

# City of Poulsbo

## *Planning & Economic Development*



### 2024 LAND USE CODE AMENDMENTS: HOUSEKEEPING, STATE MANDATES, AND HOUSING DIVERSITY STAFF REPORT AND RECOMMENDATION

**To:** Mayor Erickson and City Council  
**From:** Nikole Coleman, Senior Planner  
**Subject:** 2024 Land Use Code Amendments: Housekeeping, State Mandates, and Housing Diversity  
**Date:** February 28, 2024

The Planning Commission and staff respectfully recommend approval of the Land Use Code Amendments: Housekeeping, State Mandates, and Housing Diversity, as set forth in Exhibit A to this staff report.

#### **PROPOSED MOTION:**

**MOVE** to (approve) (approval with modifications) the Land Use Code Amendments: Housekeeping, State Mandates, and Housing Diversity, as set forth in Exhibit A to this staff report.

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## 1.0 General Information

Applicant:	City of Poulsbo   200 NE Moe Street   Poulsbo WA, 98370
Application No.:	P-01-03-24-01
Description of Proposal:	<p>The proposed amendments to the Poulsbo Municipal Code (PMC) are presented in 3 categories – Housekeeping, State Mandates, and Housing Diversity.</p> <ul style="list-style-type: none"><li>• Housekeeping amendments 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.</li><li>• State mandates refer to directives or requirements imposed by the state government on local jurisdictions or municipalities regarding how they plan and regulate land use within their boundaries. Mandates typically come in the form of laws, regulations, or policies that outline specific criteria, standards, and procedures that local governments must follow when making decisions about land development and zoning.</li><li>• Housing diversity refers to the variety of housing options available and encompasses a range of housing types, sizes, styles, and price points to accommodate the diverse needs and preferences within the community. The concept of housing diversity recognizes that individuals and families have varying lifestyle preferences, income levels, and household sizes. By providing a mix of housing options, a community can better meet the needs of its residents and create a more inclusive and dynamic living environment.</li></ul> <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: <a href="https://www.codepublishing.com/WA/Poulsbo/">https://www.codepublishing.com/WA/Poulsbo/</a></p>
Type of Amendment:	Zoning Code Text Amendments
SEPA Status:	An Optional DNS was issued on January 8, 2024
Enabling Code:	PMC 18.210.010, PMC 19.40.050
City Council Public Hearing:	March 6, 2024
Staff Contact:	Nikole Coleman, Senior Planner   ncoleman@cityofpoulsbo.com

## 2.0 Review Process to Date

On January 8, 2024, 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, distributed to Washington State Department of Commerce, and posted at the Poulsbo Post Office, City Hall, and the City's website (Exhibit B).

The Planning Commission held workshops on the proposed amendments on December 12, 2023, and January 9, 2024. On January 23, 2024, 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 21, 2024, 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 February 21, 2024, the City Council held a workshop on these amendments and following discussion, set the public hearing for March 6, 2024.

Public comments have been received to date (Exhibit F).

### 3.0 Proposed Amendments

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, 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 February 21, 2024, and did not identify any additional amendments.

### 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. The amendments support the land use (Ch 1), community character (Ch 2), natural environment (Ch 5), housing (Ch 7), 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 for Accessory Dwelling Units and Permanent Supportive Housing.
- Responding to the need for a mix of housing options to better meet the needs of residents.
- Adding additional standards for tree retention areas and the use of easements to achieve this requirement.
- Modifying the threshold for Minor Site Plan Review to respond to frequent project types.
- Updating standards for temporary community event and sandwich board signs, following a citywide sign sweep in spring of 2023.
- Eliminating a discrepancy between the PMC and RCW for alcohol sales and buffers.

***Recommendation:*** Planning Commission and staff respectfully recommend approval of the 2024 Land Use Code Amendments: Housekeeping, State Mandates, and Housing Diversity.

### 6.0 City Council Public Hearing, March 6, 2024

The City Council Public Hearing is scheduled for **Wednesday, March 6, 2024**, 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, 200 NE Moe Street, Poulsbo, Washington. This call-in number: 1-253-215-8782 and meeting id: 898 4841 6447 are provided for virtual attendance, in addition to this webinar link: <https://us02web.zoom.us/j/89848416447>. Oral comments can be made in-person. Please state your name and limit your comments to 3 minutes unless additional time is granted by the Council. As a rule, the Council will not respond to citizen comments. Written comments can be emailed to [cityclerks@cityofpoulsbo.com](mailto:cityclerks@cityofpoulsbo.com) by 2:00 p.m. the day of the meeting, and they will be distributed to the Council before the meeting. Written comments will not be read into the record.

**PROPOSED MOTION:**

**MOVE** to (approve) (approval with modifications) the Land Use Code Amendments: Housekeeping, State Mandates, and Housing Diversity, as set forth in Exhibit A to this staff report.

## 7.0 Exhibits

*Note: Exhibits A and F are attached to this staff report. Exhibits B-E are available on the code amendment website: <https://cityofpoulsbo.com/development-regulation-amendments-2/>*

- A. 2024 Land Use Code Amendments: Housekeeping, State Mandates, and Housing Diversity
- B. Public Participation Plan
- C. Notice of Application with Optional DNS and Notice of Planning Commission Public Hearing
- D. Planning Commission Findings of Fact
- E. Notice of City Council Public Hearing
- F. Public Comments