

**POULSBO DISTRIBUTION SCHEDULE**

**ORDINANCE NO. 2014-07**

**SUBJECT: Denying a Requested Comprehensive Plan Amendment and Rezone for the Ferris Property Located at 19872 Hamilton Court NE**

CONFORM AS TO DATES & SIGNATURES

- (X) Filed with the City Clerk: 05/08/2014
- (X) Passed by the City Council: 05/14/2014
- (X) Signature of Mayor
- (X) Signature of City Clerk
- (X) Publication: 05/23/2014
- (X) Effective: 05/28/2014
- ( ) Recorded:

DISTRIBUTED COPIES AS FOLLOWS:

- (X) NK Herald: Emailed 05/15/2014 by KP
- (X) Code Publishing
- ( ) City Attorney
- ( ) Civil Service Commission and/or Sec/Chief Examiner
- ( ) Clerk's Department:
- ( ) City Council
- ( ) Finance:
- (X) Posted to Library Drive and Website

Kylie Purves  
City Clerk

May 15, 2014  
Date

**ORDINANCE NO. 2014-07**

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, DENYING A REQUESTED COMPREHENSIVE PLAN AMENDMENT AND REZONE FOR THE FERRIS PROPERTY LOCATED AT 19872 HAMILTON COURT NE (CPA 2014-01), AND ESTABLISHING AN EFFECTIVE DATE.

**WHEREAS**, the Growth Management Act requires that every city planning under the GMA periodically update its comprehensive plan, and

**WHEREAS**, the City of Poulsbo began its 2014 Comprehensive Plan Amendments cycle by developing a public participation plan under which the City published, posted, and e-mailed notices indicating that the City was accepting Comprehensive Plan Amendment requests until November 15, 2013, and

**WHEREAS**, the City received a request to re-designate and rezone an approximately 1.03 acre site located at 19872 Hamilton Court NE, commonly known as the Ferris Property, from Residential Medium (RM) to Residential High (RH), and

**WHEREAS**, on December 11, 2013, the Poulsbo City Council approved a Comprehensive Plan Amendment docket, establishing three amendments to be considered in the 2014 Comprehensive Plan Amendment cycle, including the requested re-designation and rezone of the Ferris Property, and

**WHEREAS**, the City of Poulsbo Planning Department notified the Department of Commerce of the proposed amendments on January 22, 2014; and

**WHEREAS**, the City issued a notice of application for the amendments on January 31, 2014 and issued a SEPA threshold Determination of Non-Significance on February 24, 2014, and

**WHEREAS**, the Poulsbo Planning Commission held a public hearing on the three proposed amendments on March 11, 2014 and, after considering all available information, adopted findings and conclusions and recommended that the Poulsbo City Council approve the three proposed amendments as presented, and

**WHEREAS**, the Poulsbo City Council held a public hearing on the three proposed amendments on April 2, 2014 and, after considering all public testimony received at the hearing and other available information, determined to accept the recommendation of the Planning

Commission on two of the amendments and to deny the requested re-designation and rezone of the Ferris Property, and

**WHEREAS**, the Council has adopted the two amendments by enactment of a separate ordinance and to deny the requested re-designation and rezone of the Ferris property through enactment of this ordinance, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. In support of the denial undertaken by this ordinance, the Poulsbo City Council adopts the findings and conclusions attached to this ordinance as Exhibit A and incorporated herein by this reference as if set forth in full.

Section 2. Denial of Comprehensive Plan Amendment for Ferris Property (CPA 2014-01). The requested Comprehensive Plan re-designation of the Ferris Property located at 19872 Hamilton Court NE, Kitsap County Tax Parcel 142601-3-020-2009, from Residential Medium (RM) to Residential High (RH) is hereby denied. The Comprehensive Plan land use designation for the Ferris Property shall remain Residential Medium (RM).

Section 3. Denial of Rezone for Ferris Property (CPA 2014-01). Consistent with the denial of the Comprehensive Plan land use re-designation request, the requested rezone of the Ferris Property described in Section 1 from Residential Medium (RM) to Residential High (RH) is hereby denied. The zoning of the Ferris Property shall remain Residential Medium (RM).

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance shall take effect five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:

  
MAYOR REBECCA ERICKSON

ATTEST/AUTHENTICATED:

*Kylie Purves*

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CITY CLERK KYLIE PURVES

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY *James E. Haney*  
\_\_\_\_\_  
JAMES E. HANEY

FILED WITH THE CITY CLERK: 05/08/2014  
PASSED BY THE CITY COUNCIL: 05/14/2014  
PUBLISHED: 05/23/2014  
EFFECTIVE DATE: 05/28/2014  
ORDINANCE NO. 2014-07

**SUMMARY OF ORDINANCE NO. 2014-07**

of the City of Poulsbo, Washington

On the 14th day of May, 2014, the City Council of the City of Poulsbo, passed Ordinance No. 2014-07. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, DENYING A REQUESTED COMPREHENSIVE PLAN AMENDMENT AND REZONE FOR THE FERRIS PROPERTY LOCATED AT 19872 HAMILTON COURT NE (CPA 2014-01), AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 15th day of May, 2014.



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CITY CLERK KYLIE PURVES

EXHIBIT A

CITY COUNCIL

FINDINGS OF FACT AND CONCLUSIONS

2014 COMPREHENSIVE PLAN AMENDMENTS

April 2, 2014

CPA 2014-01: Site specific re-designation and rezone request for the Ferris Property located at 19872 Hamilton Court NE, for 1.03 acre of property, re-designated from Residential Medium (RM) to Residential High (RH). The site specific re-designation request requires map amendments to Figure LU-1 (Land Use Designation Map) and the Zoning Map.

The City Council met at a regular meeting on April 2, 2014 and after holding an advertised public hearing, DENIED, the proposed Comprehensive Plan Amendment 2014-01.

In reaching this conclusion, the City Council made the following findings:

**FINDINGS:**

In order to grant a comprehensive plan text or map amendment, one of the following must apply:

**1. The amendment is warranted due to an error in the initial adoption of the City Comprehensive Plan;**

CPA 2014-01 amendment request is not due to an error in the initial adoption of the plan.

**2. The amendment is based on a change of conditions or circumstances from the initial adoption of the City Comprehensive Plan; or**

The City Council has found that a change of conditions or circumstances from the initial adoption of the City Comprehensive Plan has not occurred, and also finds the following:

- A. CPA 2014-01 proposes to change land use designation from RM to RH within an established, traditional single family neighborhood. This neighborhood remains viable as a single-family neighborhood, even though it is bordered by higher density. No changes in conditions or circumstances have occurred that necessitates changing the RM land use designation and zoning which has been in place since 1994.
- B. The existing single-family neighborhood can be characterized as a “pocket neighborhood” and will be affected by increased density and traffic impacts that the proposed redesignation and rezone would likely create.

- C. The existing residential medium land use designation and zone remains appropriate for the existing neighborhood. The designation provides a zoning and density buffer and transition from the higher density of Poulsbo Place.
- D. The applicant's rationale that the proposed land use redesignation and rezone increased density will help offset the infrastructure improvements identified as necessary for development of the subject site, is not valid due to the expiration of the 2008 approved site plan permit, and any new development proposal will be evaluated on its own merits with its own infrastructure requirements.
- E. And finally, the City Council does not agree with the Planning Commission finding that the existing "pocket" neighborhood is underutilized or distressed. Instead, the City Council has found that the existing adjacent homes are in fine condition and repair, and the overall neighborhood remains in good physical condition. Therefore, the City Council has found that it does not meet the infill policies of the comprehensive plan and the existing RM land use designation and zone remain appropriate for the existing, viable single family neighborhood.

**3. The amendment is based on new information which was not available at the time of the initial adoption of the City Comprehensive Plan;**

CPA 2014-01 amendment request is not based on new information from the initial adoption of the plan.

**4. The amendment is based on a change in the population allocation assigned to the City by Kitsap County.**

CPA 2014-01 amendment request is not based on a change in the population allocation assigned to the City by Kitsap County.