

## INTRODUCTION:

The proposed amendments to the Poulsbo Municipal Code (PMC) are part of the Planning and Economic Development Departments on-going effort to make land use regulations more usable for residents, developers, and City staff by correcting errors, eliminating text ambiguities, codifying internal policies, and reflecting changes in state law. The proposed amendments do not involve significant changes to the code.

Amendments are included for the following PMC Chapters: 15.35, Tree Cutting and Clearing; 16.20, Critical Areas; 17.30, Boundary Line Adjustments; 18.40, Zoning Definitions; 18.70, Residential Districts; 18.80, Commercial Districts; 18.120, Design Review; 18.130; Landscaping; 18.140, Off-Street Parking; 19.20, Application Classification; 19.30, Application Review Procedures; 19.50, Public Notices; 19.70, Decision Appeal Procedures; 19.80, Time Frames for Review; and 19.90, Post Decision Procedures.

The proposed amendments to the sections identified above, have been assigned an amendment number and are presented below in its sequential order per the Poulsbo Municipal Code. The amendments are represented as red underline for proposed new language or additions, and ~~red strikeout~~ for deletions. *It should be noted that not all provisions of a specific section are presented below; only the pertinent sections proposed to be amended are identified. For full context, please refer to the complete section in the Poulsbo Municipal Code: <https://www.codepublishing.com/WA/Poulsbo/>.*

Full project review documents, including timeline, can be viewed on the project website: <https://cityofpoulsbo.com/development-regulation-amendments/>.

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## TITLE 15: BUILDINGS AND CONSTRUCTION | Chapter: Tree Cutting and Clearing

### 1. Section: 15.35.070 Activities Exempt from Tree Cutting or Clearing Permit.

An exemption from a tree cutting or clearing permit does not necessarily exempt a property owner from complying with other requirements. These may include policies, criteria, and standards contained in this chapter, plat requirements, HOA rules, or other applicable local, state, or federal regulations or permit requirements.

- A. Normal and routine maintenance of existing landscaping, such as lawn mowing, rototilling, composting, gardening and pruning of vegetation.
- B. Any removal or cutting on developed, partially developed, or undeveloped lots when the total area to be disturbed is seven thousand square feet or less (see Stormwater Management Manual for Western Washington) per calendar year.
- C. The installation and maintenance of fire hydrants, water meters, and pumping stations by the city or its contractors.
- D. All nonconversion forest practice on property equal to or greater than twenty acres; and has provided a statement to the city and DNR that the forest landowner does not intend to convert the use to a nonforest operation for a period of at least ten years. All applicable state forest practice permit requirements remain, as set forth under Chapter 76.09 RCW. (Class IV general forest practice requires a tree cutting and clearing permit; see Section 15.35.090 for Class IV general forest practice.)
- E. Minimal blazing for line-of-site surveying and foot access and limited clearing and grading as required to perform geotechnical exploration to characterize geologic formations and soils.
- F. The removal of plants designated as noxious weeds by government agencies.
- G. Trees that are damaged during a weather event, such as windstorm.
- H. Removal of trees in emergency situations involving immediate danger to life or property or substantial fire hazards. If the removal is seven thousand one square feet or more of disturbed area, or is located within an open space tract, tree retention tract, required landscaping, designated critical area or shoreline (including buffers) and other protective areas, the city shall be notified within seven days of the removal and shall be provided additional information, as to verify the emergency. An after-the-fact permit may be required.
- I. Removal of dead, dying or dangerous trees per Section 15.35.120.
- J. Removal of trees on City owned property for installation of utilities and public facilities and maintenance of City property.

**2. Section: 15.35.110 Trees and Vegetation in Open Space Tracts, Tree Retention Tracts and other Protective Areas.**

A. Trees located in open space tracts, tree retention tracts, or other protected areas may only be removed if the tree is dead, dying, or dangerous and poses potential hazard to persons or property. See Section 15.35.120 for provisions to remove dead, dying or dangerous trees.

~~B. A tree cutting and clearing permit is required for tree removal in these protective areas.~~

B. ~~C.~~ Replanting is required. Replacement trees shall conform to the original planting installation or as approved by the planning director.

1. Tree replacement shall be determined according to the diameter at breast height (DBH) of the tree removed, upon consultation with the city arborist.
2. The location of the replacement tree(s) shall be on the property where the tree was removed, unless approved otherwise by the planning director upon consultation with the city arborist.
3. If any replacement tree dies within three years of the planting, the tree shall be replaced in accordance with this chapter.

**3. Section: 15.35.120 Dead, Dying or Dangerous Trees.**

A. For purposes of this section:

1. "Dead" means the tree is lifeless.
2. "Dying" means the tree is in an advanced state of decline because it is diseased, infested by insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent the spread of the infestation or disease to other trees.
3. "Dangerous" means the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.

B. Removal of dead, dying or dangerous trees is allowed. If the removal is seven thousand one square feet or more of disturbed area, or is located within ~~an open space tract, tree retention tract, required landscaping,~~ a designated critical area (including buffers) and other protective areas, a tree cutting and clearing permit shall be required.

C. When ~~removal of dead, dying or dangerous trees is allowed a permit is required~~ per subsection B of this section, a qualified arborist or landscape architect shall provide written verification which states the removal is essential for the protection of life, limb or property. The planning director may consult with the city arborist to assist in the review of the submitted written verification when deemed necessary.

D. The planning director, upon consultation with the city arborist, may determine that dead or dying trees be retained in critical area, critical area buffer, tree retention tract, open space tract or other protected areas, in order to provide for wildlife habitat and natural processes, unless the tree presents a potential hazard to person or properties.

**TITLE 16: ENVIRONMENT | Chapter: 16.20 Critical Areas | Fish and Wildlife Habitat Conservation**

**4. Section: 16.20.320 Project-Specific Development Standards.**

I. Road/Street Repair and Construction. Public road or street repair, maintenance, expansion or construction may be allowed in fish and wildlife habitat conservation areas or their buffers subject to the following development standards:

1. No other reasonable or practicable alternative exists;
2. The road or street serves multiple properties wherever possible;
3. Publicly owned or maintained road or street crossings provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.;
4. The road or street construction is the minimum necessary, as required by the department, and shall comply with the department's guidelines to provide public safety and mitigated storm water impacts;
5. Construction time limits shall be determined in consultation with WDFW in order to ensure habitat protection; and
6. Mitigation shall be performed in accordance with specific project mitigation requirement.

## TITLE 17: LAND DIVISION | Chapter: 17.30 Boundary Line Adjustments

### 5. Section: 17.30.040 Decision Criteria.

The review authority may approve an application for a boundary line adjustment provided the following criteria are met:

- A. The boundary line adjustment shall not result in the creation of any additional lot, tract, parcel, site, or division.
- B. The lots or parcels resulting after the boundary line adjustment shall meet all dimensional requirements specified for the applicable zone as set forth in Title 18, Zoning.
  - 1. Boundary line adjustments in residentially zoned property must meet the requirements of minimum and maximum lot sizes, as set forth in Section 18.70.040, Table 18.70.050 or Table 18.70.060.
    - a. In the RL zoning district, when adjusting lots through this section, ~~one~~ lots may exceed the maximum lot size if it is a minimum fifteen thousand square feet or larger, in order to be of sufficient size to be further subdivided in the future; and which no existing or future structure(s) is located in such a way as to prevent future subdivision that meets the city's lot dimensional requirements. All other adjusted lots must meet the minimum/maximum lot size requirement.

## TITLE 18: ZONING ORDINANCE | Chapter: 18.40 Definitions

### 6. Section: 18.40.030 Definitions.

#### B Definitions.

Building Height. See also Section 18.150.050. The vertical distance measured from the average elevation of the finished grade at an exterior building wall or building segment to the highest point of the building wall or building segment. The overall building height shall be calculated as the average of all building sides. A "building segment" is when a break in the roof line, change in number of stories, or break in finished grade occurs of at least four feet.

#### F Definitions.

"Farmers market" means an indoor and/or outdoor retail market open to the public consisting of three or more independent vendors, with each vendor operating independently from other vendors and subleasing booths, stalls or tables for the purpose of selling farm-grown or home-grown produce, food, flowers, plants or other similar perishable goods, and/or new wares, used goods or merchandise, , which operates for a minimum of six months per year.

#### G Definitions.

"Grade" means average ground level around a building; for the purposes of measuring building height, "grade" is defined as the average elevation of the finished surface of the ground or paving where it touches the building per building wall or segment.

"Grade, highest sidewalk" means the highest elevation of the sidewalk parallel to the building frontage.

#### L Definitions.

"Lot depth" means the horizontal length of a straight line drawn from the midpoint of the average distance measured from the front lot line to the rear lot line. In the case of a corner lot, the depth shall be the length of its longest side lot line.

#### M Definitions.

~~"Beverage/food and retail sales m~~Mobile vending cart" means a cart or wagon that can be pushed or pulled (not self-propelled) with functional wheels which is not affixed to the ground and is mobile; and which is operated for the purpose of vending food, drink, or retail goods.

"Mobile food truck" means motorized vehicles from which food or drink (prepared on-site or pre-packaged) is sold or served to the public, whether consumed on-site or elsewhere.

#### N Definitions.

"Nonprofit community organization" means a bona fide nonprofit organization recognized by the United States Internal Revenue Service as a charitable institution exempt from taxation under Section 503(C) of the Internal Revenue Code and whose principal offices or meeting place is located within the city of Poulsbo.

#### S Definitions.

"Site distance triangle" means a clear view area maintained within a triangular space at the corner of a lot so that it does not obstruct the view of travelers upon the streets, as determined by the City Engineer.

V Definitions.

Vending Cart. See definition of “~~beverage/food and retail sales~~ mobile vending cart.”

**TITLE 18: ZONING ORDINANCE | Chapter: 18.70 Residential Districts.**

**7. Section: 18.70.030 Uses.**

Table 18.70.030 Residential District Uses			
	RL	RM	RH
<b>RESIDENTIAL</b>			
Accessory dwelling units <sup>1</sup> <i>(subject to provisions of Section 18.70.070(A))</i>	AC	AC	AC
Accessory structures normal to residential environment <sup>1</sup>	P	P	P
Adult family home	P	P	P
Boarding or rooming houses	C	AC	P
Confidential shelter <sup>1</sup> (including confidential transition homes) <i>no public noticing required; see Section 18.70.070(H)</i>	AC	AC	P
Dormitory	C	AC	P
Dwelling, multifamily <i>Duplex, triplex, apartment, townhomes, detached/clustered cottage attached or detached condominiums</i>	PRD <sup>2</sup> <i>Only allowed through planned residential development provisions; see Chapter 18.260</i>	P	P
Dwelling, single-family	P	P	P
Group residential home	P	P	P
Group home	P	P	P
Guest houses <sup>1</sup>	P	P	P
Homeless shelter	AC	AC	AC
Infill residential development <sup>1</sup>	AC	<i>Not applicable</i>	<i>Not applicable</i>
Manufactured home parks/subdivisions	C	C	C
Planned residential developments <sup>3</sup> <i>(subject to provisions of Chapter 18.260)</i>	P	P	P
<b>BUSINESS SERVICES</b>			
Bed and breakfast <sup>1</sup>	AC (up to five rooms) C (six or more rooms)	AC	AC
Home business <sup>1</sup>	P	P	P
Home occupation <sup>1</sup>	<u>P</u> AC	<u>P</u> AC	<u>P</u> AC
Live/work units	X	AC	AC
Neighborhood commercial <sup>1</sup>	C	AC	AC
Professional offices, freestanding up to 5,000 square feet <sup>1</sup>	X	AC	AC
Self-serve mini storage	X	X	AC
<b>MEDICAL AND HEALTH SERVICES</b>			
Animal hospital and veterinary clinics, freestanding up to 5,000 square feet	X	AC	AC
Assisted living	C	AC	P
Congregate care senior housing	C	AC	P
Medical/dental offices and clinics, freestanding up to 5,000 square feet	X <sup>4</sup> <i>Limited dental office/clinic allowed as neighborhood commercial; see Section 18.70.070(F)(6)</i>	AC	AC
Nursing home	C	AC	AC
Residential care facility	C	AC	P
Residential care home	P	P	P

	RL	RM	RH
<b>EDUCATION SERVICES</b>			
Family Day care, family home <sup>1</sup>	P	P	P
Preschool/Day care center <sup>1</sup>	X <sup>5</sup> <i>Unless as an accessory use in conjunction with a permitted use; see Section 18.70.070(D)</i>	AC	AC
Schools, public or private	C	C	C
<b>PUBLIC AND QUASI-PUBLIC</b>			
Essential public facilities, regional and state	P	P	P
Essential public facilities, local <sup>6</sup> <i>(subject to the provisions of Chapter 18.125)</i>	C	C	C
Governmental and public administration buildings, including fire stations, recreation buildings, post offices, and similar government services, but not including government maintenance shops In RM and RH zones only: Nongovernment professional office use, personal service, eating/drinking and retail commercial use may be permitted within the government and public administration buildings; all nongovernment uses combined shall not total more than 25% of gross building square footage. (Other agreements, funding constraints or mechanisms that limit the use(s) of government/public administration buildings shall take precedent over this provision.)			
Existing structures or new construction 5,000 square feet or less	AC	AC	AC
New construction 5,001 square feet or more	C	C	C
Public parks	P	P	P
Utility facilities and utility system	AC	AC	AC
Transit facilities, including park and ride lots and transfer centers	C	C	C
Wireless communication facilities	C	C	C
<b>OTHER</b>			
Agriculture, current use/conservation futures <i>(as defined in Chapter 18.40)</i>	P	P	P
Cemeteries	C	C	C
Clubs, lodges and charitable institutions, new freestanding structures or existing building(s) 5,001 square feet or larger <sup>1</sup>	C	C	C
Clubs, lodges, charitable institutions and similar uses, under 5,000 square feet and within an existing building(s) <sup>1</sup>	C	AC	AC
Farmers market <sup>1</sup> <i>(see Section 18.70.070(L))</i>	P	P	P
Places of worship, new freestanding structures and existing building(s) 5,001 square feet or larger <sup>1</sup>	C	C	C
Places of worship, under 5,000 square feet and within an existing building(s) <sup>1</sup>	C	AC	AC
Privately owned amusement, sports or recreation establishments, such as marina, country clubs and golf courses, but not including such intensive commercial recreation uses as a golf driving range (unless within a golf course), racetrack, amusement park, or gun club	C	C	C
<sup>1</sup> Subject to additional standards in Section 18.70.070 <sup>2</sup> Only allowed through planned residential development provisions; see Chapter 18.260 <sup>3</sup> Subject to standards in Chapter 18.270 <sup>4</sup> Limited dental office/clinic allowed as neighborhood commercial; see Section 18.70.070(F)(6) <sup>5</sup> Unless as an accessory use in conjunction with a permitted use; see Section 18.70.070(D) <sup>6</sup> Subject to the provisions of Chapter 18.125 <sup>7</sup> Limited to public markets run by nonprofit community organizations			

**TITLE 18: ZONING ORDINANCE | Chapter: 18.70 Residential Districts.**

**8. Section: 18.70.050 Development Standards in the RL Zone.**

A. Lot Requirements. Table 18.70.060 establishes the lot requirements in the RM and RH zoning districts.

Table 18.70.060 Lot Requirements in the RM/RH Districts			
Development Standard	Single-Family Detached (including any method of subdivision for single-family detached, except detached cottage) <sup>1</sup>	Multifamily Developments (including duplex, triplex, apartment, townhouse, detached cottage, * or attached or detached condominium)	Nonresidential
Minimum Lot Area	4,000 square feet	None	6,000 square feet
Minimum Lot Width	50'	20'	50'
Maximum Building Lot Coverage	50%	60%	50%
Front Yard Setback	15'	10'	20'
Rear Yard Setback	10'	10' 20' when abutting RL zone	20'
Side Yard Setback	5'	Detached: 10' 20' when abutting RL zone	Minimum 5' for a combined total of 15'
Street Corner Yard Setback (corner lots at intersections(s) of public streets/rights-of-way)	10' <sup>2</sup>	10' <sup>2</sup>	10' <sup>2</sup>
Increases in Yard Setbacks	N/A	For side, rear and peripheral yards, the setback shall be increased by 6" for each foot the building height exceeds 25'.	
Building Height	No building or structure shall exceed 35' in height. <sup>3</sup>		
<sup>1</sup> See Section 18.70.070(l) for cottage housing development lot requirements. <sup>2</sup> or g Greater distance may be if necessary, for sight distance as determined by the city engineer. <sup>3</sup> See Section 18.150.050 for building height measurement; Section 18.310.010 for building height exceptions.			

B. Special Setbacks between Residential Buildings with ~~More Than~~ Two or More Attached Units.

1. There shall be a minimum distance of ten feet between buildings or structures when a structure has two or more units and it exceeds twenty-five feet in height. There shall be an additional minimum distance of six inches for each foot buildings or structures exceed twenty-five feet of height on the same parcel or in the same development.
2. For the purpose of calculating special setback required in subsection (B)(1) of this section, the determination of special setback distance shall be calculated based on the average height of the facing sides of the buildings or structures.

C. Recreational Amenities.

1. For all residential developments proposed in the RM/RH zone, recreational amenities shall be provided. The number of amenities shall be based upon the number of dwelling units provided:

1–20 units	2 amenities
21–40 units	3 amenities
41–60 units	4 amenities
61–80 units	5 amenities
81 units or over	1 additional amenity per 20 units

2. Usable recreational amenities shall be provided for their intended use and anticipated residents of the development. Examples of usable recreational amenities include swimming pools, whirlpools, community buildings, large picnic areas including barbecues and covered shelters, tennis courts, outdoor exercise circuits, community gardens, improved playgrounds, paths and passive seating areas, exercise rooms, basketball courts, pickleball courts, and shuffleboard, and others as approved by the review authority.

3. Larger amenities, such as (but not limited to) community building, tennis courts, and swimming pools, may count as at least two amenities towards a project's required recreational amenities, or as approved by the review authority.
4. For attached units, each unit shall have an exclusive accessible outdoor private space of not less than forty square feet in area. The area shall be designed to provide privacy for unit residents and their guests.
5. The recreational amenities are to be maintained by a homeowners' association, property management, or other private association approved by the review authority.
6. Developments which are built in phases shall provide on-site recreation facilities for each phase or shall provide the total amount of required recreation area in the first phase of construction.

D. Landscaping, Site and Building Design Standards.

1. Site Landscaping. All developments proposed in the RM/RH zoning districts must provide landscaping as follows:
  - a. Minimum Requirement. A minimum of twenty percent of the property area shall be landscaped. Setback, parking lot, street trees and building perimeter landscaping contributes to this requirement.
  - b. Critical area buffers may count toward this requirement but cannot contribute more than forty percent of the twenty percent overall site landscaping requirement.
  - c. Retaining land at its natural grade with existing native vegetation is strongly encouraged and may contribute toward the required landscape percentage requirement if the existing vegetation is healthy and likely to survive development. A maintenance assurance device, agreement or bond for two years will be required to ensure the existing vegetation remains healthy and additional vegetation appropriate to the overall site's landscape plan must be installed if the existing vegetation does not survive.
  - d. Tree retention as required in Chapter 18.180 may contribute toward the required landscape percentage requirement.
  - e. Low impact development techniques for stormwater management that are not fenced and can be designed to integrate vegetation appropriately into the site's overall landscape plan may count toward this requirement as approved by the review authority.
  - f. Areas designated for special setbacks between buildings and common recreational amenities shall be landscaped, and such landscaped areas may contribute toward the required landscape percentage requirement.
2. Setback Landscaping.
  - a. Setback areas are to be landscaped and covered with live plant materials that will ultimately cover seventy-five percent of the ground area within three years. One tree (deciduous tree of a minimum of two inches caliper or one six-foot evergreen tree) and three shrubs, each of which will attain a height of three and one-half feet within three years, shall be provided for every three hundred square feet of area to be landscaped.
  - b. Setback landscaping may include low impact development stormwater management facilities that are not fenced and can be designed to integrate vegetation appropriately into the setback's landscape area.
  - c. When adjacent to the RL zoning district, setback landscaping shall be provided for the full width of the setback and will include a combination of sight-obscuring fencing, solid screen of evergreen trees and shrubs and berming, as approved by the review authority.
3. Street Trees. Street trees and related landscaping shall be provided forty feet on center for arterials and thirty feet on center for collectors within a minimum five-foot planting strip. Groundcover of sod or other approved groundcover shall be provided. Species of trees shall be as set forth in the city's master street tree plan if applicable, or as otherwise approved by the review authority.
4. Parking Lot Landscaping. Parking lots with more than ten spaces shall be landscaped. A minimum of five percent of the parking lot area (that area inside parking lot perimeter curbing) shall be landscaped; planting area width shall be a minimum of five feet. Providing adequate shading opportunities should be taken into account. Parked vehicles may not overhang if the planting area width is the minimum five feet. Wheel stops are required for all parking spaces abutting landscaped areas. Unfenced low impact development stormwater management facilities may be located in parking lot landscaping when feasible and when designed to be integrated appropriately in the landscaped area and may count toward the parking lot landscaping requirement.
5. Building Perimeter Landscaping. For any building wall that exceeds an average of thirty feet in height, a planting bed is required with a hierarchy of plantings for at least sixty percent of the wall length provided:

- a. Columnar trees shall be installed minimum four feet from the building's foundation within a minimum six-foot-wide planting bed at the structure's foundation/base; or larger trees may be planted twenty-five feet on center within a fifteen-foot planting bed and minimum ten feet from base.
  - b. Shrubs or small trees ranging from one to six feet in height at maturity shall be planted three to six feet on center (depending on size at maturity) within the required planting bed.
  - c. Groundcover or other organic material shall be provided to reduce wind and water erosion.
6. Alternative Landscaping Plans. The planning director may authorize modification of the landscape requirements when alternative plans comply with the intent of this chapter and:
- a. Represent a superior result than what would be achieved by strictly following requirements of this section; and
  - b. Incorporate unique or architectural features such as sculptures, boulders, pedestrian plazas, and the like.
7. ~~6.~~ On-Site Pedestrian Circulation. For residential developments in the RM/RH zoning districts, an on-site pedestrian circulation system meeting the following standards shall be provided. The pedestrian circulation system is in addition to recreational amenities identified in subsection C of this section.
8. ~~7.~~ On-Site Vehicular Circulation, Parking and Bicycle Facilities.
9. ~~8.~~ Building Design Standards. The purpose of building design standards in the RM and RH zoning districts is to facilitate attractive architectural design and scale by avoiding large blank walls, bright colors and providing roof line treatment.
10. ~~9.~~ Screening Standards. Mechanical equipment, trash and recycling dumpsters, and any outdoor related equipment shall be screened from abutting properties, public rights-of-way, and open space. Outdoor Storage and Trash Receptacles. Outdoor dumpster and recycling storage and trash receptacles shall be completely screened with a combination of fencing and landscaping. from adjacent properties and public right of way. Screening shall be complementary to the materials and colors of the primary structure(s) and shall be of a height appropriate to reduce the appearance of the materials being screened.
11. ~~10.~~ Lighting. Lighting on site should be integrated into the overall design on the project.
- a. Lighting is required for entryways, parking lots, carports, and along pedestrian pathways.
  - b. Lighting fixtures shall complement project design.
  - c. Lighting shall be oriented and shielded to avoid direct glare onto adjacent properties and public rights-of-way, while providing adequate safety for pedestrians.
  - d. A photometric plan shall be required as part of the underlying permit which shows lumen readings every 10 feet within the property or site, and 10 feet beyond the property lines. The photometric plan shall consider proposed and existing landscaping at maturity to evaluate the long-term and seasonal effectiveness of lighting or screening of lighting.

## **TITLE 18: ZONING ORDINANCE | Chapter: 18.80 Commercial Districts.**

### **9. Section: 18.80.100 Off-Street Parking and Loading Standards in the C-1 Zoning District.**

The following standards apply to parking and loading in the C-1 zoning district:

#### **A. When Required.**

- 1. Change of commercial use to a new commercial use within an existing structure and no additional gross floor area: no parking requirement.
- 2. Conversion, expansion or creation of new residential units.
- 3. Enlargement of an existing structure up to a maximum of one thousand five hundred additional square feet of gross floor area: no parking requirement.
- 4. Enlargement of an existing structure of more than one thousand five hundred one additional square feet: parking provided as set forth in subsection B of this section and Section 18.140.020(B)(2)(c).
- 5. New construction: parking provided as set forth in subsection B of this section.
- 6. Reconstruction of an existing building: new parking required for additional square footage only; provided, that existing parking spaces are retained.
- 7. Conversion, expansion or creation of a hotel, motel, bed and breakfast: one space per guestroom is required.

B. Number of Spaces Required.

1. Retail sales, personal services, restaurant, office and professional services: one space per three hundred gsf.
2. Residential:
  - a. Studio/one bedroom: one space per studio/dwelling unit.
  - b. Two bedrooms or more: two spaces per dwelling unit.
  - c. Residential units restricted to use for seniors (sixty-five years and older): one and one-quarter spaces per dwelling unit.
  - d. Assisted living, senior congregate care, residential care center: one for each four regular beds (or units), plus one space for every full-time employee on largest shift.
  - e. Guest parking is one space per ~~four~~ eight dwelling units; provided, that commercial use parking spaces may meet this requirement at a one-to-one ratio replacement when uses' peak hours of operation do not overlap.
3. Other uses not specifically listed shall furnish parking as required by the planning director.

**TITLE 18: ZONING ORDINANCE | Chapter: 18.120 Design Review.**

**10. Section: 18.120.020 Applicability.**

- A. The city's design review process applies to development proposals, new construction and projects requiring a building permit that includes alteration to the building facade exterior of an existing building, for the following:
  1. Neighborhood commercial and nonresidential projects located in the RL zoning district. Projects located in the RM and RH zoning districts, including multifamily developments; live/work, neighborhood commercial, and mixed use; assisted living, congregate care facilities and the like; and nonresidential uses.
  2. Projects located in the C-1, C-2, C-3, and C-4 zoning districts.
  3. Projects located in the OCl, BP and LI zoning districts.
  4. Projects utilizing the master plan overlay provisions.
- B. The following activities shall be exempt from design review:
  1. Minor exterior alterations to buildings which do not result in an increase in floor area and are substantially consistent with the existing building design and character. ~~Minor construction,~~ such as, for example, replacement of doors, windows, trim, awnings, and the like determined by the planning director to be exempt.
  2. Interior work.
  3. Building permit for single-family residence.
  4. Utility facilities.
  6. Any other work determined by the planning director to be minor or incidental in nature and consistent with the intent and objectives of this chapter and the specific zoning district provisions.
- C. Building architectural design requirements are as set forth under each specific zoning district provisions.

**TITLE 18: ZONING ORDINANCE | Chapter: 18.130 Landscaping.**

**11. Section: 18.130.090 Street Trees.**

- A. Street Trees Required. Street trees and related landscaping shall be provided forty feet on center for arterials and thirty feet on center for collectors. Groundcover of sod or other approved groundcover shall be provided. Species of trees shall be as set forth in the city's master street tree plan, if applicable, or as otherwise approved by the review authority.
- B. Size, Spacing and Placement of Street Trees. The specific spacing of street trees by size of tree shall be as follows:
  1. Deciduous trees shall be a minimum of 1.5-inch caliper as measured 6 inches above the ground. Conifer trees shall be a minimum of 5 feet in height at time of planting. ~~One two-inch caliper deciduous tree shall be provided as set forth above; provided, that~~ Ithe review authority may adjust the spacing to accommodate access points or other obstructions.
  2. Tree pits shall be located so as not to include utilities (e.g., water and gas meters) in the tree well.
  3. Where there are overhead power lines, the street tree species selected shall be of a type which, at full maturity, will not interfere with the lines.

- 4. ~~3.~~ Trees shall not be planted closer than two feet from the face of the curb.
- 5. ~~4.~~ Trees shall not be planted closer than two feet from any permanent hard surface paving or walkway.
- C. Street trees shall meet the standards of the most current edition of American Standard for Nursery Stock (ANSI Z60.1). Plant material should be obtained from established commercial licensed nursery growers and installed by qualified landscape professionals.
- D. ~~C.~~ Cut and Fill around Existing Trees. Existing healthy trees may be used as street trees if no cutting or filling takes place within the dripline of the tree.
- E. ~~D.~~ Replacement of Street Trees. Existing street trees removed shall be replaced. The replacement trees shall be of a size and species similar to the trees that are being removed unless alternatives are approved by the review authority.

**TITLE 18: ZONING ORDINANCE | Chapter: 18.140 Off Street Parking and Loading**

**12. Section: 18.140.030 General Provisions.**

- H. Driveways.
  - 1. Entrances and Exits. The minimum width of driveway into a parking area shall be twelve feet for one-way traffic and twenty-four feet for two-way traffic, or as otherwise required by the city engineer or fire marshal.
  - 2. Combined Driveway. The owners of adjoining nonresidential properties shall provide combined driveways wherever practical. In conjunction with approval of a development, the city may require a property owner to provide an access and circulation easement to an abutting owner where joint access is reasonable to serve future development.
  - 3. Driveway Dimensions. Internal circulation driveways that do not provide direct access to parking stalls must be a minimum of twenty feet wide for two-way traffic and fifteen feet wide for one-way traffic unless otherwise specified by the city engineer or by the fire marshal.

**13. Section: 18.140.040 Design Standards for Surface Parking Areas.**

- A. Space and Aisle Dimensions. Table 18.140.040 sets forth the required minimum dimensions for parking spaces and drive aisles.

Parking Angle (degree)	Standard Stall Dimensions		Compact Stall Dimensions		Aisle Width Dimensions	
	Stall Width (feet)	Stall Depth (feet)	Stall Width (feet)	Stall Depth (feet)	1-way Aisle Width	2-way Aisle Width
0	20	8	18	8	12	20
45	9	18	8	15	14	20
60	9	18	8	15	16	22
90	9	18	8	15	22	24

- 1. Other parking angles may be approved, with dimensional requirements consistent with those set forth in Table 18.140.040.
- 2. When a parking space abuts a fence, structure, wall or other obstruction, an additional eighteen inches of width to the parking space are required. When a parking space abuts landscaping, an additional twelve inches are required.
- 3. Two additional feet beyond the last parking space in an aisle are required.
- B. Compact Spaces. Up to forty percent of all required on-site vehicular parking spaces may be compact spaces. Such spaces shall be marked as "Compact" or "C."
- C. Parking Space Clustering. No more than fifteen parking spaces shall be placed side by side without an intervening break by a circulation aisleway, pedestrian walkway or landscaping. If an average of no more than fifteen side-by-side stalls is maintained overall, up to twenty may be located side by side. Where landscaping provides a break in the group of spaces, the landscape island shall extend at least one foot into the circulation aisleway to provide a visual narrowing of the aisleway.
- D. Tandem Parking. Tandem parking may be permitted to satisfy the off-street parking requirement in accordance with the following:
  - 1. No more than two vehicles shall be placed one behind the other;

2. Both spaces shall be assigned to a single dwelling unit;
3. The tandem parking bay shall equal two (2) standard stall dimensions per Table 18.140.040:
  - a. Tandem parking stalls may be allowed on a case by case basis when their size equals the combination of a standard stall and a compact stall per Table 18.140.040. In reviewing the proposal, the review authority shall consider the possible impacts of allowing the reduced tandem stall size, including the amount of tandem parking in relationship to side by side parking; the amount of overall parking; the width of the drive aisle.
4. Tandem parking shall not be used to satisfy the parking requirement for guest parking; and
5. The ingress and egress for the tandem parking stalls shall not interfere with the safety of residents or adjacent property owners, and the functionality of adjacent parking.

E. ~~D.~~ Parking Lot and Access Striping.

1. Except for single-family residences, any area intended to meet the off-street vehicle parking requirements as contained in this title shall have all parking spaces clearly marked.
2. All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety.

F. ~~E.~~ Wheel Stops. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop or bumper rail at least six inches high located two feet back from the front of the parking stall. The front two feet of the parking stall may be concrete, asphalt or low-lying landscape material that does not exceed the height of the wheel stop, provided sidewalks or other pedestrian paths are not obstructed.

G. ~~F.~~ Parking Lot Surfacing. All areas used for parking or maneuvering of any vehicle shall be improved with asphalt, concrete or other permanent surface approved by the city engineer. The city engineer may approve the use of city and Washington State Department of Ecology alternative paving best management practices to enhance on-site water quality, when determined to be appropriate.

H. ~~G.~~ Vehicle Circulation between Adjoining Property Required. Parking lots shall be designed to provide for off-street vehicle circulation to adjoining property and parking areas whenever physically feasible.

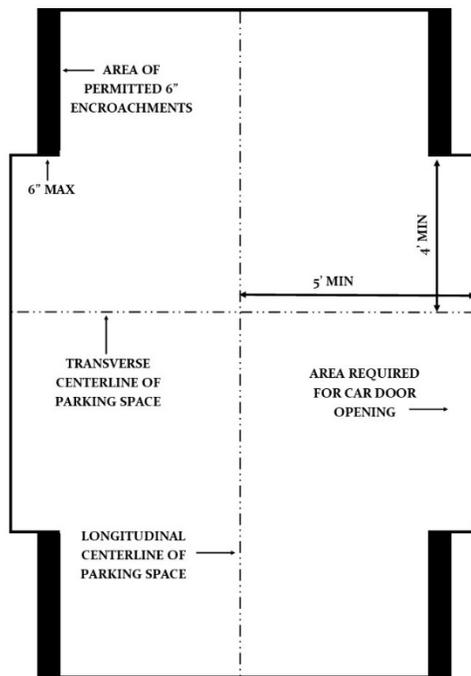
I. ~~H.~~ Parking Lot Lighting. Lighting shall be screened, hooded or otherwise limited in illumination area so as to minimize excessive "light throw" to off-site areas.

J. ~~I.~~ Rideshare Spaces. In the C, OCl, BP and LI zoning districts, rideshare/carpool parking spaces may be designated in an approved parking lot.

**14. Section: 18.140.050 Design Standards for Parking Structures (stand-alone and underbuilding).**

A. Space and aisle dimensions shall be as set forth in Table 18.140.040.

1. Other parking angles may be approved, with dimensional requirements consistent with those set forth in Table 18.140.040.
2. When a parking space abuts a column, wall or other obstruction, one extra foot of width to the parking space is required. Columns or other structural elements may encroach into the parking space a maximum of 6 inches on a side, except in the area for car door opening, 5 feet from the longitudinal centerline or 4 feet from the transverse centerline of a parking space. No wall, post, guardrail, or other obstruction, or lot line, is permitted within the area for car door opening.



3. Two additional feet beyond the last parking space in an aisle are required.

- B. Lighting on and/or within multi-level parking structures shall be screened, hooded or otherwise limited in illumination area so as to minimize excessive “light throw” to off-site areas.
- C. The parking structure shall incorporate architectural elements, window-like openings, trellis-work, surface treatments, offset planes, and integrated planters to provide design interest and visual variety to the parking structure exterior facade.
- D. Adequate vision clearance shall be provided so that motorists leaving a parking structure have a clear view of the sidewalk or pedestrian pathway on either side of the exit, and so that approaching pedestrians have a clear view of any approaching vehicle. Parking structure entrances and exits shall require a vehicle stop directly prior to crossing the street sidewalk or pedestrian pathway. Entrance and exit areas shall be designed so that vehicles approaching or leaving the parking structure can queue to enter/exit the traffic stream without blocking the sidewalk or pedestrian pathway.
- E. Parking structure internal circulation design shall include provisions for the safe and convenient circulation of pedestrians. Traffic control measures shall be provided at any location where vehicle circulation crosses a pedestrian walkway.

**15. Section: 18.140.070 Off-Street Loading Requirements.**

- A. When Required. Off-street loading and unloading spaces are required for all uses having a gross floor area of over four thousand square feet ~~to which or~~ and from which deliveries or pickups are made by trucks or truck-trailer combinations over thirty-five feet in length more frequently than monthly.
- B. Design Requirements. Loading and unloading spaces shall be a minimum of forty-five feet in length, ten feet in width and provide for clearance of fifteen feet. Adequate access shall be provided to each space. No area required for off-street parking may be used as a loading or unloading space. Loading spaces shall be located so that trucks shall not obstruct pedestrian or vehicle traffic movement or project into any public right-of-way.

**16. Section: 18.140.080 Electric Vehicle Charging Station Spaces.**

- A. There is no minimum number of charging station spaces required.
- B. Electric vehicle charging stations may be reserved for parking and charging electric vehicles only. The property owner may set hours and conditions of use on the spaces and the charging stations. The owner of the property may charge a fee for charging any electric vehicle.
- C. Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment shall be located so as not to interfere with accessibility requirements of WAC 51-50-005.

## TITLE 19: PROJECT PERMIT PROCEDURES | Chapter 19.20: Application Classification

### 17. Section: 19.20.020 Permit Application Classification.

The following table sets forth the various applications required and classifies each application by the process used to review and the review authority who will decide the application.

Table 19.20.020 Permit, Process and Review Authority Classification		
<i>Permit Type</i>	<i>Process Type</i>	<i>Review Authority</i>
Accessory dwelling unit	I	PD
Accessory dwelling unit, w/administrative conditional use permit	II	PD
Administrative interpretation/determination, written (including but not limited to: similar use determination; code/map interpretations; landscape plan review/approval; family day care home; etc.)	I	PD
Administrative modification	I/II	PD
Annexation	Exempt	CC/BRB
Appeals Type I and II permit decisions Type III permit decisions Type IV Type V		HE CC GMHB Kitsap County Superior Court
Binding site plan	II	PD
Binding site plan modification	I	PD
Boundary line adjustment	I	PD
Building permit	Exempt	BO
Comprehensive plan map, policy or text amendment	IV	CC
Concomitant agreements, release	<del>V</del>	<del>CC</del>
<a href="#">Fulfilled, all conditions met, no longer valid</a>	<u>I</u>	<u>PD</u>
<a href="#">Approved administratively or by City Council not for rezone</a>	<u>II</u>	<u>PD</u>
<a href="#">Approved for rezone by City Council</a>	<u>V</u>	<u>CC</u>
Construction/engineering drawing review	Exempt	CE
Conditional use permit	III	HE
Conditional use permit, administrative	II	PD
Construction standards	IV	CC
<a href="#">Critical area exemption</a>	<u>I</u>	<u>PD</u>
Critical area permit	II	PD
Design review,		
With underlying land use application	Underlying application	Underlying application
With building permit only	I	PD
Development agreements	Exempt	CC
Development regulations	IV	CC
Final plat		
Final PRD site development plan		
Final PMUD site development plan	Exempt	CC
Grading permit	I/II	CE

**Table 19.20.020 Permit, Process and Review Authority Classification**

<i>Permit Type</i>	<i>Process Type</i>	<i>Review Authority</i>
Home business	Exempt	City clerk business license only
Home occupation	II	PD
Master plan, including establishment of map overlay (which requires a zoning map amendment), <del>and/or</del> amendments to existing master plan, <u>and/or release of an existing master plan.</u>	III	CC
Preliminary subdivision/plat	III	HE
Preliminary subdivision/plat modifications	II	PD/CE
Planned residential development (PRD)	III	HE
Planned mixed use development (PMUD)	III	HE
Plat alterations and vacation	Exempt	CC
Post decision modifications	I or II	PD
Public agency and utility exception (critical areas ordinance)	III	HE
Right-of-way permit	Exempt	CE
Reasonable accommodations (zoning ordinance)	Exempt	PD
Reasonable use exception (critical areas ordinance)	III	HE
SEPA threshold determination, stand alone, not associated with other land use permit; subject to SEPA notification requirements	I	PD
Shoreline conditional use permit	III	HE
Shoreline conditional use permit, minor	II	PD
Shoreline exemption	I	PD
Shoreline master program	IV	CC
Shoreline substantial development permit	III	HE
Shoreline substantial development permit, minor	II	PD
Shoreline variance	III	HE
Short subdivision/plat	II	PD
Short subdivision/plat modifications	I	PD/CE
Short subdivision/plat, final	Exempt	CE
Sign permit	Exempt	BO/PD
Site plan review	II	PD
Site plan review, minor	I	PD
Street vacations	Exempt	CC
Temporary use permit	I	PD
<u>Tree Cutting and</u> Clearing permit	<del>I/II</del>	PD
Variance	III	HE
Zoning map amendment—Zoning map only, when consistent with comprehensive plan and an amendment to the comprehensive plan is not necessary	III	HE
Zoning map amendment—When associated with a master plan overlay designation, and consistent with comprehensive plan and an amendment to the comprehensive plan is not necessary	III	CC
Zoning map amendment—Area wide, city wide, or site specific when requiring a comprehensive plan amendment	IV	CC

**Table 19.20.020 Permit, Process and Review Authority Classification**

<i>Permit Type</i>	<i>Process Type</i>	<i>Review Authority</i>
Zoning code amendment—Text	IV	CC
PD: Planning Director; CE: City Engineer; PD/CE: Both Planning Director and City Engineering; BO: Building Official; BO/PD: Both Building Official and Planning Director; HE: Hearing Examiner; CC: City Council; BRB: Boundary Review Board; GMHB: Growth Management Hearings Board		
Note: An exempt status in Table 19.20.020 indicates exemption from the procedural requirements of this title and does not indicate exemption from other city required permits.		

**TITLE 19: PROJECT PERMIT PROCEDURES | Chapter 19.30: Application Requirements**

**18. Section: 19.30.010 Preapplication Review.**

- A. The purpose of preapplication review is:
  - 1. To acquaint city and other agency staff with a sufficient level of detail about the proposed development, in order for staff to advise applicants on the requirements of the Poulsbo Municipal Code and other applicable requirements, law and information from the city and other agencies.
  - 2. To reduce or eliminate the city’s need to request additional information or corrections that causes revisions or resubmittals.
  - 3. Reduce time frames for approval of land use applications by providing the applicant detailed input and applicable requirements in order for the applicant to submit a complete and code-compliant land use application.
- B. Preapplication review is required for Type II and III permits and may be required for Type IV and V permit applications that are not filed by the city.
- C. Preapplication review may be waived by the planning director ~~only for Type II permit applications~~, when: (1) a completed preapplication waiver form and any requested information has been submitted by applicant; and (2) the planning director, in consultation with other development review departments, determines that the proposal is ready for counter complete review and includes all necessary documents.
  - 1. In general, a waiver of a preapplication conference may be granted when it is either: (a) determined the proposal is relatively simple (i.e., has few development-related issues); (b) involves subsequent phases of an approved development where requirements are known; (c) an application is substantially similar to a prior proposal affecting substantially the same property; or (d) is an application for post-decision modification(s).
  - 2. In requesting a waiver, the applicant shall complete a waiver request form as provided by the planning department and submit it with the preapplication package submittal, explain why the application warrants waiving of preapplication review, and acknowledge that waiving the preapplication review increases the risk the application processing will be delayed. The preapplication package shall contain all the documents necessary for counter complete review (Section 19.30.020).
- D. To initiate preapplication review, an applicant shall submit a completed preapplication form with the requested information to the city and required fee. Information not provided on the form shall be provided on the face of a supporting map, drawing, documents or attachments. The information included in the submitted materials shall be of sufficient detail in order for the city to adequately review the proposed project and provide feedback.
- E. Within fourteen calendar days after receipt of an application for preapplication review, the planning department shall schedule a preapplication conference and provide in writing to the applicant, city development review staff and other appropriate agencies, a notice of the conference with date, time and location.
- F. The planning department shall coordinate the involvement of department and agency staff responsible for development review in the preapplication review process.
- G. Preapplication conferences are not public meetings, and are not typically open to the public. The planning director may limit attendance at such meetings.
- H. The planning director shall provide to the applicant and those who request a copy a preapplication conference summary letter within fourteen calendar days after the date of the preapplication conference. The written summary shall do the following to the extent possible given the information provided by the applicant:
  - 1. Summarize the proposed project.
  - 2. Identify the review authority, relevant approval criteria and development standards in the Poulsbo Municipal Code or other applicable codes, standards or requirements.

3. Evaluate the submitted information the applicant offered to comply with the relevant code, standards or requirements. Identify specific additional information that is needed to respond to the relevant codes, standards or requirements, or is recommended to respond to other issues.
4. Identify applicable application fees in effect at the time, with the disclaimer that fees may change.
5. Identify information relevant to the application that may be in the possession of the city or other agencies of which the city is aware, such as:
  - a. Comprehensive plan map designation and zoning on and in the vicinity of the project subject the application.
  - b. Physical development limitations, such as steep or unstable slopes, wetlands, water bodies, shorelines and others that may exist on and in the vicinity of the project subject to the application.
  - c. Those public facilities that will serve the property subject to the application, including water, sewer, roads, storm drainage, parks and schools, fire and relevant considerations, such as minimum access and fire flow requirements, and impact fees.
  - d. Other applications that have been approved or are being considered for land in the vicinity of the property subject to the proposed application that may affect or be affected by the proposed application.
6. Confirm the application(s) and document(s) that will be necessary for counter complete application requirements. The planning director may waive application requirements that are clearly not necessary based on the nature of the proposed application, development, site or other factors. To the extent possible, the application requirements shall be identified in the preapplication summary letter.
- I. The preapplication summary letter provided by the city shall expire six months from the date the preapplication conference is held. Upon written request by the applicant fourteen calendar thirty days prior to the expiration setting forth reasons for the request, the planning director may extend the validity of the preapplication comments by one additional six-month period.
- J. More than one preapplication conference may be held on a proposed project, and may be required by the planning director at the conclusion of the initial preapplication conference.
  1. A second preapplication conference will be charged one-half the amount of the original preapplication conference fee.
  2. If a second preapplication is for a similar project as the initial preapplication conference, but on a different site, or on the same site, but the scope of the project has changed significantly, the full fee amount for preapplication conference will be charged.
  3. If the preapplication has expired per subsection I above, a new request for a preapplication conference or a preapplication waiver shall be required.
- K. A counter complete application that the planning director finds is substantially similar to the subject of a preapplication conference must be submitted prior to the expiration set forth in subsection H I of this section.
- L. Once the preapplication comments have expired, the applicant must file a new request for a preapplication conference or receive approval of a preapplication waiver (if applicable) in order to submit a development application.
- M. The pre-application conference is not intended to be an exhaustive review of all potential issues and the discussions shall not be binding or prohibit the enforcement of applicable laws. Failure to provide all pertinent information may prevent the City from identifying all of the issues or providing the most effective pre-application conference.

## TITLE 19: PROJECT PERMIT PROCEDURES | Chapter: 19.40 Application Review Procedures

### 19. Section: 19.40.030 Type II Permit Applications.

- A. Decisions on Type II permit applications are made by the review authority as set forth in Table 19.20.020.
- B. Decision Criteria. The decision of the review authority shall be based on the decision criteria for the application set forth in the appropriate development regulations for the use or activity. The decision shall include any conditions necessary to ensure consistency with the applicable development regulations.
- C. Record. The decision of the review authority shall be prepared for each Type II permit application, shall be in the form of a staff report, and indicate approval, approval with conditions, or denial. A copy of the staff report shall be made available to the applicant, to any parties requesting it, posted to the city's website, and transmitted to the review authority at least five calendar days prior to issuing a notice of decision. If there are no parties of record,

and upon confirmation from the applicant, the notice of decision can be issued without waiting a full five days. A notice of decision shall be issued and distributed as provided for in Section 19.50.060.

- D. Appeal. Type II decisions may be appealed to the hearing examiner as provided in Section 19.70.010. All decisions are final upon expiration of the appeal period, or if there is an appeal, upon issuance of the hearing examiner's final decision on the appeal.

## **20. Section: 19.40.040 Type III Permit Applications.**

- A. Decisions on Type III permit applications are made by the review authority as set forth in Table 19.20.020.
- B. Decision Criteria. The decision of the review authority shall be based on the decision criteria for the application set forth in the appropriate development regulations for the use or activity. The decision shall include any conditions necessary to ensure consistency with the applicable development regulations.
- C. Record. A written staff report shall be issued by the planning department at least seven calendar days prior to the date of the planning commission meeting. The staff report shall include an analysis of the application, including SEPA review, and provide a recommendation on the application including any conditions of approval. All written comments received to date prior to the issuance of the staff report shall be included. A copy of the staff report shall be made available to the applicant, to any parties requesting it, posted to the city's website, and transmitted to the planning commission and review authority.
- D. Planning Commission Review. The planning commission shall review all Type III applications at a public meeting and provide a recommendation to the review authority. The planning commission may recommend that the review authority approve or approve with modifications the application if it complies with the applicable decision criteria. In all other cases, the planning commission shall recommend denial of the proposal. The planning commission's recommendation shall be in writing and shall contain the following: (1) the recommendation of the planning commission; (2) any conditions included as part of the planning commission recommendation; and (3) findings of fact upon which the recommendation was based, and the conclusions derived from those facts.
- E. Public Hearing. The review authority shall hold an open record public hearing on Type III permit applications. The open record public hearing shall proceed as follows:
  - 1. Notice of the hearing shall be given as provided in Section 19.50.030.
  - 2. Any person may participate in the public hearing by submitting written comments prior to or at the hearing, or by providing oral testimony and exhibits at the hearing.
  - 3. The planning director shall transmit to the review authority a staff report and exhibits on the application, including all written comments received and information reviewed by or relied upon by the planning director, at least seven calendar days prior to the hearing. The file shall also include information to verify that the requirements for notice to the public have been met. The planning commission findings, conclusions and recommendation shall also be transmitted.
  - 4. The review authority shall create a complete record of the public hearing, including all exhibits introduced at the hearing and an electronic sound recording of each hearing.
  - 5. At the conclusion of the hearing, the review authority shall announce one of the following:
    - a. That the hearing is continued. If the hearing is continued to a place, time and date certain, then additional notice of the continued hearing is not required to be made. If the hearing is not continued to a place, date, and time certain, then notice of the continued hearing shall be given as though it was the initial hearing.
    - b. That the public record is held open to a date and time certain. The review authority shall state where additional written evidence and testimony can be sent and shall announce any limits on the nature of the evidence that will be received after the oral testimony portion of the hearing.
    - c. For hearing examiner decisions, that the application(s) is/are taken under advisement, the record is closed, and a final decision will be issued as set forth in subsection F of this section.
    - d. For city council decisions, that the application(s) is/are approved, approved with conditions, or denied, together with a brief summary of the basis for the decision and that a written decision supported by findings and conclusions will be issued as set forth in subsection G of this section.
- F. Hearing Examiner Decisions on Type III. The hearing examiner shall make the final decision after receiving the recommendation of the planning commission, and after holding an open record public hearing and receiving any public testimony.
  - 1. The hearing examiner shall approve a project or approve with modifications if the applicant has demonstrated that the proposal complies with the applicable decision criteria. The hearing examiner may include conditions to ensure a proposal conforms to the relevant decision criteria.

2. Prior to issuing a decision, if the hearing examiner determines that information, analysis, revision or other material needed to satisfy the provisions of relevant law or code requirements have not been provided, the examiner may remand the matter for the addition of the requisite information, analysis, revision or other material.
    - a. If the hearing examiner remands a matter for additional information, analysis, revision or material, the hearing examiner shall retain jurisdiction in order to review the adequacy of the information, analysis, revision or material submitted in response to the remand. The remand order shall expressly state that jurisdiction is retained and what information, analysis, revisions or material is to be provided, and may identify a date when it is to be submitted.
    - b. A copy of the information, analysis, revision or other material filed with the hearing examiner in response to a remand shall also be made available to all parties to the proceeding. The parties shall have an opportunity to review and file rebuttal to the information, analysis, revision or other material filed in response to a remand.
  3. In all other cases, the hearing examiner shall deny the application.
  4. The hearing examiner shall issue a written report supporting the decision within fourteen calendar days following the close of the record, unless a longer period has been identified by the Hearing Examiner. The decision shall be issued and distributed as provided for in Section 19.50.060, Notice of decision. The decision shall include:
    - a. The decision of the hearing examiner.
    - b. Any conditions included as part of the decision.
    - c. Findings of facts for which the decision, including any conditions, was based and the conclusions derived from those facts.
  5. Request for Reconsideration. Any party of record may file a written request with the hearing examiner for reconsideration within ~~seven~~ fourteen calendar days of the date of the written decision. The request shall explicitly set forth alleged errors of procedure, law, or fact. No new evidence may be submitted in support of or in opposition to a request for reconsideration.
    - a. The hearing examiner shall summarily dismiss a request for reconsideration that is without merit on its face or brought merely to secure a delay.
    - b. ~~a.~~ The hearing examiner shall act within fourteen calendar days after the filing of the request for reconsideration by either denying the request or issuing a revised decision unless a longer period has been identified by the Hearing Examiner. The decision on the request for reconsideration and/or the revised decision shall be sent to all parties of record.
    - c. The appeal period shall begin from the date the decision on the reconsideration is issued.
    - d. The hearing examiner's action following reconsideration is not subject to further requests for reconsideration.
- G. City Council Decisions on Type III. The city council shall make the final decision after receiving the recommendation of the planning commission, and after holding an open record public hearing and receiving any public testimony.
1. The city council shall approve a project or approve with modifications if the applicant has demonstrated that the proposal complies with the applicable decision criteria. The city council may, based on the record, include conditions to ensure a proposal conforms to the relevant decision criteria.
  2. Prior to issuing a decision, if the city council determines that additional information, analysis, revision or other material needed to satisfy the provisions of relevant law or code requirements have not been provided, the city council may remand the matter for the addition of the requisite information, analysis, revision or other material.
    - a. If the city council remands a matter for additional information, analysis, revision or material, the city council shall retain jurisdiction in order to review the adequacy of the information, analysis, revision or material submitted in response to the remand. The remand order shall expressly state that jurisdiction is retained and what information, analysis, revisions or material is to be provided, and may identify a date when it is to be submitted.
    - b. A copy of the information, analysis, revision or other material filed with the city council in response to a remand shall also be made available to all parties to the proceeding. The parties shall have an opportunity to review and file rebuttal to the information, analysis, revision or other material filed in response to a remand.
  3. In all other cases, the city council shall deny the application.

4. The city council decision shall be in writing and shall include findings and conclusions derived from those facts which support the decision of the council, including any conditions. The city council may by reference adopt some or all of the findings and conclusions of the planning commission.
  5. The decision shall be issued and distributed as set forth in Section 19.50.060, Notice of decision.
- H. Appeal. Appeal of the hearing examiner decision or city council decisions on Type III permit applications may be appealed to Kitsap County superior court as set forth in Section 19.70.020.

## 21. Section: 19.40.060 Type V Permit Applications.

- A. Applicability. A property owner or authorized agent may request the city consider releasing a concomitant agreement that has been recorded on a legal parcel or parcels of land.
- B. Submittal Requirements. The property owner or authorized agent shall submit to the city a completed application form provided by the city, signed by the owner(s) of property subject to the concomitant agreement, and accompanied by a copy of the valid concomitant agreement and legal description of the property.
- C. Complete Application. Determination of a complete application shall be as set forth in Sections 19.30.020 and 19.30.030.
- D. Review Authority.
  1. The city council is the review authority for the release of legislatively enacted valid concomitant agreements for rezones.
  2. The planning director is the review authority for the release of fulfilled (no conditions remaining) valid concomitant agreements and applications shall be processed under a Type I application according to the provisions of section 19.40.020. The decision criteria in subsection H does not apply, as the concomitant agreement has been fulfilled and no conditions of approval remain. A written record shall be prepared pursuant to section 19.40.020. D.
  3. The planning director is the review authority for the release of administratively enacted (no ordinance or City Council action) and city council enacted (not for rezone) valid concomitant agreements and shall be processed under a Type II application according to the provisions of section 19.40.030. The decision criteria in subsection H shall apply. A written record shall be prepared pursuant to section 19.40.030. C.
- E. Noticing. Upon acceptance of a complete application, the planning director will issue a notice of application, to be distributed consistent with Section 19.50.020. A public hearing notice, for legislatively enacted concomitant agreements for rezones, may be combined with the notice of application, if a date to hold a public hearing before the city council has been identified. Noticing of this public hearing will be made as set forth in Section 19.50.040.
- F. Record. A written staff report shall be issued by the planning director at least seven calendar days prior to the date of the city council hearing. The staff report shall include an analysis of the application and provide a recommendation on the application including any conditions of approval. All written comments received to date prior to the issuance of the staff report shall be included. A copy of the staff report shall be made available to the applicant, to any parties requesting it, posted to the city's website, and transmitted to the city council.
- G. Public Hearing. The city council shall hold an open record public hearing on Type V permit applications for legislatively enacted concomitant agreements for rezones. The open record public hearing shall proceed as follows:
  1. Any person may participate in the public hearing by submitting written comments prior to or at the hearing, or by providing oral testimony and exhibits at the hearing.
  2. The city council shall create a complete record of the public hearing, including all exhibits introduced at the hearing and an electronic sound recording of each hearing.
  3. At the conclusion of the hearing, the city council shall announce one of the following:
    - a. That the hearing is continued. If the hearing is continued to a place, time and date certain, then additional notice of the continued hearing is not required to be made. If the hearing is not continued to a place, date, and time certain, then notice of the continued hearing shall be given as though it was the initial hearing.
    - b. The public record is held open to a date and time certain. It shall be stated where additional written evidence and testimony can be sent and shall announce any limits on the nature of the evidence that will be received after the oral testimony portion of the hearing.
    - c. Close the public hearing and initiate deliberations.
- H. Decision Criteria. In order to approve the release or amendment of the concomitant agreement, the review authority city council shall be required to make the following findings:

1. Development of the site would be consistent with current development regulations and comprehensive plan goals and policies.
2. Adequate public/private services are available to support development of the site.
3. Development would not unreasonably impact nearby property development which has relied upon the covenant commitments.

~~4.—Future development under current zoning will be consistent with existing and planned development.~~

- I. City Council Decision. The city council, at the conclusion of the public hearing or as soon thereafter as the city council business permits, will issue a decision to approve or deny the release or amendment of the concomitant agreement. Where the concomitant agreement was entered into in connection with a rezone of property, the decision shall be in the form of an ordinance. A notice of decision shall be issued and distributed as set forth in Section 19.50.060.
- J. Recording. If the release or amendment of a concomitant agreement is approved, the city and the applicant shall execute an appropriate agreement or instrument releasing the concomitant agreement and the same shall be recorded in the records of Kitsap County.

## TITLE 19: PROJECT PERMIT PROCEDURES | Chapter: 19.50 Public Notices

### 22. Section: 19.50.020 Notice of Application.

- A. Timing. A notice of application for Type II, III, applicant initiated IV, and V permit applications shall be provided within fourteen calendar days of the technically complete determination. A notice of application issuance for city-initiated Type IV applications shall be at such time as determined appropriate by the planning director.
- B. Content. The notice of application shall include the following:
  1. The file number assigned.
  2. The date of counter complete application, date of notice of technical completion, and the date of the notice of application.
  3. The description of the proposed project, a list of other permits included with the application, and if applicable, a list of requested studies.
  4. The name of the applicant or applicant's representative.
  5. The name of the property owner.
  6. A map showing the subject property in relation to other properties.
  7. The zoning of the proposed project.
  8. Identification of permits not included with the application, to the extent known by city staff.
  - ~~9.—Identification of existing environmental documents that evaluate the proposal.~~
  9. ~~10.~~ A statement that the minimum public comment period shall be fourteen calendar days.
  10. ~~11.~~ A statement of the rights of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision and any appeal rights.
  11. The designation of the review authority.
  12. ~~13.~~ The date, time, place and type of hearing, if known and scheduled at the date of notice of application.
  13. ~~14.~~ A statement of the preliminary determination, if one has been made at the time of the notice, and of those development regulations that will be used for project mitigation and which regulations the application appears to comply with.
  - ~~14.—15. The date, place and times where information about the application may be examined and the Name and contact information of the city representative to contact about the application.~~
  15. ~~16.~~ Any other information determined appropriate by the city, such as the city's SEPA threshold determination consistent with Chapter 16.04, if complete at the time of issuance of the notice of application.
- C. Distribution.
  1. Publication. A summary notice of application shall be published in a newspaper of general circulation. The summary notice of application shall include the following:
    - a. Project name and location.
    - b. Description of proposed project.
    - c. Type of permit(s) required.

- d. Minimum comment period dates.
  - e. Location where the technically complete application and full notice of application may be reviewed.
  - f. City representative contact information.
2. Mailing. Mailing of the ~~full-summary~~ notice of application shall be ~~made to~~:
- a. ~~Mailing shall be M~~made to:
    - i. ~~a-~~ Owners as identified by the Kitsap County assessor of property within three hundred feet of the project site. ~~i-~~The records of the Kitsap County assessor's office shall be used for determining the property owner of record. ~~ii-~~ If the applicant is the owner of immediately adjacent property, notice under this section shall be given to property owners three hundred feet from any portion of the adjacent property owned by the applicant.
    - ii. ~~b-~~ Applicant and applicant's representative.
    - iii. ~~c-~~ Any person who has requested such a notice.
    - iv. ~~d-~~ Agencies with jurisdiction.
    - v. ~~e-~~ Other persons, agencies or organizations which the planning director believes may be affected or interested in the proposed project.
    - vi. ~~f-~~When email addresses are known for parties identified to receive a notice of application, an email with the notice of application attached may suffice to meet the mailing requirement.
  - b. Considered supplementary to posted notice.
  - c. Deemed satisfactory despite the failure of one or more owners to receive mailed notice.
3. Posting. The full notice of application shall be posted at designated locations at City Hall, the Poulsbo Post Office, and the Poulsbo Library. The full notice of application shall also be posted on the city's website.
- D. Public Comment.
- 1. For Type II permit applications, the notice of application shall state that the minimum public comment period shall be fourteen calendar days, and that no decision shall be issued prior to the expiration of the minimum public comment period.
  - 2. For Type III, IV and V permit applications, the notice of application shall state that the minimum public comment period shall be fourteen calendar days, and that public comments will be accepted at any time prior to the closing of the open record hearing.
  - 3. Public comments should be as specific as possible and submitted to the city as early in the review of an application as possible.
  - 4. The planning director may accept and respond to public comments at any time prior to making the Type II, III, IV or V recommendation or decision. Any comments received shall be forwarded to the review authority, applicant or applicant's representative and any person who requests a copy.
  - 5. If the optional determination of nonsignificance (DNS) process is used as described in Chapter 16.04 and WAC 197-11-355, the planning director shall combine the notice of application and DNS comment periods. When a final DNS is issued, there is no additional SEPA comment period.
  - 6. Public comments may be mailed, emailed, personally delivered, or sent by facsimile to the city.
- E. Integration of Notice.
- 1. SEPA. An issuance of a determination of significance (DS) and the optional DNS process may be combined with the issuance of the notice of application, as set forth in RCW 36.70B.110 and Chapter 16.04.
    - a. If the optional DNS process is not utilized, the responsible official may not issue a SEPA threshold determination until the expiration of the minimum public comment period identified in the notice of application.
  - 2. Open Record Public Hearing. When required, the public hearing notice as set forth in Section 19.50.040 may be integrated with the notice of application; provided, that the public hearing must be held no earlier than fifteen calendar days after the issuance of the notice of application.

**23. Section: 19.50.030 Notice of Public Meeting.**

- A. ~~At least No later sooner than~~ seven calendar days before the date of the public meeting for Type III permit application before the planning commission, a notice of public meeting shall be issued by the city and include the following information:

1. The date of the public meeting and that the meeting is before the planning commission.
  2. A statement that this is a public meeting, but there will be an opportunity to provide written and verbal testimony to the planning commission regarding the proposed project.
  3. The time and place of the meeting.
  4. Identification of property and application(s) under review.
  5. Brief description of the proposed project.
  6. Identification of review authority.
  7. Information on examination of file and city contact information.
- B. The notice of public meeting will be ~~mailed to~~:
1. Mailed to:
    - a. ~~1~~ Owners, as identified by the Kitsap County assessor, of property within three hundred feet of the project site. ~~a.~~ The records of the Kitsap County assessor's office shall be used for determining the property owner of record. ~~b.~~ If the applicant is the owner of immediately adjacent property, notice under this section shall be given to property owners three hundred feet from any portion of the adjacent property owned by the applicant.
    - b. ~~2~~ Applicant and applicant's representative.
    - c. ~~3~~ Any person who established themselves as a party of record, has requested such a notice, or submitted written comments on the application.
    - d. ~~4~~ Agencies with jurisdiction.
    - e. ~~5~~ Other persons, agencies or organizations which the planning director believes may be affected or interested in the proposed project.
    - f. ~~When email addresses are known for parties identified to receive a notice of public meeting, an email may suffice to meet the mailing requirement.~~
  2. Considered supplementary to posted notice.
  3. Deemed satisfactory despite the failure of one or more owners to receive mailed notice.

#### 24. Section: 19.50.040 Notice of Public Hearing.

- A. Issuance. ~~At least No later sooner than~~ fourteen calendar days before the date of a public hearing for a Type III, IV or V permit application, a notice of public hearing shall be issued by the city and include the following information:
1. The date of the public hearing, and who the public hearing is before (e.g., hearing examiner, planning commission or city council).
  2. The time and place of the hearing.
  3. Identification of property and application(s) under review.
  4. Brief description of the proposed project.
  5. A statement of any threshold determination made under SEPA (Chapter 43.21C RCW).
  6. Map depicting the subject property in relation to other properties.
  7. The place and time where information about the application may be examined, and the name and information of the city representative to contact about the application.
  8. A statement that the notice is intended to inform potentially interested parties about the hearing and to invite interested parties to appear or provide written statement at the public hearing.
  9. A statement of when and where a staff report will be available for review.
- B. Distribution.
1. Publication. The notice of public hearing shall be published in a newspaper of general circulation.
  2. Mailing. Mailing of the notice of public hearing shall be ~~made to~~:
    - a. Made to:
      - i. ~~a~~ Owners as identified by the Kitsap County assessor of property within three hundred feet of the project site. ~~i.~~ The records of the Kitsap County assessor's office shall be used for determining the property owner of record. ~~ii.~~ If the applicant is the owner of immediately adjacent property, notice under this section shall be given to property owners three hundred feet from any portion of the adjacent property owned by the applicant.

- ~~ii. b.~~ Applicant and applicant's representative.
- ~~iii. c.~~ Any person who established themselves as a party of record, has requested such a notice, or submitted written comments on the application.
- ~~iv. d.~~ Agencies with jurisdiction.
- ~~v. e.~~ Other persons, agencies or organizations which the planning director believes may be affected or interested in the proposed project.
- ~~vi. f.~~ When email addresses are known for parties identified to receive a notice of public hearing, an email with the notice attached may suffice to meet the mailing requirement.
- b. Considered supplementary to posted notice, and a map depicting the subject property in relation to other properties is not required to be included.
- c. Deemed satisfactory despite the failure of one or more owners to receive mailed notice.

3. Posting.

- a. The notice of public hearing shall be posted at designated locations at City Hall, the Poulsbo Post Office, and the Poulsbo Library. The notice of public hearing shall also be posted on the city's website.
- b. The subject site shall be posted with at least one copy of the notice of public hearing on a public notice board as set forth in Section 19.50.050.

- C. Responsibility for Notice. The planning director is responsible for providing published legal notices, mailed notice, posted notice in public buildings and on the city's website. The applicant is responsible for complying with on-site notice of public hearing posting requirements as set forth in Section 19.50.050.

## TITLE 19: PROJECT PERMIT PROCEDURES | Chapter: 19.70 Decision Appeal Procedures

### 25. Section: 19.70.010 Appeal on Type I and Type II Permit Decision.

- A. Overview. For Type I and Type II permit decisions, the hearing examiner shall act as the appellate body, conducting an open record appeal hearing when an administrative decision is appealed.
- B. Commencing an Appeal. Type I and II decisions may be appealed as follows:
  - 1. A party of record may appeal the decision.
  - 2. A party of record appealing a Type I or II decision must submit a completed written appeal which sets forth:
    - a. Facts demonstrating that the person is adversely affected by the decision.
    - b. A concise statement identifying each alleged error of fact, law, or procedure, and the manner in which the decision fails to satisfy the applicable decision criteria.
    - c. The specific relief requested.
    - d. Any other information reasonably necessary to make a decision on the appeal.
  - 3. The written appeal, and the appeal fee and deposit must be received by the Poulsbo planning department no later than 4:30 p.m. on the fourteenth calendar day following the date the notice of decision was issued.
  - 4. The planning director shall review a submitted appeal and reject an appeal which fails to meet all the requirements of this section.
- C. Notice of Open Record Appeal Hearing before Hearing Examiner. If a Type I or II decision is appealed, an open record appeal hearing before the city hearing examiner shall be set and notice of the appeal hearing shall be provided to all parties of record no less than fourteen calendar days prior to the date on which the hearing examiner will hold the appeal hearing. The notice of appeal hearing shall include the following:
  - 1. Name of the approved project under appeal.
  - 2. Name of the appellant.
  - 3. The street address of the subject property and a description in nonlegal terms sufficient to identify its location.
  - 4. A brief description of the administrative decision which is being appealed.
  - 5. The date, time and place of the open record appeal hearing before the hearing examiner.
- D. Hearing Examiner Public Hearing on Appeal.
  - 1. The hearing examiner shall conduct an open record hearing on a Type I or Type II decision appeal. Notice of the appeal hearing shall be given as provided in subsection C of this section.

2. The appellant, applicant, owner(s) of property subject to the application, and the city shall be designated parties to the appeal. Only designated parties may participate in the appeal hearing by presenting testimony or calling witnesses to present testimony and by providing exhibits.
  3. Interested persons, groups, associations, or other entities who have not appealed may participate only if called by one of the parties to present information; provided, that the hearing examiner may allow nonparties to present relevant testimony if allowed under the hearing examiner's rules of procedure.
  4. The hearing examiner shall create a complete record of the public hearing, including all exhibits introduced at the hearing and an electronic sound recording of each hearing.
- E. Hearing Examiner Decision on Appeal.
1. ~~Unless a longer period has been identified by the Hearing Examiner.~~ Within fourteen calendar days after the close of the record for the Type I or II decision appeal, the hearing examiner shall issue a written decision to grant, grant with modifications, or deny the appeal.
  2. The decision on appeal shall be mailed to all parties of record.
  3. When making the decision, the hearing examiner shall give substantial weight to the decision of the review authority.
  4. The hearing examiner's decision shall be made upon whether the appellant has carried the burden of proving that the Type I or Type II decision is not supported by a preponderance of the evidence or was clearly erroneous.
- F. Request for Reconsideration.
1. Any designated party to the appeal who participated in the hearing may file a written request with the hearing examiner for reconsideration within ~~seven~~ fourteen calendar days of the date of the hearing examiner's decision.
  2. The request shall explicitly set forth alleged errors of procedure, law, or fact. No new evidence may be submitted in support of or in opposition to a request for reconsideration.
  3. The hearing examiner shall summarily dismiss a request for reconsideration that is without merit on its face or brought merely to secure a delay
  4. ~~3.~~ The hearing examiner shall act within fourteen calendar days after the filing of the request for reconsideration by either denying the request or issuing a revised decision, decision unless a longer period has been identified by the Hearing Examiner.
  5. ~~4.~~ The decision on the request for reconsideration and/or ~~issuing a the~~ revised decision shall be sent to all parties of record.
  6. The appeal period shall begin from the date the decision on the reconsideration is issued.
  7. The hearing examiner's action following reconsideration is not subject to further requests for reconsideration.
- G. Hearing Examiner Appeal Decision. The hearing examiner's decision on Type I and II appeals may be appealed to the city council as provided for in Section 19.70.020.
1. The planning director shall mail a notice of appeal decision to all parties of record within seven calendar days of the hearing examiner issuance of an appeal decision. The notice of appeal decision shall include at a minimum the following:
    - a. Name of the approved project under appeal.
    - b. The street address of the subject property and a description in nonlegal terms sufficient to identify its location.
    - c. A brief description of the appeal decision.
    - d. The date of the notice of appeal decision.

## TITLE 19: PROJECT PERMIT PROCEDURES | Chapter: 19.80 Time Frames for Review.

### 26. Section: 19.80.050 Time Frame to Provide Revisions, Corrections, Studies or Information.

- A, A technically complete application shall be deemed null and void if the applicant fails to submit the city required revisions, corrections, studies or information as described in Section 19.80.040(A) and (B) within ninety calendar days of the city's written request.
  1. The ninety-day time limit set forth by this section does not apply for circumstances set forth in Section 19.80.040(C), (D), (E) or (F).

- B. An applicant may request one extension to the time limit set forth in subsection A of this section. The planning director will review the request for extension and may grant it only if all of the following are met:
1. The applicant requests such an extension in writing no less than ~~fourteen~~ ~~thirty~~ days prior to the permit becoming null and void. Verbal requests will not be accepted.
  2. The planning director finds that good cause has prevented them from providing the additional information within the ninety-calendar-day time period. Disagreement with required city codes and/or standards does not qualify as “good cause.”
  3. The applicant demonstrates the likelihood that the requested information will be provided to the city within the additional ninety-calendar-day time period.
  4. No more than one extension shall be granted.
  5. If at the end of the ninety-day extension the requested revisions, corrections, studies or information has not been submitted and accepted by the city, the application will be formally closed, and a new application and fees will be required to be submitted.

## **TITLE 19: PROJECT PERMIT PROCEDURES | Chapter: 19.90 Post Decision Procedures.**

### **27. Section: 19.90.030 Extension of Approval.**

- A. After approval of a permit application, within ~~fourteen~~ ~~thirty~~ calendar days prior to the date of the permit expiration as set forth in the applicable permit section in the PMC, the property owner may request in writing an extension of time. The planning director, upon consultation with other development review departments, may grant an extension of time for the permit approval, up to but not exceeding one year. Any extensions of time shall be based on the finding:
1. The approved permit is compliant with all applicable development codes at the time of the extension request, unless otherwise allowed by vesting laws.
  2. There has been no material change of circumstances applicable to the property since project permit approval.
  3. The property owner must provide good cause for the delay and demonstrate likelihood that the permit will be commenced within the additional year.
  4. The planning director shall not grant more than one extension.
- B. Once the approval time period and any extension have expired, approval shall terminate, and the application is null and void.
- C. The permit approval will remain valid as long as action proposed in the application has been physically commenced and is in progress.
- D. See Section 16.09.210 for shoreline permit approval and time extensions.