

## **Appendix B**

**Terms and Conditions for Developments****A. General**

1. All water, wastewater, and stormwater facilities and streets shall be designed by a professional civil engineer licensed in the State of Washington. The applicant is responsible for the design and installation of the facilities.
2. Land use permit approval shall not waive any requirements for the applicant to (a) obtain all appropriate permits; (b) pay all required fees and deposits; and (c) provide the City with adequate construction plans for approval which conform to City codes and standards. Any utility plans, details, and drawing notes associated with the approved site plan/preliminary plat drawing are approved in concept only and are not considered approved for construction. Approval of the site plan/preliminary plat does not constitute approval of any construction drawings submitted with the site plan/preliminary plat approval documents. Civil construction drawings must be submitted directly to the Engineering Department. For site plans, it is not acceptable to submit the civil drawings with the building plans to the Building Department.
3. Construction plans for the following shall be reviewed and approved by the Engineering Department and Public Works Department: storm drainage and street improvements (including signage and pavement markings), sanitary sewer, water, and interim and permanent on-site erosion control systems. Prior to the City's final approval and acceptance of the construction, the applicant shall: construct the required improvements per City standards, and when applicable as determined by the City Engineer, submit "as-built" drawings on mylar, paper, and electronically (compatible with the AutoCAD version utilized by the City at the time of submittal), dedicate easements, convey utility ownership as determined by the City, and post a maintenance bond(s). Unless specifically approved by the City Council at the time of a preliminary plat approval, performance bonding for the final plat will not be allowed.
4. All plan review and project inspection and administration expenses shall be paid for at the developer's expense consistent with the fee and deposit schedule adopted by City ordinance in effect at the time of construction. Plan review fees shall apply to the original drawing submittal and one re-

submittal. Subsequent submittals will require payment of hourly charges. Fees are non-refundable. Deposits are required for payment of actual expenses incurred by Engineering Department staff for project administration and inspection. If the City Engineer determines that the magnitude or complexity of the project requires full or part-time on-site inspection in addition to the inspection by City staff, he may contract with a duly qualified inspector or hire additional personnel to provide inspection, testing, or other professional services for the City in connection with the construction. Deposits for Engineering Department services or outside professional services shall be paid in advance. The deposits are estimates and may require replenishment. Deposits may be required at the time of, or after, payment of any fees. Unused deposits are refundable. Deposit amounts for project administration and inspection are estimated separately; however, they are combined into one fund and used for both project administration and inspection.

5. At any point in the process of application approval, construction plan review, or construction, the City Engineer may hire an independent consultant to review and comment on any, or all, utilities or site-work (for example, storm sewer, sanitary sewer, water, roads/streets, retaining walls, slopes) proposed by the applicant. The applicant shall make a cash deposit which will be used to pay for any independent review required by the City Engineer. If additional funds are required, the applicant shall immediately deposit the requested amount. Any unused funds will be refunded. Acceptance of the proposal and consultant comments shall be at the discretion of the City Engineer.
6. The applicant shall adhere to all recommendations of the applicant's geotechnical engineer and the City's consultants as determined by the City Engineer.
7. Approved plans and applicable permits must be on the construction site during all construction activity. The contractor's supervisory personnel must have copies of, and be familiar with, all plans, permits, and conditions of approval.
8. All proposed field changes must be brought to the attention of the City inspector. He will determine if further approval is required by the City Engineer. It is not acceptable to "notify" the city via "as-built" drawings. The applicant's engineer does not have the authority to direct the contractor to make design changes without City approval.
9. All utilities and streets must be installed before Final Plat approval. If the applicant wishes to construct the project in phases, those phases must be defined as divisions in the preliminary plat approval. At the time of Final Plat approval for each division, that division shall be "stand alone". A

division shall be considered “stand alone” if it contains complete utilities and access for the future residents of that division and is not dependent on other as yet un-built divisions for this purpose. Any infrastructure outside of the plat that is necessary in order to serve the division or allow it to function must be completed as well.

## **B. STREETS**

1. The City Engineering Department has contracted with the transportation engineering firm of David Evans and Assoc., Inc., to provide Traffic Impact Analysis (TIA) reports and calculate mitigation fees for all new applications requiring transportation review. A deposit for traffic consultant services in an amount determined by the City Engineer must be paid prior to the review. Additional fees may apply depending on the size of the project and/or the results of the report. The TIA considers the following:
  - a. Anticipated trips generated by the project
  - b. Distribution
  - c. Analysis of existing roadway/intersection and current LOS
  - d. Anticipated number of trips per split/direction
  - e. Analysis of impacts to roadway/intersections
  - f. Recommended mitigations, if any
  
2. As a condition of development, the construction of frontage improvements may be required. The improvements may include, but not be limited to, roadway widening, curb, gutter, sidewalks, signage, pavement markings, lighting, and utility construction. At the discretion of the City Engineer, a “Developer Agreement” to construct the improvements at a later date may be required. If the improvements are best done in association with a larger City project or in association with an adjacent development in order to facilitate smooth and safe transitions to the existing roadway configuration and to eliminate the need for reconstruction of the roadway in the transitional areas at a later date. The requirement for immediate construction or the terms and timing of the execution of an agreement, if allowed, shall be addressed in the project Conditions of Approval. If the improvements are included in the City's adopted Six-Year Transportation Improvement Program, the applicant shall be responsible for paying his pro-rata share of the cost of the improvements.

## **OTHER**

1. Work hours shall be strictly adhered to as regulated by Poulsbo Municipal Code 15.32. Construction activity shall only be permitted between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and the hours of 8:00 a.m. and 7:00 p.m. on Saturday, Sunday, and Federal, State, and City observed holidays. Work requiring inspection by the City must be performed between 7:00 a.m. and 3:30 p.m. weekdays.

2. All contractors and subcontractors conducting business in the City of Poulsbo shall have a valid City of Poulsbo business license and a State of Washington Contractor's License with appropriate endorsements.
3. The applicant shall be responsible for obtaining all required easements and rights-of-way. Copies of all recorded easements shall be provided to the City Engineer.
4. Any agreements made between the applicant and another property owner related to utilities, easements, right-of-ways, or ingress and egress shall not be in conflict with City codes or ordinances. No agreements between the applicant and the property owner shall exempt either party from obtaining proper City approval for land use activities regulated under the Poulsbo Municipal Code.
5. For plats, the covenants shall state that no fence shall be placed within two feet of the back of any sidewalk and in no case shall be placed within City right-of-way.
6. For plats, all public utilities shall be provided within the plat and shall include power, telephone, natural gas, and cable television. A ten-foot easement fronting all lots shall be dedicated for public utilities. For all development, the developer shall provide and install a minimum of one additional empty four-inch conduit trunk line, including road crossings, in parallel with the aforementioned utilities, with appropriate termination points within junction boxes, for future telecommunications use. Ownership of the conduit shall be conveyed to the City. All existing and new utilities shall be placed underground.