

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2024-03

SUBJECT: Interim Zoning Regulations Unit Lot

CONFORM AS TO DATES & SIGNATURES

- Filed with the City Clerk: 02/28/2024
- Passed by the City Council: 03/06/2024
- Signature of Mayor
- Signature of City Clerk
- Publication: 03/11/2024
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Kati Diehl
Deputy City Clerk

03/07/2024
Date

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTED PURSUANT TO RCW 35A.63.220 and RCW 36.70A.390; ADOPTING A TWELVE-MONTH INTERIM ZONING ORDINANCE ALLOWING FOR UNIT LOT SUBDIVISIONS; SETTING FORTH FINDINGS OF FACT IN SUPPORT OF THIS INTERIM ORDINANCE; SETTING A PUBLIC HEARING TO BE HELD WITHIN 60 DAYS; AUTHORIZING INTERPRETIVE AUTHORITY; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City of Poulsbo ("City") is the process of updating its 2024 Comprehensive Plan due by December 31, 2024;

WHEREAS, the City has received a population and employment allocation as well as a housing target for the 2024 Comprehensive Plan update; and

WHEREAS, the housing target is 1,977 total units by 2044 and is divided into Area Median Income's (AMI) ranging from below 30% AMI including supportive housing and up to over 120% AMI; and

WHEREAS, the housing target for 50 to 100% AMI totals 412 units and the likely housing unit type that would supply this income level are fee simple townhomes, rowhouses and condominiums; and

WHEREAS, homeownership is increasingly out of reach for many residents in the City, and between 2010 and 2021, the median home value of occupied housing units increased 49% from \$282,500 to \$420,8000; and

WHEREAS, the median sale price of a home in Poulsbo in January 2024 was \$657,245; and

WHEREAS, the Poulsbo City Council adopted via resolution a Housing Action Plan that included 10 strategies as well as actions the City could take to increase the housing stock; and

WHEREAS, Strategy Five is to increase diversity in housing choice through expanding "missing middle" housing development opportunities which include recommended action 5.2 to

develop unit lot subdivision standards as an alternative to both condominium ownership and traditional single-family detached subdivision; and

WHEREAS, the Poulsbo Municipal Code (“PMC”) currently permits townhouse and rowhouse type development and community members have expressed interest in providing an alternative to condo to allow for fee simple lots; and

WHEREAS, the adoption of the unit lot subdivision provisions in the PMC would allow for the subdivisions of such housing types and expand fee simple homeownership opportunities in the City of Poulsbo; and

WHEREAS, the City is concerned that without immediately offering unit lot subdivision the City may lose the opportunity for this type of housing type from being constructed and instead continue to see the trend of larger, more expensive homes; and

WHEREAS, by adopting this interim ordinance the City is able to continue its efforts on the 2024 Comprehensive Plan update and to evaluate the proposed interim ordinance to ensure that it furthers the goals and policies of the proposed Comprehensive Plan; and

WHEREAS, RCW 58.17.060(3) mandates that cities shall include in their short plat regulations procedures for unit lot subdivisions; and

WHEREAS, the City is authorized by state law, including RW 36.70A.390 and RCW 35.A.63.220, to expeditiously adopt interim zoning ordinances while permanent regulations are developed, vetted and processed through the City’s standard legislative procedures; and

WHEREAS, the City Council finds that a public emergency exists that requires the City’s immediate adoption of the interim zoning ordinance herein to preserve the public health, safety, and welfare.

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

Section 1. Preliminary Findings of Fact. The recitals set forth above are hereby adopted as the City Council's preliminary findings of fact in support of the interim zoning controls established by this ordinance. The City Council may, in its discretion, adopt additional findings after public hearing referenced in Section 5 below. The City Council further finds that adoption of this ordinance is necessary in order to immediately establish development rights that are consistent with the City's community planning vision and/or that are required to come into compliance with state law. As such, a public emergency exists requiring that this ordinance take effect immediately upon passage.

Section 2. Adoption of Interim Standards. The City Council hereby adopts emergency interim official zoning controls to allow for unit lot subdivisions as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

Section 3. Adoption of Work Plan. A work plan for the twelve-month period of this interim zoning ordinance as set forth in Exhibit B attached hereto and incorporated herein by this reference.

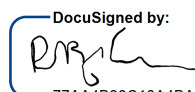
Section 4. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing at a City Council meeting to be held at Poulsbo City Hall, 200 Moe Street, Poulsbo, Washington, on May 1, 2024 at 5:00 p.m., or as soon thereafter as the same may be heard. Public testimony shall be taken at the hearing and the City Council may, but shall not be obligated to, consider adopting further findings of fact justifying the interim zoning ordinance after the close of the hearing.

Section 5. Interpretive Authority. The City of Poulsbo Director of Planning and Economic Development, or designee, is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

Section 6. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other person or circumstances.

Section 7. Declaration of Emergency; Effective Date; Duration. This ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "Whereas" clauses above, all of which are adopted by reference as findings of fact as if fully set forth herein. This interim zoning ordinance shall take effect immediately, and shall remain effective for 12 months, unless terminated earlier by the City Council. Provided that the Council may, at its sole discretion, renew the interim zoning ordinance for one or more six-month periods in accordance with state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

APPROVED:

DocuSigned by:


77AA4B38C18A4BA...
MAYOR, BECKY ERICKSON

ATTEST/AUTHENTICATED:

DocuSigned by:

D24DA44DCC754A8...
CITY CLERK, RHIANNON FERNANDEZ, CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
833D8D077F3047F...
EMILY F. ROMANENKO

FILED WITH THE CITY CLERK: 02/28/2024
PASSED BY THE CITY COUNCIL: 03/06/2024
PUBLISHED: 03/11/2024
EFFECTIVE DATE: 03/06/2024
ORDINANCE NO. 2024-03

SUMMARY OF ORDINANCE NO. 2024-03
of the City of Poulsbo, Washington

On March 6, 2024, the City Council of the City of Poulsbo, passed Ordinance No. 2024-03. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTED PURSUANT TO RCW 35A.63.220 and RCW 36.70A.390; ADOPTING A TWELVE-MONTH INTERIM ZONING ORDINANCE ALLOWING FOR UNIT LOT SUBDIVISIONS; SETTING FORTH FINDINGS OF FACT IN SUPPORT OF THIS INTERIM ORDINANCE; SETTING A PUBLIC HEARING TO BE HELD WITHIN 60 DAYS; AUTHORIZING INTERPRETIVE AUTHORITY; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

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

DATED this 6th day of March, 2024.

DocuSigned by:

Rhiannon Fernandez

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CITY CLERK, RHIANNON FERNANDEZ

CHAPTER 17.10 GENERAL PROVISIONS

- 17.10 General Provisions
- 17.20 Definitions
- 17.30 Boundary Line Adjustments
- 17.40 Short Subdivision
- 17.50 Binding Site Plans
- 17.60 Preliminary Subdivision
- 17.65 Unit Lot Subdivision
- 17.70 Final Plats
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- 17.90 Plat Alterations and Vacation
- 17.100 Administration
- 17.110 Enforcement

17.10 General Provisions

17.10.030 Applicability.

- A. All division and redivision of land into lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership shall comply with the requirements of this title except where specifically exempted herein. Subdivisions, short subdivisions, unit lot subdivisions, binding site plans, boundary line adjustments, plat alterations and plat vacations are all considered divisions or redivisions of land for the purposes of this title.
- B. Exemptions. The following are exempt from the provisions of this title except where expressly indicated:
 - 1. Cemeteries and burial plots while used for that purpose.
 - 2. Testamentary Divisions. Divisions made by testamentary provisions or the laws of descent; provided, that a map is recorded with the Kitsap County auditor's office at the time the land is divided and that all lots created must meet the requirements of this chapter and other applicable regulations. Land divided in this manner does not guarantee creating legal lot, nor exempt the division to meet other city standards such as, but not limited to, lot size requirements, frontage and infrastructure improvements as applicable.
 - 3. Divisions of land into lots or tracts each of which is 1/128th of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land. For purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such centerline.
 - 4. A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose consistent with RCW 58.17.040(8).
 - 5. A division of land into lots or tracts of less than three acres that is recorded in accordance with Chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of the city. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. (New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed.)

17.20.010 Definitions.

As used in this title, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this chapter shall have the following meanings:

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Alteration. An “alteration” is the amendment or change to a recorded final plat, recorded short plat, recorded binding site plan, recorded unit lot subdivision, or any portion thereof, that results in changes to conditions of approval, configuration of lots, street alignment, utility provision, or the removal of plat or lot restrictions or dedications that are shown on the recorded plat. An alteration does not include a boundary line adjustment.

Binding Site Plan. A “binding site plan” is a plan drawn to scale in accordance with the provisions of this title and Chapter 58.17 RCW, and which: (1) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by this title; (2) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the review authority; and (3) contains provisions making any development or division of land be in conformity with the site plan.

Block. A “block” is a group of lots, tracts, or parcels within well-defined and fixed boundaries.

Boundary Line Adjustment.

1. An adjustment of boundary lines between two or more lots, tracts, parcels, sites or divisions which does not create any additional lot, tract, parcel, site, or division, nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site and may be accomplished in nonconforming situations when the degree of nonconformity is not increased; or
2. A consolidation (or aggregation) of multiple lots into one single lot; provided, that the consolidation does not create any additional lot, tract, or parcel; and does not create any lot, tract, or parcel which contains insufficient area and dimension to meet minimum requirements for width and area of a building site.

Building Site. A “building site” is the physical portion of real property upon which structures are situated, and which must satisfy the applicable zoning code standards.

City Engineer. The “city engineer” shall mean the designated Poulsbo city engineer or a duly authorized designee.

Condominium. A “condominium,” pursuant to RCW 64.34.020(9), means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and survey map and plans have been recorded.

Dedication. A “dedication” is the deliberate appropriation of land by an owner for general and public uses, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentation for filing of a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing with the Kitsap County auditor.

Director. The “director” shall mean the designated director of the Poulsbo planning and economic development department (PED) or a duly authorized designee.

Division of Land. For purposes of this title, “division of land” means any transaction or action, not otherwise exempt, which alters or affects the shape, size, or legal description of any part of a lot, parcel or site.

Easement. An “easement” is a grant by the property owner to specific persons or to the public to use land for a specific purpose or purposes.

Electric Utility Facilities. For purposes of this title, “electric utility facilities” are unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations.

Final Plat. A “final plat” is the final drawing of the subdivision and dedication prepared for filing for record with the Kitsap County auditor and containing all elements and requirements set forth in this title and Chapter 58.17 RCW.

Health Officer. “Health officer” means the designated health officer of the Kitsap Public Health District or a duly authorized designee.

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Lot. A “lot” is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area and intended for development except for unit lots approved per Chapter 17.65. The term shall include parcels, sites or divisions.

Model Home. For purposes of this title, a “model home” is a single-family residence that is allowed to be constructed in an approved preliminary subdivision prior to final subdivision approval and recording.

Modification. A “modification” is a revision, correction or change to an approved preliminary plat, short plat or binding site plan prior to recording.

Parent lot. A lot which is subdivided into unit lots through the unit lot subdivision process.

Personal Wireless Services. For purposes of this title, “personal wireless services” means any federally licensed personal wireless service. “Personal wireless facilities” means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures.

Planning Commission. “Planning commission” means the designated members of the city of Poulsbo planning commission.

Plat. A “plat” is a map or representation of a subdivision and short subdivision, respectively, showing thereon the division of a parcel of land into lots, blocks, tracts, streets and alleys or other divisions and dedications.

Preliminary Plat. A “preliminary plat” is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this title and Chapter 58.17 RCW. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

Review Authority. The person or body responsible for interpreting and/or directing a land use permit or activity, and as set forth in Title 19, Project Permit Application Procedures, Table 19.20.020.

Short Plat. A “short plat” is a drawing of a proposed short subdivision showing the layout of streets, alleys, lots, tracts and other elements of a short subdivision required by this title and Chapter 58.17 RCW. The short plat shall be the basis for the approval or disapproval of the layout of a subdivision.

Short Subdivision. A “short subdivision” is the division or redivision of land into four or fewer lots, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

Street. A “street” is a private or public way designed primarily for vehicular traffic. It includes the terms “road,” “highway,” “avenue,” “boulevard,” “thoroughfare,” and other traffic way, and usually includes improvements, including curbs, sidewalks, and street pavement.

Subdivision. A “subdivision” is the division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

Tract. A “tract,” for purposes of this title, shall mean land reserved for specified uses, including but not limited to surface water retention, utility facilities, access, open space, recreation areas, tree retention areas, critical area and buffers. Tracts are not considered lots or building sites for purposes of development.

Unit Lot. A subdivided lot within a development as created from a parent lot and approved through the unit lot subdivision process.

Vacation. A “vacation,” for purposes of this title, shall mean rendering the plat, or portion thereof, null and void and no longer platted.

CHAPTER 17.65 UNIT LOT SUBDIVISIONS (NEW)

17.65.010 Purpose.

17.65.020 General standards.

17.65.030 Application submittal requirements.

17.65.040 Alternative Street standards.

17.65.050 Decision criteria.

17.65.060 Approval process.

17.65.070 Final review requirements.

17.65.080 Unit lot recording.

17.65.090 Expiration and extension of time.

17.65.100 Unit lot modifications.

17.65.010 Purpose.

The purpose of this section is to provide an alternative to the traditional method of land division. The unit lot subdivision (ULS) process provides opportunities for fee-simple ownership of land. Unit lot subdivisions allow development on individual unit lots to avoid complying with typical dimensional standards if the parent lot conforms to all such development standards.

17.65.020 General standards.

- A. The provisions of this section apply exclusively to the unit lot subdivision of land for detached dwellings in RM and RH zoning districts, attached multifamily dwellings in zoning districts in which multifamily dwellings are permitted, cottage housing, and manufactured or mobile home parks.
- B. As allowed by this chapter, development on individual unit lots within the unit lot subdivision need not conform to the minimum lot area or dimensional standards of PMC Title 18, Zoning; provided, that overall development of the parent lot meets the development and design standards of the underlying zone and the requirements of this chapter. There shall be no minimum required lot area for individual lots within a unit lot subdivision; provided, that the area of the unit lot shall be large enough to contain the dwelling unit and any accessory structures, decks, fences, garages, driveways, private yard areas, parking, landscaping or other improvements that are accessory to the dwelling unit; provided further, so long as conforming to the approved site development plan, such accessory improvements may encroach upon or be located in an adjoining unit lot or common area pursuant to an appropriate easement.
- C. Overall development of the parent lot shall meet the development and design standards of the underlying land use district.
- D. The density of the parent lot shall not exceed the maximum net density of the zone. Only one dwelling unit shall be located on a unit lot.
- E. As with dimensional standards, compliance with access standards, including but not limited to fire lanes, neighborhood connectivity, drive aisles, turnarounds, and access of/to the parent lot from/to the street will be evaluated based on the parent lot's compliance with such requirements, and not based on whether individual unit lots meet such standards.
- F. Except for any site for which a permit has been issued for a detached accessory dwelling unit, lots developed or proposed to be developed with uses described in (A) above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private usable open space or private amenity area for each dwelling unit shall be provided on the same unit lot as the dwelling unit it serves.

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- G. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.
- H. A unit lot subdivision shall make adequate provisions through easements for ingress, egress, emergency services, and utilities access to and from each unit lot created by reserving such common areas or other areas over, under, and across the parent lot as necessary to comply with all applicable development standards. Such easements shall be recorded with the Kitsap County Recorder's Office.
- I. Access easements, joint use agreements, and maintenance agreements identifying the rights and responsibilities of property owners and any homeowners association shall be executed for use and maintenance of common garage, parking, and vehicle access areas, landscaping, underground utilities, common open space, exterior building facades and roofs, any portions of the parent lot not subdivided for individual unit lots, and other similar features, and shall be recorded with the Kitsap County Recorder's Office.
- J. Portions of the parent site not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowner's association comprised of the owners of the individual unit lots located within the parent lot.
- K. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Kitsap County Recorder.
- L. The fact that the unit lot is not a separate buildable lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Kitsap County Recorder.
- M. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parcel lot. Changes requiring permitting that affect only the interior of building units will be evaluated for compliance with the requirements only for that unit. Any exterior changes will be evaluated for compliance by considering whether the parent lot would still comply with applicable development standards. Any application for such external changes will require authorization of all owners of affected unit lots or approval of the HOA where changes to commonly owned tracts are proposed.
- N. For previously developed lots, eligibility for unit lot subdivision shall be subject to compliance with all standards applicable to the parent lot and proposed unit lots. Inconsistency of existing development with the provisions of this section shall not constitute justification for a variance under Chapter 18.290 PMC.
- O. Any conflicts between the provisions of this section and the text of other sections in the Poulsbo Municipal Code shall be resolved in favor of the text of this section.

17.65.030 Application submittal requirements.

An application for a unit lot subdivision shall contain the following:

- A. Completed application form(s) per city requirements and all identified submittal requirements.
- B. Required application fees.
- C. Unit lot drawings shall include the following:
 - 1. Existing parent lot and lot lines.
 - 2. Proposed new unit lot lines.
 - 3. All existing improvements on the site.
 - 4. Any structures and features to be removed.
 - 5. Critical areas as indicated in Chapter 16.20, located on or within three hundred feet of the property.
 - 6. Legal descriptions of the parent lot and new unit lots, in addition to proposed tracts and easements.
 - 7. Existing and proposed easements, covenants or deed restrictions that may affect development.

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8. Structures and driveways within one hundred fifty feet of the property, on both sides of the street.
 9. Streets and utilities adjacent to, surrounding or intended to serve the property.
 10. Zoning of adjacent properties.
 11. Licensed surveyors' stamp/signature.
- D. Demonstrate compliance with current stormwater regulations.
 - E. All off-site easements necessary to provide access to the unit lot subdivision or to serve the unit lot subdivision with utility infrastructure.
 - F. A completed SEPA checklist (if required).
 - G. Any critical areas special reports (if required).
 - H. Title report or plat certificate (within ninety days of submission, or as set forth on the application form).
 - I. Any additional information identified by the city as necessary in order to provide a complete review of the proposed unit lot subdivision.
 - J. All developments using the unit lot process are also required to submit for Site Plan Review per Chapter 18.270 PMC as part of the land division application. The Site Plan Review shall demonstrate compliance with the applicable regulations of Title 18.

17.40.040 Street Standard Alternatives

The city's street standards, as set forth in the city's adopted Construction Standards, Section 2, may be modified as provided below:

- A. On-street parking as required in local access streets table may be clustered at a ratio of one-half parking space per unit. The clustered parking spaces shall be located in parking bays adjacent to a public street or within commonly owned areas. The parking bays shall be sized to appropriate parking stall sizes. The parking bays shall be owned and maintained by the project's homeowners' association.
- B. When required or proposed, private roads must be a minimum of twenty feet wide for two-way traffic and ten feet wide for one-way traffic (or as otherwise required by the fire department). Additional roadway width may be required if determined necessary for safe vehicle movement, to accommodate grading or other considerations as determined by the city engineer.
 1. Private roads shall be placed in a commonly owned tract. The tract shall be owned and maintained in common by the owners of the individual unit lots, or by a homeowner's association comprised of the owners of the individual unit lots located within the parent lot. Covenants, conditions, and restrictions (CCRs) and sales contracts for unit lots abutting private roads must indicate that the private roads are owned and maintained by the project's common owners of individual lots or homeowners' association.
 2. Private roads must gain access from public streets constructed to city standards.
 3. If fire department access is to be met by a private road, the proposed private road must meet fire department design standards.
 4. A sidewalk on one side of the private road built to city construction standards is required.
 5. Private roads shall be paved full width for their entire length. Asphalt and subgrade thickness must meet city construction standards. Street lighting is required.
 6. Private roads shall be designed for a minimum 20mph design speed unless otherwise approved by the City Engineer, in no case shall the design speed be less than 15mph.
 7. A ten-foot utility easement may be required on the outside of the private road.
 8. Stormwater collection shall meet city standards. However, the city engineer may allow modifications; provided, that stormwater treatment will be adequate, and safety will not be compromised. A

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geotechnical analysis of the proposed private road may be required at the discretion of the review engineer.

9. No on-street parking is allowed on private roads unless provided in eight-foot-wide bulb-outs or in parking bays sized to appropriate parking stall sizes. CCRs and sales contracts for lots abutting private roads must indicate no on-street parking is allowed if provisions for parking are not made.
- C. Alleys will be considered private roads and must meet the requirements in subsection B of this section with the following exceptions: alleys may provide secondary access, and a sidewalk on one side will not be required. Additional width may be required if determined necessary for safe vehicle movement, to accommodate grading or other considerations as determined by the city engineer.
- D. Sidewalks separated from public streets or private roads may be required by the city engineer upon review of the project lot widths and proposed driveway locations.
- E. These specific modifications to the city's Construction Standards may be utilized in unit lot design, and do not require prior city council approval in order for the application to proceed to the review authority. However, any other modifications to the street standards that may be proposed are subject to the process set forth in the city's Construction Standards, Section 2.

17.65.050 Decision criteria.

- A. A proposed unit lot subdivision may be approved only if the following findings are made by the review authority:
 1. The proposed unit lot subdivision conforms to the requirements of this title.
 2. The unit lot subdivision conforms to the site requirements for the zoning district in which the property is located and/or other applicable zoning provisions.
 3. The unit lot subdivision:
 - a. Makes adequate provision for access and neighborhood circulation.
 - b. Will be adequately served with water, sewer, storm drainage, and other utilities appropriate to the nature of the unit lot subdivision.
 - c. Makes adequate provisions for sidewalks and other planning features that provide safe walking conditions for students who walk to and from school.
 - d. Makes adequate provisions for critical area protection pursuant to Chapter 16.20.
 - e. Makes adequate provisions for fire and emergency access and protection.
 - f. Serves the public interest and makes appropriate provisions for public health, safety, and welfare.
- B. If the findings in subsection A of this section have not been met, the review authority shall deny the proposed unit lot subdivision, unless specified conditions have been issued to fully satisfy the criteria.

17.65.060 Approval process.

An application for a unit lot subdivision smaller than five acres in area shall be processed according to the procedures for Type II land use decisions established in Title 19, Project Permit Application Procedures. An application for a unit lot subdivision of one acre or greater shall be processed according to the Type III procedures established in Title 19, Project Permit Application Procedures.

17.65.070 Final review requirements.

- A. Engineering plans for streets, drainage controls, utilities and other proposed or conditioned improvements shall be prepared, submitted, and reviewed for approval by the city engineer prior to the commencement of on-site clearing or construction activities.
- B. Plans and technical information reports required shall be submitted to the city engineer and prepared consistent with the city's construction standards and specifications requirements.

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- C. All required facilities and improvements shall be completed prior to unit lot recording, as set forth in Section 17.80.100.
- D. The final unit lot survey, drawing and documents prepared for recording shall be submitted to the city engineer for review and approval prior to unit lot recording.
- E. All documents necessary for facilities to be dedicated to the public, including but not limited to streets, roads, sanitary sewer facilities, storm drainage systems and water supply systems, shall be submitted to the city engineer for review and approval prior to unit lot recording.
- F. When required, a final copy of the unit lots covenants, conditions and restrictions (CCRs) shall be submitted to the city for review and approval prior to unit lot recording.

17.65.080 Unit lot recording.

- A. The city will record the unit lot subdivision drawing(s) and all other legal documents.
- B. Before a unit lot subdivision can be recorded, all foundations, including common wall foundations, shall be installed, and located on the face of the unit lot by the land surveyor of record. Your proposed unit lot must be consistent with the approved building permit application in order to record with Kitsap County.
- C. The applicant shall submit unit lot drawing(s) for approval and signatures by the planning and economic development (PED) director and city engineer.
- D. All drawings and legal descriptions are required to be prepared, stamped and dated by a licensed surveyor as set forth in Section 17.80.080.
- E. The unit lot subdivision drawing(s) shall contain the following additional notes:
 - 1. The title of the plat shall include the phrase "Unit Lot Subdivision";
 - 2. The individual unit lots are not separate buildable sites. Additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot;
 - 3. Approval of the design and layout of the development was granted by the review of the development, as a whole, on the parent lot;
 - 4. Subsequent platting actions, additions, or modifications to any buildings may not create a nonconformity of the parent lot; and
 - 5. If a structure or portion of a structure has been damaged or destroyed, any repair reconstruction or replacement of the structure(s) shall conform to the approved site development plan.
- F. Subdivision of zero-lot-line developments shall provide a five-foot wide building maintenance easement on adjacent lots for external walls, eaves, chimneys, and other architectural features that rest directly on or within four feet of the lot line. The maintenance easement shall be shown on the face of the plat.
- G. A unit lot subdivision does not become effective until all documents are recorded with the Kitsap County auditor. The applicant shall be responsible for submitting all final documents for recording to the city. Recording fees shall be the responsibility of the applicant.

17.65.090 Expiration and extension of time.

- A. Unit lot subdivision approval shall expire five years from the date of the notice of decision if the unit lot has not been recorded.
- B. Upon written request by the property owner filed no less than thirty days prior to the date of expiration, the PED director and city engineer may grant an extension of time up to but not exceeding one year. Any extensions of time shall be based upon finding:
 - 1. There has been no material change of circumstances applicable to the property since unit lot approval.

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2. The applicant has attempted in good faith to submit the final short plat within the three-year period and the likelihood that the short plat will be recorded within the additional year.
3. The city shall not grant more than one one-year extension.
- C. If the unit lot has not been recorded after the initial three-year validity or after the additional one-year extension, it will be considered expired and a new application will be required to be submitted.

17.65.100 Unit lot modifications.

- A. Modifications to unit lots after city approval, but prior to recording with the Kitsap County auditor, may be requested by submitting a completed subdivision modification application form, all identified submittal requirements, and the required application fee. All property owners having an ownership interest in the parent lot of the unit lot shall sign the application form.
- B. Unit lot modifications shall be processed as a Type I application according to the provisions of Title 19.
- C. The following are examples of modifications (but are not limited to), which may be considered and approved under this section:
 1. Technical engineering items and details, unless the proposed detail modifies or eliminates features specifically required as an element of approval.
 2. Minor changes in lot or tract lines or dimensions, with no change in density or required minimum standards; and minor changes to street alignment or utility design.
 3. Reduction in the number of unit lots approved, as long as the modification meets the minimum density requirement.
 4. Minor changes to clarify notations on the face of the unit lot.
 5. A change to a condition of approval that does not modify the intent of the original condition.
- D. When approving a unit lot modification, the review authority shall make written findings and conclusions. Modifications must meet the following criteria:
 1. The modification complies with all of the requirements of this chapter and other applicable chapters of the Poulsbo Municipal Code.
 2. There will not be substantial changes in the impact on the neighborhood or the city as a result of the modification.
 3. No increase in density or lots is proposed.
 4. No new land use is proposed.
 5. The modification will not substantially alter any condition of approval.
- E. Modifications that result in an increase in the number of unit lots and/or density previously approved; significant street or stormwater redesign or relocation; or modifications that in the opinion of the review authority would significantly increase any adverse impacts or effects of the unit lot shall require a new application and fee.
- F. The review authority's decision will be the final decision of the city unless appealed in accordance with Title 19.
- G. A statement is required on the unit lot drawing and any other affected documents noting the changes and that the revised plat drawing/documents supersede the originally approved drawing/documents.
- H. Modifications to a unit lot shall not amend or extend the established time limit for unit lot approval as provided in Section 17.65.090.
- I. Alterations to a unit lot after recording with the Kitsap County auditor shall follow the process established in Chapter 17.90 or through submittal of a new application. Vacations of an approved unit lot shall be made through the vacation process in Chapter 17.90.

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CHAPTER 17.90 PLAT ALTERATIONS AND VACATION

17.90.020 Alteration of recorded land division.

- A. Plat alterations are required when a property owner wishes to make any change to a recorded final subdivision, recorded short subdivision, recorded unit lot subdivision, or recorded binding site plan. An alternative to the plat alteration process described herein is to submit a new application for the subdivision, or through a boundary line adjustment if appropriate. This process cannot be used to create additional lots, tracts or parcels.

17.100.010 Authorization.

- A. The planning and economic development (PED) director and/or city engineer is authorized to require more detailed requirements for the submittal of complete preliminary subdivision, short subdivision, unit lot subdivision, binding site plan, boundary line adjustments, final plat approval, plat alterations and plat vacations, including size, scale, number of copies, and content.

CHAPTER 19.20 APPLICATION CLASSIFICATION**19.20.020 Permit application classification**

The following table sets forth the various applications required and classifies each application by the process used to review and the review authority who will decide the application.

Table 19.20.020 Permit, Process and Review Authority Classification		
Permit Type	Process Type	Review Authority
Accessory dwelling unit	I	PD
Accessory dwelling unit, w/administrative conditional use permit	II	PD
Administrative interpretation/determination, written (including but not limited to: similar use determination; code/map interpretations; landscape plan review/approval; family day care home; etc.)	I	PD
Administrative modification	I/II	PD
Annexation	Exempt	CC/BRB
Appeals Type I and II permit decisions Type III permit decisions Type IV Type V		HE CC GMHB Kitsap County Superior Court
Binding site plan	II	PD
Binding site plan modification	I	PD
Boundary line adjustment	I	PD
Building permit	Exempt	BO
Comprehensive plan map, policy or text amendment	IV	CC
Concomitant agreements, release Fulfilled, all conditions met, no longer valid Approved administratively or by city council not for rezone Approved for rezone by city council	I II V	PD PD CC
Construction/engineering drawing review	Exempt	CE
Conditional use permit	III	HE
Conditional use permit, administrative	II	PD
Construction standards	IV	CC
Critical area exemption	I	PD
Critical area permit	II	PD
Design review		

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Table 19.20.020 Permit, Process and Review Authority Classification		
Permit Type	Process Type	Review Authority
With underlying land use application	Underlying application	Underlying application
With building permit only	I	PD
Development agreements	Exempt	CC
Development regulations	IV	CC
Final plat		
Final PRD site development plan		
Final PMUD site development plan	Exempt	CC
Grading permit	I/II	CE
Home business	Exempt	City clerk business license only
Home occupation	II	PD
Master plan, including establishment of map overlay (which requires a zoning map amendment), amendments to existing master plan, and/or release of an existing master plan	III	CC
Preliminary subdivision/plat	III	HE
Preliminary subdivision/plat modifications	II	PD/CE
Planned residential development (PRD)	III	HE
Planned mixed use development (PMUD)	III	HE
Plat alterations and vacation	Exempt	CC
Post decision modifications	I or II	PD
Public agency and utility exception (critical areas ordinance)	III	HE
Right-of-way permit	Exempt	CE
Reasonable accommodations (zoning ordinance)	Exempt	PD
Reasonable use exception (critical areas ordinance)	III	HE
SEPA threshold determination, stand alone, not associated with other land use permit; subject to SEPA notification requirements	I	PD
Shoreline conditional use permit	III	HE
Shoreline conditional use permit, minor	II	PD
Shoreline exemption	I	PD
Shoreline master program	IV	CC
Shoreline substantial development permit	III	HE

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Table 19.20.020 Permit, Process and Review Authority Classification		
Permit Type	Process Type	Review Authority
Shoreline substantial development permit, minor	II	PD
Shoreline variance	III	HE
Short subdivision/plat	II	PD
Short subdivision/plat modifications	I	PD/CE
Short subdivision/plat, final	Exempt	CE
Sign permit	Exempt	BO/PD
Site plan review	II	PD
Site plan review, minor	I	PD
Street vacations	Exempt	CC
Temporary use permit	I	PD
Tree cutting and clearing permit	I	PD
<u>Unit lot subdivision, less than 5 acres</u>	<u>II</u>	<u>PD</u>
<u>Unit lot subdivision, 5 acres or more</u>	<u>III</u>	<u>HE</u>
<u>Unit lot subdivision, final</u>	<u>Exempt</u>	<u>CE</u>
Variance	III	HE
Zoning map amendment—Zoning map only, when consistent with comprehensive plan and an amendment to the comprehensive plan is not necessary	III	HE
Zoning map amendment—When associated with a master plan overlay designation, and consistent with comprehensive plan and an amendment to the comprehensive plan is not necessary	III	CC
Zoning map amendment—Area wide, city wide, or site specific when requiring a comprehensive plan amendment	IV	CC
Zoning code amendment—Text	IV	CC
PD: Planning Director; CE: City Engineer; PD/CE: Both Planning Director and City Engineering; BO: Building Official; BO/PD: Both Building Official and Planning Director; HE: Hearing Examiner; CC: City Council; BRB: Boundary Review Board; GMHB: Growth Management Hearings Board		
Note: An exempt status in Table 19.20.020 indicates exemption from the procedural requirements of this title, and does not indicate exemption from other city-required permits.		

EXHIBIT B to Ordinance No. 2024-03
Interim Zoning Ordinance

WORK PLAN (March 6, 2024)

On March 6, 2024, the City Council passed a twelve-month interim zoning ordinance via Ordinance 2024-03 to allow unit lot subdivisions. The purpose of these interim zoning controls is to provide an immediate alternative to the subdivision process while continuing to evaluate the proposed 2024 Comprehensive Plan update and its intent of creating housing options and choices. This interim period will provide an opportunity for staff to learn from applying the unit lot subdivision code to land use applications; and to modify based on experience when considering permanent regulations as part of the 2024 Comprehensive Plan update.

The initial interim control is for twelve months, or until March 6, 2025.

The City has developed the following Work Plan described below:

March - September 2024

Notify and educate the development community of the interim unit lot subdivision ordinance. Continue to discussions with neighboring jurisdictions to learn best practices of applying the unit lot subdivision.

Develop the Draft Environmental Impact Statement (EIS) as part of the 2024 Comprehensive Plan, which will include potential housing options and choices such as but not limited to unit lot subdivisions.

Release Draft EIS for public comment.

September - October, 2024

Review public comments, provide written response, prepare and issue final EIS.

November 2024

Planning Commission/City Council select preferred growth alternatives.

Evaluate the interim unit lot subdivision ordinance to determine if it supports the EIS preferred growth alternative.

Consider modifications to the interim unit lot subdivision based on application of unit lot subdivision ordinance.

December – January 2025:

Modify Comprehensive Plan to reflect preferred alternative and draft development regulations, including a permanent unit lot subdivision ordinance.

January – March 2025:

Release public draft of the 2024 Comprehensive Plan and draft development regulations. Hold Study Sessions and Public Hearings with the Planning Commission and City Council. Adopt 2024 Comprehensive Plan and implement permanent development regulations, including unit lot subdivision standards.

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