

City of Poulsbo

Planning & Economic Development



2023 LAND USE HOUSEKEEPING CODE AMENDMENTS STAFF REPORT AND RECOMMENDATION

To: Mayor Erickson and City Council
From: Nikole Coleman, Senior Planner
Subject: 2023 Land Use Housekeeping Code Amendments
Date: March 9, 2023

Planning Commission and 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 (approve) (approval with modifications) Application No. P-12-22-22-01, the 2023 Land Use Housekeeping Code Amendments, as set forth in Exhibit A to this staff report.

CONTENTS:

Page 2	General Information
Page 2	Review Process to Date
Page 3	Proposed Amendments
Page 3	Attorney General's Unconstitutional Takings Memo
Page 3	Conclusion and Recommendation
Page 4	City Council Public Hearing
Page 4	List of Exhibits



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>
Type of Amendment:	Zoning Code Text Amendments Type IV
SEPA Status:	A DNS was issued on January 13, 2023
Enabling Code:	PMC 18.210.010, PMC 19.40.050
City Council Public Hearing:	March 15, 2023
Staff Contact:	Nikole Coleman 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 10, 2023, the Planning Commission was introduced to the Housekeeping Amendment. 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 C).

On February 7, 2023, the Planning Commission held a duly noticed public hearing and after considering the testimony received at the public hearing, the Planning Commission voted to recommend approval to the Poulsbo City Council and adopted findings of fact in support of their decision (Exhibit D).

On February 28, 2023, a public hearing notice announcing the City Council Public Hearing was published in the Seattle Times and posted at the Poulsbo Post Office, Public Library and City Hall and the City's website; and emailed to the public hearing and development regulations e-notice list (Exhibit E).

On March 1, 2023, the City Council held a workshop on these housekeeping amendments and following discussion, made a motion to schedule a public hearing for March 15, 2023.

No public comment has been received to date.

3.0 Proposed Amendments

Staff recommended amendments were publicly released December 30, 2022. Initial staff proposed amendments are represented as **red underline** and **red strikeout**. 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 additional modifications to the staff proposed amendments. The Planning Commission modifications are shown in **blue underline** for proposed new language or additions or **blue strikeout** for deletions.

The City Council held a workshop on the proposed amendments on March 1, 2023, and identified additional amendments, specifically to PMC 19.60.010 B. City Council proposed amendments are shown in **purple underline** and **strikethrough** as shown in Exhibit A.

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 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: Planning Commission and staff respectfully recommends approval of the amendments as set forth in Exhibit A to this staff report.

6.0 City Council Public Hearing, March 15, 2023

The City Council public hearing is scheduled for March 15, 2023, at 5:00 pm, or soon thereafter. Public hearings are being held as a hybrid virtual/in-person meeting at the web address and call-in number noted below and at Poulsbo City Hall Council Chambers. This call-in number: 1-253-215-8782 and meeting id: 831 7524 8417 are provided for virtual attendance, in addition to this webinar link: <https://us02web.zoom.us/j/83175248417>. Alternatively, please submit written comments requesting your comments be read during the meeting to cityclerks@cityofpoulsbo.com, mail to City Hall, or call and leave a message with the Clerk's Office before 4:30 p.m. to be read by the City Clerk during the hybrid meeting.

PROPOSED MOTION:

MOVE to (approve) (approval with modifications) Application No. P-12-22-22-01, the 2023 Land Use Housekeeping Code Amendments, as set forth in Exhibit A to this staff report.

7.0 Exhibits

- A. Proposed Land Use Housekeeping Code Amendments
- B. Public Participation Plan
- C. Notice of Application with Optional DNS and Notice of Planning Commission Public Hearing
- D. Planning Commission Findings of Fact and Recommendation
- E. Notice of City Council Public Hearing