

## POULSBO DISTRIBUTION SCHEDULE

**ORDINANCE NO. 2022-10**

**SUBJECT: Stormwater Vaults as Parks**

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### CONFORM AS TO DATES & SIGNATURES

- ☒ Filed with the City Clerk: 08/04/2022
- ☒ Passed by the City Council: 08/10/2022
- ☒ Signature of Mayor
- ☒ Signature of City Clerk
- ☒ Publication: 08/15/2022
- ☒ Effective: 08/20/2022
- ☐ Recorded: \_\_\_\_\_

### DISTRIBUTED COPIES AS FOLLOWS:

- ☒ NK Herald: (Seattle Times) 08/11/2022
- ☒ Code Publishing
- ☒ City Attorney
- ☒ Clerk's Department:
- ☐ City Council
- ☐ Finance:
- ☒ Posted to Library Drive and Website
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- ☐ \_\_\_\_\_

Rhiannon Fernandez

City Clerk

08/11/2022

Date

## **ORDINANCE NO. 2022- 10**

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING SECTIONS 18.260.090 A & H AND 18.260.100 OF THE CITY OF POULSBO MUNICIPAL CODE IN ORDER TO SPECIFY THE CRITERIA NECESSARY FOR A STORMWATER VAULT DEVELOPED WITH AN ACTIVE RECREATIONAL AMENITY TO SERVE THE LARGER COMMUNITY AS A COMMUNITY PARK VERSUS A SMALLER VAULT THAT SERVES THE OCCUPANTS OF A PLANNED RESIDENTIAL DEVELOPMENT; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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**WHEREAS**, the Poulsbo Municipal Code (PMC) allows Planned Residential Developments (PRD's) that provide active recreational amenities on a stormwater vault to count the area towards the total open space requirement (PMC 18.260.090 H); and

**WHEREAS**, the open space is intended to benefit the occupants of the PRD; however, stormwater vaults are eventually city owned and maintained; and

**WHEREAS**, the proposed text amendment distinguishes between stormwater vaults developed with an amenity designed to benefit the occupants of the PRD and those designed to serve the larger community as a community park; and

**WHEREAS**, according to the Poulsbo's Parks, Recreation and Open Space (PROS) Plan, the city has the greatest need for additional community parks;

**WHEREAS**, the top of larger stormwater vaults, generally those a minimum of a quarter of an acre, that provide active amenities could also serve as a community park; and

**WHEREAS**, larger stormwater vaults that are to serve as a community park may be required to provide parking, lighting, landscaping and signage as determined by the Planning Director; and

**WHEREAS**, the Parks and Recreation Director and Planning Director will determine the preferred amenity on the community park; and

**WHEREAS**, smaller vaults developed with an amenity will continue to benefit the occupants of the PRD; and

**WHEREAS**, the Planning Commission discussed this topic on April 12, May 24 and July 12, 2022; and

**WHEREAS**, on July 7, 2022, the notice of Planning Commission Public Hearing and City Council Public Hearing was published in the Seattle Times, posted at the Poulsbo Library, Poulsbo Post Office, City Hall, and the city's website; and

**WHEREAS**, on July 26, the Planning Commission held a duly noticed public hearing on the stormwater vault as parks amendment; and

**WHEREAS**, after considering the testimony received at the public hearing, the Planning Commission voted to recommend approval of the stormwater vaults as parks amendment to the Poulsbo City Council, and adopted findings of fact in support of their decision; and

**WHEREAS**, the Poulsbo City Council held a duly noticed public hearing on the stormwater vaults as parks amendment on August 10, 2022; and

**WHEREAS**, after considering the staff and Planning Commission recommendations and all public testimony received in the public hearing, the Poulsbo City Council determined to approve and to adopt the final document by the passage of this ordinance;

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

**Section 1. Findings and Conclusions.** In support of the actions taken by this ordinance, the Poulsbo City Council hereby adopts the following as findings and conclusions:

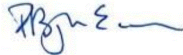
- A. The recitals set forth above; and
- B. The findings, conclusions, and analysis contained in the Planning Commission Findings of Fact and Recommendation.

**Section 2. Stormwater Vaults as Parks Amendment.** Poulsbo Municipal Code sections 18.260.090 A & H & 18.260.100 is hereby amended as set forth in Attachment A to this ordinance.

**Section 3. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 4.**     **Effective Date.** This ordinance shall take effect five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:

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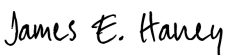
MAYOR REBECCA ERICKSON

ATTEST/AUTHENTICATED:

DocuSigned by:  
  
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CITY CLERK RHIANNON FERNANDEZ

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY DocuSigned by:  
  
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JAMES E. HANEY

FILED WITH THE CITY CLERK: 08/04/2022  
PASSED BY THE CITY COUNCIL: 08/10/2022  
PUBLISHED: 08/15/2022  
EFFECTIVE DATE: 08/20/2022  
ORDINANCE NO. 2022-10

## **SUMMARY OF ORDINANCE NO. 2022-10**

of the City of Poulsbo, Washington

On the 10th day of August 2022, the City Council of the City of Poulsbo, passed Ordinance No. 2022-10. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING SECTIONS 18.260.090 A & H AND 18.260.100 OF THE CITY OF POULSBO MUNICIPAL CODE IN ORDER TO SPECIFY THE CRITERIA NECESSARY FOR A VAULT TO SERVE THE LARGER COMMUNITY AS A COMMUNITY PARK VERSUS A SMALLER VAULT THAT SERVES THE OCCUPANTS OF A PLANNED RESIDENTIAL DEVELOPMENT: AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

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

DATED this 10th day of August, 2022.

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CITY CLERK RHIANNON FERNANDEZ

## **Attachment A**

### **STRIKE-THROUGH UNDERLINE Version**

#### 18.260.090 Open space requirements.

Common open space and other appropriate beneficial features are required for all planned residential developments.

- A. Open space is intended to benefit the occupants of the planned residential development and shall be improved with recreational amenities, except stormwater vaults that meet 18.260.090 H.2.a.i-v are intended to serve the greater community.

H. Stormwater management facilities may contribute to a project's required open space amount under the following circumstances:

1. For projects that utilize low impact development (LID) techniques for their stormwater management, the planning director may consider on a case-by-case basis, with demonstration that the LID technique will beneficially contribute to a project's open space and/or landscaping and can be maintained and operated as passive open space, allowing an area of the LID technique to contribute towards the project's passive open space requirement.
2. For projects that utilize stormwater vaults, the top of the vault may be proposed to also serve as an active recreational amenity (i.e. sport court, playground, etc.), for either the community at large or for the occupants of the PRD if grade and landscaping provide for a usable area. ~~The area proposed to serve as the active amenity can therefore contribute toward the open space requirement.~~
  - a. Vaults and the amenity on the vault are owned and maintained by the City of Poulsbo and count towards the open space and amenity requirement if they meet the following requirements:
    - i. Its size is found to accommodate the city preferred amenity and the amenity is found to serve the greater community. Generally, to be considered, the top of the vault shall be a minimum of a quarter of an acre;
    - ii. It is readily accessible to the general public;
    - iii. The Poulsbo Parks and Recreation and Planning Directors determine the appropriate amenity;
    - iv. Parking is provided per PMC 18.100.030; and
    - v. The amenity is fully installed by the applicant, including associated landscaping, lighting and signage as determined to be necessary.
  - b. If the above requirements are not met, a vault and an amenity may count towards the open space and amenity requirements if the amenity is owned and maintained by the HOA.

#### 18.260.100 Amenities required.

- A. Both passive and active recreational amenities (owned and maintained by the homeowners or by the City of Poulsbo if it meets 18.260.090.H.2.a.i-v) are required to be provided for all PRDs, and shall be located within the required open space area.