

# City of Poulsbo

## *Planning & Economic Development*



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### ZONING ORDINANCE AMENDMENTS REGARDING HIGH RISK SECURED FACILITIES STAFF REPORT AND RECOMMENDATION

**To:** Planning Commission  
**From:** Karla Boughton, Planning and Economic Development Director  
**Subject:** Public Hearing – Zoning Amendments Regarding High Risk Secured Facilities  
**Date:** December 3, 2019

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Staff respectfully recommends approval of the Zoning Ordinance Amendments Regarding High Risk Secured Facilities as set forth in Exhibit A to this staff report.

#### **PROPOSED MOTION:**

**MOVE** to recommend (approval) (approval with modifications) to the Poulsbo City Council the Zoning Ordinance Amendments Regarding High Risk Secured Facilities as identified as Exhibit A; and direct the Planning and Economic Development Director to prepare findings of fact in support of this decision for the Planning Commission Chair's signature.

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## 1.0 INTRODUCTION

In 1990, Washington State passed a law, Chapter 71.09 RCW, to authorize the indefinite civil commitment of individuals found by a Superior Court to be a Sexually Violent Predator (SVP). When certain individuals that are civilly committed as SVPs have fulfilled their sentence but have been found to suffer from a mental abnormality or personality disorder that makes the individual likely to reoffend if not confined in a secure facility.

In 1991, a federal district court civil rights lawsuit was filed alleging violations of the constitutional rights of individuals that were civilly committed under Washington law, and in 1994, the Federal District Court for Western Washington entered an order an injunction requiring the state to provide constitutionally adequate mental health treatment for individuals that have been civilly committed. The court also found that the lack of a less restrictive alternative (LRA) to total confinement limited an individual's opportunity to demonstrate their reduced risk and ordered the state to explore alternatives. Then, in 2007, the federal district court dismissed the injunction and closed the case after the state established two Secure Community Transition Facilities (SCTF) and amended state law, RCW 71.09.070, to require an annual review to determine if an SVP is eligible for placement in an LRA.

An LRA is a facility that provides court-ordered supervision, security, and treatment to individuals that have been civilly committed and conditionally released from a total confinement facility. Washington State does not regulate the location or land use and life safety of community based LRAs. The City of Poulsbo City Council has determined that the current city regulations do not sufficiently define LRA facilities or mitigate their land use and life safety impacts to protect both the residents of potential LRA facilities within the city or the neighbors of such facilities.

The Poulsbo City Council passed Ordinance 2019-07 (Exhibit E) on April 16, 2019. This ordinance established a six-month interim development prohibition on High-Risk Secured Facilities. The City Council authorized and extension to the interim development prohibition on October 9, 2019 (Ordinance 2019-16).

This code amendment proposes to replace the interim zoning regulations.

## 2.0 REVIEW PROCESS TO DATE

On November 15, 2019, the Notice of Application (NOA) with Optional DNS, Notice of Planning Commission Public Hearing, and Notice of City Council Public Hearing was published in the North Kitsap Herald, emailed to appropriate e-notice lists, posted at the Poulsbo Library, Poulsbo Post Office, City Hall and posted to the City's website.

On December 2, 2019 the SEPA Threshold Determination was issued.

No public comments were received to date.

## 3.0 REVIEW CRITERIA | PMC CHAPTER 18.210

Amendments to the text of Title 18 shall be applied for and processed according to the provisions of Title 19. In order to grant a zoning code text amendment, the following findings must be made:

1. The amendment is consistent with the comprehensive plan; and
2. The amendment supports and/or enhances the public health, safety or welfare; and
3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Poulsbo.

**Staff Conclusion:** The proposed amendment is consistent with the Comprehensive Plan, supports and/or enhances the public health, safety or welfare, and is not contrary to the best interest of the citizens and property owners of the City of Poulsbo. Criterion met.

## 4.0 ATTORNEY GENERAL'S UNCONSTITUTIONAL TAKINGS MEMO

Pursuant to Comprehensive Plan Policy PI-2.4, City staff members are familiar with Washington State Attorney General's "warning signals" for unconstitutional takings of private property. Staff

has reviewed the Attorney General's Advisory Memorandum: Avoiding Unconstitutional Takings in the context of the proposed amendment and has consulted with the City Attorney regarding the warning signals. Staff and the City Attorney are comfortable that the draft ordinance does not result in any unconstitutional taking.

**5.0 STAFF CONCLUSION AND RECOMMENDATION**

Planning Commission and Staff respectfully recommends approval of the Zoning Ordinance Amendments Regarding High Risk Secured Facilities as set forth in Exhibit A to this staff report.

**6.0 Planning Commission Public Hearing December 10, 2019**

A public hearing has been scheduled for 7:00 on December 10, 2019 for the Planning Commission to receive public comments on the proposed Zoning Ordinance Amendments Regarding High Risk Secured Facilities.

**PROPOSED MOTION:**

**MOVE** to recommend (approval) (approval with modifications) to the Poulsbo City Council the Zoning Ordinance Amendments Regarding High Risk Secured Facilities as identified as Exhibit A; and direct the Planning and Economic Development Director to prepare findings of fact in support of this decision for the Planning Commission Chair's signature.

**7.0 EXHIBITS**

- A. Staff recommended zoning ordinance amendments
- B. Public Participation Plan
- C. Notice of Application w/Optional DNS, Notice of Planning Commission Public Hearing, and Notice of City Council Public Hearing
- D. SEPA threshold determination with commented checklist
- E. Interim ordinance (2019-07) and extension ordinance (2019-16)

# **EXHIBIT A**

## **Staff Recommended Zoning Ordinance Amendments**

**18.40.030 Definitions.**

H Definitions.

“High-Risk Secured Facility” means a facility that provides court-ordered housing, supervision, 24-hour security, and coordinates treatment services for persons who are found by the court to be a “Sexually Violent Predator” or pose a likelihood of serious harm to others as defined in RCW 71.05.020 and are civilly-committed to a less restrictive alternative as defined in state law. Such facilities accommodate two or more persons placed by the court plus treatment and support stat. A High-Risk Secured Facility does not include:

- A. Secure community transition facilities proposed under the authority of, and consistent with the provisions of Chapter 71.09 RCW; or
- B. Nursing homes, assisted living, or adult family homes that become licensed as enhanced services facilities as defined in RCW 70.97.060(4).

**18.90.030 Uses.**

Table 18.90.030 Business and Employment District Uses			
USE	OCI	BP	LI
<b>Office and Professional Services</b>			
All forms of corporate, professional, public, brokerage, administrative, financial, building trade, and research offices	P	P	X
Corporate headquarters and regional offices	P	P	X
Office-oriented service providers, such as communications services, photocopying, courier and messenger services, graphic design, printing, promotional products, and the like	P	P	X
Office equipment sales and services	P	P	X
Technology service and support, copy and connectivity centers, telework centers	P	P	X
<b>Business/Technology Research and Development</b>			
Biotechnology/medical laboratories	AC	AC	AC
Computer technology	P	P	P
Electronic components and board systems engineering and development	P	P	P
Research and research industry-oriented service providers	P	P	P
Software engineering	P	P	X
<b>Commercial Services and Retail</b>			
Auto and boat service and repair (but not sales)	X	X	P
Auto fuel service station <i>(An associated retail convenience structure may be allowed; however, size is limited to no more than 1,500 square feet.)</i>	AC	AC	<i>X unless associated in support of a permitted vehicle fleet use</i>
Building materials retail sales <i>(not including regional retailers which are not allowed)</i>	AC	AC	X
Commercial convenience, personal services, and restaurant establishments <i>(In existing or new structures 5,000 square feet or larger, commercial convenience, personal service uses, and restaurant eating/drinking establishments are allowed but are to be subordinate to the building’s primary uses. All commercial uses located in the structure shall be limited to 25% of the building’s gross square footage. No drive-through facilities are allowed.)</i>	P	P	X
Commercial retail in conjunction with a primary use <i>(Retail sales of products assembled, manufactured, etc., in the OCI/BP/LI zoning districts are allowed but are to be subordinate to the building’s primary use. Retail sales use is limited to 25% of the building’s gross square footage.)</i>	P	P	P

**Table 18.90.030 Business and Employment District Uses**

USE	OCI	BP	LI
Food service contractor	P	P	P
Food and drink where manufactured and sold on premises ( <i>on-premises tasting room, restaurant, and/or retail sales limited to 25% of gross square footage</i> )	AC	AC	AC
Nursery/landscaping materials retail sales	AC	P	X
Wholesale product showrooms	P	P	AC
<b>Light Industrial</b>			
Equipment rental	AC	AC	P
Industrial laundry and upholstery services	X	AC	P
Resource recycling and recovery (not including recycling dropoff facilities)	X	X	P
<b>Manufacturing</b>			
Beverage products	AC	P	P
Cabinet shop or carpenter shop	AC	AC	P
Electrical and electronic equipment manufacture	AC	P	P
Electrical component assembly, including assembly of computer products, office equipment, and related components	P	P	P
Metal, wood and other materials fabrication and assembly in an enclosed building	AC	AC	P
Food and kindred products, manufacture, processing and packaging ( <i>excluding animal slaughtering and processing</i> )	AC	P	P
Furniture and fixtures manufacture and assembly	AC	P	P
Handcrafted products, crafts or other art-related items	P	P	P
Large-scale and mass produced lumber and wood products ( <i>excluding sawmills</i> )	X	AC	P
Measuring, analyzing and control instruments	P	P	P
Medical equipment and supplies	P	P	P
Miscellaneous light fabrication and assembly not otherwise named	AC	AC	P
Perfumes, cosmetics and similar preparations	AC	AC	P
Photographic, medical, audio and optical equipment	AC	P	P
Printing, publishing and allied products	AC	P	P
Products made from light stone, clay and glass	AC	P	P
Signs	P	P	P
Textiles, apparel and leather goods	P	P	P
<b>Warehousing, Distribution and Storage</b>			
Equipment/materials outdoor storage as a primary use (including building trade and landscaping)			
a. Storage yards occupying less than 10,000 square feet	AC	AC	P
b. Storage yards occupying more than 10,000 square feet	X	AC	AC
Commercial fuel distributors	X	C	AC
Mail order or direct selling and distribution	P	P	P
Packing, crating and convention and trade show services	P	P	P

**Table 18.90.030 Business and Employment District Uses**

<b>USE</b>	<b>OCI</b>	<b>BP</b>	<b>LI</b>
Processing and/or packaging previously prepared materials	P	P	P
Self-serve mini-storage	X	AC	P
Truck and freight transportation services	X	C	AC
Warehousing, product distribution, and wholesale trade	X	AC	P
<b>Residential</b>			
Dwelling units above nonresidential uses (mixed use structures) <i>(Nonresidential uses must be located on ground level or first floor if ground level is parking)</i>	P	P	AC
Employee/security units in conjunction with manufacturing, distribution or storage uses	P	P	P
Existing residential use without increase in density <i>(subject to the provisions of Section 18.160.060)</i>	P	P	P
Live/work units	P	X	X
<b>Public and Quasi-Public</b>			
Essential public facilities, state and regional	P	P	P
Essential public facilities, local	C	C	C
Government maintenance shops and fleet vehicle storage	AC	AC	P
Public administration office and services	P	P	P
Public parks	P	P	P
Solid waste transfer facilities	X	C	C
Recycling dropoff facilities	X	AC	P
Utility facilities and utility system	P	P	P
Transit facilities, including park and ride lots and transfer centers	C	C	C
Wireless communication facilities (exceeding 21' in height)	C	C	C
Co-location on existing facility or structure	AC	AC	AC
Wireless communication facilities (20' or less)	P	P	P
<b>Other</b>			
Adult entertainment businesses	X	X	P
Ambulatory and outpatient care services (physicians, outpatient clinics, dentists)	P	P	X
Child care centers	AC	AC	X
College, universities, technical, trade and other specialty schools	C	C	X
Existing legal nonconforming uses <i>(provided that the legal nonconforming use continues and does not cease to be in use for 12 months or longer. See Chapter 18.160)</i>	P	P	P
Grade schools (K–12)	C	C	X
<b>High-Risk Secured Facilities</b>	<b>X</b>	<b>X</b>	<b>C</b>
Hospital	C	C	X
Museums, historic and cultural exhibits	P	P	X
Privately owned amusement, sports or recreation establishments <i>(retail sales limited to 25% of use's total square footage)</i>	P	P	X

Table 18.90.030 Business and Employment District Uses			
USE	OCI	BP	LI
Churches, new freestanding structures and existing building(s) 5,000 square feet or larger	C	C	X
Churches, under 5,000 square feet and within an existing building(s)	AC	AC	X
Sports arena or stadium	C	C	X
Veterinary clinics and hospitals (not including kennels)	P	P	X

**18.90.085 High-Risk Secured Facility.**

A High-Risk Secured Facility shall comply with the following conditions:

- A. A High Risk Secured Facility shall be allowed within the zoning districts set forth in Table 18.90.030 and through a conditional use permit. Siting within any other zoning districts is prohibited.
- B. A neighborhood meeting is required pursuant to PMC 19.60.
- C. A High Risk Secured Facility shall not be located adjacent to, immediately across the street or parking lot from, or within the line of sight of a risk potential activity or facility in existence at the time a facility is established.
  1. “Within line of sight” means that it is possible to reasonably visually distinguish and recognize individuals.
  2. “Risk potential activities and facilities” means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private school, school bus stops, licensed day care and licensed preschool facilities, domestic violence shelters, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, public libraries, public and private youth camps, and others identified during a public hearing. For the purpose of this section “school bus stops” does not include bus stops established primary for public transit.
  3. A High-Risk Secured Facility shall not be located in a community protection zone as defined in RCW 9.94A.030(6).
    - a. Distance shall be measured from all property lines of a High-Risk Secured Facility from all property lines of the facilities and grounds of a public or private school.
- D. A High-Risk Secured Facility shall meet the applicable health district standards for water and sewage disposal to account for staff and residents.
- E. Principle access to the site shall be from a City maintained right-of-way.
- F. A High-Risk Secured Facility shall be equipped with a mechanism that is interlocked with the fire protection system to automatically release security locks and allow safe egress from the structure in the event of fire or other emergency.
- G. A High-Risk Secured Facility shall be equipped with a backup power system and an automatic transfer switch sufficient to energize and maintain the function of safety, security, and surveillance systems in the event of a power outage.

# **EXHIBIT B**

## **Public Participation Plan**



# ZONING REGULATIONS REGARDING HIGH RISK SECURED FACILITIES

## Public Participation Plan

November 2019

### INTRODUCTION

In 1990, Washington State passed a law, Chapter 71.09 RCW, to authorize the indefinite civil commitment of individuals found by a Superior Court to be a Sexually Violent Predator (SVP). When certain individuals that are civilly committed as SVPs have fulfilled their sentence but have been found to suffer from a mental abnormality or personality disorder that makes the individual likely to reoffend if not confined in a secure facility.

In 1991, a federal district court civil rights lawsuit was filed alleging violations of the constitutional rights of individuals that were civilly committed under Washington law, and in 1994, the Federal District Court for Western Washington entered an order an injunction requiring the state to provide constitutionally adequate mental health treatment for individuals that have been civilly committed. The court also found that the lack of a less restrictive alternative (LRA) to total confinement limited an individual's opportunity to demonstrate their reduced risk and ordered the state to explore alternatives. Then, in 2007, the federal district court dismissed the injunction and closed the case after the state established two Secure Community Transition Facilities (SCTF) and amended state law, RCW 71.09.070, to require an annual review to determine if an SVP is eligible for placement in an LRA.

An LRA is a facility that provides court-ordered supervision, security, and treatment to individuals that have been civilly committed and conditionally released from a total confinement facility. Washington State does not regulate the location or land use and life safety of community based LRAs. The City of Poulsbo City Council has determined that the current city regulations do not sufficiently define LRA facilities or mitigate their land use and life safety impacts to protect both the residents of potential LRA facilities within the city or the neighbors of such facilities.

The Poulsbo City Council passed Ordinance 2019-07 on April 16, 2019. This ordinance established a six-month interim development prohibition on High-Risk Secured Facilities. The City Council authorized and extension to the interim development prohibition on October 9, 2019 (Ordinance 2019-16).

This code amendment proposes to replace the interim zoning regulations.

### 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 Zoning Amendments where interested citizens and community members may visit for status updates, draft documents, official notices, minutes, and project information:  
<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 amendment progress. Individuals interested in being on the mailing list should contact the PED Department at (360) 394-9748 or at [plan&econ@cityofpoulsbo.com](mailto: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 | Email [plan&econ@cityofpoulsbo.com](mailto: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 public hearings.

## **INFORMATION AVAILABILITY**

The proposed ordinance is available for public review. The primary repository of all information related to the update is the City's website— [www.cityofpoulsbo.com](http://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.

### **November 15, 2019**

Public Release of Proposed Amendments to PMC 18.40.030 and 18.90 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.

### **November 15, 2019**

Notice of Application with Optional DNS, Planning Commission Public Hearing, and City Council Public Hearing published in NK Herald; distributed to resource agencies, Tribe, other interested parties

**November 29, 2019**

NOA/ODNS comment period over

**December 10, 2019**

PC Public Hearing 7 p.m. | Council Chambers

**December 12, 2019**

Transmittal PC Recommended Commercial Code Update to City Council

**December 18, 2019**

City Council Public Hearing - 7 p.m. | Council Chambers

## **PUBLIC HEARINGS**

The Planning Commission and City Council will conduct at least one public hearing each to gather and consider public testimony on the Zoning Regulations Regarding High Risk Secured Facilities Amendments. The hearing(s) are anticipated for **December 10, 2019 (PC) and December 18, 2019 (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.

# **EXHIBIT C**

**Notice of Application w/Optional DNS,  
Notice of Planning Commission Public Hearing, and  
Notice of City Council Public Hearing**



# NOTICE OF APPLICATION W/ OPTIONAL DNS and NOTICE OF PLANNING COMMISSION PUBLIC HEARING and NOTICE OF CITY COUNCIL 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

## ZONING ORDINANCE AMENDMENTS REGARDING HIGH RISK SECURED FACILITIES

Environmental (SEPA) Comments Due: November 29, 2019

Planning Commission Public Hearing: December 10, 2019 | City Council Public Hearing: December 18, 2019

<b>Planning File:</b>	Zoning Ordinance Amendments Regarding High Risk Secured Facilities
<b>Applicant:</b>	City of Poulsbo <b>Application Type:</b> IV
<b>Notice of Application:</b>	November 15, 2019
<b>Summary of Proposed Application:</b>	<p>High-Risk Secured Facility means a facility that provides court-ordered housing, supervision, 24-hour security, and coordinates treatment services for persons who are found by the court to be a "Sexually Violent Predator" or pose a likelihood of serious harm to others as defined in RCW 71.05.020 and are civilly-committed to a less restrictive alternative as defined in state law. Such facilities accommodate two or more persons placed by the court plus treatment and support stat. A High-Risk Secured Facility does not include secure community transition facilities proposed under the authority of, and consistent with the provisions of Chapter 71.09 RCW; or nursing homes, assisted living, or adult family homes that become licensed as enhanced services facilities as defined in RCW 70.97.060(4).</p> <p>Federal and state court decisions require cities and counties to allow secured community-based living facilities. Prior to this amendment, there were no local regulations for where these types of facilities could be located.</p> <p>The Poulsbo City Council passed Ordinance 2019-07 on April 16, 2019. This ordinance established a six-month interim development prohibition on High-Risk Secured Facilities. The City Council authorized and extension to the interim development prohibition on October 9, 2019 (Ordinance 2019-16). This code amendment proposes to replace the interim zoning regulations.</p>
<b>Environmental Review:</b>	<p><b>ENVIRONMENTAL REVIEW COMMENTS MUST BE SUBMITTED BY <u>NOVEMBER 29, 2019.</u></b></p> <p>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. <b><i>This may be the only opportunity to comment on the environmental impacts of the proposed project.</i></b> 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. Agencies, tribes, and the public are encouraged to review and comment on the proposed project and its probable environmental impacts.</p>
<b>Public Comment Methods:</b>	<p>Written comments may be mailed, faxed, or e-mailed to the PED Department contact information indicated above. To ensure consideration, all written comments must be received prior to close of the City Council Public Hearing. At the hearing, the public will have an opportunity to provide written and verbal testimony regarding the proposed project.</p>

**Public Participation Plan:**

A public and agency participation plan has been developed for this review process, and can be viewed at the [City's website](#). A copy is also available at the Planning and Economic Development (PED) Department.

**Draft Document:**

The proposed amendments are represented as **bold underline** for proposed additions and ~~strikeouts~~ for deletions. The proposed amendments can be found online: <https://cityofpoulsbo.com/development-regulation-amendments/>

**Planning Commission Public Hearing:**

**THE PLANNING COMMISSION PUBLIC HEARING IS SCHEDULED FOR DECEMBER 10, 2019.**

The hearing is scheduled to begin at 7 pm at City Hall, Council Chambers, 200 NE Moe Street, Poulsbo. All interested citizens and agencies are invited to provide written and verbal testimony to the Planning Commission regarding the proposed amendments. The Planning Commission will make recommendations to the City Council. Hearing procedures are available from the PED Department and City Clerk's office and are conducted based on Roberts Rules of Order.

**City Council Public Hearing:**

**THE CITY COUNCIL PUBLIC HEARING IS SCHEDULED FOR DECEMBER 18, 2019.**

The hearing is scheduled to begin at 7 pm (or soon thereafter as the agenda determines) at Poulsbo City Hall, Council Chambers, 200 NE Moe Street, Poulsbo, WA. All interested citizens and agencies are invited to provide written and verbal testimony to the City Council regarding the proposed amendments. City Council is the review and decision-making authority. 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](http://www.cityofpoulsbo.com) or [plan&econ@cityofpoulsbo.com](mailto: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/>

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.

All interested people are invited to attend the Planning Commission and City Council Public Hearings. 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 City Council 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 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.**



# **EXHIBIT D**

## **SEPA Threshold Determination with Commented Checklist**



## DETERMINATION OF NONSIGNIFICANCE (DNS)

### Zoning Ordinance Amendments Regarding High Risk Secured Facilities

**Description of Proposal:** The Poulsbo City Council passed Ordinance 2019-07 on April 16, 2019. This ordinance established a six-month interim development prohibition on High-Risk Secured Facilities. The City Council authorized and extension to the interim development prohibition on October 9, 2019 (Ordinance 2019-16). This code amendment proposes to replace the interim zoning regulations.

Federal and state court decisions require cities and counties to allow these secured community-based living facilities. Prior to this amendment, there were no local regulations for where these types of facilities could be located.

High-Risk Secured Facility means a facility that provides court-ordered housing, supervision, 24-hour security, and coordinates treatment services for persons who are found by the court to be a "Sexually Violent Predator" or pose a likelihood of serious harm to others as defined in RCW 71.05.020 and are civilly-committed to a less restrictive alternative as defined in state law. Such facilities accommodate two or more persons placed by the court plus treatment and support staff. A High-Risk Secured Facility does not include secure community transition facilities proposed under the authority of, and consistent with the provisions of Chapter 71.09 RCW; or nursing homes, assisted living, or adult family homes that become licensed as enhanced services facilities as defined in RCW 70.97.060(4).

**Project Name:** Zoning Ordinance Amendments Regarding High Risk Secured Facilities  
**NOA/Optional DNS:** November 15, 2019  
**Applicant:** City of Poulsbo Planning and Economic Development Department  
**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:** 12/2/19

**Signature:** 

**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.





# SEPA ENVIRONMENTAL CHECKLIST

200 NE Moe Street | Poulsbo, Washington 98370  
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<b>A. BACKGROUND</b>		
<b>Name of proposed project, if applicable:</b> High Risk Secured Facilities – Zoning Amendments		<b>Date Prepared:</b> October 23, 2019
<b>Name of Applicant:</b> City of Poulsbo	<b>Address:</b> 200 NE Moe Street Poulsbo, Washington 98370	<b>Phone Number:</b> (360) 394-9748
<b>Contact:</b> Karla Boughton, Director	<b>Agency Requesting Checklist:</b> City of Poulsbo	
<b>Proposed timing or schedule (including phasing, if applicable)</b>  The Planning Commission has a public hearing scheduled for December 10, 2019. The City Council has a public hearing scheduled for December 18, 2019. All 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. All meeting dates are subject to change. Public notices for public hearing dates will be issued and published in the City's official newspaper and City's website.		
<b>Do you have any plans for future additions, expansions, or further activity related to or connected with this proposal? If yes, explain.</b>  No.		
<b>List any environmental information you know about that has been prepared, directly related to this proposal.</b> No specific environmental information has been prepared for this update. Land use applications submitted to the City will be required to be processed under the provisions of Title 19, and may require environmental review when development is proposed, pursuant to SEPA rules.		
<b>Do you know whether applications are pending for governmental approvals or other proposals directly affecting the property covered by your proposal? If yes, explain.</b>  None at this time.		
<b>List any government approvals or permits that will be needed for your proposal, if known.</b> Planning Commission recommendation. City Council approval and adoption. The Washington State Department of Commerce will be notified of the proposed amendment.		

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.

In 1990, Washington State passed a law, Chapter 71.09 RCW, to authorize the indefinite civil commitment of individuals found by a Superior Court to be a Sexually Violent Predator (SVP). When certain individuals that are civilly committed as SVPs have fulfilled their sentence but have been found to suffer from a mental abnormality or personality disorder that makes the individual likely to reoffend if not confined in a secure facility.

In 1991, a federal district court civil rights lawsuit was filed alleging violations of the constitutional rights of individuals that were civilly committed under Washington law, and in 1994, the Federal District Court for Western Washington entered an order an injunction requiring the state to provide constitutionally adequate mental health treatment for individuals that have been civilly committed. The court also found that the lack of a less restrictive alternative (LRA) to total confinement limited an individual's opportunity to demonstrate their reduced risk and ordered the state to explore alternatives. Then, in 2007, the federal district court dismissed the injunction and closed the case after the state established two Secure Community Transition Facilities (SCTF) and amended state law, RCW 71.09.070, to require an annual review to determine if an SVP is eligible for placement in an LRA.

An LRA is a facility that provides court-ordered supervision, security, and treatment to individuals that have been civilly committed and conditionally released from a total confinement facility. Washington State does not regulate the location or land use and life safety of community based LRAs. The City of Poulsbo City Council has determined that the current city regulations do not sufficiently define LRA facilities or mitigate their land use and life safety impacts to protect both the residents of potential LRA facilities within the city or the neighbors of such facilities.

The Poulsbo City Council passed Ordinance 2019-07 on April 16, 2019. This ordinance established a six-month interim development prohibition on High-Risk Secured Facilities. The City Council authorized and extension to the interim development prohibition on October 9, 2019 (Ordinance 2019-16).

This code amendment proposes to replace the interim zoning regulations.

**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 Ordinance will apply to residentially zoned properties city-wide. The responses provided from this point forward imply city-wide applicability, unless otherwise specified.

The proposed amendment will allow a High-Risk Secured Facility to be sighted in Light Industrial.

B. ENVIRONMENTAL ELEMENTS	Agree	Disagree	Mitigate
<b>1. Earth</b>			
<p><b>a. General description of the site (check one):</b>  <input type="checkbox"/> flat <input type="checkbox"/> rolling <input type="checkbox"/> hilly <input type="checkbox"/> steep <input type="checkbox"/> slopes <input type="checkbox"/> mountainous  <input type="checkbox"/> other.</p> <p>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.</p>	✓		
<p><b>b. What is the steepest slope on the site (approximate percent slope)?</b></p> <p>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.</p>	✓		
<p><b>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</b></p> <p>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.</p>	✓		
<p><b>d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.</b></p> <p>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.</p>	✓		
<p><b>e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.</b></p> <p>This is not applicable to this non-project action.</p>	✓		
<p><b>f. Could erosion occur as a result of clearing, construction or use? If so, generally describe.</b></p> <p>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 tree cutting, grading, and critical areas regulations.</p>	✓		
<p><b>g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?</b></p> <p>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.</p>	✓		

<p><b>h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.</b></p> <p>None. No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<b>2. Air</b>			
<p><b>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.</b></p> <p>No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p><b>b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.</b></p> <p>No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p><b>c. Proposed measures to reduce or control emissions or other impacts to air, if any.</b></p> <p>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 PMC and the Engineering Department, which will be reviewed at the time of a specific project proposal moving forward.</p>	✓		
<b>3. Water</b>			
<b>a. Surface:</b>			
<p><b>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.</b></p> <p>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.</p>	✓		
<p><b>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.</b></p> <p>No development is proposed at this time. Determination will be made at the time specific proposals move forward.</p>	✓		
<p><b>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.</b></p> <p>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.</p>	✓		

<p>4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities, if known.</p> <p>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.</p>	✓		
<p>5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.</p> <p>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.</p>	✓		
<p>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.</p> <p>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.</p>	✓		
<b>b. Ground:</b>			
<p>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.</p> <p>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.</p>	✓		
<p>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.</p> <p>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.</p>	✓		
<b>c. Water Runoff (including storm water):</b>			
<p>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.</p> <p>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.</p>	✓		

<p>2) <b>Could waste materials enter ground or surface waters? If so, generally describe.</b></p> <p>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.</p>	✓		
<p>3) <b>Does the proposal alter or otherwise affect drainage patterns near the site? If so, describe.</b></p> <p>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.</p>	✓		
<p>d. <b>Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:</b></p> <p>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.</p>	✓		
<b>4. Plants</b>			
<p>a. <b>Check types of vegetation found on the site:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Deciduous tree: alder, maple, aspen, other</li> <li><input checked="" type="checkbox"/> Evergreen tree: fir, cedar, pine, other</li> <li><input checked="" type="checkbox"/> Shrubs</li> <li><input checked="" type="checkbox"/> Grass</li> <li><input checked="" type="checkbox"/> Pasture</li> <li><input type="checkbox"/> Crop or grain</li> <li><input checked="" type="checkbox"/> Wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other</li> <li><input type="checkbox"/> Water plants: water lily, eelgrass, milfoil, other</li> <li><input type="checkbox"/> Other types of vegetation</li> </ul> <p>The checked vegetation is found throughout Poulsbo. This is not applicable to this non-project action. No development is proposed at this time.</p>	✓		
<p>b. <b>What kind and amount of vegetation will be removed or altered?</b></p> <p>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.</p>	✓		
<p>c. <b>List threatened or endangered species known to be on or near the site.</b></p> <p>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.</p>	✓		
<p>d. <b>Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.</b></p> <p>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.</p>	✓		

<p>e. List all noxious weeds and invasive species known to be on or near the site.</p> <p>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.</p>	✓		
<b>5. Animals</b>			
<p>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:</p> <p><input type="checkbox"/> Birds: hawk, heron, eagle, songbirds, other:</p> <p><input type="checkbox"/> Mammals: deer, bear, elk, beaver, other:</p> <p><input type="checkbox"/> Fish: bass, salmon, trout, herring, shellfish, other:</p> <p>There are a variety of birds, fish, and mammals that inhabit Poulsbo. They are primarily located near streams and Liberty Bay.</p>	✓		
<p>b. List any threatened or endangered species known to be on or near the site.</p> <p>Poulsbo has several listed species, including bald eagle, blue heron, harbor seal, salmon (Chinook, chum, coho), steelhead, cutthroat, hardshell clam, smelt, and sand lance. No development is proposed at this time. Additional environmental review will be conducted at the time of application for specific development.</p>	✓		
<p>c. Is the site part of a migration route? If so, explain.</p> <p>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.</p>	✓		
<p>d. Proposed measures to preserve or enhance wildlife, if any.</p> <p>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.</p>	✓		
<p>e. List any invasive animal species known to be on or near the site.</p> <p>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.</p>	✓		
<b>6. Energy and Natural Resources</b>			
<p>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.</p> <p>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.</p>	✓		

<p>b. <b>Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.</b></p> <p>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.</p>	✓		
<p>c. <b>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.</b></p> <p>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.</p>	✓		
<b>7. Environmental Health</b>			
<p>a. <b>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.</b></p> <p>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.</p>	✓		
<p>1) <b>Describe any known or possible contamination at the site from present or past uses.</b></p> <p>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.</p>	✓		
<p>2) <b>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.</b></p> <p>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.</p>	✓		
<p>3) <b>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.</b></p> <p>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.</p>	✓		
<p>4) <b>Describe special emergency services that might be required.</b></p> <p>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.</p>	✓		

<p>5) <b>Proposed measures to reduce or control environmental health hazards, if any.</b></p> <p>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.</p>	✓		
<b>b. Noise</b>			
<p>1) <b>What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?</b></p> <p>The city has a typical level of noise expected in an urban environment.</p>	✓		
<p>2) <b>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.</b></p> <p>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.</p>	✓		
<p>3) <b>Proposed measures to reduce or control noise impacts, if any.</b></p> <p>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 Poulosbo Municipal Code.</p>	✓		
<b>8. Land and Shoreline Use</b>			
<p>a. <b>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.</b></p> <p>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.</p>	✓		
<p>b. <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? This is not applicable to this non-project action.</b></p>	✓		
<p>1) <b>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: This is not applicable to this non-project action.</b></p>	✓		
<p>c. <b>Describe any structures on the site.</b></p> <p>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.</p>	✓		
<p>d. <b>Will any structures be demolished? If so, what?</b></p> <p>This is not applicable to this non-project action. No development is</p>	✓		

<p>proposed at this time. Determination will be made at the time specific proposals move forward.</p>			
<p><b>e. What is the current zoning classification of the site?</b> 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.</p>	✓		
<p><b>f. What is the current comprehensive plan designation of the site?</b> 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.</p>	✓		
<p><b>g. If applicable, what is the current shoreline master program designation of the site?</b> 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.</p>	✓		
<p><b>h. Has any part of the site been classified as a critical area by the city or county? If so, specify</b> 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.</p>	✓		
<p><b>i. Approximately how many people would reside or work in the completed project?</b> 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.</p>	✓		
<p><b>j. Approximately how many people would the completed project displace?</b> 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.</p>	✓		
<p><b>k. Proposed measures to avoid or reduce displacement impacts, if any.</b> 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.</p>	✓		
<p><b>l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.</b> 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.</p>	✓		
<p><b>m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any.</b> 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.</p>	✓		
<p><b>9. Housing</b></p>			

<p>a. <b>Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.</b></p> <p>Not applicable to this non-project action. This is a non-project action.</p>	✓		
<p>b. <b>Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.</b></p> <p>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.</p>	✓		
<p>c. <b>Proposed measures to reduce or control housing impacts, if any.</b></p> <p>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.</p>	✓		
<b>10. Aesthetics</b>			
<p>a. <b>What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?</b></p> <p>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.</p>	✓		
<p>b. <b>What views in the immediate vicinity would be altered or obstructed?</b></p> <p>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.</p>	✓		
<p>c. <b>Proposed measures to reduce or control aesthetic impacts, if any.</b></p> <p>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.</p>	✓		
<b>11. Light and Glare</b>			
<p>a. <b>What type of light or glare will the proposal produce? What time of day would it mainly occur?</b></p> <p>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.</p>	✓		
<p>b. <b>Could light or glare from the finished project be a safety hazard or interfere with views?</b></p> <p>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.</p>	✓		
<p>c. <b>What existing off-site sources of light or glare may affect your proposal?</b></p> <p>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.</p>	✓		

<p>d. <b>Proposed measures to reduce or control light and glare impacts, if any.</b></p> <p>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 this time, the City's zoning ordinance contains lighting requirements. Additional environmental review will be required as sites are proposed for development.</p>	✓		
<b>12. Recreation</b>			
<p>a. <b>What designated and informal recreational opportunities are in the immediate vicinity?</b></p> <p>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.</p>	✓		
<p>b. <b>Would the proposed project displace any existing recreational uses? If so, describe.</b></p> <p>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.</p>	✓		
<p>c. <b>Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.</b></p> <p>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.</p>	✓		
<b>13. Historic and Cultural Preservation</b>			
<p>a. <b>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.</b></p> <p>This is a non-project action. Determination will be made at the time of specific proposals for development.</p>	✓		
<p>b. <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.</b></p> <p>This is a non-project action. Determination will be made at the time of specific proposals for development.</p>	✓		
<p>c. <b>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</b></p> <p>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.</p>	✓		

<p>d. <b>Proposed measures to reduce or control impacts, if any.</b></p> <p>If at the time of site-specific development, evidence of historic or cultural resources are found, proper protocols and notifications will be initiated.</p>	✓		
<b>14. Transportation</b>			
<p>a. <b>Identify public streets and highways serving the site and describe proposed access to the existing street system. Show on site plans, if any.</b></p> <p>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.</p>	✓		
<p>b. <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?</b></p> <p>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.</p>	✓		
<p>c. <b>How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?</b></p> <p>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.</p>	✓		
<p>d. <b>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).</b></p> <p>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.</p>	✓		
<p>e. <b>Will the project use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe.</b></p> <p>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.</p>	✓		
<p>f. <b>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?</b></p> <p>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.</p>	✓		
<p>g. <b>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.</b></p> <p>This is not applicable to this non-project action. No development is proposed at this time. Determination will be made at the time specific</p>	✓		

proposals move forward.			
<p><b>h. Proposed measures to reduce or control transportation impacts, if any.</b></p> <p>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. At the time of development review, projects will be reviewed for traffic impacts and appropriate mitigation will be imposed. TIAs will be required for any future development.</p>	✓		
<b>15. Public Services</b>			
<p><b>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.</b></p> <p>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.</p>	✓		
<p><b>b. Proposed measures to reduce or control direct impacts on public services, if any.</b></p> <p>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.</p>	✓		
<b>16. Utilities</b>			
<p><b>a. Check the utilities currently available at the site:</b></p> <p><input type="checkbox"/> electric <input type="checkbox"/> natural gas <input type="checkbox"/> water <input type="checkbox"/> refuse service <input type="checkbox"/> telephone,  <input type="checkbox"/> sanitary sewer <input type="checkbox"/> septic system <input type="checkbox"/> other.</p> <p>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.</p>	✓		
<p><b>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.</b></p> <p>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.</p>	✓		
<b>C. SIGNATURE</b>			

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: 10/29/19  
*Associate Planner*

## D. SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS

<b>1.</b>	<p><b>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?</b></p> <p>As a non-project action, the High Risk Secured Facilities Zoning Amendments 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.</p> <p><b>Proposed measures to avoid or reduce such increases are:</b></p> <p>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.</p> <p>All future developments will be required to meet Poulsbo Municipal Code (PMC) Chapter 13.18, Illicit Discharge Detention and Elimination, Chapter 15.35, Tree Cutting and Clearing, Chapter 15.40, Grading, and Chapter 13.17, Stormwater Management. In addition, all construction is required to meet Chapter 15.32, Regulation of Construction Hours.</p>
<b>2.</b>	<p><b>How would the proposal be likely to affect plants, animals, fish, or marine life?</b></p> <p>As a non-project action, High Risk Secured Facilities Zoning Amendments would not directly affect plants, animals, fish or marine life. Projects resulting from the update will require further review under SEPA. However, the City's Critical Areas Ordinance (CAO), Chapter 16.20, establishes appropriate protection measures and procedures for habitat conservation.</p> <p><b>Proposed measures to protect or conserve plants, animals, fish, or marine life are:</b></p> <p>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.</p> <p>The City may require completion of environmental studies by qualified professionals to assess the impact of proposed development on critical areas. The City's CAO requires vegetative buffers along surface waters to protect anadromous fish and wildlife habitat. New development may be subject to buffers, as identified in the CAO and other applicable development standards.</p>
<b>3.</b>	<p><b>How would the proposal be likely to deplete energy or natural resources?</b></p> <p>As a non-project action, the High Risk Secured Facilities Zoning Amendments would not deplete energy or natural resources. Projects resulting from the amendments will require further environmental review at the time of development application.</p> <p><b>Proposed measures to protect or conserve energy and natural resources are:</b></p> <p>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.</p> <p>All future developments are required to meet the current edition of the International Energy Conservation Code, as published by the ICC, as adopted by the Washington State Building Code Council.</p>
<b>4.</b>	<p><b>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?</b></p> <p>The CAO includes standards to protect critical areas and their buffers when development is proposed.</p>

	<p><b>Proposed measures to protect such resources or to avoid or reduce impacts are:</b></p> <p>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.</p>
5.	<p><b>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?</b></p> <p>The proposed updates will not change existing land use patterns.</p> <p><b>Proposed measures to avoid or reduce shoreline and land use impacts are:</b></p> <p>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.</p> <p>Per Comprehensive Plan Policy NE-7.1, Proposed development projects shall be reviewed for consistency with the no net loss policy, taking into account (1) the environmental limitations and sensitivity of the shoreline area; (2) proposed mitigation for anticipated impacts; (3) the level of infrastructure and services available; and (4) other comprehensive planning considerations.</p> <p>Per Comprehensive Plan Policy NE-7.2, new development and redevelopment in all shoreline environment designations shall be consistent with the "preferred use" and "priority use" provisions as set forth in 90.58.020 RCW and WAC 173-26-201, or their successors.</p>
6.	<p><b>How would the proposal be likely to increase demands on transportation or public services and utilities?</b></p> <p>No development is proposed. 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.</p> <p><b>Proposed measures to reduce or respond to such demand(s) are:</b></p> <p>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.</p> <p>Per Comprehensive Plan Policy TR-2.1, a concurrency level of service (LOS) standard of LOS E has been established for all transportation facilities (except as otherwise designated) in the City of Poulsbo in order to serve as a gauge to judge performance of the City's transportation system.</p> <p>Per Comprehensive Plan Policy TR-1.4, each new development in the City shall mitigate its traffic impacts by providing safety and capacity improvements to the City's transportation system in order to maintain the adopted level of service on transportation facilities and to provide for the safe and efficient movement of people and goods using multiple modes of travel. Concurrency shall be the minimum required. Mitigation required of any individual development shall be related and roughly proportional to the impacts of that development where so required by law. Mitigation of traffic impacts may be achieved in any number of ways, including but not limited to, actual construction of improvements, financial contribution in lieu of such construction, payment of impact fees imposed under RCW 82.02, implementation of transportation demand strategies, or any other method that is acceptable to the City and that will result in actual mitigation for the impacts of the development.</p>
7.	<p><b>Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.</b></p> <p>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.</p>

Reviewed By Kudalgoraf

Date: 11/12/19

# **EXHIBIT E**

**Interim Ordinance (2019-07) and  
Extension Ordinance (2019-16)**

**POULSBO DISTRIBUTION SCHEDULE**

**ORDINANCE NO. 2019-07**

**SUBJECT: Interim Regulations on High Risk Secured Facilities**

**CONFORM AS TO DATES & SIGNATURES**

- Filed with the City Clerk: 04/16/19
- Passed by the City Council: 04/17/19
- Signature of Mayor
- Signature of City Clerk
- Publication: 04/26/19
- Effective: 04/17/19
- Recorded: \_\_\_\_\_

**DISTRIBUTED COPIES AS FOLLOWS:**

- NK Herald: 04/19/19
- Code Publishing
- City Attorney
- Clerk's Department: Original
- City Council
- Finance:
- Posted to Library Drive and Website
- \_\_\_\_\_

Rhiannon Fernandez  
City Clerk

04/19/19  
Date

ORDINANCE NO. 2019-07

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING INTERIM DEVELOPMENT REGULATIONS AND FINDINGS IN SUPPORT THEREOF; AMENDING CHAPTERS 18.40.030 AND 18.90 OF THE POULSBO MUNICIPAL CODE IN ORDER TO ADOPT INTERIM REGULATIONS RELATED TO HIGH RISK SECURED FACILITIES; PROVIDING FOR A PUBLIC HEARING ON THE INTERIM REGULATION, PROVIDING FOR THE INTERIM REGULATION TO BE IN EFFECT FOR A PERIOD OF SIX MONTHS OR UNTIL A PERMANENT REGULATION IS ADOPTED; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

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**WHEREAS**, in 1990, Washington State passed a law, Chapter 71.09 RCW, to authorize the indefinite civil commitment of individuals found by a Superior Court to be a Sexually Violent Predator (SVP); and

**WHEREAS**, certain individuals that are civilly committed as SVPs have fulfilled their sentence, but have been found to suffer from a mental abnormality or personality disorder that makes the individual likely to reoffend if not confined in a secure facility; and

**WHEREAS**, in 1991, a federal district court civil rights lawsuit was filed alleging violations of the constitutional rights of individuals that were civilly committed under Washington law; and

**WHEREAS**, in 1994, the Federal District Court for Western Washington entered an order an injunction requiring the state to provide constitutionally adequate mental health treatment for individuals that have been civilly committed. The court also found that the lack of a less restrictive alternative (LRA) to total confinement limited an individual's opportunity to demonstrate their reduced risk and ordered the state to explore alternatives; and

**WHEREAS**, in 2007, the federal district court dismissed the injunction and closed the case after the state established two Secure Community Transition Facilities (SCTF) and amended state

law, RCW 71.09.070, to require an annual review to determine if an SVP is eligible for placement in an LRA; and

**WHEREAS**, an LRA is a facility that provides court-ordered supervision, security, and treatment to individuals that have been civilly committed and conditionally released from a total confinement facility; and

**WHEREAS**, Washington State does not regulate the location or land use and life safety of community based LRAs; and

**WHEREAS**, the City Council of the City of Poulsbo has determined that the current city regulations do not sufficiently define LRA facilities or mitigate their land use and life safety impacts to protect both the residents of potential LRA facilities within the city or the neighbors of such facilities; and

**WHEREAS**, the Growth Management Act (GMA), Chapter 36.70A RCW, provides that each jurisdiction's comprehensive plan and development regulations shall be subject to continuing review and evaluation; and

**WHEREAS**, the City Council has authority to adopt interim zoning regulations to protect public health safety pursuant to RCW 36.70A.390; and

**WHEREAS**, the City Council desires to enact interim regulations to protect public health and safety in a way that mitigates land use and life safety impacts without precluding the state-mandated placement of housing for persons that are civilly committed and conditionally released to a less restrictive alternative to total confinement; **NOW, THEREFORE,**

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

**SECTION 1. Adoption of Findings.** The recitals set forth above are hereby adopted as the Poulsbo City Council's findings justifying the interim development regulation amendments adopted by this ordinance. The Poulsbo City Council may, but is not required to, adopt additional findings after the public hearing referred to in Section 5 below.

**SECTION 2. Amendments to PMC 18.40.030 Adopted.** A new definition to PMC 18.40.030 is hereby adopted as follows:

18.40.030 H Definitions: “High-Risk Secured Facility” means a facility that provides court-ordered housing, supervision, 24-hour security, and coordinates treatment services for persons who are found by the court to be a “Sexually Violent Predator” or pose a likelihood of serious harm to others as defined in RCW 71.05.020 and are civilly-committed to a less restrictive alternative as defined in state law. Such facilities accommodate two or more persons placed by the court plus treatment and support stat. A High-Risk Secured Facility does not include:

A. Secure community transition facilities proposed under the authority of, and consistent with the provisions of Chapter 71.09 RCW; or

B. Nursing homes, assisted living or adult family homes that become licensed as enhanced services facilities as defined in RCW 70.97.060(4).

**SECTION 3. Amendments to PMC 18.90.030 Adopted.** Amendments to the Use Table set forth in Section 18.90.030 of the Poulsbo Municipal Code (PMC) are hereby adopted as set forth in Attachment 1, attached hereto and incorporated herein by this reference.

**SECTION 4. Amendments to PMC 18.90 Adopted.** A new section to PMC 18.90 is added and is hereby adopted as set forth below:

**18.90.085 High-Risk Secured Facility.**

A High-Risk Secured Facility shall comply with the following conditions:

- A. A High Risk Secured Facility shall be allowed within the zoning districts set forth in Table 18.90.030 and through a conditional use permit. Siting within any other zoning districts is prohibited.
- B. A neighborhood meeting is required pursuant to PMC 19.60.
- C. A High Risk Secured Facility shall not be located adjacent to, immediately across the street or parking lot from, or within the line of sight of a risk potential activity or facility in existence at the time a facility is established.
  1. “Within line of sight” means that it is possible to reasonably visually distinguish and recognize individuals.
  2. “Risk potential activities and facilities” means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private school, school bus stops, licensed day care and licensed preschool facilities, domestic violence shelters, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples,

mosques, public libraries, public and private youth camps, and others identified during a public hearing. For the purpose of this section "school bus stops" does not include bus stops established primary for public transit.

3. A High-Risk Secured Facility shall not be located in a community protection zone as defined in RCW 9.94A.030(6).
  - a. Distance shall be measured from all property lines of a High-Risk Secured Facility from all property lines of the facilities and grounds of a public or private school.
- D. A High-Risk Secured Facility shall meet the applicable health district standards for water and sewage disposal to account for staff and residents.
- E. Principle access to the site shall be from a City maintained right-of-way.
- F. A High-Risk Secured Facility shall be equipped with a mechanism that is interlocked with the fire protection system to automatically release security locks and allow safe egress from the structure in the event of fire or other emergency.
- G. A High-Risk Secured Facility shall be equipped with a backup power system and an automatic transfer switch sufficient to energize and maintain the function of safety, security, and surveillance systems in the event of a power outage.

**SECTION 5. Public Hearing.** This ordinance is being adopted as an interim measure to mitigate land use impacts of accommodating persons that have been civilly committed and conditionally released to a less restrictive alternative. A public hearing will be held, pursuant to the provisions of RCW 36.70A.390 within sixty (60) days of the date of this Ordinance. Following the public hearing, the City's Planning and Economic Development Department may be directed to develop a permanent ordinance which will be considered at a public hearing within six (6) months of the date of this Ordinance.

**SECTOIN 6. Transmittal to Commerce.** Pursuant to RCW 36.70A.106, this ordinance shall be transmitted to the Washington State Department of Commerce as required by law.

**SECTION 7. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions or this ordinance or its application to any other person or situation.

**SECTION 8. Declaration of Emergency- Immediate Effective Date.** For the reasons set forth in the recitals above, the Poulsbo City Council hereby finds and declares that an emergency exists

that makes this ordinance necessary for the immediate protection of the public health, public safety, public property, or public peace. This ordinance, having been passed by a majority plus one of the whole membership of the Council, shall therefore become effective immediately upon passage as provided in RCW 35A.12.130. The City Clerk shall make public the attached summary of the ordinance in the City's official newspaper as soon as practicable.

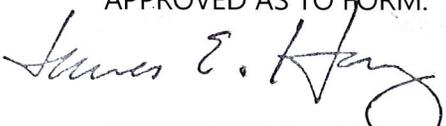
APPROVED:

  
\_\_\_\_\_  
MAYOR REBECCA ERICKSON

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
CITY CLERK RHIANNON FERNANDEZ

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY JAMES E. HANEY

FILED WITH THE CITY CLERK: 04/16/19  
PASSED BY THE CITY COUNCIL: 04/17/19  
PUBLISHED: 04/26/19  
EFFECTIVE DATE: 04/17/19  
ORDINANCE NO. 2019-07

SUMMARY OF ORDINANCE NO. 2019-07  
of the City of Poulsbo, Washington

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On April 17, 2019, the City Council of the City of Poulsbo, Washington, approved Ordinance No. 2019-07, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING INTERIM DEVELOPMENT REGULATIONS AND FINDINGS IN SUPPORT THEREOF; AMENDING CHAPTERS 18.40.030 AND 18.90 OF THE POULSBO MUNICIPAL CODE IN ORDER TO ADOPT INTERIM REGULATIONS RELATED TO HIGH RISK SECURED FACILITIES; PROVIDING FOR A PUBLIC HEARING ON THE INTERIM REGULATION, PROVIDING FOR THE INTERIM REGULATION TO BE IN EFFECT FOR A PERIOD OF SIX MONTHS OR UNTIL A PERMANENT REGULATION IS ADOPTED; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE

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

DATED this 17th day of April, 2019.



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CITY CLERK, RHIANNON FERNANDEZ CMC

ATTACHMENT 1 to Ordinance 2019-07:

**Table 18.90.030 Business and Employment District Uses**

<b>USE</b>	<b>OCI</b>	<b>BP</b>	<b>LI</b>
<b>Office and Professional Services</b>			
All forms of corporate, professional, public, brokerage, administrative, financial, building trade, and research offices	P	P	X
Corporate headquarters and regional offices	P	P	X
Office-oriented service providers, such as communications services, photocopying, courier and messenger services, graphic design, printing, promotional products, and the like	P	P	X
Office equipment sales and services	P	P	X
Technology service and support, copy and connectivity centers, telework centers	P	P	X
<b>Business/Technology Research and Development</b>			
Biotechnology/medical laboratories	AC	AC	AC
Computer technology	P	P	P
Electronic components and board systems engineering and development	P	P	P
Research and research industry-oriented service providers	P	P	P
Software engineering	P	P	X
<b>Commercial Services and Retail</b>			
Auto and boat service and repair (but not sales)	X	X	P
Auto fuel service station <i>(An associated retail convenience structure may be allowed; however, size is limited to no more than 1,500 square feet.)</i>	AC	AC	X <i>unless associated in support of a permitted</i>

**Table 18.90.030 Business and Employment District Uses**

<b>USE</b>	<b>OCI</b>	<b>BP</b>	<b>LI</b>
			<i>vehicle fleet use</i>
Building materials retail sales <i>(not including regional retailers which are not allowed)</i>	AC	AC	X
Commercial convenience, personal services, and restaurant establishments <i>(In existing or new structures 5,000 square feet or larger, commercial convenience, personal service uses, and restaurant eating/drinking establishments are allowed but are to be subordinate to the building's primary uses. All commercial uses located in the structure shall be limited to 25% of the building's gross square footage. No drive-through facilities are allowed.)</i>	P	P	X
Commercial retail in conjunction with a primary use <i>(Retail sales of products assembled, manufactured, etc., in the OCI/BP/LI zoning districts are allowed but are to be subordinate to the building's primary use. Retail sales use is limited to 25% of the building's gross square footage.)</i>	P	P	P
Food service contractor	P	P	P
Food and drink where manufactured and sold on premises <i>(on-premises tasting room, restaurant, and/or retail sales limited to 25% of gross square footage)</i>	AC	AC	AC
Nursery/landscaping materials retail sales	AC	P	X
Wholesale product showrooms	P	P	AC
<b>Light Industrial</b>			
Equipment rental	AC	AC	P
Industrial laundry and upholstery services	X	AC	P
Resource recycling and recovery <i>(not including recycling dropoff facilities)</i>	X	X	P
<b>Manufacturing</b>			

**Table 18.90.030 Business and Employment District Uses**

<b>USE</b>	<b>OCI</b>	<b>BP</b>	<b>LI</b>
Beverage products	AC	P	P
Cabinet shop or carpenter shop	AC	AC	P
Electrical and electronic equipment manufacture	AC	P	P
Electrical component assembly, including assembly of computer products, office equipment, and related components	P	P	P
Metal, wood and other materials fabrication and assembly in an enclosed building	AC	AC	P
Food and kindred products, manufacture, processing and packaging <i>(excluding animal slaughtering and processing)</i>	AC	P	P
Furniture and fixtures manufacture and assembly	AC	P	P
Handcrafted products, crafts or other art-related items	P	P	P
Large-scale and mass produced lumber and wood products <i>(excluding sawmills)</i>	X	AC	P
Measuring, analyzing and control instruments	P	P	P
Medical equipment and supplies	P	P	P
Miscellaneous light fabrication and assembly not otherwise named	AC	AC	P
Perfumes, cosmetics and similar preparations	AC	AC	P
Photographic, medical, audio and optical equipment	AC	P	P
Printing, publishing and allied products	AC	P	P
Products made from light stone, clay and glass	AC	P	P
Signs	P	P	P
Textiles, apparel and leather goods	P	P	P
<b>Warehousing, Distribution and Storage</b>			

**Table 18.90.030 Business and Employment District Uses**

<b>USE</b>	<b>OCI</b>	<b>BP</b>	<b>LI</b>
Equipment/materials outdoor storage as a primary use (including building trade and landscaping)			
a. Storage yards occupying less than 10,000 square feet	AC	AC	P
b. Storage yards occupying more than 10,000 square feet	X	AC	AC
Commercial fuel distributors	X	C	AC
Mail order or direct selling and distribution	P	P	P
Packing, crating and convention and trade show services	P	P	P
Processing and/or packaging previously prepared materials	P	P	P
Self-serve mini-storage	X	AC	P
Truck and freight transportation services	X	C	AC
Warehousing, product distribution, and wholesale trade	X	AC	P
<b>Residential</b>			
Dwelling units above nonresidential uses (mixed use structures) <i>(Nonresidential uses must be located on ground level or first floor if ground level is parking)</i>	P	P	AC
Employee/security units in conjunction with manufacturing, distribution or storage uses	P	P	P
Existing residential use without increase in density <i>(subject to the provisions of Section <a href="#">18.160.060</a>)</i>	P	P	P
Live/work units	P	X	X
<b>Public and Quasi-Public</b>			
Essential public facilities, state and regional	P	P	P
Essential public facilities, local	C	C	C
Government maintenance shops and fleet vehicle storage	AC	AC	P
Public administration office and services	P	P	P

**Table 18.90.030 Business and Employment District Uses**

<b>USE</b>	<b>OCI</b>	<b>BP</b>	<b>LI</b>
Public parks	P	P	P
Solid waste transfer facilities	X	C	C
Recycling dropoff facilities	X	AC	P
Utility facilities and utility system	P	P	P
Transit facilities, including park and ride lots and transfer centers	C	C	C
Wireless communication facilities (exceeding 21' in height)	C	C	C
Co-location on existing facility or structure	AC	AC	AC
Wireless communication facilities (20' or less)	P	P	P
<b>Other</b>			
Adult entertainment businesses	X	X	P
Ambulatory and outpatient care services (physicians, outpatient clinics, dentists)	P	P	X
Child care centers	AC	AC	X
College, universities, technical, trade and other specialty schools	C	C	X
Existing legal nonconforming uses <i>(provided that the legal nonconforming use continues and does not cease to be in use for 12 months or longer. See Chapter 18.160)</i>	P	P	P
Grade schools (K—12)	C	C	X
<b>High-Risk Secured Facilities</b>	<b>X</b>	<b>X</b>	<b>C</b>
Hospital	C	C	X
Museums, historic and cultural exhibits	P	P	X
Privately owned amusement, sports or recreation establishments <i>(retail sales limited to 25% of use's total square footage)</i>	P	P	X

**Table 18.90.030 Business and Employment District Uses**

<b>USE</b>	<b>OCI</b>	<b>BP</b>	<b>LI</b>
Churches, new freestanding structures and existing building(s) 5,000 square feet or larger	C	C	X
Churches, under 5,000 square feet and within an existing building(s)	AC	AC	X
Sports arena or stadium	C	C	X
Veterinary clinics and hospitals (not including kennels)	P	P	X

**POULSBO DISTRIBUTION SCHEDULE**

**ORDINANCE NO. 2019-16**

**SUBJECT: Extending the Adoption of Interim Dev Regs for High Risk Secured Facilities**

**CONFORM AS TO DATES & SIGNATURES**

- Filed with the City Clerk: 10/02/19
- Passed by the City Council: 10/09/19
- Signature of Mayor
- Signature of City Clerk
- Publication: 10/18/19
- Effective: 10/23/19
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Rhiannon Fernandez  
City Clerk

10/15/19  
Date

**ORDINANCE NO. 2019-16**

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, EXTENDING THE ADOPTION OF INTERIM DEVELOPMENT REGULATIONS RELATED TO HIGH RISK SECURED FACILITIES; ADOPTING FINDINGS IN SUPPORT OF THE EXTENSION PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

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**WHEREAS**, Ordinance 2019-07, passed by the City Council on April 17, 2019, imposed a six-month development regulation amendment to Chapter 18.90 and Section 18.40.030 of the Poulsbo Municipal Code, related to High Risk Secured Facilities; and

**WHEREAS**, an extension of the interim development regulation established in Ordinance 2019-07 is necessary to allow the city staff time to bring forward a complete amendment package; and

**WHEREAS**, RCW 36.70A.390 and RCW 35A.63.220 authorizes the City to extend the interim development regulation for additional six-month periods as long as a public hearing is held prior to the extension and findings are made justifying the continuing imposition of the interim development regulation; and

**WHEREAS**, the Poulsbo City Council held a public hearing on the extension of the interim development regulation on October 9, 2019 and has decided to adopt this ordinance;

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

**Section 1. Adoption of Findings.** The findings of the Poulsbo City Council in Ordinance 2019-07 are hereby re-adopted as justification for the extension of the interim development regulation established by that ordinance. The recitals set forth above are hereby adopted as additional findings of the Poulsbo City Council justifying the extension.

**Section 2. Interim Development Regulation Extended.** Pursuant to RCW 36.70A.390 and RCW 35A.63.220, the emergency interim amendment to Table 18.80.030 of the

Poulsbo Municipal Code made by Ordinance 2019-07 is hereby extended for an additional six months from the current expiration date, i.e. from October 16, 2019 through April 16, 2020.

**Section 3. Work Plan.** The work plan attached to this Ordinance as Exhibit A is hereby adopted. The work plan is a guideline for completing the action items necessary to adopt permanent regulations and specific dates and process steps may be adjusted administratively as the need arises as long as the substance of the action items remains the same.

**Section 4. Transmittal to Department.** Pursuant to 36.70A.106, this ordinance shall be transmitted to the Washington State Department of Commerce as required by law.

**Section 5. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

**Section 6. Effective Date.** This ordinance shall take effect five (5) days after passage and publication of an approved summary consisting of the title, or as otherwise provided by law.

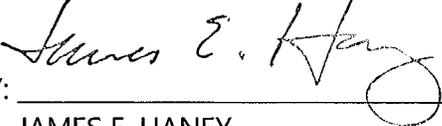
APPROVED:

  
\_\_\_\_\_  
MAYOR REBECCA ERICKSON

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
CITY CLERK RHIANNON FERNANDEZ

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

  
BY: \_\_\_\_\_  
JAMES E. HANEY

FILED WITH THE CITY CLERK: 10/02/19  
PASSED BY THE CITY COUNCIL: 10/09/19  
PUBLISHED: 10/18/19  
EFFECTIVE DATE: 10/23/19  
ORDINANCE NO. 2019-16

SUMMARY OF ORDINANCE NO. 2019-16  
of the City of Poulsbo, Washington

On the 9th day of October, 2019, the City Council of the City of Poulsbo, passed Ordinance No. 2019-16. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, EXTENDING THE ADOPTION OF INTERIM DEVELOPMENT REGULATIONS RELATED TO HIGH RISK SECURED FACILITIES; ADOPTING FINDINGS IN SUPPORT OF THE EXTENSION PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

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

DATED this 9th day of October, 2019.



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CITY CLERK RHIANNON FERNANDEZ

**EXHIBIT A**

## **EXHIBIT A**

The following is the anticipated work plan for amendments to PMC 18.40.030 and 18.90 relating to High Risk Secured Facilities:

### **November 15, 2019**

Public Release of Proposed Amendments to PMC 18.40.030 and 18.90 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.

### **November 15, 2019**

Notice of Application with Optional DNS, Planning Commission Public Hearing, and City Council Public Hearing published in NK Herald; distributed to resource agencies, Tribe, other interested parties

### **November 29, 2019**

NOA/ODNS comment period over

### **December 10, 2019**

PC Public Hearing 7 p.m. | Council Chambers

### **December 12, 2019**

Transmittal PC Recommended Commercial Code Update to City Council

### **December 18, 2019**

City Council Public Hearing - 7 p.m. | Council Chambers