

City of Poulsbo

Planning & Economic Development



2023 LAND USE HOUSEKEEPING CODE AMENDMENTS STAFF REPORT AND RECOMMENDATION

To: Planning Commission
From: Nikole Coleman, Senior Planner
Subject: 2023 Land Use Housekeeping Code Amendments
Date: January 31, 2023

Staff respectfully recommends approval of the Land Use Housekeeping Code Amendments as set forth in Exhibit A to this staff report.

PROPOSED MOTION:

MOVE to recommend (approval) (approval with modifications) to the Poulsbo City Council Application No. P-12-22-22-01, the 2023 Land Use Housekeeping Code Amendments, as identified in Exhibit A.

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1.0 General Information

Applicant:	City of Poulsbo 200 NE Moe Street Poulsbo WA, 98370
Application No.:	P-12-22-22-01
Description of Proposal:	<p>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.</p> <p>Amendments are included for the following PMC Chapters: 18.40, Zoning Definitions; 18.70, Residential Districts; 18.80, Commercial Districts; 18.130; Landscaping; 18.140, Off-Street Parking; 18.180, Tree Retention; 18.260, Planned Residential Developments; 18.270, Site Plan Review; 19.40, Application Review Procedures; 19.60, Neighborhood Meetings.</p> <p>It should be noted that not all provisions of a specific section are presented in Exhibit A; only the pertinent sections proposed to be amended are identified. For full context, please see the complete section at: https://www.codepublishing.com/WA/Poulsbo/</p>
Type of Amendment:	Zoning Code Text Amendments
SEPA Status:	A DNS was issued on January 13, 2023
Enabling Code:	PMC 18.210.010, PMC 19.40.050
Planning Commission Hearing:	February 7, 2023
Staff Contact:	Nikole Coleman, Senior Planner ncoleman@cityofpoulsbo.com

2.0 Review Process to Date

The Land Use Housekeeping Code Amendments were publicly released December 30, 2022. This release and all associated documents were posted on the City's website, distributed to Washington State Department of Commerce and local, regional and state agencies, and emailed to the City's Development Regulations Update interested parties e-notice list.

On January 13, 2023, the Notice of Application (NOA) with Optional DNS and Notice of Planning Commission Public Hearing were published in the Seattle Times, emailed to the NOA, SEPA, Public Hearing, and Development Regulations e-notice list, and posted at the Poulsbo Post Office, City Hall and the City's website (Exhibit B).

No public comment has been received to date.

3.0 Planning Commission Draft Amendments

The Planning Commission, in its role as the City's primary land use advisory committee held a workshop on the proposed amendments on January 10, 2023 and identified two additional modifications. The Planning Commission modifications are shown in [blue underline](#) for proposed new language or additions or [blue ~~strikeout~~](#) for deletions and are reflected in the Planning Commission Recommended Amendments (Exhibit A). Initial staff proposed amendments are represented as [red underline](#) and [red ~~strikeout~~](#).

4.0 Attorney General's Unconstitutional Takings Memo

Pursuant to Comprehensive Plan Policy PI-2.4, City staff members are familiar with Washington State Attorney General's "warning signals" for unconstitutional takings of private property. Staff has reviewed the Attorney General's Advisory Memorandum: Avoiding Unconstitutional Takings in the context of the proposed amendment and has consulted with the City Attorney regarding the warning signals. Staff and the City Attorney are comfortable that the draft ordinance does not result in any unconstitutional taking.

5.0 Review Criteria and Staff Conclusion and Recommendation

Amendments to the text of this title or zoning amendments to the city's zoning map shall be applied for and processed according to the provisions of Title 19.

In order to grant a zoning code text amendment, the following findings must be made:

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

Conclusion:

The proposed amendments are consistent with the Comprehensive Plan, supports and/or enhances the public health, safety or welfare, and is not contrary to the best interest of the citizens and property owners of the City of Poulsbo.

The amendments support the land use (Ch 1), community character (Ch 2), natural environment (Ch 5), parks, recreation and open space (Ch 8), economic development (Ch 9) and participation, implementation and evaluation (Ch 11) chapters of the 2016 Comprehensive Plan.

The amendments support and/or enhance public health, safety and welfare and is not contrary to the best interest of the citizens and property owners by accomplishing the following:

- Responding to state law requirements to amend the definition of family to remove the limitation on the maximum amount of people living together that are not related and building code requirements (IBC 429) for electric vehicle charging,
- Allowing manufactured and mobile homes to serve as an ADU,
- Modifying the permit type requirements to respond to the demand for home occupations and neighborhood commercial while allowing for exemptions to site plan review for minor activities not listed,
- Replacing existing commercial design images with improved images that better graphically depict commercial design standards,
- Allowing city input on public amenities in Planned Residential Developments,
- Creates consistency in significant tree diameter by decreasing from 10 to six inches,
- Ensuring appropriate information is provided for staffs review of landscape plans,
- Specifying the appeal authority for Type III applications, and
- Specifying the information needed on notices for neighborhood meetings.

Recommendation: The Planning and Economic Development staff respectfully recommends the Planning Commission offer a recommendation of approval to the City Council for the proposed 2023 Land Use Housekeeping Code Amendments.

6.0 Planning Commission Public Hearing, February 7, 2023

The Planning Commission Public Hearing is scheduled for a **February 7, 2023, at 6:00 pm** or soon thereafter. The Planning Commission will make recommendation to the City Council. Meeting procedures are available from the PED Department and City Clerk's office and are conducted based on Roberts Rules of Order. Public Hearings are being held as a hybrid virtual/in-person at the web address and call-in number noted below and at City Hall Council Chambers, 200 NE Moe Street. This call-in number: 1 253 215 8782 and meeting id: 810 2047 3350 are provided for virtual attendance, in addition to this webinar link: <https://us06web.zoom.us/j/81020473350>

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7.0 Exhibits

- A. Planning Commission Recommended 2023 Land Use Housekeeping Code Amendments
- B. Public Participation Plan
- C. Notice of Application with Optional DNS and Notice of Planning Commission Public Hearing