

## POULSBO DISTRIBUTION SCHEDULE

**ORDINANCE NO. 2024-13**

**SUBJECT: C-2 Viking Avenue and Public Notice Sign Code Amendments**

### CONFORM AS TO DATES & SIGNATURES

- Filed with the City Clerk: 09/11/2024
- Passed by the City Council: 09/18/2024
- Signature of Mayor
- Signature of City Clerk
- Publication: 09/23/2024
- Effective: 09/28/2024
- Recorded: \_\_\_\_\_

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*Kati Diehl*  
Deputy City Clerk

09/19/2024  
Date

**ORDINANCE NO. 2024-13**

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING SECTIONS 18.80.040, 18.80.070, 19.50.020, 19.50.030, 19.50.040, 19.50.050 AND 19.50.060 OF THE POULSBO MUNICIPAL CODE ("PMC"); RELATING TO THE C-2 COMMERCIAL ZONING DISTRICT AND PUBLIC NOTICE SIGNS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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**WHEREAS**, a Market Analysis and Feasibility Study (Study) was conducted by Leland Consulting Group (LCG) for the C-3/SR305 Corridor and found that most of the demand in the study area is for housing but, since much of the study area is steeply sloped and the area contains streams, wetlands, erodible and hydric soils, and geohazard areas, the City should consider a number of regulatory changes to encourage development in the study area, including allowing more height. Given the size of Poulsbo, LCG stated that the Study could be applied to other commercial areas within City limits; and

**WHEREAS**, in response to the results from the City, City staff developed amendments to the infill and redevelopment standards in the Viking Avenue zoning district (C-2/Viking Ave Amendments); and

**WHEREAS**, the Planning Commission, in its role as the City's primary land use advisory committee, held a workshop and open house on June 26, 2024, to discuss the C-2/Viking Ave Amendments; and

**WHEREAS**, at the July 23, 2024, Planning Commission workshop, commissioners asked City staff how the community would receive notification regarding these potential new infill projects along Viking Ave. Following that discussion, City staff prepared amendments to Chapter 19.50, Public Notices, (Public Notice amendments) to require a large public notice sign to be erected on

the property of the proposed development at the time the Notice of Application to include basic information about the project, and how to find out more information; and

**WHEREAS**, on August 6, 2024, the Notice of Application (NOA), State Environmental Protection Act (SEPA) Threshold Determination, and Planning Commission Public Hearing notice for the C-2/Viking Ave A and the Public Notice 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 August 20, 2024, the City staff issued the Planning Commission public hearing staff report regarding the C-2/Viking Avenue Amendments and the Public Notice Amendments; and

**WHEREAS**, on August 27, 2024, the Poulsbo Planning Commission held a duly noticed public hearing on the C-2/Viking Avenue Amendments and the Public Notice Amendments; and

**WHEREAS**, after considering the testimony received at the public hearing, the Planning Commission voted to recommend approval of the C-2/Viking Avenue Amendments and the Public Notice Amendments to the Poulsbo City Council, and adopted findings of fact in support of their decision; and

**WHEREAS**, on September 3, 2024, a public hearing notice announcing the Poulsbo City Council public hearing on the C-2/Viking Avenue Amendments and the Public Notice 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 C-2/Viking Avenue and Public Notice Amendments on September 18, 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 C-2/Viking Avenue Amendments and the Public Notice 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 August 27, 2024; and
- C. The findings, conclusions and analysis contained in the City Council Public Hearing Staff Report, dated September 12, 2024.

**Section 2. C-2/Viking Avenue and Public Notice Amendments.** PMC Sections 18.80.040, 18.80.070, 19.50.020, 19.50.030, 19.50.040, 19.50.050 AND 19.50.060 are hereby amended as set forth in Exhibit A.1 and A.2 to this ordinance and incorporated herein.

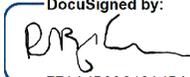
**Section 3. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause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

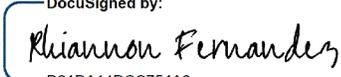
including but not limited to the correction of scrivener's/clerical errors, references, Ordinance numbering, section/subsection numbers, and any reference thereto.

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

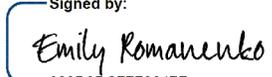
APPROVED:

DocuSigned by:  
  
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MAYOR REBECCA ERICKSON

ATTEST/AUTHENTICATED:

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CITY CLERK RHIANNON FERNANDEZ

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

Signed by:  
  
833D0DC77F3647F...  
BY EMILY F. ROMANENKO

FILED WITH THE CITY CLERK: 09/11/2024  
PASSED BY THE CITY COUNCIL: 09/18/2024  
PUBLISHED: 09/23/2024  
EFFECTIVE DATE: 09/28/2024  
ORDINANCE NO. 2024-13

SUMMARY OF ORDINANCE NO. 2024-13  
of the City of Poulsbo, Washington

On the 18<sup>th</sup> day of September, 2024, the City Council of the City of Poulsbo, passed Ordinance No. 2024-13. 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 18.80.040, 18.80.070, 19.50.020, 19.50.030, 19.50.040, 19.50.050 AND 19.50.060 OF THE POULSBO MUNICIPAL CODE ("PMC"); RELATING TO THE C-2 COMMERCIAL ZONING DISTRICT AND PUBLIC NOTICE SIGNS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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

DATED this 18<sup>th</sup> day of September, 2024.

DocuSigned by:  
  
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CITY CLERK RHIANNON FERNANDEZ

**Exhibit A.1 C-2 Viking Avenue Code Amendments | City Council Public Hearing | September 18, 2024**

Staff proposed amendments are shown in red underline and ~~strikethrough~~  
 Planning Commission proposed amendments are shown in purple underline and ~~strikethrough~~  
 City Council proposed amendments are shown in green 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 Poulsbo Municipal Code: <https://www.codepublishing.com/WA/Poulsbo/>. Full project review documents can be viewed on the project website: <https://cityofpoulsbo.com/development-regulation-amendments-2/>.*

**Chapter 18.80 | COMMERCIAL DISTRICTS**

**18.80.040 Development standards for commercial districts.**

A. Table 18.80.040 sets forth the development standards for the commercial zoning districts.

Table 18.80.040 Commercial Districts' Development Standards					
Standard	C-1 Downtown	Shopfront Overlay	C-2 Viking Avenue <sup>1, 2</sup>	C-3 SR 305 Corridor <sup>2</sup>	C-4 College MarketPlace
Minimum Lot Area	None. Lot area shall be of size and shape appropriate to accommodate intended uses, parking and landscaping requirements.				
Maximum Lot Area	None	None	None	None	None
Minimum Front Yard Setback	None	None	10'	10'	15'
Minimum Side Yard Setback	None	None	5'	None	5'
Minimum Rear Yard Setback	None	None	10'	10'	10'
Minimum Side or Rear Yard Adjacent to R Zone	10'	10'	15'	15'	15'
Maximum Avg. Building Height <sup>3</sup>	See Section 18.80.040(B) <sup>4</sup>		<u>See Section 18.80.040(C) 35' ±<sup>5</sup></u>	See Section 18.80.040(D) <sup>5</sup>	See Section 18.80.040( <del>E</del> ) <sup>5</sup>
Maximum Building Lot Coverage	85%	100%	50%	60%, or 80% if at least 50% of the required parking is under the building.	60%, or 80% if at least 50% of the required parking is under the building.
<sup>1</sup> Alternative development standards for the C-2 zoning district may be allowed through the provisions in Section 18.80.070. <sup>2</sup> Alternative development standards for a planned mixed-use development may be allowed through the provisions in Section 18.80.090. <sup>3</sup> See Section 18.150.050 for building height measurement and Section 18.310.010 for building height exceptions. <sup>4</sup> See Section 18.80.050(D)(13) for upper-level setback requirement in the shopfront overlay and Section 18.150.060 for measuring upper-level setback. <sup>5</sup> See Section 18.80.060(A)(7) for upper-level setback requirement and Section 18.150.060 for measuring upper-level setback.					

B. C-1 Zoning District Height. The maximum average building height in the C-1 zoning district shall be thirty-five feet, with the exception of:

1. The height limit on 3rd Avenue NE between Moe Street NE and NE Hostmark Street shall be twenty-five feet as measured from the highest sidewalk grade of 3rd Avenue NE adjacent to the property line;
2. In the shopfront overlay the height limit on west side of Front Street NE shall be twenty-five feet and on east side of Front Street NE shall be thirty-five feet as measured from the highest sidewalk grade of Front Street NE adjacent to the property line;
3. "Highest sidewalk grade" means the highest elevation of the sidewalk parallel to the building frontage; and
4. The height limits described above in subsections (B)(1) and (2) of this section shall not apply to rooftop appurtenances per 18.310.010.

C. C-2 Zoning District Height. The maximum average building height in the C-2 zoning district shall be thirty-five feet, with the exception of:

1. Per 18.310.010 C, when a structure is proposed to include underbuilding parking the building height limit may be increased by ten feet.
2. Structures utilizing section 18.80.070, Infill and redevelopment standards in C-2 (Viking Avenue) zoning district, the height limit may be extended to fifty-five feet. However, the underbuilding parking height bonus per Section 18.310.010(C) shall not apply.

Staff proposed amendments are shown in red underline and ~~strikethrough~~  
Planning Commission proposed amendments are shown in purple underline and ~~strikethrough~~  
City Council proposed amendments are shown in green underline and ~~strikethrough~~

**D.** ~~C~~-3 Zoning District Height. The maximum average building height in the C-3 zoning district shall be thirty-five feet, with the exception of:

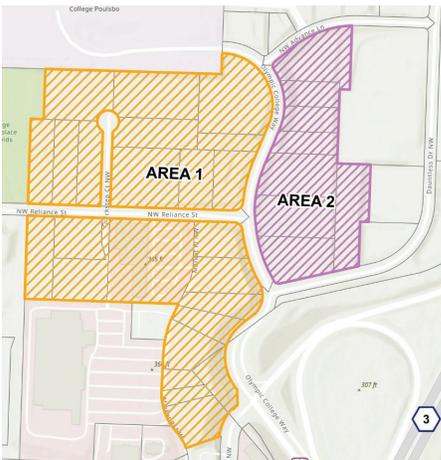
1. The height limit in area 1 (as shown below) shall be forty-five feet average building height; ~~and~~
2. The height limit in area 2 (as shown below) shall be fifty-five feet average building height; and



3. Per 18.310.010 C, when a structure is proposed to include underbuilding parking the building height limit may be increased by ten feet.

**E.** ~~C~~-4 Zoning District Height. The maximum average building height in the C-4 zoning district shall be thirty-five feet, with the exception of:

1. The height limit in area 1 (as shown below) shall be forty-five feet average building height; ~~and~~
2. The height limit in area 2 (as shown below) shall be fifty-five feet average building height; and



3. Per 18.310.010 C, when a structure is proposed to include underbuilding parking the building height limit may be increased by ten feet.

**18.80.070 Infill and redevelopment ~~incentives standards~~ in C-2 (Viking Avenue) zoning district.**

**A.** Purpose.

1. ~~To encourage and facilitate the sustainable infilling and redevelopment of Viking Avenue by supporting its commercial activities and encouraging~~ the creation of a complementary urban mixed-use neighborhood; ~~into a viable mixed-use commercial corridor.~~
2. ~~Encourage~~ Promote mixed-use redevelopment, the conversion; and reuse of existing structures; ~~and to increase the efficient use of available commercial land.~~

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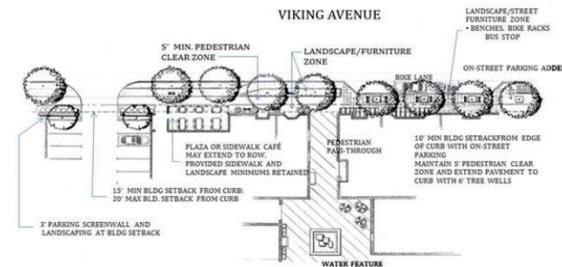
3. Increase the opportunities for residents to live near commercial amenities, public transportation, and nearby public parks.
  - ~~4. Improve Viking Avenue streetscape and pedestrian connections.~~
  - ~~5. Address regulatory barriers to infill and redevelopment of Viking Avenue.~~
  4. ~~6~~-Offer alternative development incentives standards to ~~encourage and~~ support the infilling and redevelopment of Viking Avenue.
  5. ~~7~~-Identify additional design standards to ensure new development and redevelopment appearance and functions are consistent and integrated with one another, as well as the corridor as a whole.
- B. Applicability. ~~Infill and redevelopment incentives~~Alternative development standards for the C-2 zoning district offered in this section shall be utilized through a planned mixed-use development (PMUD) Site Plan Review application per Chapter 18.270. ~~The provisions of Section 18.80.090 and Chapter 18.250 shall apply. If a conflict arises, the review authority shall determine the appropriate standard.~~
- C. Alternative Development Standards Incentives. The following alternative development standards are offered for mixed-use structures consistent with Section 18.80.080(J) and stand-alone residential structures (in the interior of the development) to support infilling and redevelopment of in the C-2 zoning district ~~through a PMUD application~~:
1. Building Height.
    - a. Maximum building height ~~for commercial and mixed-use structures~~ may be extended to ~~forty~~ fifty-five feet ~~when residential units are provided on at least one upper floor. Residential units may not be located on street/ground level or below.~~
    - b. The underbuilding parking height bonus per Section 18.310.010(C) shall not apply. The maximum building height allowed is fifty feet for commercial and mixed-use structures in conjunction with underbuilding parking.
  2. Building Lot Coverage. The building lot coverage may be increased to a maximum seventy eighty percent.
  3. Setbacks. The rear setback may be reduced to five feet; and the side setback may be reduced to zero, except the minimum side or rear yard adjacent to R zone shall be fifteen feet.
  4. ~~The front yard setback is modified as set forth in the design standards in subsections (D)(2) and (3) of this section.~~
  5. Landscaping. Overall site landscaping may be reduced by five percent resulting in fifteen percent of the property area to be landscaped. Setback, parking lot, pedestrian area/street trees, building facade landscaping, and landscaped open space areas contribute to this requirement.
  6. Parking. ~~The number of parking stalls for nonresidential uses may be reduced by fifteen percent. (Parking required for residential units may not be reduced.)~~ Additional parking stall reduction may be considered by the review authority through an executed joint parking agreement and parking study providing adequate justification to support joint parking.
  7. Loading. Off-street loading requirements may be shared or waived if appropriate loading/unloading areas are provided, and no traffic or pedestrian circulation safety issue is created.
- D. Design Standards. The following site and building design standards are required when utilizing the alternative development standards allowed in this section, ~~to ensure a consistent, visually appealing and comfortable urban environment~~:
1. Location of Uses.
    - a. Commercial uses and mixed-use structures shall be primarily located ~~in structures situated~~ near Viking Avenue or other public street frontage.
    - b. Stand-alone residential structures are permitted uses shall be when located in the interior of the ~~planned mixed-use~~ development to provide a transition to the neighboring R zones, ~~as well as to be appropriately set back from Viking Avenue.~~
    - c. All buildings and improvements on the site shall be designed to look and function as an integrated development and to encourage pedestrian travel between buildings and uses.

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 City Council proposed amendments are shown in green underline and ~~strikethrough~~

- d. Separate buildings shall be connected through pedestrian walkways delineated through landscaping, differentiated surface materials or texture.
- e. One or more similar design characteristic among separate structures shall be provided, including but not limited to complementary building facades, surface materials, colors, landscaping, or signage.

2. Building Orientation. ~~Commercial buildings and mixed use s~~Structures shall be oriented towards Viking Avenue and public streets. Buildings on corner lots ~~should be oriented towards the primary intersection shall have a strong building form and prominent design elements that are oriented toward the primary intersection. Entry is not required at the corner, but strongly encouraged. Auto access for off-street parking shall be located as close as practical to the property line most distant from the intersection.~~

a. ~~Commercial buildings and mixed use structures on property with Viking Avenue frontage shall have a maximum twenty foot building setback from the Viking Avenue street edge (i.e., back of curb) to the building's wall. Minimum building setback is as set forth in subsection (D)(3) of this section.~~



**VIKING AVENUE PLANNED MIXED-USE DEVELOPMENT FRONTAGE IMPROVEMENTS CONCEPTS**

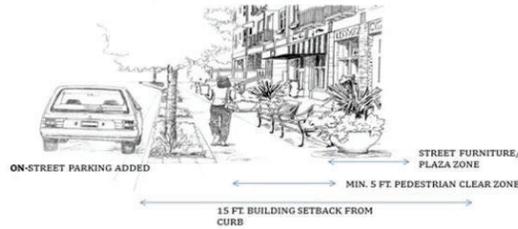
- b. ~~Exceptions may be approved by the review authority in the following circumstances:~~
  - i. ~~In street intersections where focal point amenities are required as set forth in subsection (D)(9) of this section.~~
  - ii. ~~Due to technical reasons allowed in subsection (D)(8)(f) of this section.~~
  - iii. ~~When providing pedestrian amenities as set forth in subsection (D)(3) of this section, or site amenities as set forth in subsection (D)(12) of this section.~~
  - iv. ~~Buildings sited in the interior of the planned mixed use development, or are secondary in size than a primary building.~~
  - v. ~~Second floor overhangs, balconies or awnings.~~

3. Pedestrian Area. The area between the building and sidewalk shall have usable pedestrian-oriented space, such as outside dining, courtyard or forecourt, public square or plaza, public art with seating, or landscaped open space.

~~The area between the edge of a public street frontage (i.e., back of curb) and the building wall or side-loaded parking area shall be improved as a fifteen-foot wide pedestrian area.~~

- a. ~~Unimproved right of way (see subsection (D)(13) of this section) may be used to meet this section's requirement. Realignment of existing sidewalk/landscape area may be proposed or necessary, and is subject to the approval of the city engineer.~~
- b. ~~The pedestrian area shall be improved with a combination of landscaping strips or planters, street trees, street furniture, plazas, public art, water feature, outdoor restaurant seating areas, pedestrian pass-throughs/connections, and other acceptable amenities.~~
- c. ~~A minimum clear, unobstructed sidewalk of five feet is required.~~
- d. ~~When on-street parking is provided, the minimum pedestrian area provided may be reduced to ten feet in width.~~
  - i. ~~i. Sidewalk may be extended to the curb to access proposed on-street parking, and shall provide cutouts for tree planters.~~
  - ii. ~~ii. Landscaping, planters and street furniture, etc., shall still be provided.~~

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**VIKING AVENUE PEDESTRIAN-ORIENTED MIXED-USE STREETScape**

4. Building Height Mitigation. ~~a. Buildings utilizing the increase in height incentive shall be located and oriented toward Viking Avenue frontage and/or adjacent C-2 zoned properties.~~ Buildings or building segments located within twenty-five feet of an R zone shall be subject to the standard height restrictions standards of the C-2 zoning district.
  - ~~a. Consideration of significant viewscales of Mount Rainier and Liberty Bay shall be evaluated in the placement of the buildings. Sloping roofs, stepbacks, framing and other architectural design techniques shall be incorporated into the building design when appropriate to mitigate the height increase.~~
  - ~~b. The planning director may elect to require a visual impact survey if the increase in height is anticipated to have significant impacts to the surrounding property or neighborhood.
 
    - ~~i. If required, the visual impact survey shall include graphic representation of the proposed building at the standard thirty five foot average height and the proposed height. Photos, photo simulation and other graphics shall be used and a visual context to the subject site in each direction shall be provided.~~
    - ~~ii. The city may require the erection of a balloon, crane or similar device to simulate the proposed dimensions and height of the structure if the visual impact survey graphics are not sufficient to determine the proposed building height increase visual impact on the viewscape.~~~~
5. Building design shall be consistent with Section 18.80.060(A) (except as modified in this section). ~~Stepbacks Required. Building wall stepbacks shall be required consistent with Section 18.80.060(A)(7).~~
6. ~~At least one mixed use structure shall be provided in the planned mixed use development.~~
7. Site landscaping shall be provided consistent with Section 18.80.060(B) (except as modified in this section).
  - ~~1. Parking. Parking areas shall be located on the side or behind buildings along Viking Avenue frontage.
 
    - ~~a. No parking in front of buildings on Viking Avenue frontage shall be allowed, including in front of drive-through buildings.~~
    - ~~b. Surface parking lots shall be located at the side and located flush with the building's face, or to the rear of a building.~~
    - ~~c. Parking areas on the side of buildings with public street frontage shall be screened with a combination of three foot architectural wall and additional landscaping.~~
    - ~~d. Parking design standards shall be consistent with Chapter 18.140.~~
    - ~~e. On street parking is encouraged to be provided and may count toward the number of spaces required. Unimproved right of way when available may contribute to providing area for on street parking. Realignment of existing sidewalk/landscape area may be necessary and is subject to approval by the city engineer.~~
    - ~~f. If existing power poles, infrastructure, topography, or other similar technical situations preclude buildings to locate within the twenty foot maximum building setback, the review authority may consider allowing parking in front of buildings for the minimum necessary. A combination of three foot architectural wall and a minimum of seven foot wide landscaping area (beginning from edge of pedestrian area) will be required to screen the parking area.~~~~
  - ~~2. Street Intersections. Development located within a one hundred fifty foot radius from the intersection of the centerlines of two public streets shall include two or more of the following focal point features, which shall be visible from the intersection streets:
 
    - ~~a. A distinctive design that does not represent standard franchise architecture.~~~~

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Planning Commission proposed amendments are shown in purple underline and ~~strikethrough~~  
City Council proposed amendments are shown in green underline and ~~strikethrough~~

- ~~b. An architectural feature or appendage that is a minimum of twenty five feet tall and a maximum of forty five feet (e.g., a clock tower, spire, or interesting roof form).~~
  - ~~c. Public art or sculpture.~~
  - ~~d. Fountains or other water features.~~
  - ~~e. Public plazas or other open space.~~
  - ~~f. Landscape feature.~~
- ~~8. Building design shall be consistent with Section 18.80.060(A).~~
9. Pedestrian Amenities.
- a. Customer walkways on site and to adjacent developments, and at least one pass-through to access the interior of the development, are required.
  - b. Connections between the on-site (internal) pedestrian walkway network and Viking Avenue and other public street sidewalk shall be provided at regular intervals as appropriate to provide easy access from the public sidewalk to the interior walkway network.
  - c. Other pedestrian amenities provided consistent with Section 18.80.060(C).
10. Mechanical and trash/recycling screening shall be consistent with Section 18.80.080(H).
11. Lighting shall be consistent with Section 18.80.080(N).
- ~~3. Site Amenities. At least one site amenity, such as outdoor plaza, public art, water feature, clock tower or other well designed area and/or focal feature that enhances the development and serves as a gathering place.~~
- ~~a. This requirement may be met as part of the pedestrian area improvement requirement in subsection (D)(3) of this section; or corner intersection amenity requirement in subsection (D)(9) of this section.~~
  - ~~b. This requirement may contribute to the planned mixed use development's common open space/recreational amenities requirement.~~
  - ~~c. When the planned mixed use development's total square footage is over fifty thousand, two site amenities must be provided.~~
- ~~4. Unimproved Right of Way. Unimproved right of way along Viking Avenue may exist (i.e., right of way that exists but is currently not utilized as part of the Viking Avenue street frontage improvements), and is required to be developed as part of a planned mixed use development with on street parking or part of the required pedestrian area.~~
- ~~a. Any improvement within the right of way is subject to the review and approval of the city engineer. Realignment of the existing sidewalk/landscape area may be proposed or necessary and is subject to approval by the city engineer.~~

## Exhibit A.2

### Public Notice Sign Amendment | City Council Public Hearing | September 18, 2024

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

Planning Commission proposed amendments are shown in purple underline and ~~strikethrough~~

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

City Council proposed amendments are shown in green underline and ~~strikethrough~~

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## Chapter 19.50 | PUBLIC NOTICES

- 19.50.010 Purpose.
- 19.50.020 Notice of application.
- 19.50.030 Notice of public meeting.
- 19.50.040 Notice of public hearing.
- 19.50.050 Public notice sign ~~hearing board posting~~.
- 19.50.060 Notice of decision.
- 19.50.070 Provisions for all notices.

### 19.50.020 Notice of application.

- A. Timing. A notice of application for Type II, III, applicant initiated IV, and V permit applications shall be provided within fourteen calendar days of the technically complete determination. A notice of application issuance for city-initiated Type IV applications shall be at such time as determined appropriate by the planning director.
- B. Content. The complete notice of application shall include the following:
  - 1. The file number assigned.
  - 2. The date of counter complete application, date of notice of technical completion, and the date of the notice of application.
  - 3. The description of the proposed project, a list of other permits included with the application, and, if applicable, a list of requested studies.
  - 4. The name of the applicant or applicant's representative.
  - 5. The name of the property owner.
  - 6. A map showing the subject property in relation to other properties.
  - 7. The zoning of the proposed project.
  - 8. Identification of permits not included with the application, to the extent known by city staff.
  - 9. A statement that the minimum public comment period shall be fourteen calendar days.
  - 10. 1A statement of the rights of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision and any appeal rights.
  - 11. The designation of the review authority.
  - 12. The date, time, place and type of hearing, if known and scheduled at the date of notice of application.
  - 13. A statement of the preliminary determination, if one has been made at the time of the notice, and of those development regulations that will be used for project mitigation and which regulations the application appears to comply with.
  - 14. Name and contact information of the city representative to contact about the application.
  - 15. Any other information determined appropriate by the city, such as the city's SEPA threshold determination consistent with Chapter 16.04, if complete at the time of issuance of the notice of application.
- C. Distribution.
  - 1. Publication. A summary notice of application shall be published in a newspaper of general circulation. The summary notice of application shall include the following:

Staff proposed amendments are shown in red underline and ~~strikethrough~~  
Planning Commission proposed amendments are shown in purple underline and ~~strikethrough~~  
City Attorney proposed amendments are shown in orange underline and ~~strikethrough~~  
City Council proposed amendments are shown in green underline and ~~strikethrough~~

- a. Project name and location.
  - b. Description of proposed project.
  - c. Type of permit.
  - d. Minimum comment period dates.
  - e. Location where the technically complete application and full notice of application may be reviewed.
  - f. City representative contact information.
2. Mailing. Mailing of the summary notice of application shall be:
- a. Made to:
    - i. Owners as identified by the Kitsap County assessor of property within three hundred feet of the project site. The records of the Kitsap County assessor's office shall be used for determining the property owner of record. If the applicant is the owner of immediately adjacent property, notice under this section shall be given to property owners three hundred feet from any portion of the adjacent property owned by the applicant.
    - ii. Applicant and applicant's representative.
    - iii. Any person who has requested such a notice.
    - iv. Agencies with jurisdiction.
    - v. Other persons, agencies or organizations which the planning director believes may be affected or interested in the proposed project.
    - vi. When email addresses are known for parties identified to receive a notice of application, an email with the notice of application attached may suffice to meet the mailing requirement.
  - b. Considered supplementary to the complete posted notice of application (per subsection B of this section).
  - c. Deemed satisfactory despite the failure of one or more owners to receive mailed notice.
3. Posting.
- a. The complete notice of application shall be posted at designated locations at City Hall, the Poulsbo Post Office, and the Poulsbo Library. The complete notice of application shall also be posted on the city's website.
  - b. The subject site shall be posted with the notice of application on the public notice sign as set forth in Section 19.50.050.
4. Responsibility for Notice. The planning director is responsible for providing published legal notices, mailed notice, posted notice in public buildings and on the city's website. The applicant is responsible for complying with on-site notice requirements as set forth in Section 19.50.050.
- D. Public Comment.
1. For Type II permit applications, the notice of application shall state that the minimum public comment period shall be fourteen calendar days, and that no decision shall be issued prior to the expiration of the minimum public comment period.
  2. For Type III, IV and V permit applications, the notice of application shall state that the minimum public comment period shall be fourteen calendar days, and that public comments will be accepted at any time prior to the closing of the open record hearing.
  3. Public comments should be as specific as possible and submitted to the city as early in the review of an application as possible.

Staff proposed amendments are shown in red underline and ~~strikethrough~~  
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City Council proposed amendments are shown in green underline and ~~strikethrough~~

4. The planning director may accept and respond to public comments at any time prior to making the Type II, III, IV or V recommendation or decision. Any comments received shall be forwarded to the review authority, applicant or applicant's representative and any person who requests a copy.
  5. If the optional determination of nonsignificance (DNS) process is used as described in Chapter 16.04 and WAC 197-11-355, the planning director shall combine the notice of application and DNS comment periods. When a final DNS is issued, there is no additional SEPA comment period.
  6. Public comments may be mailed, emailed, personally delivered, or sent by facsimile to the city.
- E. Integration of Notice.
1. SEPA. An issuance of a determination of significance (DS) and the optional DNS process may be combined with the issuance of the notice of application, as set forth in RCW 36.70B.110 and Chapter 16.04.
    - a. If the optional DNS process is not utilized, the responsible official may not issue a SEPA threshold determination until the expiration of the minimum public comment period identified in the notice of application.
  2. Open Record Public Hearing. When required, the public hearing notice as set forth in Section 19.50.040 may be integrated with the notice of application; provided, that the public hearing must be held no earlier than fifteen calendar days after the issuance of the notice of application.

#### **19.50.030 Notice of public meeting.**

- A. At least seven calendar days before the date of the public meeting for Type III permit application before the planning commission, a complete notice of public meeting shall be issued by the city and include the following information:
1. The date of the public meeting and that the meeting is before the planning commission.
  2. A statement that this is a public meeting, but there will be an opportunity to provide written and verbal testimony to the planning commission regarding the proposed project.
  3. The time and place of the meeting.
  4. Identification of property and application(s) under review.
  5. Brief description of the proposed project.
  6. Identification of review authority.
  7. Information on examination of file and city contact information.
- B. The summary notice of public meeting will be:
1. Mailed to:
    - a. Owners, as identified by the Kitsap County assessor, of property within three hundred feet of the project site. The records of the Kitsap County assessor's office shall be used for determining the property owner of record. If the applicant is the owner of immediately adjacent property, notice under this section shall be given to property owners three hundred feet from any portion of the adjacent property owned by the applicant.
    - b. Applicant and applicant's representative.
    - c. Any person who established themselves as a party of record, has requested such a notice, or submitted written comments on the application.  
Agencies with jurisdiction.
    - d. Other persons, agencies or organizations which the planning director believes may be affected or interested in the proposed project.
    - e. When email addresses are known for parties identified to receive a notice of public meeting, an email may suffice to meet the mailing requirement.

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2. Considered supplementary to the complete posted notice of public meeting (per subsection A of this section).
3. Deemed satisfactory despite the failure of one or more owners to receive mailed notice.

C. Posting.

1. The complete notice of public meeting shall be posted at designated locations at City Hall, the Poulsbo Post Office, and the Poulsbo Library. The complete notice of public meeting shall also be posted on the city's website.

2. The subject site shall be posted with the notice of public meeting on the public notice sign as set forth in Section 19.50.050.

D. Responsibility for Notice. The planning director is responsible for providing published legal notices, mailed notice, posted notice in public buildings and on the city's website. The applicant is responsible for complying with on-site notice requirements as set forth in Section 19.50.050.

**19.50.040 Notice of public hearing.**

A. Issuance. At least fourteen calendar days before the date of a public hearing for a Type III, IV or V permit application, a complete notice of public hearing shall be issued by the city and include the following information:

1. The date of the public hearing, and who the public hearing is before (e.g., hearing examiner, planning commission or city council).
2. The time and place of the hearing.
3. Identification of property and application(s) under review.
4. Brief description of the proposed project.
5. A statement of any threshold determination made under SEPA (Chapter 43.21C RCW).
6. Map depicting the subject property in relation to other properties.
7. The place and time where information about the application may be examined, and the name and information of the city representative to contact about the application.
8. A statement that the notice is intended to inform potentially interested parties about the hearing and to invite interested parties to appear or provide written statement at the public hearing.
9. A statement of when and where a staff report will be available for review.

B. Distribution.

1. Publication. The summary notice of public hearing shall be published in a newspaper of general circulation.
2. Mailing. Mailing of the summary notice of public hearing shall be:
  - a. Made to:
    - i. Owners as identified by the Kitsap County assessor of property within three hundred feet of the project site. The records of the Kitsap County assessor's office shall be used for determining the property owner of record. If the applicant is the owner of immediately adjacent property, notice under this section shall be given to property owners three hundred feet from any portion of the adjacent property owned by the applicant.
    - ii. Applicant and applicant's representative.
    - iii. Any person who established themselves as a party of record, has requested such a notice, or submitted written comments on the application.
    - iv. Agencies with jurisdiction.

Staff proposed amendments are shown in ~~red underline~~ and ~~strikethrough~~  
Planning Commission proposed amendments are shown in ~~purple underline~~ and ~~strikethrough~~  
City Attorney proposed amendments are shown in ~~orange underline~~ and ~~strikethrough~~  
City Council proposed amendments are shown in ~~green underline~~ and ~~strikethrough~~

- v. Other persons, agencies or organizations which the planning director believes may be affected or interested in the proposed project.
  - vi. When email addresses are known for parties identified to receive a notice of public hearing, an email with the notice attached may suffice to meet the mailing requirement.
  - b. Considered supplementary to the complete posted notice of public hearing (per subsection A of this section) and a map depicting the subject property in relation to other properties is not required to be included.
  - c. Deemed satisfactory despite the failure of one or more owners to receive mailed notice.
3. Posting.
- a. The complete notice of public hearing shall be posted at designated locations at City Hall, the Poulsville Post Office, and the Poulsville Library. The complete notice of public hearing shall also be posted on the city's website.
  - b. The subject site shall be posted with ~~at least one copy of~~ the notice of public hearing on a public notice ~~sign board~~ as set forth in Section 19.50.050.
- C. Responsibility for Notice. The planning director is responsible for providing published legal notices, mailed notice, posted notice in public buildings and on the city's website. The applicant is responsible for complying with on-site notice ~~of public hearing posting~~ requirements as set forth in Section 19.50.050.

**19.50.050 Public ~~notice sign hearing board posting.~~**

~~For type II and III applications, applicants shall post one or more signs on the subject property giving public notice of a proposed action as set forth in this section.~~

- A. ~~The applicant shall provide for and erect public notice sign by the commencement of the notice of application per Section 19.50.020.~~
    - 1. ~~An affidavit of posting, which shall include the posted notice, date and location of posting, and the notarized signature of the person responsible for the posting, shall be submitted to the planning director prior to the end of the notice of application comment period. If an affidavit is not filed as required, any scheduled date by which the public may comment on the application may shall be postponed or extended until there is compliance with the notice requirement. The fees associated with re-noticing shall be charged to the applicant.~~
  - B. ~~The signs shall be designed and constructed to City standards. The Planning Director is authorized to develop the standards for the public notice signs necessary for implementation of this section.~~
  - C. ~~One public notice sign shall be required per ~~street~~ frontage. Signs shall be located on the site of the proposed action, set back at least 10 feet from a public right-of-way or private road or easement as applicable, and shall be situated to maximize readability by the public from public rights-of-way.~~
  - D. ~~The applicant shall update the public notice sign when a substantial change to the project which requires a reissue of the notice of application per Section 19.50.020. An updated affidavit of posting shall be submitted to the planning director within fourteen calendar days of the reissuance.~~
  - E. ~~The applicant is responsible for maintaining the sign for the duration the sign is posted. The signs shall not be removed until the City has taken action on the application and the time for filing an appeal of that action has expired. Removal of the public notice sign shall be made by the applicant no later than fourteen calendar days from expiration of the appeal period.~~
- A. ~~Public hearing board posting shall be made for permit applications requiring a public hearing. The public hearing notice board shall include the content as set forth in Section 19.50.040(A) and shall be placed by the applicant.~~
- B. ~~One public hearing board is required and shall be placed on the site for maximum visibility from a public street or public area. Additional notice boards may be required by the planning director when:~~

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City Attorney proposed amendments are shown in orange underline and ~~strikethrough~~  
City Council proposed amendments are shown in green underline and ~~strikethrough~~

~~1. The site does not abut a public street.~~

~~2. The site is large and abuts more than one public street.~~

~~3. The planning director determines that additional notice boards are necessary to provide adequate public notice.~~

~~C. An affidavit of posting, which shall include an attached photo of the posted notice, date and location of posting, and the notarized signature of the person responsible for the posting, shall be submitted to the planning director at least fourteen days prior to the public hearing. If an affidavit is not filed as required, any scheduled hearing or date by which the public may comment on the application shall be postponed or extended until there is compliance with the notice requirement.~~

~~D. A public hearing board shall be maintained in good condition by the applicant.~~

~~E. A public hearing board shall remain posted throughout the public hearing process until the hearing is closed and complete. Removal of the board prior to the end of the required time period shall cause the application to be placed on hold until the hearing board is replaced and remains in place.~~

~~F. A public hearing board shall be provided by the city for a reasonable fee, or be constructed and installed in accordance with specifications provided by the planning director.~~

~~G. Removal of the public notice board shall be made by the applicant no later than seven calendar days from the issuance of notice of decision.~~

#### **19.50.060 Notice of decision.**

A. Within seven calendar days after a final decision on a Type I, II, III, IV or V permit application has been made by the applicable review authority, a notice of decision shall be issued.

B. Content. The notice of decision shall include the following information:

1. The project name, file number, permit application type, date of decision, date of the notice of decision issuance, and review authority.
2. The name of the application and a description of the project.
3. The site location and map.
4. The applicable municipal code criteria for review.
5. A statement of the review authority conclusion and decision.
6. A statement that the decision and any SEPA determination are final.
7. A statement that the decision may be appealed and a brief description of appeal procedures.
8. A statement that the complete case file, including conditions of approval, is available for review. The notice shall list the place the case file is available and the name and contact information of the city representative to contact about reviewing the case file.
9. For shoreline permits, a statement that construction shall not begin until twenty-one calendar days from the date of the notice of decision, or as otherwise set forth in Chapter 16.09.

C. Distribution.

1. The notice of decision shall be distributed to:
  - a. Applicant, property owner, and/or authorized representative;
  - b. Any persons who commented in writing or testified at a public hearing on the proposed project and which contact information is known;
  - c. Any other parties of record.
2. When email addresses are known for parties identified to be mailed a notice of decision, an email with the notice of decision attached may suffice to meet this requirement.

Staff proposed amendments are shown in red ~~underline~~ and ~~strikethrough~~  
Planning Commission proposed amendments are shown in purple ~~underline~~ and ~~strikethrough~~  
City Attorney proposed amendments are shown in orange ~~underline~~ and ~~strikethrough~~  
City Council proposed amendments are shown in green ~~underline~~ and ~~strikethrough~~

3. The notice of decision may be distributed to other persons, agencies or organizations which the planning director believes may be affected or interested in the permit application.
4. Posting. The notice of decision shall be posted at designated locations at City Hall, the Poulsbo Post Office, and the Poulsbo Library. The notice of decision shall also be posted on the city's website. ~~Although not required, it is recommended that the notice of decision be posted to the public notice sign.~~



# City of Poulsbo

## Planning & Economic Development

To: Mayor Erickson and City Council  
From: Nikole Coleman, AICP, Senior Planner  
Date: September 12, 2024  
RE: C-2 Viking Avenue and Public Notice Sign Code Amendments | P-07-24-24-01

### Review Process to Date

The Planning Commission, in its role as the City's primary land use advisory committee held a workshop and open house on June 26, 2024, to generally discuss the C-2/Viking Ave code amendments, and a workshop on the specific amendments on July 23, 2024, and identified additional modifications. On August 27, 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.

Initial staff proposed amendments are represented as [red underline](#) for proposed new language or additions and [strikeout](#) for deletions. The Planning Commission modifications are shown in [purple underline](#) or [strikeout](#). The City Attorney provided some general comments on the proposed amendments to Chapter 19.50 and are represented as [orange underline](#) and [strikeout](#).

Although the City Council did not provide any direct request for revisions at the September 11, 2024, workshop, there were questions raised in trying to understand the height standards. Staff reviewed and determined that amendments were needed to clean up the language and be clearer on what the height standards are for each commercial zoning district. *None of these amendments are substantive.* They are represented as [green underline](#) and [strikeout](#).

### Background

The Viking Avenue corridor is mostly occupied by the Commercial/C-2 zoning designation, with residential zoning adjacent, city limits to the west and south, and Liberty Bay to the east. According to the 2021 [Buildable Lands Report](#) (BLR), the C-2 zoning district has the capacity for 602 jobs. During the BLR process, staff did not assume a mixed-use development pattern. However, with mixed-use development, the C-2 zoning district has the capacity for 453 jobs and 603 population.

A [Market Analysis and Feasibility Study](#) was done in June of 2023 by Leland Consulting Group (LCG) for the SR305 corridor. Given the size of Poulsbo, LCG stated that the market study could be applied to other commercial areas within city limits. The study found that most of the demand in the study area is for housing. The retail market is active in existing buildings but with less demand for new developments, and office demand has dropped significantly because of the COVID-19 pandemic. In addition, since much of the study area is steeply sloped and the area contains streams, wetlands, erodible and hydric soils, and geohazard areas, the city should consider a number of regulatory changes to encourage development in the area.

The proposed amendments focus on Poulsbo Municipal Code (PMC) 18.80.070, Infill and redevelopment standards in C-2 (Viking Avenue) zoning district. This code section, adopted in 2013, provides alternative development standards for mixed use buildings or stand-alone residential structures (in the interior of the development) in the C-2/Viking Ave commercial zoning district. The amendments include an increase to height and lot coverage, and a reduction in setbacks and landscaping requirements when housing units are included in a proposed project.

Viking Avenue has seen a renaissance over the last several years and by amending PMC 18.80.070 and not the general development standards for the C-2/Viking Ave zoning district, it will allow for that to continue while also encouraging the creation of needed housing units.

At the July 23, 2024, Planning Commission workshop, commissioners asked staff how the community would receive notification regarding these potential new infill projects along Viking Ave. Following that discussion, staff prepared amendments to Chapter 19.50, Public Notices, to require a large public notice sign to be erected on the property of the proposed development at the time of Notice of Application and to include basic information about the project, and how to find out more information.

# City of Poulsbo

*Planning & Economic Development*



## C-2/VIKING AVE INFILL DEVELOPMENT STANDARDS AND PUBLIC NOTICE SIGN AMENDMENTS STAFF REPORT AND RECOMMENDATION

**To:** Mayor Erickson and Poulsbo City Council  
**From:** Nikole Coleman, AICP, Senior Planner  
**Subject:** C-2/Viking Ave and Public Notice Sign Code Amendments  
**Date:** September 12, 2024

The Planning Commission and staff respectfully recommend approval of the C-2/Viking Ave Infill Development Standards and Public Notice Sign Code Amendments as set forth in Exhibit A.1 and A.2 to this staff report.

### **PROPOSED MOTION:**

**MOVE** to (approve) (approval with modifications) Application No. P-07-24-24-01, the C-2/Viking Ave Infill Development Standards and Public Notice Sign Code Amendments, as identified in Exhibit A.1 and A.2 to this staff report.

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Page 2	Background
Page 2	Review Process to Date
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Page 3	Conclusion and Recommendation
Page 4	City Council Public Hearing
Page 4	List of Exhibits



## 1.0 General Information

Applicant:	City of Poulsbo   200 NE Moe Street   Poulsbo WA, 98370
Application No.:	P-07-24-24-01
Description of Proposal:	The proposed amendments focus on PMC 18.80.070, Infill and redevelopment standards in C-2 zoning district. This code section provides alternative development standards for mixed use buildings or stand-alone residential structures (in the interior of the development) in the C-2/Viking Ave commercial zoning district. Also included is an amendment to PMC 19.50, Public notices, to require for all Type II and III applications. For full context, please see the complete section at: <a href="https://www.codepublishing.com/WA/Poulsbo/">https://www.codepublishing.com/WA/Poulsbo/</a>
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, September 18, 2024
Staff Contact:	Nikole Coleman, Senior Planner   <a href="mailto:ncoleman@cityofpoulsbo.com">ncoleman@cityofpoulsbo.com</a>

## 2.0 Background

The Viking Avenue corridor is mostly occupied by the Commercial/C-2 zoning designation, with residential zoning adjacent, city limits to the west and south, and Liberty Bay to the east. According to the 2021 [Buildable Lands Report](#) (BLR), the C-2 zoning district has the capacity for 602 jobs. During the BLR process, staff did not assume a mixed-use development pattern. However, with mixed-use development, the C-2 zoning district has the capacity for 453 jobs and 603 population.

A [Market Analysis and Feasibility Study](#) was done in June of 2023 by Leland Consulting Group (LCG) for the SR305 corridor. Given the size of Poulsbo, LCG stated that the market study could be applied to other commercial areas within city limits. The study found that most of the demand in the study area is for housing. The retail market is active in existing buildings but with less demand for new developments, and office demand has dropped significantly because of the COVID-19 pandemic. In addition, since much of the study area is steeply sloped and the area contains streams, wetlands, erodible and hydric soils, and geohazard areas, the city should consider a number of regulatory changes to encourage development in the area.

The proposed amendments focus on Poulsbo Municipal Code (PMC) 18.80.070, Infill and redevelopment standards in C-2 (Viking Avenue) zoning district. This code section, adopted in 2013, provides alternative development standards for mixed use buildings or stand-alone residential structures (in the interior of the development) in the C-2/Viking Ave commercial zoning district. The amendments include an increase to height and lot coverage, and a reduction in setbacks and landscaping requirements when housing units are included in a proposed project.

Viking Avenue has seen a renaissance over the last several years and by amending PMC 18.80.070 and not the general development standards for the C-2/Viking Ave zoning district, it will allow for that to continue while also encouraging the creation of needed housing units.

At the July 23, 2024, Planning Commission workshop, commissioners asked staff how the community would receive notification regarding these potential new infill projects along Viking Ave. Following that discussion, staff prepared amendments to Chapter 19.50, Public Notices, to require a large public notice sign to be erected on the property of the proposed development at the time of Notice of Application and to include basic information about the project, and how to find out more information.

## 3.0 Review Process to Date

The Planning Commission, in its role as the City's primary land use advisory committee held a workshop and open house on June 26, 2024, to generally discuss the C-2/Viking Ave code amendments, and a workshop on the specific amendments on July 23, 2024, and identified additional modifications. On August 27, 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.

The Planning Commission modifications are shown in purple underline for proposed new language or additions or ~~purple strikeout~~ for deletions and are reflected in the attached Planning Commission recommended amendments. Initial staff proposed amendments are represented as red underline and ~~strikeout~~. These amendments are outlined in Attachment A.1. Proposed amendments to Chapter 19.50, Public Notices, are outlined in Attachment A.2. Staff proposed amendments are represented as red underline and ~~strikeout~~ and Planning Commission modifications are shown in purple underline and ~~strikeout~~.

On August 6, 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 August 27, 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).

The City Attorney provided some general comments on the proposed amendments to Chapter 19.50 and are represented as orange underline and ~~strikeout~~.

On September 11, 2024, the City Council held a workshop on these amendments and following discussion, set the public hearing for September 18, 2024. City Council proposed amendments are represented as green underline and ~~strikeout~~. *None of these amendments are substantive*

On September 3, 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).

One public comment was 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 participation, implementation, and evaluation (Ch 11) 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 LU-3.9 Encourage mixed use by allowing residential units to be located in combination with existing and new street frontage commercial in all commercial zoning districts.
- 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 PI-1.1 Provide opportunities for public review of plans, regulations, and development proposals while tailoring the review approach and specific issues to the appropriate stage of plan preparation and implementation

The amendments support and/or enhance public health, safety and welfare and is not contrary to the best interest of the citizens and property owners by accomplishing the following:

- Allow for residential and mixed-use projects to increase the opportunities for people to live, work, shop and recreate within walking distance.

- Increase building height and lot coverage and reduce setbacks to incentivize construction of additional housing units within an area that has the infrastructure (streets, sewer, water, stormwater) to support the growth.
- Require additional public notice sign requirements for type II and III applications to provide additional opportunities for public review.

**Recommendation:** Planning Commission and staff respectfully recommends the City Council approve the proposed C-2/Viking Ave Infill Development Standards and Public Notice Sign Code Amendments.

## 6.0 City Council Public Hearing, September 18, 2024

The City Council Public Hearing is scheduled for **Wednesday, September 18, 2024**, at 5:00 pm, or soon thereafter. Public hearings are being held as a hybrid virtual/in-person meeting at the web address and call-in number noted below and at Poulsbo City Hall Council Chambers, 200 NE Moe Street, Poulsbo, Washington. This call-in number: 1-253-215-8782 and meeting id: 898 4841 6447 are provided for virtual attendance, in addition to this webinar link: <https://us02web.zoom.us/j/89848416447>. Oral comments can be made in-person. Please state your name and limit your comments to 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@cityofpoulsbo.com](mailto:cityclerks@cityofpoulsbo.com) by 2:00 p.m. the day of the meeting, and they will be distributed to the Council before the meeting. Written comments will not be read into the record.

### **PROPOSED MOTION:**

**MOVE** to (approve) (approval with modifications) Application No. P-07-24-24-01, the C-2/Viking Ave Infill Development Standards and Public Notice Sign Code Amendments, as identified in Exhibit A.1 and A.2 to this staff report.

## 7.0 Exhibits (provided in links)

- A. Proposed Code Amendments
  1. [Chapter 18.80: Commercial Districts – C-2/Viking Ave Infill Standards](#)
  2. [Chapter 19.50: Public Notice Sign Requirements](#)
- 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](#)