

ORDINANCE NO. 2018-26

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING FINDINGS AND CONCLUSIONS; APPROVING THE TRIDENT BUSINESS PARK CONCOMITANT AGREEMENT RELEASE, PLANNING FILE P-10-03-18-01; AUTHORIZING THE MAYOR TO EXECUTE AND RECORD AN INSTRUMENT RELEASING THE CONCOMITANT AGREEMENT; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, property located at 21868 Viking Avenue NW (parcel No. 102601-4-028-2003 and 112601-3-003-2003) known as Trident Business Park and later as the Kitsap County Recycle Center was rezoned from R-1 (Residential Single Family) to BLI (Business Light Industrial) in 1987 by the passage of City of Poulsbo Ordinance 87-38; and

WHEREAS, the rezone was subject to a concomitant agreement which imposed certain conditions on development of the property and the "Trident Business Park Concomitant Agreement" was recorded against the property under Auditor File Number 880316001; and

WHEREAS, the property was never developed under the concomitant agreement approval, was sold in the 1990's to Kitsap County for a recycling center and sold in 2017 to Edward Rose Millennial Group LLC.; and

WHEREAS, the property is currently designated Light Industrial on the City's Comprehensive Plan Map and zoned Light Industrial on the City's Zoning Map; and

WHEREAS, concomitant agreements are considered a contract between the property owner and the City, and are recorded to the property and are identified in a title report; and

WHEREAS, pursuant to PMC 19.40.060, the Poulsbo City Council held a public meeting on the proposed release on November 7, 2018 and, after considering all testimony presented at the

hearing, determined to grant the application and release the concomitant agreement, now, therefore,

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

Section 1. Findings and conclusions adopted. The findings and conclusions set forth in the staff report on Planning File P-10-03-18-01 dated October 31, 2018 are hereby adopted as support for the actions taken by this ordinance.

Section 2. Release. The application filed by Edward Rose Millennial Development LLC seeking release of the concomitant agreement recorded under Kitsap County Auditor's File No. 8803160061 on March 16, 1988 is hereby granted. Upon recording of the instrument referred to in Section 3 of this ordinance, the concomitant agreements will be released and will no longer govern development of the property, and future redevelopment or new development will be governed by the City's adopted development regulations.

Section 3. Mayor's authority. The Mayor is hereby authorized and directed to execute an instrument in a form approved by the City Attorney releasing the concomitant agreement recorded under Kitsap County Auditor's File Nos. 8803160061. The Mayor or her designee is also authorized to provide for the recording of said instrument at the expense of the applicant.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance or any code section adopted or amended hereby 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 or any code section adopted or amended hereby.

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

APPROVED:



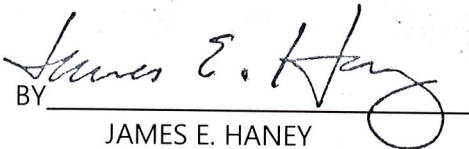
MAYOR REBECCA ERICKSON

ATTEST/AUTHENTICATED:



CITY CLERK RHIANNON K. FERNANDEZ

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:


BY _____
JAMES E. HANEY

FILED WITH THE CITY CLERK: 11/30/18
PASSED BY THE CITY COUNCIL: 12/12/18
PUBLISHED: 12/21/18
EFFECTIVE DATE: 12/26/18
ORDINANCE NO. 2018- 26

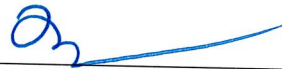
SUMMARY OF ORDINANCE NO. 2018-
of the City of Poulsbo, Washington

On December 12, 2018, the City Council of the City of Poulsbo, Washington, approved Ordinance No. 2018-26, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING FINDINGS AND CONCLUSIONS; APPROVING THE TRIDENT BUSINESS PARK CONCOMITANT AGREEMENT RELEASE, PLANNING FILE P-10-03-18-01; AUTHORIZING THE MAYOR TO EXECUTE AND RECORD AN INSTRUMENT RELEASING THE CONCOMITANT AGREEMENT; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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

DATED this 13th day of December, 2018.



CITY CLERK, RHIANNON K. FERNANDEZ, CMC