

**POULSBO DISTRIBUTION SCHEDULE**

**ORDINANCE NO. 2019-04**

**SUBJECT: Release of Canyon Crest Rezone Concomitant Agreement**

**CONFORM AS TO DATES & SIGNATURES**

- Filed with the City Clerk: 02/28/19
- Passed by the City Council: 03/06/2019
- Signature of Mayor
- Signature of City Clerk
- Publication: 03/15/2019
- Effective: 03/20/2019
- Recorded: \_\_\_\_\_

**DISTRIBUTED COPIES AS FOLLOWS:**

- NK Herald: 03/07/19
- Code Publishing
- City Attorney
- Clerk's Department: Original
- City Council
- Finance:
- Posted to Library Drive and Website
- \_\_\_\_\_

Rhiannon Fernandez  
City Clerk

03/07/19  
Date

**ORDINANCE NO. 2019-04**

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING FINDINGS AND CONCLUSIONS; APPROVING THE CANYON CREST REZONE CONCOMITANT AGREEMENT RELEASE, PLANNING FILE 10-26-18-01; AUTHORIZING THE MAYOR TO EXECUTE AND RECORD AN INSTRUMENT RELEASING THE CONCOMITANT AGREEMENT; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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**WHEREAS**, property located at the NW Corner of Torval Canyon Rd and 1<sup>st</sup> Avenue was rezoned from Residential Single-Family to Residential Multi-Family in 1983 by the passage of City of Poulsbo Ordinance 83-20; and

**WHEREAS**, the rezone was subject to a concomitant agreement which imposed certain conditions on development of the property and the "Canyon Crest Rezone Concomitant Agreement" was recorded against the property under Auditor File Number 8306160182; and

**WHEREAS**, the property is currently designated residential high (RH) on the City's Comprehensive Plan Map and the City's Zoning Map; and

**WHEREAS**, concomitant agreements are considered a contract between the property owner and the City, 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 hearing on the proposed release on February 6, 2019 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 10-26-18-01 dated January 30, 2019 are hereby adopted as support for the actions taken by this ordinance.

**Section 2.**    **Release.** The application filed seeking release of the Canyon Crest Rezone concomitant agreement recorded under Kitsap County Auditor's File No. 8306160182 is hereby granted. Upon recording of the instrument referred to in Section 3 of this ordinance, the concomitant agreement 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 No 8306160138. 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:



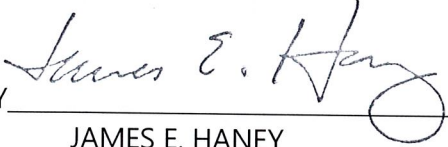
MAYOR REBECCA ERICKSON

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: 02/28/19  
PASSED BY THE CITY COUNCIL: 03/06/19  
PUBLISHED: 03/15/19  
EFFECTIVE DATE: 03/20/19  
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SUMMARY OF ORDINANCE NO. 2019-04  
of the City of Poulsbo, Washington

On March 6, 2019, the City Council of the City of Poulsbo, Washington, approved Ordinance No. 2019-04, 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 CANYON CREST REZONE CONCOMITANT AGREEMENT RELEASE, PLANNING FILE 10-26-18-01; 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 6th day of March, 2019.



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CITY CLERK, RHIANNON K. FERNANDEZ, CMC