

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2023-13

SUBJECT: Moratorium on Non-Mixed Use Development in SR 305 Corridor

CONFORM AS TO DATES & SIGNATURES

- Filed with the City Clerk: 09/13/2023
- Passed by the City Council: 09/13/2023
- Signature of Mayor
- Signature of City Clerk
- Publication: 09/18/2023
- Effective: 09/13/2023
- Recorded: _____

DISTRIBUTED COPIES AS FOLLOWS:

- Seattle Times: 09/14/2023
- Code Publishing
- City Attorney
- Clerk's Department:
- City Council
- Finance:
- Posted to Library Drive and Website
- Posted to Laserfiche
- Scanned and Tossed: _____
- Electronically Created Document (No Hard Copy Exists)
- _____

Kati Diehl
Deputy City Clerk

09/14/2023
Date

ORDINANCE NO. 2023 – 13

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTED PURSUANT TO RCW 35A.63.220 and RCW 36.70A.390; IMPOSING A TWELVE-MONTH MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR CERTAIN NON-MIXED USE DEVELOPMENT ON VACANT PROPERTIES IN THE SR 305 CORRIDOR ZONED C-3; SETTING FORTH FINDINGS OF FACT IN SUPPORT OF THIS MORATORIUM; IMPOSING THE MORATORIUM; STATING THE EFFECT ON VESTED RIGHTS; SETTING A PUBLIC HEARING TO BE HELD WITHIN 60 DAYS; AUTHORIZING INTERPRETIVE AUTHORITY; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; SETTING THE DURATION; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria related to land uses; and

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 City has begun the State Environmental Policy Act Environmental (SEPA) Impact Statement (EIS) (spell out) scoping process as part of its 2024 Comprehensive Plan update and is considering four (4) land use and growth alternatives; and

WHEREAS, two (2) of the four (4) land use and growth alternatives include focusing residential growth along the SR305 corridor; and

WHEREAS, the majority of the corridor is zoned Commercial-3: SR 305 Corridor (C-3) and the corridor has not attracted much residential growth; and

WHEREAS, the City is interested in expanding development options for residential development as part of the 2024 Comprehensive Plan update and has allocated approximately 800 population to the SR 305 Corridor in the two (2) land use and growth alternatives; and

WHEREAS, the City of Poulsbo has allocated grant money from the Department of Commerce to perform a market study and feasibility analysis, a transportation plan and draft development and design standards of the SR305 Corridor; and

WHEREAS, the market study and feasibility analysis ("Study") provided analysis of the Puget Sound Regional Council (PSRC) center criteria to determine the appropriate corridor designation for the SR 305 Corridor and specifically if the Corridor could qualify as a Regional Center; and

WHEREAS, the Study found that to qualify as a Regional Center the City will need to increase its residential capacity to meet the PSRC criteria; and

WHEREAS, the Study also performed a development feasibility analysis of six (6) development prototypes and eight (8) development scenarios; and

WHEREAS, the Study recommended that the city consider regulatory changes to encourage development in the study area including an increase in height, reduction in front yard setbacks, allowing shared parking ratios and reduction in parking, as well as multifamily tax exemption and an allowance for 100% residential rather than Mixed-Use; and

WHEREAS, the Study was presented to the Planning Commission and the City Council at a joint meeting on May 16, 2023; and

WHEREAS, the Study also found that there are limited sites and areas that are likely to develop or redevelop due to multiple factors including the amount of critical areas within the corridor and that retail renovation is the most likely development scenario due to the existing zoning regulations; and

WHEREAS, the City desires time to determine if the recommendations in the report should be adopted as zoning changes as well as consider the results from the transportation plan and the appropriate center designation; and

WHEREAS, the City possess land use jurisdiction and regulatory authority over the City's incorporated lands; and

WHEREAS, unless a moratorium on new non-mixed use applications is adopted, vacant lands zoned C-3: SR 305 Corridor in the SR 305 corridor could be developed with purely commercial uses or applications proposing purely commercial uses could vest, thereby precluding the City from adopting land use and growth alternatives that concentrate residential uses on such vacant lands; and

WHEREAS, the moratorium imposed herein promotes the public good and is necessary for the protection of public health, property, safety, and welfare. A public emergency exists requiring that the City's moratorium become effective immediately upon adoption.

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

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the moratorium established by this ordinance. The City Council may, in its discretion, adopt additional findings after public hearing referenced in Section 5 below.

Section 2. Moratorium Imposed. As authorized by the police powers of the City as set forth, for example, in Article XI, Section 11 of the Washington State Constitution, and pursuant to statutory authority set forth, for example, in RCW 36.70A.390 and RCW 35A.63.220 and unless expressly excluded under Section 3 and 4 of this ordinance, the City hereby imposes a temporary moratorium, as described in this Section 2, for those properties requesting the following ("Permit Applications")

All new building permit applications and other new land use applications that propose development on vacant properties and properties not improved with permanent structures located within the SR 305 Corridor zoned C-3 SR 305 Corridor (C-3), as depicted on the map attached to this ordinance as Exhibit A, that is not mixed-use development that meets the standards set forth in PMC 18.80.080.J, Mixed-Use Structure, or planned mixed-use development that meets the standards of PMC 18.80.090, Planned Mixed-Use Development (PMUD). From and after adoption of this ordinance, the City shall not accept

new building permit applications and new land use applications for the development of vacant properties and properties that are not improved with permanent structures within the SR 305 Corridor zoned C-3 except for applications for mixed-use development meeting the standards described in this Section.

Section 3. Effect on Vested rights. The moratorium imposed under Section 2 of this ordinance shall apply prospectively only and shall operate to prevent acceptance of Permit Applications submitted after the effective date of this ordinance. Nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any permit applicant's vested development rights as defined by state law and City of Poulsbo regulations, provided that such a permit applicant has filled a Permit Application before the effective date of this ordinance.

Section 4. Adoption of Work Plan. A work plan for the twelve-month period of this moratorium is hereby adopted and attached as Exhibit B to this ordinance.


Section 5. 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 October 18, 2023 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 moratorium after the close of the hearing.

Section 6. 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 7. 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 8. 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 moratorium 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 moratorium 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:

D21DA14DCC754A8...

CITY CLERK RHIANNON FERNANDEZ, CMC

APPROVED AS TO FORM BY THE
OFFICE OF CITY ATTORNEY:

BY: 
48D000246601428...

OGDEN MURPHY WALLACE, PLLC

FILED WITH THE CITY CLERK: 09/13/2023
PASSED BY THE CITY COUNCIL: 09/13/2023
PUBLISHED: 09/18/2023
EFFECTIVE DATE: 09/13/2023
ORDINANCE NO. 2023-13

SUMMARY OF ORDINANCE NO. 2023-13
of the City of Poulsbo, Washington

On September 13, 2023, the City Council of the City of Poulsbo, Washington, approved Ordinance No. 2023-13, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADOPTED PURSUANT TO RCW 35A.63.220 and RCW 36.70A.390; IMPOSING A TWELVE-MONTH MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR CERTAIN NON-MIXED USE DEVELOPMENT ON VACANT PROPERTIES IN THE SR 305 CORRIDOR ZONED C-3; SETTING FORTH FINDINGS OF FACT IN SUPPORT OF THIS MORATORIUM; IMPOSING THE MORATORIUM; STATING THE EFFECT ON VESTED RIGHTS; SETTING A PUBLIC HEARING TO BE HELD WITHIN 60 DAYS; AUTHORIZING INTERPRETIVE AUTHORITY; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; SETTING THE DURATION; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

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

DATED this 13th day of September, 2023.




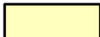




DocuSigned by:


D21DA14DCC754A8...

CITY CLERK, RHIANNON FERNANDEZ CMC

EXHIBIT A: C-3 SR305 Corridor Moratorium

Legend

-  C-3 SR305 Corridor
-  C-1 Downtown/Front Street
-  Parks
-  Residential Low
-  Residential Medium
-  Residential High
-  Poulsbo Place Master Plan
-  SR305 Moratorium Area

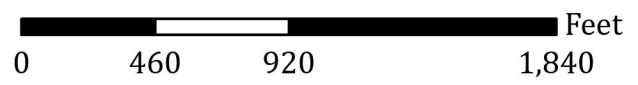
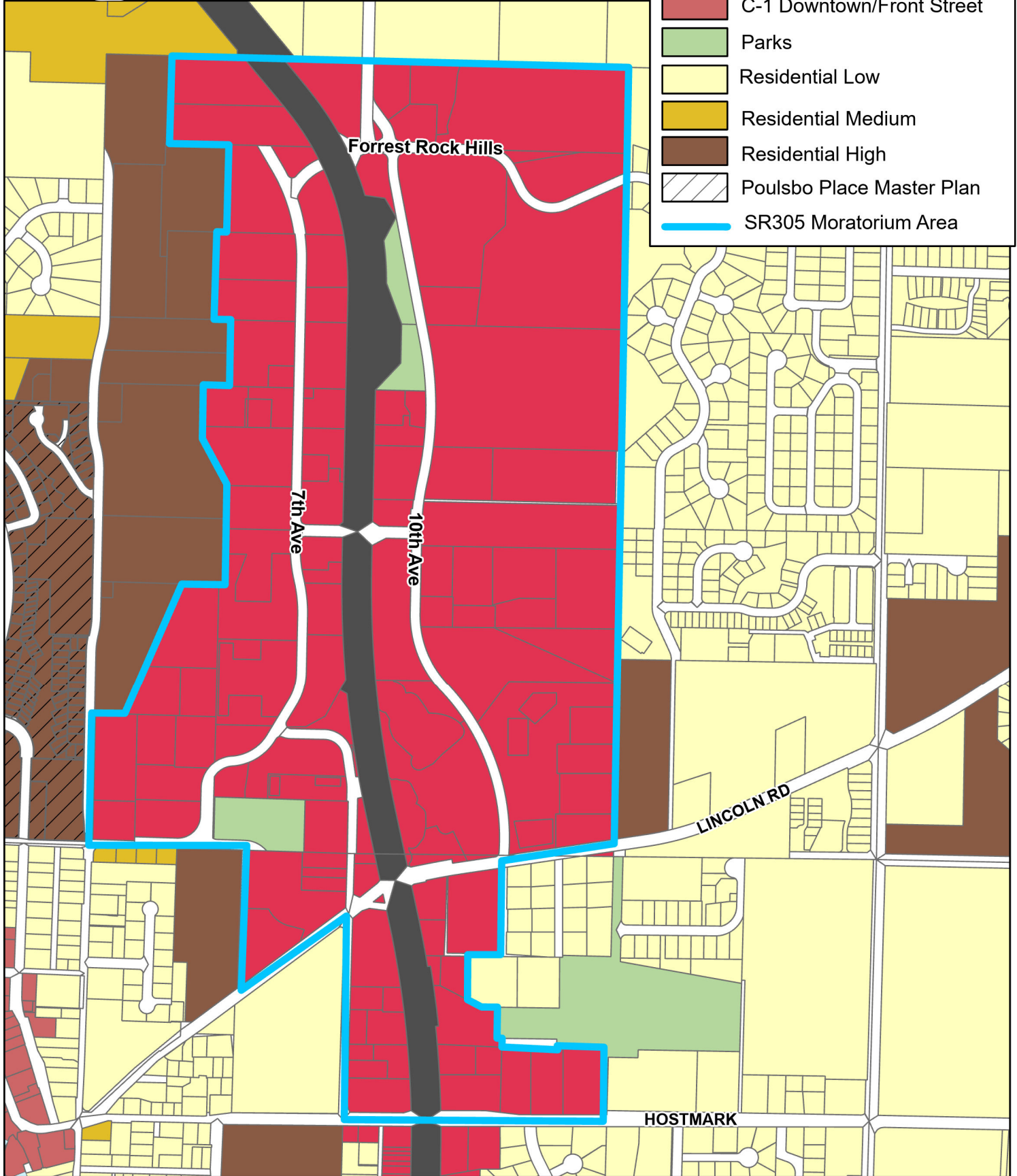


EXHIBIT B to Ordinance No. 2023 – 13

Moratorium

WORK PLAN (September 13, 2023)

On September 13, 2023, the City Council imposed a twelve-month moratorium via Ordinance 2023-13 to prohibit all new building permit applications and other new land use applications that propose development on vacant properties and properties not improved with permanent structures located within the SR 305 Corridor zoned C-3 SR 305, as depicted on the map attached to this ordinance as Exhibit A, that is not mixed-use development that meets the standards set forth in PMC 18.80.080.J, Mixed-Use Structure, or planned mixed-use development that meets the standards of PMC 18.80.090, Planned Mixed-Use Development (PMUD). From and after adoption of this ordinance, the City shall not accept new building permit applications and new land use applications for the development of vacant properties and properties that are not improved with permanent structures within the SR 305 Corridor except for applications for mixed-use development.

The initial interim control is for twelve months, or until September 13, 2024.

The City has developed the following Work Plan described below:

September to November, 2023

Acquire a consultant to pursue discussions with the public, commission and council to determine the preferred growth pattern along the SR 305 and complete a SR305 Subarea Plan, a subelement of the 2024 Comprehensive Plan.

December – February 2024

Conduct public outreach (ongoing) and identify and invite key stakeholders to participate in the process.

Provide the Parametrix SR 305 Corridor Transportation Plan to the Planning Commission and City Council.

March, 2024

Determine preferred growth alternative for SR305 (including the center designation), as part of the Environmental Impact Statement (EIS). Issue draft EIS and initiate public comment period.

Determine the appropriate center designation for the SR 305 Corridor.

April, 2024

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

July - September 2024

Draft and adopt zoning amendments to be included in the SR305 Subarea Plan that reflect the preferred EIS alternative.