

**POULSBO DISTRIBUTION SCHEDULE**

**ORDINANCE NO. 2019-17**

**SUBJECT: Torval Terrace Rezone Concomitant Agreement Release**

**CONFORM AS TO DATES & SIGNATURES**

- Filed with the City Clerk: 10/10/19
- Passed by the City Council: 10/16/19
- Signature of Mayor
- Signature of City Clerk
- Publication: 10/25/19
- Effective: 10/30/19
- Recorded: \_\_\_\_\_

**DISTRIBUTED COPIES AS FOLLOWS:**

- NK Herald: 10/18/19
- Code Publishing
- City Attorney
- Clerk's Department: Original
- City Council
- Finance:
- Posted to Library Drive and Website
- \_\_\_\_\_

Rhiannon Fernandez  
City Clerk

10/15/19  
Date

**ORDINANCE NO. 2019-17**

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING FINDINGS AND CONCLUSIONS; APPROVING THE TORVAL TERRACE REZONE CONCOMITANT AGREEMENT RELEASE, PLANNING FILE 07-05-19-01 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 SE Corner of Front Street and Torval Canyon Road was rezoned from Residential Single-Family to Residential Multi-Family in 1981 by the passage of City of Poulsbo Ordinance 81-22; and

**WHEREAS**, the rezone was subject to a concomitant agreement which imposed certain conditions on development of the property and the "Torval Terrace Rezone Concomitant Agreement" was recorded against the property under Auditor File Number 8110280083 and 8210150072; 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 August 21, 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 07-05-19-01 dated August 14, 2019 are hereby adopted as support for the actions taken by this ordinance.

**Section 2. Release.** The application filed seeking release of the Torval Terrace Rezone concomitant agreement recorded under Kitsap County Auditor's File No. 8110280083 and 8210150072 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 8110280083 and 8210150072. 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.

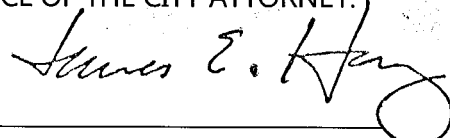
APPROVED:

  
\_\_\_\_\_  
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: 10/10/19  
PASSED BY THE CITY COUNCIL: PUBLISHED: 10/16/19  
EFFECTIVE DATE: 10/30/19  
ORDINANCE NO. 2019-17

SUMMARY OF ORDINANCE NO. 2019-17  
of the City of Poulsbo, Washington

On October 16, 2019, the City Council of the City of Poulsbo, Washington, approved Ordinance No. 2019-17, 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 TORVAL TERRACE REZONE CONCOMITANT AGREEMENT RELEASE, PLANNING FILE 07-05-19-01 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 16 day of October, 2019.

  
CITY CLERK, RHIANNON K. FERNANDEZ, CMC