areas of steep slopes. Actual development will be subject to additional SEPA review as appropriate. Environmental review and a threshold determination will be required at the time of development review. Site specific development impacts are not identified at this time. | ✓ | | |
| b. What is the steepest slope on the site (approximate percent slope)?<br>There are areas within the city limits with slopes exceeding 40 percent, and potential geohazard areas are mapped on the City's critical areas maps. At the time of a development proposal, additional information on slopes will be required. Future development will require additional environmental review. | ✓ | | |

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| c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils<br>According to the Kitsap County Soil Survey, the soils within the city limits is predominately classified as Poulsbo Gravelly sandy loam, with areas of Kapowsin gravelly loam and Sinclair soils. | ✓ | | |
| d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.<br>Geohazards are mapped in the City's critical areas maps and unstable soils/slopes are regulated by the City's Critical Areas Ordinance. No development is proposed at this time. Review of soil conditions will occur at the time specific proposals move forward. | ✓ | | |
| e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.<br>This is not applicable to this non-project action. | ✓ | | |
| f. Could erosion occur as a result of clearing, construction or use? If so, generally describe.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Erosion control would be addressed through existing City ordinances, including the clearing and grading and critical areas regulations. | ✓ | | |
| g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?<br>This is not applicable to this non-project action. No development is proposed at this time. Projects will require further analysis and SEPA review, where appropriate. | ✓ | | |
| h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.<br>None. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| 2. Air | | | |
| a. What types of emissions to the air would result from the proposal (i.e. dust, automobile, odors, industrial, wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.<br>No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.<br>No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |

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| c. Proposed measures to reduce or control emissions or other impacts to air, if any.<br>None. No development is proposed at this time. Determination will be made at the time specific proposals move forward. New construction will comply with the requirements of the Poulsbo Municipal Code and the Engineering Department, which will be reviewed at the time of a specific project proposal moving forward. | ✓ | | |
| **3. Water** | | | |
| *a. Surface:* | | | |
| 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.<br>Poulsbo's main surface water body is Liberty Bay; there are numerous streams and wetlands throughout the city limits. There is no development proposed at this time; future development will require additional environmental review. | ✓ | | |
| 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.<br>No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| 3) Estimate the amount of fill and dredge that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities, if known.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.<br>No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |

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| *b.* | *Ground:* | | | |
| | 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| | 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: domestic sewage; industrial, containing the following chemicals..; agricultural; etc...). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| c. | *Water Runoff (including storm water):* | | | |
| | 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (including quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.<br>This is not applicable to this non-project action. No development is proposed at this time. Future development will lead to stormwater runoff, which will be reviewed and required to meet City and State regulations for stormwater management. Determination will be made at the time specific proposals move forward. | ✓ | | |
| | 2) Could waste materials enter ground or surface waters? If so, generally describe.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| | 3) Does the proposal alter or otherwise affect drainage patterns near the site? If so, describe.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| d. | Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:<br>This is not applicable to this non-project action. No development is proposed at this time. At the time of development review, projects will be reviewed for compliance with the City's adopted storm water management regulations and updated critical areas ordinance. | ✓ | | |

| 4. Plants | | | |
|---|---|---|---|
| a. Check types of vegetation found on the site:<br><br>☒ Deciduous tree: alder, maple, aspen, other<br>☒ Evergreen tree: fir, cedar, pine, other<br>☒ Shrubs<br>☒ Grass<br>☒ Pasture<br>☐ Crop or grain<br>☒ Wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other<br>☐ Water plants: water lily, eelgrass, milfoil, other<br>☐ Other types of vegetation<br><br>The checked vegetation is found throughout Poulsbo. This is not applicable to this non-project action. No development is proposed at this time. The existing vegetation for sites will be determined at the time of development review. | ✓ | | |
| b. What kind and amount of vegetation will be removed or altered?<br><br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| c. List threatened or endangered species known to be on or near the site.<br><br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.<br><br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Landscaping is typically required for new development proposals. | ✓ | | |
| e. List all noxious weeds and invasive species known to be on or near the site.<br><br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Landscaping is typically required for new development proposals. | ✓ | | |
| **5. Animals** | | | |
| a. Check any birds and animals which have been observed on or near the site or are known to be on or near the site:<br>☐ Birds: hawk, heron, eagle, songbirds, other:<br>☐ Mammals: deer, bear, elk, beaver, other:<br>☐ Fish: bass, salmon, trout, herring, shellfish, other:<br><br>There are a variety of birds, fish, and mammals that inhabit Poulsbo. They are primarily located near streams and Liberty Bay. | ✓ | | |

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|---|---|---|---|
| b. List any threatened or endangered species known to be on or near the site.<br><br>Poulsbo has several listed species, including bald eagle, blue heron, harbor seal, salmon (Chinook, chum, coho), steelhead, cutthroat, hardshell clam, smelt, and sand lance.<br><br>No development is proposed at this time. Additional environmental review will be conducted at the time of application for specific development. | ✓ | | |
| c. Is the site part of a migration route? If so, explain.<br><br>Liberty Bay and adjacent streams are known to contain anadromous salmonids. The City is located within the Pacific Flyway – a flight corridor for migrating waterfowl and other birds – that extends from Alaska to Mexico and South America. | ✓ | | |
| d. Proposed measures to preserve or enhance wildlife, if any.<br><br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. The City's Critical Areas Ordinance provides protection for wildlife. Any additional mitigation necessary will be identified at the time of site specific development review. | ✓ | | |
| e. List any invasive animal species known to be on or near the site.<br><br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. The City's Critical Areas Ordinance provides protection for wildlife. Any additional mitigation necessary will be identified at the time of site specific development review. | ✓ | | |
| **6. Energy and Natural Resources** | | | |
| a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.<br><br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Electric energy is available city-wide and natural gas is available in specific locations in the city limits. | ✓ | | |
| b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.<br><br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.<br><br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Future development will meet the current energy code as identified in the International Building Code. | ✓ | | |

| 7. Environmental Health | | | |
|---|---|---|---|
| a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| 1) Describe any known or possible contamination at the site from present or past uses.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| 4) Describe special emergency services that might be required.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| 5) Proposed measures to reduce or control environmental health hazards, if any.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| *b. Noise* | | | |
| 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?<br>The city has a typical level of noise expected in an urban environment. | ✓ | | |

| | | | |
|---|---|---|---|
| 2) What types of levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| 3) Proposed measures to reduce or control noise impacts, if any.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. Construction noise is regulated in the Poulsbo Municipal Code. | ✓ | | |
| **8. Land and Shoreline Use** | | | |
| a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.<br>The city has a variety of single-family residential development along with commercial areas, and other uses including multifamily residential, light industrial, institutional, and parks. | ✓ | | |
| b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| c. Describe any structures on the site.<br>No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| d. Will any structures be demolished? If so, what?<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| e. What is the current zoning classification of the site?<br>~~No development is proposed at the comprehensive plan amendment stage~~. Determination of zoning classification and applicable review requirements will be made at the time specific proposals move forward. | ✓ | | |

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| f. | What is the current comprehensive plan designation of the site?<br>~~No development is proposed at the comprehensive plan amendment stage.~~ Determination of comprehensive plan designation will be made at the time specific proposals move forward. | ✓ | | |
| g. | If applicable, what is the current shoreline master program designation of the site?<br>~~No development is proposed at the comprehensive plan amendment~~ stage. Determination of shoreline designation and applicable review requirements will be made at the time specific proposals move forward. | ✓ | | |
| h. | Has any part of the site been classified as a critical area by the city or county? If so, specify<br>The actual development of the specific sites will be subject to additional development review, and would be subject to environmental review. Site specific development impacts are not identified at this time. Identification of critical areas will be made based on the City's Critical Area Ordinances maps and site specific environmental information prepared during the development review process. | ✓ | | |
| i. | Approximately how many people would reside or work in the completed project?<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| j. | Approximately how many people would the completed project displace?<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| k. | Proposed measures to avoid or reduce displacement impacts, if any.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| l. | Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.<br>No development is proposed with the ~~comprehensive plan~~ land division ord. amendments. Determination of specific measures to ensure compatibility will be made during development review. | ✓ | | |
| m. | Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any.<br>No development is proposed with the ~~comprehensive plan~~ land division ord. amendments. Determination of specific measures to ensure compatibility will be made during development review. | ✓ | | |
| **9. Housing** | | | | |
| a. | Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.<br>None. This is a non-project action. | ✓ | | |

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| b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.<br>None. This is a non-project action. | ✓ | | |
| c. Proposed measures to reduce or control housing impacts, if any.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| **10. Aesthetics** | | | |
| a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| b. What views in the immediate vicinity would be altered or obstructed?<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| c. Proposed measures to reduce or control aesthetic impacts, if any.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. While site specific development impacts are not identified at this time, building height and design review requirements are set forth in Poulsbo's zoning ordinance. | ✓ | | |
| **11. Light and Glare** | | | |
| a. What type of light or glare will the proposal produce? What time of day would it mainly occur?<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| b. Could light or glare from the finished project be a safety hazard or interfere with views?<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| c. What existing off-site sources of light or glare may affect your proposal?<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| d. Proposed measures to reduce or control light and glare impacts, if any.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. While site specific impacts are not identified at | ✓ | | |

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| this time, the City's zoning ordinance contains lighting requirements. Additional environmental review will be required as sites are proposed for development. | | | |
| **12. Recreation** | | | |
| a. What designated and informal recreational opportunities are in the immediate vicinity?<br>Poulsbo has a variety of public parks and recreation opportunities throughout the city. | ✓ | | |
| b. Would the proposed project displace any existing recreational uses? If so, describe.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| **13. Historic and Cultural Preservation** | | | |
| a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.<br>Unknown at this time. This is a non-project action. Determination will be made at the time of specific proposals for development. | ✓ | | |
| b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.<br>Unknown at this time. | ✓ | | |
| c Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| d. Proposed measures to reduce or control impacts, if any.<br>If at the time of site specific development, evidence of historic or cultural resources are found, proper protocols and notifications will be initiated. | ✓ | | |

| 14. Transportation | | | |
|---|---|---|---|
| a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.<br><br>Major streets and highways in Poulsbo include Highway 3, 305, State Route 307, Viking Avenue, Finn Hill, Front Street, Fjord Drive, Hostmark, Caldart, and Lincoln. | ✓ | | |
| b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?<br><br>Kitsap Transit provides public transit throughout the city. | ✓ | | |
| c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?<br><br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).<br><br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| e. Will the project use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe.<br><br>No. | ✓ | | |
| f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?<br><br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.<br><br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |

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| h. Proposed measures to reduce or control transportation impacts, if any.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward.<br>At the time of development review, projects will be reviewed for traffic impacts and appropriate mitigation will be imposed. | ✓ | | |
| **15. Public Services** | | | |
| a. Would the project result in an increased need for public service (for example fire protection, police protection, health care, schools, other)? If so, generally describe.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| b. Proposed measures to reduce or control direct impacts on public services, if any.<br>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific proposals move forward. | ✓ | | |
| **16. Utilities** | | | |
| a. Check the utilities currently available at the site:<br>☐ electric ☐ natural gas ☐ water ☐ refuse service ☐ telephone, ☐ sanitary sewer ☐ septic system ☐ other.<br>Utilities are also available throughout the city, with natural gas only available in specific areas. No development is proposed with the amendments, and specific determination of utility services will be made at the time of development review. | ✓ | | |
| b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.<br>Utilities are also available throughout the city, with natural gas only available in specific areas. No development is proposed with the amendments, and specific determination of utility services will be made at the time of development review. | ✓ | | |

## C. SIGNATURE

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

Signature: _____ Date Submitted: 9/28/17

Nikole Coleman, Associate Planner

Reviewed by Jenlee Boughton, PED Director 10/2/2017

## D. SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent of the proposal, or the types of activities likely to result from the proposal, that would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

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| 1. | How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substance; or production of noise?<br><br>As a non-project action, updates to the Land Division Ordinance would not create any of these effects. All development and uses will be subject to all applicable local, state and federal regulatory requirements and will be reviewed on a case-by-case basis during the development review process. |
| | Proposed measures to avoid or reduce such increases are:<br><br>No measures are proposed with the update. However, measures will be identified as necessary during the development permit and environmental process for specific projects. Compliance with city regulations and other appropriate mitigations would reduce increases. |
| 2. | How would the proposal be likely to affect plants, animals, fish, or marine life?<br><br>As a non-project action, updates to the Land Division Ordinance would not directly affect plants, animals, fish or marine life. Projects resulting from the update may require further review under SEPA, |
| | Proposed measures to protect or conserve plants, animals, fish, or marine life are:<br><br>The CAO provides regulatory protective measures to protect and conserve vegetation and wildlife habitat. Additional measures may be identified during the development permit and environmental review process for specific projects. |
| 3. | How would the proposal be likely to deplete energy or natural resources?<br><br>As a non-project action, updates to the Land Division Ordinance would not deplete energy or natural resources. Projects resulting from the amendments will require further environmental review at the time of development application. |
| | Proposed measures to protect or conserve energy and natural resources are:<br><br>Measures would be identified during the project specific development permit and environmental review. Compliance with city regulations and other appropriate mitigations would provide the appropriate measures to reduce impacts. |
| 4. | How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?<br><br>No development is proposed with the proposed updates to the Land Division Ordinance. The CAO includes standards to protect critical areas and their buffers when development is proposed. |
| | Proposed measures to protect such resources or to avoid or reduce impacts are:<br><br>Measures would be identified during the project specific development permit and environmental review. Compliance with city regulations and other appropriate mitigations would provide the appropriate measures to reduce impacts. |

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| 5. | How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?<br><br>The proposed updates to the Land Division Ordinance will not change existing land use patterns. |
| | Proposed measures to avoid or reduce shoreline and land use impacts are:<br><br>The amendments being considered through the update do not pose shoreline or land use impacts. All development applications will be subject to further review under SEPA, the city's zoning code and the Shoreline Master Program where appropriate. |
| 6. | How would the proposal be likely to increase demands on transportation or public services and utilities?<br><br>No development is proposed with the Land Division Ordinance Update. However, future developments on the subject sites may have increased demands, which would be identified during the specific project development review. Projects resulting from amendments may require further review under SEPA which will be accomplished as required under WAC 197-11 and the Poulsbo Municipal Code. |
| | Proposed measures to reduce or respond to such demand(s) are:<br><br>Measures to reduce impacts on transportation, public services and utilities would be identified during project specific development review. Compliance with city regulations and other appropriate mitigations could provide the appropriate measures to reduce impacts. |
| 7. | Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.<br><br>The proposed amendments do not conflict with any local, state or federal laws or requirements for the protection of the environment. All future development proposals would be required to follow all applicable regulations regarding the protection of the environment. |

Title 17

# AFFIDAVIT OF PUBLIC NOTICE

Helen Wytko, being first duly sworn, upon his/her oath deposes and says: That he/she is now, and at all times herein mentioned has been, a citizen of the United States and the State of Washington, over and above the age of twenty-one years and a resident of said County, that on 4 October, 2017, affiant that a copy of the following City of Poulsbo public notices, and which is attached to this affidavit,

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

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

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

Helen Wytko

Subscribed and sworn to before me this 4th day of Oct, 2017.

CHERLYN J. HALEY
Notary Public
State of Washington
My Commission Expires
March 13, 2019

Cherlyn J Haley

NOTARY PUBLIC in and for the State of Washington, residing at:

Poulsbo

My Commission expires on:

3-13-19

## Helen M. Wytko

**Subject:** FW: City of Poulsbo - Land Division Ordinance Update
**Attachments:** 2 - SEPA Checklist - Signed_reduced.pdf; NOA_Title17.pdf

'Aaron Hulst' <ahulst@cityofpoulsbo.com>; 'Alison O'Sullivan - Suquamish Tribe' <aosullivan@suquamish.nsn.us>; 'Amy Tousley' <Amy.Tousley@pse.com>; Andrzej L. Kasiniak <akasiniak@cityofpoulsbo.com>; 'Angela Cox' <acox@co.kitsap.wa.us>; 'Angelina Meier' <angelina.manning@gmail.com>; Becky Erickson <berickson@cityofpoulsbo.com>; 'Bill Whiteley - KPUD' <bwhiteley@kpud.org>; 'Bob Nordnes' <bobamy6775@comcast.net>; Charlie S. Roberts <croberts@cityofpoulsbo.com>; Cherlyn J. Haley <chaley@cityofpoulsbo.com>; City Clerks <CityClerks@cityofpoulsbo.com>; 'Cody Murphy' <cmurphy@metrostudy.com>; Connie C. Lord <clord@cityofpoulsbo.com>; 'Connie Lobo' <connielobo@hotmail.com>; 'Corey Henkelman' <chenkelm@co.kitsap.wa.us>; 'Corps of Engineers, Regulatory Branch' <jerald.j.gregory@usace.army.mil>; 'CryJones (Crystal View)' <cryjones@msn.com>; 'Dan Beach' <Daniel.J.Beach@centurylink.com>; 'Daniel Kimbler - KPUD' <daniel@kpud.org>; 'Daniel Murphy ' <cody@newhometrends.com>; David Musgrove <dmusgrove@cityofpoulsbo.com>; Debbie Booher <Dbooher@cityofpoulsbo.com>; 'Dennis Lewarch' <dlewarch@suquamish.nsn.us>; Diane K. Lenius <dlenius@cityofpoulsbo.com>; 'Dolores Lynch' <dolores@lynchclan.com>; Ed Stern <estern@cityofpoulsbo.com>; 'Edie Burghoff' <eberghoff@cityofpoulsbo.com>; 'Edie Lau' <edielau@yahoo.com>; 'Edward Blackburn' <blackems@mac.com>; 'Edward Coviello' <EdwardC@KitsapTransit.com>; 'Elizabeth Wilson' <lifethehound@yahoo.com>; 'Eric Evans' <eric.evans@kitsappublichealth.org>; 'Faith Forman' <faith@mikeandsandi.com>; Gary Nystul <gnystul@cityofpoulsbo.com>; 'GJackson (Crystal View)' <gjacksonx11@gmail.com>; 'Gordon Hanson' <gsshanson@aol.com>; 'Greg Berghoff - KPUD' <gregb@kpud.org>; 'James Thayer' <jandjthayer@comcast.net>; 'Jeannette Rogers' <raa-rogers@comcast.net>; 'Jeff Griffin' <jgriffin@poulsbofire.org>; Jeff R. McGinty <jmcginty@cityofpoulsbo.com>; Jeff Tolman <jtolman@cityofpoulsbo.com>; 'Jim Coleman' <Spiritwithin1@centurylink.net>; Jim Henry <jhenry@cityofpoulsbo.com>; 'Jim Lynch' <jim@phc-construction.com>; 'Jim Vchulek - Green Lake Appraisal' <greenlakeappraisal@gmail.com>; 'John Keiss' <john.kiess@kitsappublichealth.org>; 'Jsue Wieland' <jsuewie@comcast.net>; 'Karen Keefe' <karen.keefe@RSIR.com>; 'Karla Boughton' <kboughton@cityofpoulsbo.com>; 'Kate Nunes' <kate.nunes@comcast.net>; 'Kelly Pearson' <KPearson@nkschools.org>; Kenneth Thomas <kthomas@cityofpoulsbo.com>; 'Kim Anderson' <kdsanderson14@gmail.com>; 'Kimberly Toro' <kimsnwlife@gmail.com>; 'Kitsap Business Journal' <tim.kelly@kitsapsun.com>; 'Kitsap County DCD' <help@kitsap1.com>; 'Kitsap Economic Development Alliance' <cocus@kitsapeda.org>; 'Kitsap Realtors' <operations@kitsaprealtor.org>; 'Kitsap Sun' <sunnews@kitsapsun.com>; 'Mark DeSalvo' <commissioner.desalvo@portofpoulsbo.com>; 'Mark Doyle Commercial' <marc.h.doyle@gmail.com>; Mary M. McCluskey <mmccluskey@cityofpoulsbo.com>; 'Mary Pong' <mary@marypong.com>; 'Matt Henson' <matt@kpud.org>; 'Micah Kim' <micahtae@hotmail.com>; 'Pat Fuhrer' <patf@map-limited.com>; 'Peggy Jolly' <jolly@wscd.com>; 'Poulsbo Chamber of Commerce' <director@poulsbochamber.com>; 'Poulsbo Place II Homeowners Association' <poulsboplaceiiboard@gmail.com>; 'Poulsbo USPS Postmaster' <98370PoulsboWA@usps.gov>; 'Rachel Seymour' <rachel.seymour@kitsapsun.com>; 'Ray Stevens' <raystevens5@comcast.net>; 'Richard Walker' <editor@northkitsapherald.com>; 'Rick Kunz' <rick.kunz@comast.net>; 'Rick Spencer' <rickswims@hotmail.com>; 'Rita Hagwell' <Maryritahagwell@gmail.com>; 'Rob Gelder' <rgelder@co.kitsap.wa.us>; 'Sandra Farley' <sandrafarley61@comcast.net>; 'Screenio (Crystal View)' <screenio@gmail.com>; 'Shane Skelley' <shaneskelley@gmail.com>; 'Shawn Cates' <duggan0552@yahoo.com>; 'Stephanie Trudel' <strudel@suquamish.nsn.us>; 'Teresa Osinski - HBA' <tosinski@kitsaphba.com>; 'Terri Douglas' <manager@poulsboinn.com>; 'Terry Asla' <tasla@soundpublishing.com>; 'Tom Harvey' <tharvey@poulsbofire.org>; 'WA Dept of Natural Resources - SEPA' <sepacenter@dnr.wa.gov>; 'WA Department of Ecology SEPA' <sepaunit@ecy.wa.gov>; 'WA Department of Ecology SEPA Register' <separegister@ecy.wa.gov>; 'WA Dept of Fish and Wildlife ' <chris.waldbillig@dfw.wa.gov>; 'WA Dept of Fish and Wildlife - SEPA' <SEPAdesk@dfw.wa.gov>; 'WA Office of the Attorney General- Ecology' <ecyolyef@atg.wa.gov>; 'William Wilson' <WWilson@nkschools.org>; 'WSDOT Olympic Region SEPA' <OR-SEPA-REVIEW@wsdot.wa.gov>; 'Andrzej Kasiniak' <akasiniak@cityofpoulsbo.com>; 'Becky Erickson' <berickson@cityofpoulsbo.com>; 'Cherie Fahlsing' <cherief@johnlscott.com>; 'Chris Schmechel'

<chris.schmechel@gmail.com>; 'Cindy Baker' <cindy.baker@comcast.net>; 'Clayton Lynch' <clayton@phc-construction.com>; 'Connie Lord' <clord@cityofpoulsbo.com>; 'Dan Spencer' <danjanspencer@yahoo.com>; 'Davied Musgrove' <dmusgrove@cityofpoulsbo.com>; 'Deb Booher' <dbooher@cityofpoulsbo.com>; 'Ed Stern' <estern@cityofpoulsbo.com>; 'Elaine Tanner' <elainetanner@windermere.com>; 'Gary Nystul' <gnystul@cityofpoulsbo.com>; 'Historic Downtown Poulsbo Association' <hdpaboard@gmail.com>; 'Jack Johnson' <jack.johnson1@centurylink.com>; 'Jan Harrison' <janharrison@iglide.net>; 'Jeff McGinty' <jmcginty@cityofpoulsbo.com>; 'Jeff Tolman' <jtolman@cityofpoulsbo.com>; 'Jim Henry' <jhenry@cityofpoulsbo.com>; Karla Boughton <kboughton@cityofpoulsbo.com>; 'Kevin Druin' <kescdr@gmail.com>; 'Larry Tellinghuisen' <ltellinghuisen@kitsapbank.com>; 'Lisa Nickel' <Ljbraly@msn.com>; 'Luke McDaniel (Crystal View)' <luke.mcdaniel@gmail.com>; 'Mary McCluskey' <mmccluskey@cityofpoulsbo.com>; 'Math Ones' <themathones@sbcglobal.net>; 'Michael Blanton' <michael.blanton@dfw.wa.gov>; 'Paije Abplanalp' <paije1313@gmail.com>; 'Patricia Christensen' <prc32708@yahoo.com>; 'Paul Haas' <paulh@kitsapgaragedoor.com>; 'Poulsbo Village' <emily@poulsbovillage.com>; 'Robert Thompson' <rjtret@gmail.com>; 'Shelia Murray' <renobeano9@aol.com>; 'Stacie Rushforth, BJC Group' <srushforth@bjcgroup.com>; 'Stacie Schmechel' <stacieschmechel@gmail.com>; 'Tad Sooter' <tad.sooter@kitsapsun.com>

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**From:** Helen M. Wytko
**Sent:** Wednesday, October 04, 2017 2:48 PM
**Cc:** Nikole CH. Coleman <ncoleman@cityofpoulsbo.com>
**Subject:** City of Poulsbo - Land Division Ordinance Update

Please see the attached Notice of Application with Optional DNS along with the SEPA Checklist for Title 17 Land Division Ordinance Update.

Thank you,


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


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

Planning and Economic Development Department
200 NE Moe Street | Poulsbo, Washington 98370
(360) 394-9748 | fax (360) 697-8269
www.cityofpoulsbo.com | plan&econ@cityofpoulsbo.com

# DETERMINATION OF NONSIGNFICANCE (DNS)

## Land Division Ordinance Update, Type IV Application

| | |
|---|---|
| **Description of Proposal:** | The subdivision of land into lots is governed in Washington State by Chapter 58.17 RCW and by local ordinances adopted under that chapter's authority. The City's Subdivision Ordinance is found in Poulsbo Municipal Code Title 17 and was last substantially updated in 1995, with a few amendments since then.<br><br>The 2017 Land Division Ordinance Update is initiated to primarily reformat the ordinance to be consistent with the recent updates of other City land development ordinances (i.e. zoning ordinance, critical areas ordinance and permit procedural ordinance). The City Planning and Economic Development (PED) staff believe that the reorganization of the ordinance will result in ease of administration for both the private sector users and City staff. Additionally, the updated ordinance includes new or revised sections based on input received internally and externally |
| **Planning File:** | 2017 Land Division Ordinance Update |
| **Date of Application:** | October 2, 2017 |
| **Applicant:** | City of Poulsbo Planning and Economic Development Department<br>200 NE Moe Street, Poulsbo, WA 98370 |
| **Lead Agency:** | City of Poulsbo |

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

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

**Responsible Official:** Karla Boughton

**Position/Title:** Planning and Economic Development Department Director
200 NE Moe Street
Poulsbo, WA 98370
(360) 394 -9748

**Date:** 10/25/17 **Signature:** Karla Boughton

APPEAL: Any agency or person may appeal this SEPA determination by filing a written appeal to the responsible official no later than 10 working days from the date of this notice. You should be prepared to make specific factual objections. Contact the responsible official to read or ask about the procedure for SEPA appeals.

## Nikole CH. Coleman

**From:** Nikole CH. Coleman
**Sent:** Thursday, October 26, 2017 12:36 PM
**To:** 'Alison O'Sullivan - Suquamish Tribe'; 'Amy Tousley'; Andrzej L. Kasiniak; 'Angela Cox'; 'Angelina Meier'; Anthony W. Burgess; Becky Erickson; 'Bill Whiteley - KPUD'; 'Bob Nordnes'; Charlie S. Roberts; Cherlyn J. Haley; City Clerks; 'Cody Murphy'; Connie C. Lord; 'Connie Lobo'; 'Corey Henkelman'; 'Corps of Engineers, Regulatory Branch'; 'CryJones (Crystal View)'; 'Dan Beach'; 'Daniel Kimbler - KPUD'; 'Daniel Murphy '; David Musgrove; Debbie Booher; 'Dennis Lewarch'; Diane K. Lenius; 'Dolores Lynch'; Ed Stern; 'Edie Burghoff'; 'Edie Lau'; 'Edward Blackburn'; 'Edward Coviello'; 'Elizabeth Wilson'; 'Eric Evans'; 'Faith Forman'; Gary Nystul; 'GJackson (Crystal View)'; 'Gordon Hanson'; 'Greg Berghoff - KPUD'; 'James Thayer'; 'Jeannette Rogers'; 'Jeff Griffin'; Jeff R. McGinty; Jeff Tolman; 'Jim Coleman'; Jim Henry; 'Jim Lynch'; 'Jim Vchulek - Green Lake Appraisal'; 'John Keiss'; 'Jsue Wieland'; 'Karen Keefe'; 'Karla Boughton'; 'Kate Nunes'; 'Kelly Pearson'; Kenneth Thomas; 'Kim Anderson'; 'Kimberly Toro'; 'Kitsap Business Journal'; 'Kitsap County DCD'; 'Kitsap Economic Development Alliance'; 'Kitsap Realtors'; 'Kitsap Sun'; 'Mark DeSalvo'; 'Mark Doyle Commercial'; Mary M. McCluskey; 'Mary Pong'; 'Matt Henson'; 'Micah Kim'; 'Pat Fuhrer'; 'Peggy Jolly'; 'Poulsbo Chamber of Commerce'; 'Poulsbo Place II Homeowners Association'; 'Poulsbo USPS Postmaster'; 'Rachel Seymour'; 'Ray Stevens'; 'Richard Walker'; 'Rick Kunz'; 'Rick Spencer'; 'Rita Hagwell'; 'Rob Gelder'; 'Sandra Farley'; 'Screenio (Crystal View)'; 'Shane Skelley'; 'Shawn Cates'; 'Stephanie Trudel'; 'Teresa Osinski - HBA'; 'Terri Douglas'; 'Terry Asla'; 'Tom Harvey'; 'WA Dept of Natural Resources - SEPA'; 'WA Department of Ecology SEPA'; 'WA Department of Ecology SEPA Register'; 'WA Dept of Fish and Wildlife '; 'WA Dept of Fish and Wildlife - SEPA'; 'WA Office of the Attorney General- Ecology'; 'William Wilson'; 'WSDOT Olympic Region SEPA'
**Subject:** Threshold Determination
**Attachments:** 5 - Threshold Determination.pdf

Please see the attached SEPA Threshold Determination for Title 17 Land Division Ordinance Update.

Thank you,

**Nikole Coleman, AICP**
Associate Planner | City of Poulsbo
200 NE Moe Street | Poulsbo WA 98370
(360) 394-9730 | ncoleman@cityofpoulsbo.com

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EXHIBIT D.6
Notice of Planning Commission Public Hearing

# NOTICE OF PUBLIC HEARING

**Planning and Economic Development Department**
200 NE Moe Street | Poulsbo, Washington 98370
(360) 394-9748 | fax (360) 697-8269
www.cityofpoulsbo.com | plan&econ@cityofpoulsbo.com

## LAND DIVISION ORDINANCE UPDATE, TYPE IV APPLICATION
## Planning Commission Public Hearing

| | |
|---|---|
| **Hearing Date:** | November 7, 2017 **Hearing Time:** The hearing is scheduled to begin at 7 pm. |
| **Hearing Location:** | Poulsbo City Hall, Council Chambers, 200 NE Moe Street, Poulsbo, WA |
| **Requested Action:** | All interested citizens and agencies are invited to provide written and verbal testimony to the Planning Commission regarding the proposed project. |
| **Project Name:** | 2017 Land Division Ordinance Update (Title 17) |
| **Project Description:** | The subdivision of land into lots is governed in Washington State by Chapter 58.17 RCW and by local ordinances adopted under that chapter's authority. The City's Subdivision Ordinance is found in Poulsbo Municipal Code Title 17 and was last substantially updated in 1995, with a few amendments since then.<br><br>The 2017 Land Division Ordinance Update is initiated to primarily reformat the ordinance to be consistent with the recent updates of other City land development ordinances (i.e. zoning ordinance, critical areas ordinance and permit procedural ordinance). The City Planning and Economic Development (PED) staff believe that the reorganization of the ordinance will result in ease of administration for both the private sector users and City staff. Additionally, the updated ordinance includes new or revised sections based on input received internally and externally |
| **Public Comment Methods:** | Written comments may be mailed, faxed, or e-mailed to the Planning and Economic Development (PED) Department contact indicated below. To ensure consideration, all written comments must be received by the City prior to close of the public hearing. At the hearing, the public will have an opportunity to provide written and verbal testimony to the Planning Commission regarding the proposed project. |
| **Public Participation Plan:** | A public and agency participation plan has been developed for this application, and can be viewed at the City's website and at the PED Department. |
| **Hearing Information:** | The Planning Commission public hearing is scheduled for November 7, 2017. The Planning Commission will make recommendations to the City Council. City Council is the review and decision-making authority for the Land Division Ordinance Update. Hearing procedures are available from the PED Department and City Clerk's office and are conducted based on Roberts Rules of Order. |
| **Contact:** | City of Poulsbo Planning and Economic Development Department<br>200 NE Moe Street, Poulsbo, WA 98370<br>Phone: (360) 394-9748 Fax: (360) 697-8269<br>E-mail: plan&econ@cityofpoulsbo.com |

| | |
|---|---|
| **Additional Information:** | Information is on the City's website at https://cityofpoulsbo.com/development-regulation-amendments/. The files are also available for review at the PED Department between 8:30 am and 4:00 pm. Hard copies can be provided at a reasonable cost. |

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

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

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

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

# AFFIDAVIT OF PUBLIC NOTICE

Helen Wytko, being first duly sworn, upon his/her oath deposes and says: That he/she is now, and at all times herein mentioned has been, a citizen of the United States and the State of Washington, over and above the age of twenty-one years and a resident of said County, that on 20 ~~September~~ October, 2017, affiant that a copy of the following City of Poulsbo public notices, and which is attached to this affidavit,

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

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

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

Helen Wytko

Subscribed and sworn to before me this 20th day of October, 2017.

CHERLYN J. HALEY
Notary Public
State of Washington
My Commission Expires
March 13, 2019

NOTARY PUBLIC in and for the State of Washington, residing at:

Poulsbo

My Commission expires on:

3·13·19

## Helen M. Wytko

**Subject:** FW: City of Poulsbo - Public Hearing Title 17
**Attachments:** PH_Title17.pdf

7FERGER <7ferger@msn.com>; Aaron and Brook Hoff <hoffac@yahoo.com>; Alison O'Sullivan <aosullivan@suquamish.nsn.us>; Amy Tousley <Amy.Tousley@pse.com>; Amy Waeschle <amywaeschle@comcast.net>; Anakka Hartwell <hartwellanakka@yahoo.com>; Andrea Sherrie <andrea_sherrie@hotmail.com>; Andrew Sherrard <andrew_sherrard@yahoo.com>; Andrzej L. Kasiniak <akasiniak@cityofpoulsbo.com>; Angela Cox <acox@co.kitsap.wa.us>; Angelina Meier <angelina.manning@gmail.com>; Anne Alexander <aalexan10@hotmail.com>; Anthony McCafferty <mccafferta@aol.com>; Audrey Wolf <audrey_wolf@hotmail.com>; Barry and Jenny <barryandjenny1844@comcast.net>; Becky Erickson <berickson@cityofpoulsbo.com>; Berni Kenworthy <berni@team4eng.com>; Bill Palmer <wpconslts@telebyte.net>; Bill Whiteley - KPUD <bwhiteley@kpud.org>; Bob Nordnes <bobandamy6775@comcast.net>; Brad Watts <brad@valleynurseryinc.com>; Brenda Darling <darlingbf@embarqmail.com>; Bret Gagliardi <gagliardi5@comcast.net>; Byron Harris <byronharris@gmail.com>; C P Burchill <cpburchill@comcast.net>; Candi Merrill <candi.merrill@wwu.edu>; CEPRICH <ceprich@gmail.com>; Charles Roberts <charlesroberts1991@gmail.com>; Cherie Fahlsing <cherief@johnlscott.com>; Christy Christensen <christy@c3habitat.com>; Cindy Baker <cindy.baker@comcast.net>; Cindy Haberly <ckhaberly@gmail.com>; City Clerks <CityClerks@cityofpoulsbo.com>; City of Bainbridge Island <pcd@bainbridgewa.gov>; City of Bremerton <andrea.spencer@ci.bremerton.wa.us>; City of Port Orchard <planning@cityofportorchard.us>; Connie C. Lord <clord@cityofpoulsbo.com>; Connie Lobo <connielobo@hotmail.com>; Corey Henkelman <chenkelm@co.kitsap.wa.us>; Corp of Engineers, Regulatory <jerald.j.gregory@usace.army.mil>; Dal LaMagna <dallamagna@gmail.com>; Dale and Melissa Paul <melvern19@hotmail.com>; Dale Miller <dalegmiller@earthlink.net>; Dan Baskins <poulsbowashington@yahoo.com>; Dan Beach <Daniel.J.Beach@centurylink.com>; Daniel Kimber - KPUD <daniel@kpud.org>; Daniel Malone <daniel36875@yahoo.com>; Dave Foraker <daveforaker@hotmail.com>; Dave Greetham <dgreetham@co.kitsap.wa.us>; David Carpenter <carpenterfamily5@comcast.net>; David Musgrove <dmusgrove@cityofpoulsbo.com>; David Smith <smithhouse4@comcast.net>; DCLOUSER8 <dclouser8@comcast.net>; Debbie Booher <Dbooher@cityofpoulsbo.com>; Debra Purcell <debra@highmarkhomes.us>; Dennis Lewarch <dlewarch@suquamish.nsn.us>; Diane K. Lenius <dlenius@cityofpoulsbo.com>; Dianne Iverson <dianneivr@comcast.net>; DMCJ <dmcj@me.com>; DOCKETROCKET <docketrocket@hotmail.com>; Ed Stern <estern@cityofpoulsbo.com>; Edward Blackburn <blackems@mac.com>; Edward Coviello <EdwardC@KitsapTransit.com>; Elvin Nunes <elvin.nunes@navy.mil>; Ezra Eickmeyer <ezra@olypen.com>; Faith Forman <faith@mikeandsandi.com>; Finn Line <finnline98342@gmail.com>; Fred Grimm <grimmfredm@q.com>; Gary Lindsey <glindsey@wavecable.com>; Gayle Heller <gayleh66@comcast.net>; GENRIGHT <genright@sprintmail.com>; Gordon Hanson <gsshanson@aol.com>; Greg Berghoff - KPUD <gregb@kpud.org>; GUSTASRA <gustasra@gmail.com>; Historic Downtown Poulsbo Associatin <hdpaboard@gmail.com>; HYBRID461 <jybrid461@gmail.com>; Jack Johnson <jack.johnson1@centurylink.com>; Jacquie <seashells23.j@gmail.com>; James Thayer <jandjthayer@comcast.net>; Jan Harrison <janharrison@iglide.net>; Jan Wold <jestuary@hotmail.com>; Jani Syverson <jenisyverson@comcast.net>; Jay Volz <jayvolz@comcast.net>; Jean Ford <jeaneford@comcast.net>; Jeff Griffin <jgriffin@poulsbofire.org>; Jeff Kerkham <jeffkirkham@gmail.com>; Jeff R. McGinty <jmcginty@cityofpoulsbo.com>; Jeff Tolman <jtolman@cityofpoulsbo.com>; Jene Grandmont <jene.grandmont@gmail.com>; Jill Davidson <jilldavidson53@gmail.com>; Jim Aker <jimaker@hotmail.com>; Jim Coleman <Spiritwithin1@centurylink.net>; Jim Henry <jhenry@cityofpoulsbo.com>; Jim Lynch <jim@phc-construction.com>; Jim Vchulek <greenlakeappraisal@gmail.com>; Joan Hett <joanhett@comcast.net>; John and Molly Lee <molly.john@hotmail.com>; John Dawes <johndawes@comcast.net>; John Kiess <john.kiess@kitsappublichealth.org>; John Powers <powers@kitsapeda.org>; Joi Thomas <joisboys@gmail.com>; June Cotner <junecotner@embarqmail.com>; K Murphy <kmurphy@animalwellctr.com>; Karen Lee Pac <karenleepac@verizon.net>; Karla Boughton <kboughton@cityofpoulsbo.com>; Kate Nunes <kate.nunes@comcast.net>; Kathy Gallagher <kgallagher@keehnkunkler>; Katrina Knutson <kknutson@co.kitsap.wa.us>; Kdneer <kdneer@comcast.net>; Kelly Pearson <KPearson@nkschools.org>; Kenneth Thomas <kthomas@cityofpoulsbo.com>; Kimberly King <kimberlyking25819@gmail.com>; Kimberly Toro <kimsnwlife@gmail.com>; Kitsap Business Journal <tim.kelly@kitsapsun.com>; Kitsap DCD <help@kitsap1.com>; Kitsap

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---

**From:** Helen M. Wytko
**Sent:** Friday, October 20, 2017 9:30 AM
**Subject:** City of Poulsbo - Public Hearing Title 17

Please see the attached Notice of Public Hearing for the Title 17 Land Division Ordinance update.

Thank you,


## Helen Wytko

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


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

# North Kitsap Herald

## Affidavit of Publication

**State of Washington }**
**County of Kitsap } ss**

Deb Grigg being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the North Kitsap Herald a weekly newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a weekly newspaper in Kitsap County, Washington and is and always has been printed in whole or part in the North Kitsap Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Kitsap County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of NKH780332 PC PH LAND DIV ORD as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 10/20/2017 and ending on 10/20/2017 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is $22.11.

Deb Grigg

Subscribed and sworn before me on this 20 day of October, 2017.

Aubrey Knapp

Notary Public in and for the State of Washington.

City of Poulsbo-Planning | 80707350
HELEN WYTKO

AUBREY KNAPP
Notary Public
State of Washington
My Commission Expires
July 30, 2018

CITY OF POULSBO
NOTICE OF PLANNING COMMISSION PUBLIC HEARING
Type IV Application

Project Name/Location: 2017 Land Division Ordinance Update | Citywide

Project Description: The subdivision of land into lots is governed in Washington State by Chapter 58.17 RCW and by local ordinances adopted under that chapter's authority. The City's Subdivision Ordinance is found in Poulsbo Municipal Code Title 17 and was last substantially updated in 1995, with a few amendments since then.

The 2017 Land Division Ordinance Update is initiated to primarily reformat the ordinance to be consistent with the recent updates of other City land development ordinances (i.e. zoning ordinance, critical areas ordinance and permit procedural ordinance). The City Planning and Economic Development (PED) staff believe that the reorganization of the ordinance will result in ease of administration for both the private sector users and City staff. Additionally, the updated ordinance includes new or revised sections based on input received internally and externally

Public Hearing: The Planning Commission public hearing is scheduled for November 7, 2017 @ 7pm @ Poulsbo City Hall, Council Chambers, 200 NE Moe Street, Poulsbo, WA

The Planning Commission will make recommendations to the City Council. City Council is the review and decision-making authority for the Land Division Ordinance Update. Hearing procedures are available from the PED Department and City Clerk's office and are conducted based on Roberts Rules of Order.

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

Complete Application: Documents may be examined at the PED Department, Poulsbo City Hall from 8:30 am to 4:00 pm Monday through Friday.

For further information: https://cityofpoulsbo.com/development-regulation-amendments/

Date of publication: 10/20/17
(NKH-780332)