

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2019-20

SUBJECT: Edward Rose Master Plan Release

CONFORM AS TO DATES & SIGNATURES

- ☒ Filed with the City Clerk: 11/12/19
- ☒ Passed by the City Council: 11/20/19
- ☒ Signature of Mayor
- ☒ Signature of City Clerk
- ☒ Publication: 11/29/19
- ☒ Effective: 12/05/19
- ☐ Recorded: _____

DISTRIBUTED COPIES AS FOLLOWS:

- ☒ NK Herald: 11/21/19
- ☒ Code Publishing
- ☐ City Attorney
- ☒ Clerk's Department: Original
- ☐ City Council
- ☐ Finance:
- ☒ Posted to Library Drive and Website
- ☐ _____

Rhiannon Fernandez
City Clerk

12/13/19
Date

ORDINANCE NO. 2019-20

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING FINDINGS AND CONCLUSIONS; APPROVING THE ROSE MASTER PLAN RELEASE, ZONING MAP AMENDMENT REMOVING THE MASTER PLAN OVERLAY FROM THE ROSE MASTER PLAN PARCELS, PLANNING FILE 08-06-19-01; AUTHORIZING THE CITY COUNCIL TO EXECUTE AND RECORD AN INSTRUMENT EXTINGUISHING THE ROSE MASTER PLAN DEVELOPER AGREEMENT; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Poulsbo City Council Re-Designated and Re-Zoned certain land located on the NE corner of State Highway 305 and Bond Road from Residential Medium (RM) to Residential Medium with a Master Plan Combining District (MP) Overlay for the Rose Master Plan for the following parcels: 102601-4-022-2009, 112601-3-021-2001, 112601-3-006-2000, 112601-3-008-2008 by the passage of City of Poulsbo Ordinance 2010-25; and

WHEREAS, the Poulsbo City Council approved, on June 28, 2011, a comprehensive plan re-designation and rezone for 9.29 acres from Residential Medium with a Master Plan Overlay to Commercial with a Master Plan Overlay. A development agreement was proposed and approved. The City Council approved both proposals with the passage of City of Poulsbo Ordinance 2011-10; and

WHEREAS, a condition of the Master Plan was that development be commenced within seven years of approval, and that a three year extension could be requested, such an extension was requested and granted by the Planning and Economic Development Director on November 3, 2017, extending the validity of the Rose Master Plan to June 28, 2021, and

WHEREAS, the property owner has moved forward in research, market and land analysis necessary for development. The results of the analysis required changes to the Rose Master Plan

triggering a Master Plan Amendment process. Additional Rose Master Plan amendments were expected but unknown. After detailed review of the desired development and development permitted under the current standards in effect by the City of Poulsbo, the property owner determined that the most efficient permit path for development of the Edward Rose & Sons property is to release the Rose Master Plan, remove the Master Plan Overlay from the Zoning Map, and extinguish the Developer Agreement, and

WHEREAS, such an application was received by the Planning and Economic Development Department on August 6, 2019. The City conducted environmental review of the proposed application under the State Environmental Policy Act and, using the optional DNS process, issued a Notice of Application with Optional DNS on September 6, 2019; and

WHEREAS, the Poulsbo Planning Commission held a public meeting on the proposed application on October 8, 2019 and, after considering all testimony received and all other available information, adopted findings and conclusions and recommended that the Poulsbo City Council approve the application; and

WHEREAS, the Poulsbo City Council held a public hearing on the Rose Master Plan Release application on October 16, 2019 and, after considering all public testimony received at the hearing and other available information, determined to accept the recommendation of the Planning Commission and direct the Planning and Economic Development Department to draft an ordinance with direction of the City Attorney for the Rose Master Plan Release, amendment of the Zoning Ordinance Map to remove the Master Plan Overlay from the four affected parcels, and to extinguish the developer agreement; **NOW THEREFORE**,

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

Section 1. Findings. In support of the actions undertaken by this ordinance, the Poulsbo City Council adopts the findings and conclusions of the Poulsbo Planning Commission dated October 8, 2019, as well as the rationale contained in the Staff Report to the City Council dated October 1, 2019.

Section 2. Rose Master Plan is Released. All associated approvals, waivers, and modifications to the Zoning Ordinance as part of and as associated with the Rose Master Plan are null and void. All future development of the four properties with tax parcel ID: 102601-4-022-2009, 112601-3-021-2001, 112601-3-006-2000, 112601-3-008-2008 will henceforth be reviewed and approved under the current City of Poulsbo development standards, construction standards, stormwater regulations, and all other such regulations in effect at the time of land use permit application.

Section 3. Zoning Map Amendment for Four Properties Located North of SR 305 and Bond Road intersection with tax parcel ID: 102601-4-022-2009, 112601-3-021-2001, 112601-3-006-2000, 112601-3-008-2008 removing the Master Plan Overlay Zoning District.

The four parcels are to have the Master Plan Overlay Zone District removed. The underlying zoning will remain in effect. The Official Zoning Map of the City of Poulsbo is hereby amended to reflect this rezone as depicted on the map attached as Exhibit A to this ordinance.

Section 4. Developer Agreement to be Extinguished. The application filed by the Edward Rose Millennial Development LLC seeking to extinguish the developer agreement recorded under Kitsap County Auditor's File No. 201304100072 on April 10, 2013 is hereby

granted. Upon recording of the instrument attached as Exhibit B to this ordinance, the developer agreement will be extinguished and will no longer govern development of the property, and future redevelopment or new development will be governed by the City's adopted development regulations.

Section 5. Mayor's Authority. The Mayor is hereby authorized and directed to execute an instrument in a form approved by the City Attorney releasing the developer agreement recorded under Kitsap County Auditor's File No. 201304100072. The Mayor or her designee is also authorized to provide for the recording of said instrument at the expense of the applicant.

Section 8. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 9. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary, which is hereby approved.

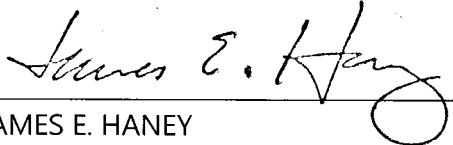
APPROVED:


MAYOR REBECCA ERICKSON

ATTEST/AUTHENTICATED:


CITY CLERK RHIANNON K. FERNANDEZ

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JAMES E. HANEY

FILED WITH THE CITY CLERK: 11/12/19
PASSED BY THE CITY COUNCIL: 11/20/19
PUBLISHED: 11/29/19
EFFECTIVE DATE: 12/5/19
ORDINANCE NO. 2019-20

SUMMARY OF ORDINANCE NO. 2019-20

of the City of Poulsbo, Washington

On the 20th day of November, 2019, the City Council of the City of Poulsbo, passed Ordinance No. 2019-20. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTING FINDINGS AND CONCLUSIONS; APPROVING THE ROSE MASTER PLAN RELEASE, ZONING MAP AMENDMENT REMOVING THE MASTER PLAN OVERLAY FROM THE ROSE MASTER PLAN PARCELS, PLANNING FILE 08-06-19-01; AUTHORIZING THE CITY COUNCIL TO EXECUTE AND RECORD AN INSTRUMENT EXTINGUISHING THE ROSE MASTER PLAN DEVELOPER AGREEMENT; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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

DATED this 20th day of November, 2019.

A handwritten signature in black ink, consisting of a circular loop followed by a long, horizontal, slightly wavy line.

CITY CLERK RHIANNON K. FERNANDEZ

After Recording, Return to:

Rhiannon Fernandez
City Clerk
200 NE Moe St.
Poulsbo, WA 98370

POULSBO CITY OF **201912120078**
Extinguish Rec Fee: \$ 107.50
12/12/2019 08:29 AM
Paul Andrews, Kitsap Co Auditor

Page: 1 of 5

**DEVELOPER AGREEMENT
for ROSE MASTER PLAN to
be EXTINGUISHED**

Grantor(s): City of Poulsbo, a Washington Municipal Corporation

Grantee(s): Edward Rose Millennial Development LLC

Abbreviated Legal Description:

For Kitsap County Assessor's Parcel ID: **102601-4-022-2009 SW SW 11-26-01E**
SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, ALL IN
TOWNSHIP 26 NORTH, RANGE 1 EAST.

For Kitsap County Assessor's Parcel ID: **112601-3-021-2001 SW SW 11-26-01E**
SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 26 NORTH, RANGE 1 EAST.

For Kitsap County Assessor's Parcel ID: **112601-3-006-2000 SW SW 11-26-01E**
SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 26 NORTH, RANGE 1 EAST.

For Kitsap County Assessor's Parcel ID: **112601-3-008-2008 SW SW 11-26-01E**
SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 11, TOWNSHIP 26
NORTH, RANGE 1 EAST.

Assessor's Property Tax Parcel Account Number(s):

102601-4-022-2009, 112601-3-021-2001, 112601-3-006-2000, 112601-3-008-2008

Reference Numbers of Documents Assigned or Released (if applicable):

201304100072

RELEASE OF ROSE MASTER PLAN DEVELOPER AGREEMENT

WHEREAS, by passage of Ordinance 2011-10 in 2011, the City of Poulsbo approved the Rose Master Plan Developer Agreement for certain property identified as tax ID: 102601-4-022-2009, 112601-3-021-2001, 112601-3-006-2000, 112601-3-008-200821868 north of the SR 305 and Bond Road intersection, hereinafter described ("the property"). The Developer Agreement was recorded against the title to the property under Kitsap County Recording No. 201304100072 on April 10, 2013, and

WHEREAS, the properties are legally described as: For Kitsap County Assessor's Parcel ID: **102601-4-022-2009**

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10 AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, ALL IN TOWNSHIP 26 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SECTION 10; THENCE WEST 379.50 FEET NORTH 237 FEET; THENCE NORTH 28*16' EAST 105.6 FEET; THENCE NORTH 933.7 FEET; THENCE EAST 150 FEET; THENCE NORTH 641.3 FEET; THENCE EAST 180 FEET, MORE OR LESS, TO SECTION LINE; THENCE SOUTH 1905 FEET TO BEGINNING; EXCEPT THAT PORTION, IF ANY, CONVEYED TO ANDERSON BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 422440; ALSO BEGINNING AT SOUTHWEST CORNER OF SECTION 11 EAST 168.5 FEET NORTH 5*9' WEST 93.07 FEET; THENCE NORTH 76*11' EAST 160 FEET; THENCE NORTH 23*35' WEST 341.9 FEET; THENCE NORTH 68*27 ½', EAST 182.6 FEET TO THE WEST MARGIN TO COUNTY ROAD; THENCE ALONG THE WEST MARGIN OF SAID COUNTY ROAD NORTH 7*19' WEST 1404.5 FEET; THENCE WEST 170 FEET, MORE OR LESS, TO THE SECTION LINE; THENCE SOUTH 1905 FEET TO THE POINT OF BEGINNING; EXCEPT HIGHWAY 21A; AND EXCEPT THAT PORTION LYING SOUTH OF HIGHWAY, and

For Kitsap County Assessor's Parcel ID: **112601-3-021-2001**

A PORTION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 26 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER 556.8 FEET OF THE SOUTHWEST CORNER THEREOF; THENCE NORTH 23*10' WEST 556.8 FEET; THENCE NORTH 7*19' WEST TO A POINT 360 FEET SOUTH OF THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE EAST TO THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH 960 FEET; THENCE EAST 165 FEET; THENCE SOUTH 1320 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER; THENCE WEST ALONG THE SOUTH LINE TO POINT OF BEGINNING; EXCEPT VETTER ROAD; EXCEPT STATE HIGHWAY 21-A; AND EXCEPT THAT PORTION OF ABOVE DESCRIBED PROPERTY LYING SOUTHERLY OF STATE HIGHWAY 21-A, and

For Kitsap County Assessor's Parcel ID: **112601-3-006-2000**

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 26 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING 660 FEET EAST OF THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 1320 FEET; THENCE EAST 660 FEET; THENCE NORTH 1320 FEET; THENCE WEST 660 FEET TO THE POINT OF BEGINNING; EXCEPT ANY PORTION LYING WITHIN THE EAST HALF OF SAID SOUTHWEST QUARTER, and

For Kitsap County Assessor's Parcel ID: **112601-3-008-2008**

THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 11, TOWNSHIP 26 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 495 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 1320 FEET; THENCE EAST 495 FEET; THENCE SOUTH TO THE WEST MARGIN OF COUNTY ROAD; THENCE FOLLOWING WEST BOUNDARY OF SAID ROAD IN A SOUTHWESTERLY DIRECTION TO A POINT DUE EAST OF THE POINT OF BEGINNING; THENCE WEST TO THE POINT OF BEGINNING; EXCEPT STATE HIGHWAY NO. 21-A; EXCEPT BOND ROAD; AND EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON UNDER AUDITOR'S FILE NO. 200601200266; EXCEPT THAT PORTION, IF ANY, LYING SOUTHWESTERLY OF STATE HIGHWAY NO. 21-A; EXCEPT THAT PORTION, IF ANY, LYING NORTHWESTERLY OF BOND ROAD, and

WHEREAS, Ordinance No. 2019-__ authorizes the execution and recording of any necessary instruments to extinguish and remove the Developer Agreement from the title to the property and the City has executed this instrument with the intention of doing so, and

THE CITY OF POULSBO HEREBY RELEASES, REMISES AND FOREVER DISCHARGES Edward Rose Millennial Development LLC and anyone acquiring title to any portion of the property before or after the recording of this instrument, from and against any and all duties and obligations of the Owners under the Concomitant Agreement recorded against the property under Kitsap County Recording No. 201304100072 on April 10, 2013.

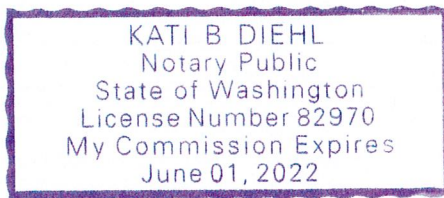
Edward Rose Millennial Development LLC, on behalf of themselves, their heirs, successors, and assigns, hereby agree that said Developer Agreement no longer applies to or governs development of the property and hereby release, remise, and forever discharge the City of Poulsbo from any and all duties and obligations of the City under the Developer Agreement.


The parties agree that the Developer Agreement is terminated and of no further force and effect.

STATE OF WASHINGTON)
) ss.
COUNTY OF KITSAP)

I certify that I know of or have satisfactory evidence that Rebecca Erickson and Rhiannon Fernandez are the persons who appeared before me, and said persons acknowledged that they signed this instrument, on oath stated that they were authorized to execute the instrument and acknowledged it as the Mayor and City Clerk of the City of Poulsbo to be the fee and voluntary act of such party for the purposes mentioned in the instrument.

Dated: 12/10/2019



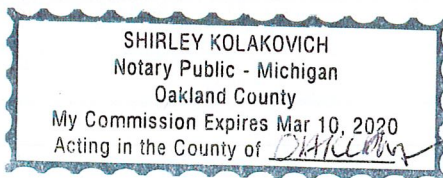



Notary Public
Print Name Kati B. Diehl
Residing at Poulsbo, WA
My Commission Expires 06-01-2022

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

I certify that I know of or have satisfactory evidence that Mark Perkoski is the person who appeared before me, and said persons acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: _____






Notary Public
Print Name Shirley Kolakovich
Residing at Oakland County
My Commission Expires 3/10/2020

EXECUTED on the date hereinafter specified.

CITY OF POULSBO



Mayor Rebecca Erickson

Date:

ATTEST:



Rhiannon Fernandez
City Clerk

PROPERTY OWNER,



Mark Perkoski, Edward Rose Millennial Development LLC

Zoning Ordinance Map City of Poulsbo, Washington

Legend

- City Limits
- - - Urban Growth Area
- ▨ Master Plan Overlay
- Park
- Residential Low (4 to 5 units/ac)
- Residential Medium (6 to 10 units/ac)
- Residential High (11 to 14 units/ac)
- C-1 Downtown/Front Street
- C-2 Viking Avenue
- C-3 SR 305 Corridor
- C-4 College MarketPlace
- Office Commercial Industrial
- Business Park
- Light Industrial

# Street Name	# Street Name
1 NE Youngquist St	22 Kentucky Ln NW (PVT)
2 Weathervane Ln NE	23 Scoter Lane NE (PVT)
3 Blue Lagoon PL NE	24 NE Cooperation Way
4 Cherry Blossom Lp NE (PVT)	25 Max William PI NE
5 NE Angel Oak Ct (PVT)	26 NE Minor Ct (PVT)
6 NE Flowering Dogwood Ct (PVT)	27 NE Vader Ct (PVT)
7 NE Goldenchain Ct (PVT)	28 Hillsong PI NE (PVT)
8 NE Honey Locust Ct (PVT)	29 NE Craftsman Way (PVT)
9 Wild Chesnut PI NE (PVT)	30 NE Rugosa Way (PVT)
10 Sugar Maple PI NE (PVT)	31 Antonson Way NE (PVT)
11 Hamilton Ct NE	32 NE Tricia Rd (PVT)
12 Weeping Peach Ct NE (PVT)	33 Vicki Rd NE (PVT)
13 Whispering Will PI NE (PVT)	34 NE Tani Rd (PVT)
14 NW Staffordshire Ct	35 Farrel St NE (PVT)
15 Gadwell LN NE (PVT)	36 Elliot Ave NE (PVT)
16 NE Whimbrel Ln (PVT)	37 NE Tosha St (PVT)
17 Johanna Vel Ln NW (PVT)	38 Wendy Way NE (PVT)
18 Morajeon Ln NW (PVT)	39 Odessa Way NE (PVT)
19 Patriot Ln NW (PVT)	40 NE Fontaine St (PVT)
20 Laurene Way NW (PVT)	41 NW Slippery Pig Way (PVT)
21 Baron Ln NW (PVT)	42 Malbec St NW
	43 Marelaine Ln NW (PVT)

0 750 1,500 3,000 4,500 6,000 Feet
 Zoning Map Primary Map Sources and Original Scales:
 Kitsap County Assessor's Tax Maps 1:12,000 (Kitsap County IT, GIS Division)
 Published November 2019

The Zoning Ordinance Map is intended for general purpose planning. Maps are schematic representations of physical features, infrastructure, and land ownership boundaries. The map information was derived from available public records and existing sources, not from surveys. Studies may be necessary with project review to verify information.