



PLANNING AND ECONOMIC DEVELOPMENT

200 NE Moe Street | Poulsbo, Washington 98370
(360) 394-9748 | fax (360) 697-8269
www.cityofpoulsbo.com | plan&econ@cityofpoulsbo.com

MEMO

To: Mayor Erickson
From: Karla Boughton, PED Director
Subject: Public Meetings for land-use permits under Governor's Stay Home, Stay Healthy orders
Date: April 8, 2020

This memo outlines how the Poulsbo Planning and Economic Development Department will proceed with land use applications under the Governor's Stay Home, Stay Healthy order, as well as his subsequent order regarding public meetings. This memo is developed through consultation and legal advice from the City Attorney and addresses this moment in time. As we have experienced, this situation is fluid, and the Governor may issue an order that changes the circumstances.

The Governor has provided a standard for when jurisdictions can hold a public meeting. Relevant to the PED Department is the standard of 'necessary and routine.' At the time of this memo, the Governor has not suspended the land use processing deadlines that the City is required to follow. Therefore, public meetings that are required as part of processing a land use permit with statutory timelines is determined to be 'necessary and routine' and will be scheduled. For land use permits not subject to statutory timelines, the determination of 'necessary and routine' is made on a case-by-case basis.

In summary, the PED Department will move forward projects that have a required processing timeline in order to ensure compliance with RCW 36.70B and 64.40. If a land use permit does not have a required statutory timeline, public meetings have been forwarded to May 2020, with the assumption that the Governor's Stay Home Stay Healthy order is lifted or modified at that time.

The following outlines land use permitting activities that engage the applicant and/or public in a public meeting, and the PED Department's response:

1. **Pre-Application Conferences:** These are public meetings between City staff and an applicant on a proposed land use project. These meetings may be held virtually and will be coordinated and scheduled by the project planner.
2. **Pipeline Land Use Projects:**
 - a. **Preliminary Plats:** The PED Department has one preliminary plat application that will be ready to move forward to a Planning Commission meeting in April. Because this project is subject to the statutory timeline of land use permitting, it is being considered 'necessary and routine' and therefore will be scheduled. We anticipate an April 28, 2020 Planning Commission Meeting and a May 14, 2020 Hearing Examiner public hearing. There will be logistics to work out for both meetings, which I believe we will be able to accommodate.

- b. All other pipeline land use projects are either Type II permits (approved by the Planning Director) or will not be ready to move forward until May 2020 at the earliest.
 - c. 2020 Comprehensive Plan Amendments: This year's comprehensive plan amendment docket was scheduled to be before the City Council through workshops and a public hearing in April. These amendments do not have a statutory timeline, other than once a year. Therefore, as long as the 2020 Comprehensive Plan Amendment docket is completed by the end of 2020, it will meet its requirement. The City Attorney advises to reschedule the workshops and hearing for May 2020, with the assumption that the Governor's Stay Home Stay Healthy order will be lifted or modified. If the order continues in May, we will re-evaluate based on the Governor's order in place at that time.
 - d. Housekeeping Development Regulation Amendments: The PED staff had completed a series of workshops with the Planning Commission and was prepared to hold a public hearing on the amendments before the Planning Commission on March 24, 2020. I canceled the hearing based on the Governor's Stay Home, Stay Healthy order the day before, and the inability to have logistics coordinated in one day for a remote meeting. As these amendments are City initiated and do not have a statutory timeline, the City Attorney advises to hold off on rescheduling the public hearing until May 2020, with the assumption that the Governor's Stay Home Stay Healthy order will be lifted or modified. If the order continues in May, we will re-evaluate based on the Governor's order in place at that time.
 - e. Vanaheimr Appeal Proceeding: Due to the nature of the appeal, it is desirable to have the proceeding at an in-person meeting. The appeal proceeding originally scheduled for March 18th was cancelled, with a tentative rescheduled date of May 13, 2020. This again is assuming that the Governor's Stay Home Stay Healthy order will be lifted or modified. If the order continues in May, we will re-evaluate based on the Governor's order in place at the time.
3. Annexations: The PED Department has recently had annexation interest and a couple of pre-application conferences were held in 2019. Subsequent to the pre-app conferences, a number of 'property owner surveys' were released to gauge support of the possible annexation. The next step in an annexation process is the submittal of a 10% petition to the City Council. The Department does not expect a 10% petition to be submitted at this time due to the lack of any communication from the interested annexation parties; this situation was reviewed by the City Attorney nonetheless.

If the PED Department was to receive a 10% petition for annexation, RCW 35A.14.120 states that the legislative body shall set a date within 60 days after filing of the request for a public meeting where the Council will consider whether to accept the annexation petition or not. Therefore, if the Department does receive a 10% petition, the City may set the public meeting up to 60 days from the filing; this allows for a scheduling of a City Council meeting into June 2020 (or beyond). Because both the City Attorney and I agree that Annexations are of broad public interest, any public meeting regarding annexations should occur once the Stay Home Stay Healthy order is lifted completely.

- 4. Neighborhood Meetings: The purpose of Neighborhood Meetings is to give the public the opportunity to meet with the applicant to discuss a proposed development project. I believe a remote setting would be less than ideal in meeting the purpose of meaningful applicant/interested citizen engagement. There is no statutory timeline associated with neighborhood meetings, and therefore, Neighborhood Meetings will wait until after the Governor's Stay Home Stay Healthy order. At this time, we are not expecting any requests for Neighborhood Meetings in April.

5. Planning Commission Meetings: In general, Planning Commission meetings will only be scheduled for review of a Type III permit that is under a statutory timeline during the Governor's Stay Home Stay Healthy order.
6. Hearing Examiner Hearings: In general, the Hearing Examiner hearings will only be scheduled for review of a Type III permit that is under a statutory timeline during the Governor's Stay Home Stay Healthy order.