

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2024-17

SUBJECT: Flex Space Code Amendment

CONFORM AS TO DATES & SIGNATURES

- Filed with the City Clerk: 12/05/2024
- Passed by the City Council: 12/11/2024
- Signature of Mayor
- Signature of City Clerk
- Publication: 12/16/2024
- Effective: 12/21/2024
- Recorded: _____

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Kati Diehl
Deputy City Clerk

12/12/2024
Date

ORDINANCE NO. 2024- 17

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING SECTION 18.80.080 OF THE POULSBO MUNICIPAL CODE; RELATING TO COMMERCIAL FLEX SPACE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the 2021 Poulsbo Housing Action Plan contains action item 9.3 to “consider flexible use on first floors in C zones. The city currently requires retail/commercial/office use in the ground floors of new mixed-use buildings (except in the C-1 zone outside of the shopfront overlay). This requirement may reduce the financial feasibility of projects that would increase multifamily housing units. Consideration of flexible use on first floors may incentivize mixed use developments”; and

WHEREAS, during the City Council review of the Olhava-College MarketPlace Amendments (Ordinance 2024-09) in May 2024, the City Council removed from the ordinance the proposal for flexible space in the C-4 (College MarketPlace) zoning district and requested that staff return with analysis on flexible space in all the commercial districts; and

WHEREAS, following extensive staff research, a summary was provided to City Council at a September 11, 2024, workshop; and

WHEREAS, after discussion at the September 11, 2024, workshop the City Council directed staff to begin the Type IV code amendment process with the Planning Commission with consideration for flex space in all four commercial zones, but outside of the Shopfront Overlay in the C1 zoning district; and

WHEREAS, the Planning Commission, in its role as the City’s primary land use advisory committee, held a workshop on November 12, 2024, to discuss the Commercial Flex Space Code Amendments; and

WHEREAS, on November 18, 2024, the Notice of Application (NOA), State Environmental Protection Act (SEPA) Threshold Determination, and Planning Commission Public Hearing notice for the Commercial Flex Space Code Amendments was published in the Kitsap Sun, emailed to the

NOA, SEPA, Public Hearing, and Development Regulations e-notice lists, posted at the Poulsbo Library, Poulsbo Post Office, City Hall, and the City's website; and

WHEREAS, on November 19, 2024, the City staff issued the Planning Commission public hearing staff report regarding the Commercial Flex Space Code Amendments; and

WHEREAS, on December 3, 2024, the Poulsbo Planning Commission held a duly noticed public hearing on the Commercial Flex Space Code Amendments; and

WHEREAS, after considering the testimony received at the public hearing, the Planning Commission voted to recommend approval of the Commercial Flex Space Code Amendments to the Poulsbo City Council, and adopted findings of fact in support of their decision; and

WHEREAS, on November 25, 2024, a public hearing notice announcing the Poulsbo City Council public hearing on the Commercial Flex Space Code Amendments was published in the Kitsap Sun, emailed to the Public Hearing and Development Regulations e-notice lists, posted at the Poulsbo Post Office, Poulsbo Library, City Hall, and the City's website; and

WHEREAS, the Poulsbo City Council held a duly noticed public hearing on the Commercial Flex Space Code Amendments on December 10, 2024; and

WHEREAS, after considering the City Planning Staff and Planning Commission recommendations and public testimony received in the public hearing, the Poulsbo City Council desires to approve and to adopt the final version of the Commercial Flex Space Code Amendments by the passage of this ordinance.

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

Section 1. Findings and Conclusions. In support of the actions taken by this ordinance, the Poulsbo City Council hereby adopts the following as findings and conclusions:

- A. The recitals set forth above;

B. The findings, conclusions, and analysis contained in the Planning Commission Findings of Fact and Recommendation dated December 3, 2024; and

C. The findings, conclusions and analysis contained in the City Council Public Hearing Staff Report, dated December 4, 2024.

Section 2. Commercial Flex Space and Permit Review Timelines Code Amendments. PMC Section 18.80.080 is hereby amended as set forth in Exhibit A.1 to this ordinance and incorporated herein.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Corrections. Upon the approval of the city attorney, the city clerk and/or code publisher is authorized to make any necessary technical corrections to this Ordinance, including but not limited to the correction of scrivener's/clerical errors, references, Ordinance numbering, section/subsection numbers, and any reference thereto.

Section 5. Effective Date. This ordinance shall take effect five (5) days after publication of the attached summary, which is hereby approved.

APPROVED:

DocuSigned by:

77AA4B38C18A4BA...
MAYOR REBECCA ERICKSON

ATTEST/AUTHENTICATED:

DocuSigned by:

D21DA14DEC754A8...
CITY CLERK RHIANNON FERNANDEZ

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY  Signed by:
Emily Romanenko
833D0B077F3647F...

EMILY F. ROMANENKO

FILED WITH THE CITY CLERK: 12/05/2024
PASSED BY THE CITY COUNCIL: 12/11/2024
PUBLISHED: 12/16/2024
EFFECTIVE DATE: 12/21/2024
ORDINANCE NO. 2024-17

SUMMARY OF ORDINANCE NO. 2024-17
of the City of Poulsbo, Washington

On the 11th day of December, 2024, the City Council of the City of Poulsbo, passed Ordinance No. 2024-17. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING SECTIONS 18.80.080, 18.290.040, 19.10.030, 19.20.020, 19.20.040, 19.30.020, 19.30.030, 19.40.020, 19.80.030, 19.80.040, AND 19.80.050; DELETING SECTIONS 18.230.110, 18.250.070, AND 18.270.080 OF THE POULSBO MUNICIPAL CODE ("PMC"); RELATING TO THE COMMERCIAL FLEX SPACE AND PERMIT REVIEW TIMELINES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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

DATED this 11th day of December, 2024.

DocuSigned by:
Rhiannon Fernandez
D21DA14DCC764A8...
CITY CLERK RHIANNON FERNANDEZ

City of Poulsbo

Planning & Economic Development



Commercial Flex Space and Permit Review Timelines Code Amendments

STAFF REPORT AND RECOMMENDATION

To: Mayor Erickson and Poulsbo City Council
From: Nikole Coleman, AICP, Senior Planner
Subject: Commercial Flex Space and Permit Review Timelines Code Amendments
Date: December 5, 2024

The Planning Commission and staff respectfully recommend the approval of the Commercial Flex Space and Permit Review Timelines Code Amendments as set forth in Exhibit A.1 and A.2 to this staff report.

PROPOSED MOTIONS:

Commercial Flex Space

Move to (approve) (approval with modifications) Ordinance No. 2024-__ of the City of Poulsbo, Washington, amending section 18.80.080 of the Poulsbo Municipal Code; relating to commercial flex space; providing for severability; and establishing an effective date.

Permit Review Timelines

Move to (approve) (approval with modifications) ORDINANCE No. 2024-__ of the City of Poulsbo, Washington, amending sections 18.290.040, 19.10.030, 19.20.020, 19.20.040, 19.30.020, 19.30.030, 19.40.020, 19.80.030, 19.80.040, and 19.80.050; deleting sections 18.230.110, 18.250.070, and 18.270.080 of the Poulsbo Municipal Code; relating to permit review timelines; providing for severability; and establishing an effective date.

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1.0 General Information

Application Name:	Commercial Flex Space and Permit Review Timelines Code Amendments
Applicant:	City of Poulsbo 200 NE Moe Street Poulsbo WA, 98370
Application No.:	P-09-20-24-02
Type of Amendment:	Zoning Code Text Amendments
SEPA Status:	An Optional DNS was issued on August 6, 2024
Enabling Code:	PMC 18.210.010, PMC 19.40.050
City Council Public Hearing:	Wednesday, December 11, 2024
Staff Contact:	Nikole Coleman, Senior Planner ncoleman@cityofpoulsbo.com

2.0 Background

Commercial Flex Space

The current code section that allows flex use is as follows ([PMC 18.80.080.J.3.i](#)):

Within the C-1 zoning district, but outside of the shopfront overlay, residential units may be allowed on the first floor; provided that the first floor shall be constructed to commercial building and fire code standards and parking required at the applicable commercial ratio, to accommodate flexibility of use as both residential or commercial, as the market supports.

Since its adoption in 2019, one project has utilized the flexible space allowance - The Sophie Apartments. Its first floor was constructed to commercial building and fire code standards but is currently occupied by four residential units. Parking is provided at the commercial ratio of 1 space per 300 square feet.

During the City Council review of the Olhava-College MarketPlace Amendments ([Ordinance 2024-09](#)) in May 2024, the City Council removed from the ordinance the proposal for flexible space in the C-4 (College MarketPlace) zoning district and requested that staff return with analysis on flexible space in all the commercial districts. The council expressed concern in the previous year over the use of flexible space in the C-1 zoning district. The Planning Commission was also in the process of reviewing an amendment to allow flexible space in the C-3 (SR 305) zoning district. Following the council's decision to remove flexible space from the proposed C-4 amendment, flexible space was removed from the proposed C-3 zoning amendment and was not discussed as part of the amendments for the C-2 (Viking Avenue) zoning district.

Following extensive staff research, a summary was provided to City Council at a September 11 workshop (see full memo [here](#)). After discussion, the City Council directed staff to begin the Type IV code amendment process with the Planning Commission with consideration for flex space in all four commercial zones, but outside of the [Shopfront Overlay](#) in the C1/Downtown Zoning District.

Permit Review Timelines

During the 2023 legislative session, the Washington State Legislature passed [Senate Bill \(SB\) 5290](#), updating portions of the Local Project Review Act, [Chapter 36.70B RCW](#). The intent of the updates was to consolidate, streamline, and improve project review and permitting, with an emphasis on housing development, and to reduce the amount of time it takes for projects complying with local development regulations to receive approval. To accomplish this goal, [SB 5290](#) contained thirteen separate sections including a variety of mandatory and voluntary measures for local government agencies to consider when implementing permit streamlining.

As part of [SB 5290](#), the Legislature amended the required timelines to issue a final decision on an application for land use review within the following time frames:

- 65 Days: For project permits that do not require public notice under [RCW 36.70B.110](#), a local government must issue a final decision within 65 days of the determination of completeness under [RCW 36.70B.070](#).
- 100 Days: For project permits that require public notice under [RCW 36.70B.110](#), a local government must issue a final decision within 100 days of the determination of completeness under [RCW 36.70B.070](#).
- 170 Days: For project permits that require public notice under [RCW 36.70B.110](#) and a public hearing, a local government must issue a final decision within 170 days of the determination of completeness under [RCW 36.70B.070](#).

Title 19 PMC establishes the land use review processing standards in the City of Poulsbo. The standards in this chapter detail how a land use application shall be reviewed for compliance with applicable requirements. This includes the requirements for application classification and procedures, public notices, and the review authority issuing a decision. The review procedures in Title 19 ensure that each application is subject to consistent and predictable processes. [SB 5290](#) requires amendments by January 1, 2025. Included with the [SB 5290](#) required amendments are staff initiated amendments for code consistency.

Housing Action Plan

The [2021 Housing Action Plan](#) (Resolution No. 2021-13) identified the two items above as recommended actions to “...help to improve housing supply and affordability and guide new growth that benefits both new and existing residents.” By adopting amendments to flexible use in C zones and permit review timelines, the Housing Action Plan continues to be implemented.

- 2.2 - Evaluate permit processes and identify opportunities to streamline and provide permit efficiencies. Faster permit reviews, predictable timelines, and an easy-to-understand process and requirements would reduce the administrative and carrying costs for development projects in the community. This may be accomplished in multiple ways, such as by increased department staffing during busy cycles, clear and informative reference materials, and easy access for applicants.
- 9.3 - Consider flexible use on first floors in C zones. The city currently requires retail/commercial/office use in the ground floors of new mixed-use buildings (except in the C-1 zone outside of the shopfront overlay). This requirement may reduce the financial feasibility of projects that would increase multifamily housing units. Consideration of flexible use on first floors may incentivize mixed use developments. The City has preliminarily identified the SR-305 corridor as a location for additional flexible use consideration.

3.0 Review Process to Date

The Planning Commission, in its role as the City’s primary land use advisory committee held a workshop on November 12, 2024, to review the proposed amendments, and identified additional modifications. On December 3, 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.

The Planning Commission recommended amendments are shown in red underline for proposed new language or additions or ~~red strikethrough~~ for deletions and are reflected in the attached Planning Commission recommended amendments (Exhibits [A.1](#) and [A.2](#)). The City Attorney proposed amendments are represented as purple underline and ~~strikethrough~~.

On November 18, 2024, the Notice of Application (NOA) with Optional DNS and Notice of Planning Commission Public Hearing were published in the Kitsap Sun, 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](#)).

On November 25, 2024, a public hearing notice announcing the City Council Public Hearing was published in the Kitsap Sun 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 F](#)).

On December 3, 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 E](#)).

On December 4, 2024, the City Council held a workshop on these amendments and did not propose any additional amendments.

Two public comments have been received ([Exhibit D](#)).

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 interests of the citizens and property owners.

Conclusion:

The amendments support the Land Use (Ch 2), Housing (Ch 7), and Economic Development (9) chapters of the Comprehensive Plan. Supporting policies include:

- Policy LU-3.8 Encourage the infill, renovation or redevelopment of existing commercial areas and discourage expansion of linear commercial “strips.”
- Policy HS-3.1 Promote socioeconomic integration by allowing for a variety of housing types and sizes together in new residential and redevelopment projects.
- Policy ED-3.1 Maintain an adequate supply of developable employment lands (commercial, light industrial, office commercial industrial, and business park) to accommodate the forecasted growth and accomplish the City’s economic development goals.

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.

Recommendation: Planning Commission and staff respectfully recommend the City Council approve the proposed Commercial Flex Space and Permit Review Timelines Code Amendments.

6.0 City Council Public Hearing, December 11, 2024

The City Council Public Hearing is scheduled for **Wednesday, December 11, 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 Poulso City Hall Council Chambers, 200 NE Moe Street, Poulso, 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 5 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@cityofpoulso.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 MOTIONS:

Commercial Flex Space

Move to (approve) (approval with modifications) Ordinance No. 2024-__ of the City of Poulso, Washington, amending section 18.80.080 of the Poulso Municipal Code; relating to commercial flex space; providing for severability; and establishing an effective date.

Permit Review Timelines

Move to (approve) (approval with modifications) ORDINANCE No. 2024-__ of the City of Poulso, Washington, amending sections 18.290.040, 19.10.030, 19.20.020, 19.20.040, 19.30.020, 19.30.030, 19.40.020, 19.80.030, 19.80.040, and 19.80.050; deleting sections 18.230.110, 18.250.070, and 18.270.080 of the Poulso Municipal Code; relating to permit review timelines; providing for severability; and establishing an effective date.

7.0 Exhibits (provided in links)

- A. Proposed Code Amendments
 1. [Commercial Flex Space](#)
 2. [Permit Review Timelines](#)
- B. [Notice of Application with Optional DNS and Notice of Planning Commission Public Hearing](#)
- C. [Public Participation Plan](#)
- D. [Public Comment Received](#)
- E. [Planning Commission Findings of Fact](#)
- F. [Notice of City Council Public Hearing](#)

Exhibit A.1: Commercial Flex Space Code Amendments

City Council Public Hearing | December 11, 2024

Staff and Planning Commission proposed amendments are shown in **red underline** and **strikethrough**

NOTE: Not all provisions of a specific section are presented below; only the pertinent sections proposed to be amended are identified. For full context, please refer to the complete section in the Poulosbo Municipal Code: <https://www.codepublishing.com/WA/Poulosbo/>.

Chapter 18.80 | COMMERCIAL DISTRICTS

18.80.080 Additional standards and provisions for C zoning districts.

J. Mixed-Use Structure.

1. Purpose. Mixed-use structures allow for placement of a mix of commercial and residential uses in a single building. Mixed-use structures are intended to allow for efficient use of land and public services in an urban setting; encourage convenient access between employment, services and residential opportunities; and increase development alternatives.
2. A mixed-use structure shall contain at least two complementary, integrated, or mutually supporting uses (such as offices, retail, professional services, food and beverage, entertainment, public service and residential). (Except as allowed in subsection (J)(3)(a)(i) **and (ii)** of this section.)
3. New mixed-use structures shall have the following standards:
 - a. Residential units must be located above allowed commercial uses (residences may not be located at street/ground level or below). However, uses accessory to the residential, such as lobby, fitness center, storage, community room and other accepted uses, may be located on the first floor (street level), and shall generally be located behind the street level commercial uses. Number of residential units shall be limited by the mixed-use structure’s required development standards (lot coverage, height, parking and setbacks) for the underlying zoning district.
 - i. Within the C-1 (~~zoning district~~, but outside of the shopfront overlay), **C-2, C-3, and C-4 zoning districts**, residential units may be allowed on the first floor; provided, that the first floor shall be constructed to commercial building and fire code standards and parking required at the applicable commercial ratio, to accommodate flexibility of use as both residential or commercial, as the market supports.
 - ii. **For corner lots in the C-1 zoning district (but outside of the shopfront overlay), thirty percent of the street level ground floor gross square footage shall be occupied by uses set forth in Table 18.80.030, Commercial Zoning Districts Use Table.**
 - b. A minimum of fifty percent of the street level ground floor gross square footage shall be occupied by uses set forth in Table 18.80.030, Commercial Zoning Districts Use Table, or as allowed by **this subsection(J)(3)(a)(i) and (ii), and oriented to the primary street.** Any underbuilding parking located on the street level floor shall ~~be provided at the commercial parking standards and shall~~ have an intervening permitted use between the street and the parking.
 - c. The mixed-use building shall be designed to look and function as an integrated development and encourage pedestrian travel between uses and adjacent buildings.
 - d. Buildings should be located adjacent to the primary street or immediately behind a public or semi-public space, such as a forecourt, plaza, or an outdoor seating area.
 - e. Commercial uses located on the ground floor shall have a prominent entrance facing the primary street, provide use and activity presence along the street frontage, and be designed to clearly define it as commercial space.
 - f. Compatibility with the height, massing, setback and design character of surrounding uses shall be considered in mixed-use structure design.
 - g. At least one outdoor activity feature shall be provided for the mixed-use building, including but not limited to courtyards, delineated gathering spaces, or seating areas. These areas must be paved and landscaped.

Staff and Planning Commission proposed amendments are shown in red underline and ~~strikethrough~~

- h. Private or shared open space shall be provided for each of the residential units, such as a private outdoor balcony or rooftop deck, and shall be provided at a minimum of thirty-eight square feet per unit.
 - i. On-site pedestrian circulation that links the public street and the primary entrance to the structure or residential units shall be provided. When the pedestrian circulation crosses driveways, parking areas and loading areas, it must be clearly identifiable through use of different paving materials.
 - j. Existing residential units in a mixed-use structure in the C zones may continue without meeting the standards above.
4. It is recommended that acknowledgement be included in lease or purchase/sale agreements for residential units in mixed-use structures, and address that residents will reside within commercial structures, where quiet enjoyment may not be guaranteed due to the nature of business, dining/entertainment or special event activity within the commercial zoning districts.

Exhibit A.2: Permit Review Timeline Code Amendments

City Council Public Hearing | December 11, 2024

Staff and Planning Commission proposed amendments are shown in red underline and ~~strikethrough~~

City Attorney proposed amendments are shown in blue underline and ~~strikethrough~~

NOTE: Not all provisions of a specific section are presented below; only the pertinent sections proposed to be amended are identified. For full context, please refer to the complete section in the Poulosbo Municipal Code: <https://www.codepublishing.com/WA/Poulosbo/>.

Chapter 19.10 | GENERAL PROVISIONS

19.10.030 Definitions.

“Counter complete” means the determination made by the planning director at the time of submittal, that a permit application includes all the necessary documents and pieces of information identified in the application form ~~preapplication conference summary letter~~.

“Project permit” or “project permit application” means any land use or environmental permit or license required from a local government for a project action, including but not limited to subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones which do not require a comprehensive plan amendment, but excluding building permits, grading permits, and the adoption or amendment of a comprehensive plan, subarea plan, or development regulations.

~~“Permit intake appointment” is an appointment made by an applicant with a member of the planning and economic development department, in order to submit a land use permit application with the city.~~

Chapter 19.20 | APPLICATION CLASSIFICATION

19.20.020 Permit application classification.

Table 19.20.020 Permit, Process and Review Authority Classification		
Permit Type	Process Type	Review Authority
Final PMUD site development plan, <u>no subdivision</u>	Exempt	CC PD/CE
<u>Final PMUD site development plan, with subdivision</u>	<u>Exempt</u>	<u>CC</u>
Grading permit, <u>stand alone, not associated with other land use permit</u>	I/II	CE
Grading permit, <u>when associated with other land use permit</u>	<u>Exempt</u>	<u>PD</u>
<u>Tree cutting and clearing exemption</u>	<u>Exempt</u>	<u>PD</u>
Tree cutting and clearing permit, <u>stand alone, not associated with other land use permit</u>	I	PD
Tree cutting and clearing permit, <u>when associated with other land use permit</u>	<u>Exempt</u>	<u>PD</u>

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

19.20.040 Consolidation of permits and appeals.

- A. Where more than one land use permit for a given development is required, all permit applications (except Type I applications) may be submitted for review collectively according to the consolidated review process established by this section.
- B. Where two or more land use applications for a given development are submitted for consolidated review, the review shall be conducted using the highest numbered process type applicable to any of the land use applications; provided, that each land use application shall only be subject to the relevant decision criteria applicable to that particular development application. For example, a development proposal that includes a Type II application and a Type III application shall be reviewed using the Type III process, but the Type II

Staff and Planning Commission proposed amendments are shown in red underline and ~~strikethrough~~
 City Attorney proposed amendments are shown in blue underline and ~~strikethrough~~

application shall be decided based on the relevant decision criteria applicable to the Type II application. When two or more permits are consolidated under this section, the permit timelines for decisions regarding on individual permits in PMC 19.80.030 shall not apply.

- C. When the consolidated process established by this section is used, the city shall issue single, consolidated notices, staff reports, and decision documents encompassing all of the land use applications under review. Except as provided in subsection E of this section, the applications shall be considered in a single, consolidated open record public hearing when applicable, and shall be subject to no more than one consolidated closed record appeal.
- D. Where a development requires more than one land use permit but the applicant elects not to submit all applications for consolidated review, applications may be submitted and processed sequentially; provided, that the permit subject to the highest numbered process type must be submitted and obtained first, followed by the other permits in sequence from the highest numbered type to the lowest.
- E. Where a development proposal requires a comprehensive plan and/or zoning map amendment, the map amendments must be considered and approved by the city council before any hearing is held or decision is made on any relevant application for conditional use permit, subdivision, planned residential development, variance, master planned development, site plan, or other similar quasi-judicial or administrative action. This subsection is intended to be a “procedural requirement” applicable to such actions as contemplated by RCW 58.71.070.
- F. All appeals of project permit decisions for single project shall be consolidated and heard together in a single appeal, except for appeals of SEPA determinations of significance. Where a determination of significance (DS) is appealed, the appeal shall be heard by the hearing examiner prior to any consideration of the underlying application. Where a determination of nonsignificance (DNS) or the adequacy of an environmental impact statement (EIS) is appealed, the hearing on the appeal shall be consolidated with any open record public hearing to be conducted on the underlying application.

Chapter 19.30 | APPLICATION REQUIREMENTS

19.30.020 Counter complete review.

- A. Before accepting a Type II or III application, or applicant-initiated Type IV or V application, a determination that the application is counter complete shall be made. ~~Counter complete review shall be made at a permit intake appointment with a planning department official.~~
- B. An application is counter complete if the permit application purports and appears to include the information identified in the application form ~~preapplication conference summary letter~~, and the appropriate application(s) fee is included.
- ~~C. If, upon request for payment, an applicant fails to pay within 30 days, the application may be considered inactive, and the file may be closed.~~
- ~~D. G.~~ No effort shall be made to evaluate the substantive adequacy of the information in the application at the counter complete review process.
- ~~E. D.~~ If the permit application is accepted as counter complete, the city shall initiate review for technically complete status.
- ~~F. E.~~ If the permit application is not accepted as counter complete, it shall immediately be rejected and identify in writing what is needed to make the application counter complete. ~~The missing components will be identified at the appointment and followed up in writing by the city.~~

19.30.030 Technically complete review.

- A. Determination of Completeness. Pursuant to RCW 36.70B.070, ~~Ww~~within twenty-eight calendar days after receiving a counter complete Type II or III application or applicant-initiated Type IV and V application, the

Staff and Planning Commission proposed amendments are shown in red underline and ~~strikethrough~~
 City Attorney proposed amendments are shown in blue underline and ~~strikethrough~~

planning director shall provide a written determination to the applicant stating either: (1) that the application is technically complete; or (2) that the application is not technically complete and what is necessary to make the application complete, as set forth in subsection C of this section.

1. A preliminary substantive review for consistency of the submitted application materials will be made by the city at this time ~~to determine whether an application is technically complete~~. The preliminary substantive review will include, at a minimum, a review of the submitted application, drawing(s), studies and other materials, to the requirements and comments identified in the preapplication conference summary letter and applicable provisions of the PMC.
2. If a determination of technical completeness or determination of incompleteness is not issued within twenty-eight calendar days, the application shall be deemed complete at the end of the twenty-~~eight~~ ninth day.
3. The determination of technical completeness shall not preclude the planning director from requesting additional information or studies either at the time of determination of technical completeness or subsequently, if new information is required to complete review of the application or substantial changes in the permit application are proposed.

B. Application Content. An application is technically complete if it includes the submittal requirements as identified in the applicable application form. ~~following:~~

- ~~1. A completed application form signed and notarized by the owner(s) of the property or by a representative authorized to do so.~~
- ~~2. All required information listed on the application form, and all information required per the relevant sections of the Poulsbo Municipal Code and/or identified as necessary in the preapplication review summary letter is included in the submitted drawings, required engineering documents, environmental documents and/or other materials.~~
 - ~~a. The planning director may waive application requirements that are clearly not necessary with regard to a specific project and may modify application requirements based on the nature of the proposed application, development, site or other factors. To the extent possible, the application requirements shall be identified in the preapplication summary letter.~~
- ~~3. A copy of the preapplication review summary letter, or a preapplication waiver if one was approved.~~
- ~~4. If required, a neighborhood meeting has been held, and a copy of the attendance and received comments summary.~~
- ~~5. A current Kitsap County assessor map(s) showing the subject property(ies) within a radius of three hundred feet (including full parcels if partially within the three-hundred-foot radius); a list of the names and addresses of owners of all properties within that radius; and three sets of mailing labels with the names and addresses of owners of all properties within that radius.~~

C. Incomplete Application. If the planning director ~~decides~~ determines an application is not technically complete within the time allowed in subsection A of this section, the planning director shall send the applicant a written statement indicating that the application is incomplete, which specific sections of the application have not been sufficiently demonstrated or established based on a lack of information, incomplete information or incorrect information, and listing what information or revisions are required to make the application technically complete.

1. An applicant shall have no more than a total of ninety calendar days to submit the identified information. If at the end of a total ninety calendar days, the identified information has not been submitted to the satisfaction of the planning director, the application shall be closed, deemed null and void and no more than ninety percent of the application fees returned to the applicant.

- 2. When the required information for an incomplete application is received by the city, the planning director shall notify the applicant within fourteen ~~eighteen~~ calendar days of receipt of the information of whether the application is now technically complete or what additional information remains needed.
- D. Upon determining an application is technically complete, a notice of application shall be issued and distributed as set forth in Section 19.50.020.

Chapter 19.30 | APPLICATION REVIEW PROCEDURES

19.40.020 Type I permit applications.

- A. Decisions on Type I permit applications are made by the review authority as set forth in Table 19.20.020.
- ~~B. A Type I permit application decision shall be made within eighteen calendar days after the date the application or request is accepted by the city; provided, that if new information is requested by the city or introduced by the applicant after submittal, an additional seven calendar days may be utilized by the city to issue the decision.~~
- B. ~~C.~~ Decision Criteria. The decision of the review authority shall be based on the decision criteria for the application set forth in the appropriate development regulations for the use or activity. The decision shall include any conditions necessary to ensure consistency with the applicable development regulations.
- C. ~~D.~~ Record. The review authority shall prepare a written record in each case and may be in the form of a staff report, letter, notice of decision, or other written document indicating approval, approval with conditions, or denial. The written record/decision shall be distributed to the parties of record. See Chapter 16.09 for decisions on shoreline exemptions.
- D. ~~E.~~ Appeal. Type I decisions may be appealed to the hearing examiner as provided in Section 19.70.010. All decisions are final upon expiration of the appeal period, or, if appealed, upon the date of issuance of the hearing examiner’s final decision on the appeal.

Chapter 19.80 | TIME FRAMES FOR REVIEW

19.80.030 Application review and decision time frame.

- A. For project permits which do not require public notice per Section 19.50.020, permit decisions shall be issued within 65 days of the determination of technically complete per Section 19.30.030.
- B. For project permits which require public notice per Section 19.50.020, permit decisions shall be issued within 100 days of the determination of technically complete per Section 19.30.030.
- C. For project permits which require public notice per Section 19.50.020 and a public hearing per Section 19.50.040, permit decisions shall be issued within 170 days of the determination of technically complete per Section 19.30.030.
- D. The permit decision timeframes listed above do not apply to the following:
 - 1. Exempt permits per Table 19.20.020, including, but not limited to building and grading permits, annual amendments to the comprehensive plan, and development regulations;
 - 2. Permits for the siting of essential public facilities as provided in RCW 36.70A.200.
- E. The permit decision timeframes listed above include two technical/staff review cycles. For every additional technical/staff review cycle, an additional thirty days shall be added to the permit decision timeframe. Additional fees may also be required per the current fee schedule.
- F. An additional thirty days is added to the permit decision timeframes listed above if the city requests additional information from an applicant and the applicant is nonresponsive for 60 consecutive days and/or if the applicant requests that the city suspend their review of the application per PMC 19.80.040.B.
- G. The permit decision time frames shall start over if an applicant proposes a change in use that adds or removes commercial or residential elements from the original application that would require a re-notice of application.

H. ~~A. Decisions on Type II, III and V shall not exceed one hundred days.~~ Permit decisions on short subdivision plat approval shall not exceed thirty days and permit decisions on preliminary subdivision plat approval shall not exceed ninety days; provided, that:

1. A longer review time frame may occur if the city makes written findings that a specified amount of additional time is needed for processing of a specific complete land use application, or if the applicant and city agree, in writing, to an extension.
2. For purposes of calculating timelines and counting days of permit processing, the applicable time period shall begin on the first calendar working day following the date the application is determined to be technically complete pursuant to Section 19.30.030, and shall only include the time during which the city can proceed with review of the application, as set forth in Section 19.80.040.

I. ~~B. Appeals.~~ The time period for consideration and decision on appeals shall not exceed:

1. Ninety days for an open record appeal hearing.

J. ~~2.~~ The parties may agree, in writing, to extend these time periods. Any extension of time must be mutually agreed upon by the applicant and the city in writing.

19.80.040 Calculating decision time frame.

In determining the number of days that have elapsed after the city has notified the applicant that the application is technically complete, the following periods shall be excluded:

A. Any period during which the applicant has been requested by the city to correct or revise drawings or designs, perform required studies, or provide additional required information. The period shall be calculated from the date the city notifies the applicant in writing for the need for corrections, revisions and/or additional information, until the date in which responsive information has been resubmitted by the applicant the city determines whether the corrections, revisions and/or additional information satisfies the request for information. The city shall notify the applicant within fourteen calendar days after the date the information has been provided to the city, or it shall be presumed satisfactory.

1 B. If the city determines that the information submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies, and the procedures under subsection A of this section shall apply as if a new request for information had been made.

~~B. Any period which the applicant requests to temporarily suspend the review of the project, until the date in which the applicant informs the city, they would like them to resume the application. A temporary suspension is limited to ninety days per Section 19.80.050.~~

C. Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW, or if the city and the applicant in writing agree to a time period for completion of an environmental impact statement.

D. Any period during which a permit, approval or other documentation from a state or federal agency has been applied for in support of the application, and which the receipt of the permit is necessary before the application can be further processed by the city.

~~E. Any period during which a third party or state or federal agency is conducting a review of submitted documents.~~

~~E.~~ Any period during which an application has been remanded by the Poulsbo hearing examiner for additional information, analysis, revision or other material pursuant to Section 19.40.040(F).

G. ~~F.~~ Any period after an for administrative appeals is filed until the administrative appeal is resolved of project permits, if an open record appeal hearing is allowed.

19.80.050 Time frame to provide revisions, corrections, studies or information.

Staff and Planning Commission proposed amendments are shown in red underline and strikethrough

City Attorney proposed amendments are shown in blue underline and strikethrough

- A. A technically complete application shall be deemed null and void if the applicant fails to submit the city-required revisions, corrections, studies or information as described in Sections 19.80.040(A) and (B) within ninety calendar days of the city’s written request.
 - 1. The ninety-day time limit set forth by this section does not apply for circumstances set forth in Section 19.80.040(C), (D), (E) or (F).
- B. An applicant may request one extension to the time limit set forth in subsection A of this section. The planning director will review the request for extension and may grant it only if all of the following are met:
 - 1. The applicant requests such an extension in writing no less than fourteen days prior to the permit becoming null and void. Verbal requests will not be accepted.
 - 2. The planning director finds that good cause has prevented them from providing the additional information within the ninety-calendar-day time period. Disagreement with required city codes and/or standards does not qualify as “good cause.”
 - 3. The applicant demonstrates the likelihood that the requested information will be provided to the city within the additional ninety-calendar-day time period.
 - 4. No more than one extension shall be granted.
 - ~~5. When an extension is requested, and additional thirty calendar days shall be added to the application review and decision time frame per section 19.80.030.~~
 - 5. If at the end of the ninety-day extension the requested revisions, corrections, studies or information has not been submitted and accepted by the city, the application will be formally closed and a new application and fees will be required to be submitted.
- C. ~~5. When an extension is requested, and additional thirty calendar days shall be added to the application review and decision time frame per section 19.80.030.~~

NOTE: These next sections are considered repetitive and/or inconsistent code with PMC 19.80.050 (Time frame to provide revisions, corrections, studies or information) and 19.90.030 (Extension of approval). These amendments are considered code clean up.

Chapter 18.230 | CONDITIONAL USE PERMIT

~~18.230.110 — Extension of time.~~

~~A. — During City Review of CUP Application.~~

- ~~1. — A technically complete application shall be deemed null and void if the applicant fails to submit additional information within one hundred eighty days of the planning director or hearing examiner’s written request; further, a technically complete application shall be deemed null and void if the application has been on hold a combined total of one hundred eighty days. If the additional information has not been submitted and accepted by the city, the application will be closed and a new application will be required to be submitted.~~
- ~~2. — A technically complete application which has been on hold for a total of one hundred eighty days may request one one-hundred-eighty-day extension. The extension shall be granted if all of the following are met:~~
 - ~~a. — The applicant requests such an extension in writing no less than thirty days prior to the expiration of the initial one-hundred-eighty-day time period. Verbal requests will not be accepted.~~
 - ~~b. — The director or hearing examiner finds that unusual circumstances beyond the applicant’s control or other good cause has prevented them from providing the additional information within the initial one-hundred-eighty-day time period.~~

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City Attorney proposed amendments are shown in ~~blue underline~~ and ~~strikethrough~~

- ~~c. The applicant demonstrates the likelihood that the requested information will be provided to the city within the additional 180-day time period.~~
- ~~d. The planning director shall not grant more than one extension.~~

~~If at the end of the one-hundred-eighty-day extension, the additional information has not been submitted and accepted by the city, the application will be closed and a new application will be required to be submitted.~~

~~B. After City Permit Approval. Upon written request by the property owner filed no less than thirty days prior to the date of permit expiration, the planning director may grant an extension of time up to but not exceeding one year. Any extensions of time shall be based upon finding:~~

- ~~1. The CUP permit is compliant with all applicable development codes at the time of the extension request.~~
- ~~2. There has been no material change of circumstances applicable to the property since project permit approval.~~
- ~~3. The applicant must provide good cause for the delay, and demonstrate likelihood that the permit will be commenced within the additional year.~~
- ~~4. The planning director shall not grant more than one extension.~~

Chapter 18.250 | PLANNED MIXED USE DEVELOPMENT

18.250.070 — Extension of time.

~~A. During City Review of PMUD Application:~~

- ~~1. A technically complete application shall be deemed null and void if the applicant fails to submit additional information within one hundred eighty days of the planning director or hearing examiner's written request; further, a technically complete application shall be deemed null and void if the application has been on hold a combined total of one hundred eighty days. If the additional information has not been submitted and accepted by the city, the application will be closed and a new application will be required to be submitted.~~
- ~~2. A technically complete application which has been on hold for a total of one hundred eighty days may request one one-hundred-eighty-day extension. The extension shall be granted if all of the following are met:
 - ~~a. The applicant requests such an extension in writing no less than thirty days prior to the expiration of the initial one-hundred-eighty-day time period. Verbal requests will not be accepted.~~
 - ~~b. The director or hearing examiner finds that unusual circumstances beyond the applicant's control or other good cause has prevented them from providing the additional information within the initial one-hundred-eighty-day time period.~~
 - ~~c. The applicant demonstrates the likelihood that the requested information will be provided to the city within the additional one-hundred-eighty-day time period.~~
 - ~~d. The planning director shall not grant more than one extension.~~~~

~~If at the end of the one-hundred-eighty-day extension, the additional information has not been submitted and accepted by the city, the application will be closed and a new application will be required to be submitted.~~

~~B. After City Permit Approval. Upon written request by the property owner filed no less than thirty days prior to the date of permit expiration, the planning director may grant an extension of time up to but not exceeding one year. Any extensions of time shall be based upon finding:~~

- ~~1. The PMUD permit is compliant with all applicable development codes at the time of the extension request.~~

- ~~2. There has been no material change of circumstances applicable to the property since project permit approval.~~
- ~~3. The applicant must provide good cause for the delay, and demonstrate likelihood that the permit will be commenced within the additional year.~~
- ~~4. The planning director shall not grant more than one extension~~

Chapter 18.260 | PLANNED RESIDENTIAL DEVELOPMENTS

~~18.260.170 — Extension of time.~~

~~A. During City Review of PRD Application:~~

- ~~1. A technically complete application shall be deemed null and void if the applicant fails to submit additional information within one hundred eighty days of the planning director or hearing examiner's written request; further, a technically complete application shall be deemed null and void if the application has been on hold a combined total of one hundred eighty days. If the additional information has not been submitted and accepted by the city, the application will be closed and a new application will be required to be submitted.~~
- ~~2. A technically complete application which has been on hold for a total of one hundred eighty days may request one one-hundred-eighty-day extension. The extension shall be granted if all of the following are met:
 - ~~a. The applicant requests such an extension in writing no less than thirty days prior to the expiration of the initial one-hundred-eighty-day time period. Verbal requests will not be accepted.~~
 - ~~b. The director or hearing examiner finds that unusual circumstances beyond the applicant's control or other good cause have prevented them from providing the additional information within the initial one-hundred-eighty-day time period.~~
 - ~~c. The applicant demonstrates the likelihood that the requested information will be provided to the city within the additional one-hundred-eighty-day time period.~~
 - ~~d. The planning director shall not grant more than one extension.~~~~

~~If at the end of the one-hundred-eighty-day extension, the additional information has not been submitted and accepted by the city, the application will be closed and a new application will be required to be submitted.~~

~~B. After City Permit Approval. Upon written request by the property owner filed no less than thirty days prior to the date of permit expiration, the planning director may grant an extension of time up to but not exceeding one year. Any extensions of time shall be based upon finding:~~

- ~~1. The PRD permit is compliant with all applicable development codes at the time of the extension request.~~
- ~~2. There has been no material change of circumstances applicable to the property since project permit approval.~~
- ~~3. The applicant must provide good cause for the delay, and demonstrate likelihood that the permit will be commenced within the additional year.~~
- ~~4. The planning director shall not grant more than one extension~~

Chapter 18.270 | SITE PLAN REVIEW

~~18.270.080 — Extension of time.~~

~~A. During City Review of SPR Application:~~

- ~~1. A technically complete application shall be deemed null and void if the applicant fails to submit additional information within one hundred eighty days of the planning director's written request;~~

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City Attorney proposed amendments are shown in ~~blue underline~~ and ~~strikethrough~~

~~further, a technically complete application shall be deemed null and void if the application has been on hold a combined total of one hundred eighty days. If the additional information has not been submitted and accepted by the city, the application will be closed and a new application will be required to be submitted.~~

- ~~2. A technically complete application which has been on hold for a total of one hundred eighty days may request one one-hundred-eighty-day extension. The extension shall be granted if all of the following are met:
 - ~~a. The applicant requests such an extension in writing no less than thirty days prior to the expiration of the initial one-hundred-eighty-day time period. Verbal requests will not be accepted.~~
 - ~~b. The planning director finds that unusual circumstances beyond the applicant's control or other good cause have prevented them from providing the additional information within the initial one-hundred-eighty-day time period.~~
 - ~~c. The applicant demonstrates the likelihood that the requested information will be provided to the city within the additional one-hundred-eighty-day time period.~~
 - ~~d. The planning director shall not grant more than one extension.~~~~

~~If at the end of the one-hundred-eighty-day extension, the additional information has not been submitted and accepted by the city, the application will be closed and a new application will be required to be submitted.~~

- ~~B. After City Permit Approval. Upon written request by the property owner filed no less than thirty days prior to the date of permit expiration, the planning director may grant an extension of time up to but not exceeding one year. Any extensions of time shall be based upon finding:
 - ~~1. The SPR permit is compliant with all applicable development codes at the time of the extension request.~~
 - ~~2. There has been no material change of circumstances applicable to the property since project permit approval.~~
 - ~~3. The applicant must provide good cause for the delay, and demonstrate likelihood that the permit will be commenced within the additional year.~~
 - ~~4. The planning director shall not grant more than one extension.~~~~

Chapter 18.290 | VARIANCES

18.290.040 Limitations of permit Time limits.

~~A variance permit shall become void two years after approval, unless a building permit has been issued to construct the development approved by the variance. The planning director may extend the permit for one-year pursuant to Section 19.30.030.~~

~~A. During City Review of Variance Application:~~

- ~~1. A technically complete application shall be deemed null and void if the applicant fails to submit additional information within one hundred eighty days of the planning director or hearing examiner's written request; further, a technically complete application shall be deemed null and void if the application has been on hold a combined total of one hundred eighty days. If the additional information has not been submitted and accepted by the city, the application will be closed and a new application will be required to be submitted.~~
- ~~2. A technically complete application which has been on hold for a total of one hundred eighty days may request one one-hundred-eighty-day extension. The extension shall be granted if all of the following are met:~~

Staff and Planning Commission proposed amendments are shown in ~~red underline~~ and ~~strikethrough~~

City Attorney proposed amendments are shown in blue underline and ~~strikethrough~~

- ~~a. The applicant requests such an extension in writing no less than thirty days prior to the expiration of the initial one-hundred-eighty-day time period. Verbal requests will not be accepted.~~
- ~~b. The planning director finds that unusual circumstances beyond the applicant's control or other good cause have prevented them from providing the additional information within the initial one-hundred-eighty-day time period.~~
- ~~c. The applicant demonstrates the likelihood that the requested information will be provided to the city within the additional one-hundred-eighty-day time period.~~
- ~~d. The planning director shall not grant more than one extension.~~

~~If, at the end of the one-hundred-eighty-day extension, the additional information has not been submitted and accepted by the city, the application will be closed and a new application will be required to be submitted.~~

~~B. After City Permit Approval. Authorization of a variance shall be void after two years, unless a building permit has been issued. Upon written request by the property owner filed no less than thirty days prior to the date of permit expiration, the planning director may grant an extension of time up to but not exceeding one year. Any extensions of time shall be based upon finding:~~

- ~~1. The land use permit is compliant with all applicable development codes at the time of the extension request.~~
- ~~2. There has been no material change of circumstances applicable to the property since project permit approval.~~
- ~~3. The applicant must provide good cause for the delay, and demonstrate likelihood that the permit will be commenced within the additional year.~~
- ~~4. The planning director shall not grant more than one permit extension.~~