



**BEFORE THE HEARING EXAMINER
FOR THE
CITY OF POULSBO**

**FINDINGS, CONCLUSIONS AND DECISION
APPROVING**

**THE “POULSBO MEADOWS”
PLANNED RESIDENTIAL DEVELOPMENT AND
PRELIMINARY PLAT APPLICATIONS**

APPLICANT/OWNER: PBH GROUP LLC
PO BOX 1010
SILVERDALE, WA 98383

AGENT: MARK KUHLMAN, TEAM 4 ENGINEERING,
5819 NE MINDER ROAD
POULSBO, WASHINGTON 98370

LOCATION/TAX PARCEL NUMBER: THE PROPOSED PLAT IS LOCATED ON THE SOUTH SIDE OF NOLL ROAD NE NEAR THE INTERSECTION OF TALLAGSON LANE, ABUTTING THE EASTERN LIMITS OF THE CITY OF POULSBO AND POULSBO URBAN GROWTH AREA, ALL WITHIN KITSAP COUNTY TAX PARCEL NO. 242601-1-033-2006.

APPLICATIONS: PLANNED RESIDENTIAL DEVELOPMENT AND PRELIMINARY PLAT UNDER CITY CODES IN EFFECT AT THE TIME THE PROJECT VESTED FOR PURPOSES OF REVIEW (NOVEMBER OF 2007), INCLUDING WITHOUT LIMITATION CH. 18.80 PMC (FOR PLANNED RESIDENTIAL DEVELOPMENT), TITLE 17 PMC (FOR PRELIMINARY PLAT), AND ZONING PROVISIONS IN TITLE 18 PMC, TO SUBDIVIDE APPROX. 9.18 ACRES INTO A 46-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION WITH ASSOCIATED IMPROVEMENTS ON PROPERTY ZONED LOW DENSITY RESIDENTIAL (RL) (WHICH IS WITHIN THE MAX. GROSS DENSITY OF 5/ACRE FOR THE RL ZONE), WITH WATER AND SEWER SERVICE TO BE PROVIDED BY THE CITY OF POULSBO.

SUMMARY OF DECISION: *APPROVED*, SUBJECT TO CONDITIONS

DATE OF DECISION: MARCH 4, 2019

CONTENTS OF RECORD

Exhibits entered into evidence as part of the record, and an audio recording of the public hearing, are maintained by the City of Poulsbo, in accord with applicable law.

Exhibits:

City of Poulsbo “Staff Report” and recommendation (of APPROVAL) to the Hearing Examiner regarding “Poulsbo Meadows Planned Residential Development & Preliminary Plat,” including short Addendum to Staff Report to Planning Commission, with attachments;

Exhibits A – N, as described and numbered on page 32 of the Staff Report provided to the Examiner;
Exhibits O, P, Q, R and S – as described and numbered in “Addendum to Planning Commission Staff Report”/ Memo to the Hearing Examiner, dated January 18, 2019;
Exhibit T – Sign in sheet from public hearing; and
Exhibit U – documents referenced or presented by speakers during public hearing on January 25th.

Testimony/Comments:

All people who provided factual information were sworn and provided testimony under oath at the open-record public hearing, including Edie Berghoff, an Associate Planner for the City of Poulsbo, and the primary staff representative at the public hearing; Anthony Burgess, Senior Engineering Tech on the City’s Development Review Team; Michael Bateman, PE, Development Review Engineer for the City of Poulsbo; Mark Kuhlman, the applicant’s agent and project engineer, with Team 4 Engineering; and local residents Angelina Meier (with written comments included as Ex. N-4) and Edie Lau (written comments and tree report included as Exs. N-2 and N-3).

While the neighbor comments expressed general disappointment that the status quo cannot be maintained, that new development may reduce privacy for existing homes located outside the city limits, that screening should be more than fencing, that private easements must first be secured before utility infrastructure can be installed, and the like, there was no evidence or testimony provided in this hearing record that would serve as a basis to deny the pending applications. As the staff report, applicant and staff testimony at the public hearing explain(ed), conditions of approval and compliance with relevant development regulations are intended to allow for appropriate, well-planned urban development within the City’s Urban Growth Area, where the proposed project is located.

APPLICABLE LAW

Jurisdiction.

There is no dispute that relevant provisions of the Poulsbo Municipal Code expressly provide the hearing examiner with jurisdiction and authority to review most Type III land use matters, which include both Planned Residential Development and Preliminary Plat applications. See PMC 19.20.010(C) and Table 19.20.020.

Criteria for Approval of the pending PRD and Preliminary Plat Applications.

The relevant approval criteria for this project is found in older versions of the Poulsbo Municipal Code. Without objection or modification from the applicant, the Staff Report explains that the review criteria for the Poulsbo Meadows project are versions of development regulations in effect when the application vested, which was November 1, 2007, the date City staff deemed the application to be Technically Complete. Specifically, this project has been reviewed using the following code provisions: PMC Title 18 Zoning (Ordinance 2003-10), including PMC 18.80 regarding Planned Residential Developments (PRD) (Ordinance 2007-25); PMC Title 17 Subdivisions (Ordinance 2003-16); and PMC 16.20 Critical Areas (Ordinance 2007-24). The Staff Report explains that the City's zoning ordinance was updated December 17, 2007 (Ordinance 2007-56), however, it is not applicable to this matter. In 2003, PMC 18 Zoning provided for Planned Unit Development (PUD) subject to review under PUD requirements and standards. PRD requirements and standards replaced Planned Unit Development (PUD) requirements and standards in 2007 (Ordinance 2007-25).

In any event, as mandated by state law, the provisions of city codes addressing preliminary plat review for this project are substantially similar to state subdivision mandates found in RCW 58.17.110(2).

The burden of proof rests with the applicant, and any decision to approve or deny a Preliminary Plat must be supported by evidence that is substantial when viewed in light of the whole record. See RCW 36.70C.130(1)(c).

ISSUE PRESENTED

Whether substantial evidence demonstrates that the applicant has satisfied its burden of proof to satisfy the criteria for Preliminary Plat and Planned Residential Development approval?

Short Answer: Yes, subject to conditions of approval.

FINDINGS of FACT

Upon consideration of all the evidence, testimony, codes, policies, regulations, and other information contained in the file, the undersigned Examiner issues the following findings, conclusions and Decision approving the Poulsbo Meadows preliminary plat and planned residential development as set forth below.

1. Any statements in previous or following sections of this document that are deemed findings of fact are hereby adopted as such and incorporated by this reference.
2. If approved, the requested preliminary plat would authorize the subdivision of 9.18 acres into 46 single-family residential lots. The Planning and Economic Development Department's Staff Report and Recommendation of Approval, shared with the Examiner in the week before the hearing, (*the "Staff Report"*), includes a number of specific findings and conditions that credibly establish how the underlying plat application satisfies provisions of applicable law, is consistent with the city's Comprehensive Plan, and is designed or conditioned to comply with applicable development standards and guidelines.

Procedural background.

3. The Record for this matter includes reports and written analysis of virtually every aspect of the proposed new development. Part of this is related to the need for sufficient utility infrastructure to serve the project, ongoing comments from adjacent property owners, and the project timeline associated with this application. Without question, the review period for this project has been lengthy, but the record shows that the timeline was repeatedly extended to accommodate the applicant's requests, to provide sufficient time to generate detailed reports on specific issues associated with the site, and the like. Obviously, the effects of the "great recession" that commenced shortly after this project vested, also had some effect on the review timeline for this project. The Staff Report notes that the review timeline for this project was suspended for a variety of reasons including: multiple clarification and information requests; regional sewer main design and implementation issues; a potential change of applicant; upon Applicant request; concerns raised by some Tallagson Lane residents; and to address stormwater redesign issues. (*Staff Report, page 31*).
4. The applicant, PBH Group LLC, submitted application materials for the Poulsbo Meadows project on or about October 23, 2007, which were examined by staff and deemed complete for purposes of vesting and review as of November 1, 2007. Before formal submittal, the applicant was required to hold a neighborhood meeting, which occurred for this project on September 10, 2007. (*Staff Report, page 31*). Staff issued a formal Notice of Application on November 7, 2007. *Exhibit M-2*.
5. Due to the length of time this proposal has been under review and on a suspended processing timeline, City staff appropriately provided a Revised Notice of Application that was issued on September 2, 2016. *Exhibit M-3*. The Staff Report explains that no comments were received in response to the Notice of Application.

6. After reviewing the SEPA Checklist that was completed and submitted by the applicant (*Ex. G-2*), and other relevant environmental information, including relevant stream and Tallagson Lane ‘impoundment’ analysis, the City issued its SEPA threshold determination for the Poulsbo Meadows project, which was a Mitigated Determination of Non-Significance (MDNS) issued on January 20, 2017 (*Ex. G-1; other SEPA materials are also included as part of Ex. G*). The MDNS included four specific mitigation measures addressing compliance with applicable regulations related to the Endangered Species Act, well protection, the possible inadvertent discovery of archaeological resources, and payment of school impact fees to mitigate impacts on the North Kitsap School District. Notices related to the SEPA MDNS were issued in accord with applicable law, and no one offered any comments. (*Staff Report, page 30*).

7. By operation of WAC 197-11-545 (re: Effect of no comment), if a consulted agency does not respond with written comments within the time periods for commenting on environmental documents, the lead agency may assume that the consulted agency has no information relating to the potential impact of the proposal as it relates to the consulted agency's jurisdiction or special expertise; further, lack of comment by other agencies or members of the public on environmental documents within the applicable time period shall be construed as lack of objection to the city's environmental analysis. Again, the record establishes that the no one submitted any timely comments regarding the MDNS or appealed the determination.

8. Since that time, no one submitted comments or documentation that would serve as a basis to reopen the SEPA process. There have been no changes to the project that are likely to have any significant adverse environmental impacts, and there has been no showing that the applicant misrepresented any pertinent facts or failed to make any material disclosures that would have relevance in the SEPA review process. If anything, the record establishes that the applicant worked closely with staff and engaged in direct communications with several local residents who submitted written comments, including an on-site meeting with Tallagson Lane residents to better understand and appreciate their concerns. (*See summary of public comments, with discussion of relevant design considerations or conditions, on pages 30 and 32 of the Staff Report*).

9. None of the public comments at the public hearing, mostly reiterating written comments included in the record and summarized in the Staff Report, warrant a new SEPA threshold determination because the alleged impacts on neighboring property owners were adequately vetted, analyzed and considered as part of the wide range of issues addressed in the environmental documents included in the record. Qualified consultant reports and information submitted by the applicant, as well as the city's independent peer review of potential critical area concerns, like those raised by Ms. Meier, confirm that the project's stormwater system, traffic design and conditions, and critical areas review are appropriate. This expressly includes the finding and conclusion that the man-made impoundment along Tallagson Lane is not a regulated wetland that warrants additional review or mitigation. Conditions of Approval for the project, building footprint setbacks, fencing, allowing the existing man-made ditch on the side of Tallagson Lane to essentially remain as-is/where-is, and other design features and concessions made by the applicant that are not specifically mandated by city codes, all satisfy applicable development regulations and standards for this type of project, and appropriately address

considerations applicable to subdivision developments throughout the state, as required by RCW 58.17.

10. A copy of the Staff Report and a Notice of Public Meeting was issued at least 7 days prior to a Poulsbo Planning Commission meeting that occurred on January 8, 2019. The Staff Report confirms that all notices were published, posted and mailed in accord with applicable requirements. *(See Ex. M, copies of notices and confirmation of distribution, posting, publication)*. Following their meeting, the Planning Commission recommended approval of the pending Poulsbo Meadows project, subject to conditions of approval recommended in the Staff Report. *(Testimony of Ms. Berghoff)*.

11. Shortly thereafter, on January 25, 2019, the undersigned Hearing Examiner conducted a duly-noticed public hearing regarding the Poulsbo Meadows project applications, at Poulsbo City Hall, where applicant representatives, project-review staff, and interested members of the public were present and provided an opportunity to provide input regarding the final project proposal, as shown on the most updated site plans. The Examiner visited the site of the proposed project and the surrounding street network on the day of the hearing, and via online mapping resources, to observe existing conditions, including Tallagson Lane, site lines onto adjacent properties where some commenters reside, the street network design in the vicinity, the general route of proposed utility lines, and the visible environmental features in the immediate area.

12. This decision was delayed as the examiner devoted substantial time to analyzing proposed conditions of approval and input received from neighboring property owners to see if additional measures should be required. In the end, the examiner finds and concludes that the extensive review and project design process has adequately considered public comments and applied applicable development codes and regulations, including the SEPA MDNS mitigation measures, in a manner consistent with applicable law. Additional mitigation is not warranted. Personal preferences for higher screening (possibly plant material) along parts of Tallagson Lane for instance, do not serve as a basis to require the applicant to include same as part of this project. Neighbors are free to plant trees or plants on their own property where they see fit, in accord with any applicable regulations – noting that trees, arbors, landscape features and the like placed closer to a window tend to provide better screening of indoor activities than trees planted far away from a house.

Description of Proposal and Location.

13. The project is known as the Poulsbo Meadows Planned Residential Development and Preliminary Plat, and would entail development of a 46-lot single-family residential subdivision that will share storm-water facilities with the existing Mountain Aire subdivision *(See storm water management facilities shared in the area, on map shown on page 20 of Staff Report, with related discussion)*, extend portions of the City's Noll Road Basin sewer main, provide looping via connections and/or extensions of the city's water main in the area, new internal streets and trail connections, on approximately 9.18 acres. The Staff Report explains that the average lot size will be 5,080 square feet and range in size from just over 4,400 to 6,617 square feet. *(Staff Report, page 5)*

14. The site is currently undeveloped, with a small forest area in the west end of the property, with invasive plant species noted on large parts of the site, including blackberries and scotch broom. The entire parcel is zoned Low Density Residential (RL). The Staff Report fully details how the project is designed to comply with applicable density requirements, setbacks, and lot coverage standards for the area. (*Staff Report, pages 6-8*).

15. Like other recent plat proposals in the vicinity, the project review involved a great deal of time and attention addressing utility infrastructure needs for the area, particularly sewer and storm-water systems, and the project's potential impacts on critical areas (mostly Lemolo Creek, which is located to the east of the project) on adjacent property.

16. The project is entirely within the City's urban growth area, inside the Poulsbo city limits. Neighboring properties to the east of the proposed plat's eastern boundary are outside the city limits, in unincorporated Kitsap County, receiving access via Tallagson Lane, a legally established permanent feature on land where it is already located that creates a stream buffer interruption along the Poulsbo Meadows' eastern boundary.

17. The new plat/PRD would include two internal roads and two relatively short private access roads. The project has been designed to allow for a future second access point at the south property boundary, if the property to the south should ever be redeveloped and/or the needed right-of-way is obtained. Noll Road street frontage and limited off-site safety improvements are included as part of the project. Pedestrian trails and links for future and existing developments in the area are summarized on page 21 of the Staff Report. Until such time as the second access point is opened (if ever), the project design includes an appropriate access point for emergency services at the northwest corner of the new plat, which connects to an existing pedestrian access easement that leads onto Noll Road where it runs to the west.

As designed and conditioned, the Poulsbo Meadows project satisfies applicable approval criteria.

18. State subdivision statutes mandate that appropriate provisions be made for the public health, safety, and general welfare including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school. *See RCW 58.17.110(2)*. Public schools are located a short distance to the west of the new plat, and sidewalks will be included with most of the plat to provide safe walking conditions for pedestrians and students in the area.

19. The Staff Report thoroughly explains how the project has been designed or can be conditioned to comply with applicable provisions of the City's Zoning codes in effect at the time the project vested. (*See Staff Report, Section III(A), on pages 6 – 10*). No one offered any evidence or testimony to rebut any of the Staff findings regarding zoning.

20. The Staff Report includes a detailed explanation and findings specifying how the project has been designed or can be conditioned to comply with Planned Residential Development

requirements included in PMC Chapter 18.80. *(See Staff Report, Section III(B), on pages 10 – 24).* No one offered any evidence or testimony to rebut such findings.

21. The Staff Report provides a comprehensive summary of Critical Area issues addressed as part of this project review. *(See Staff Report, Sec. IV, on pages 24 – 27).* As with all exhibits in the record, the Examiner reviewed detailed reports generated by the applicant’s consultants, as well as 3rd party peer review and comment from the city’s qualified consultant. The SEPA Mitigated Determination of Non-Significance (MDNS) issued for this project included 4 specific mitigation measures. No one submitted any comments questioning or challenging any part of the MDNS in a timely manner, and as noted above, no one submitted the type of new information that would serve as a basis to withdraw the city’s SEPA threshold determination for this project.

22. No one appealed the SEPA threshold determination for this project, i.e. the MDNS. As a matter of law, the mitigation measures imposed in the MDNS stand unchallenged and shall also be included as conditions of approval issued as part of this Decision. Substantial, un rebutted evidence in the record supports all of the mitigation measures imposed in the MDNS, all of which are reasonable and capable of accomplishment. *(See Staff Report, environmental information in the record, including without limitation Exhibits G(1)-G(5), H, I and K).*

23. Substantial evidence in the record, including without limitation the summary of relevant reports and analyses provided in the unchallenged Staff Report, and testimony by applicant witnesses, particularly Mr. Kuhlman, fully supports a finding that the proposed plat has been designed or can be conditioned to satisfy applicable approval criteria for the proposed preliminary plat, including without limitation the state subdivision statute found at RCW 58.17.110(2), and the City’s subdivision codes in effect when the pending application vested, previously codified in PMC 17.08.070. *(See Staff Report, Sec. V, pages 27 – 30).*

24. Consistent with applicable codes, including PMC 16.20.120.K, the Examiner finds and concludes that the applicant’s request to deem the otherwise potentially applicable critical area buffer associated with Lemolo Creek (which is located off-site to the west of the project) to be in “Interrupted Buffer” due to existing conditions – specifically Tallagson Lane, which is an existing permanent substantial improvement which separates the Poulsbo Meadows project from Lemolo Creek – merits approval. As the Staff Report notes, the practical effect of this Interrupted Buffer determination should have little, if any, effect on the project or off-site conditions, because the project has already been designed in a manner such that the eastern 7.36 feet of the property will remain mostly as-is/where-is, largely to accommodate preferences expressed by adjacent property owners. Even if the buffer applied, it would not/does not extend into the development footprint for Lot 1, the only potentially affected new lot created by this plat application. *(See Staff Report discussion on page 26; interrupted buffer request and peer review included as part of Ex. A, provided to the Planning Commission and highlighted during public staff and applicant testimony at the public hearing before the Examiner).*

25. The Staff Report explains how the proposed plat has been designed or can be conditioned to comply with all applicable Comprehensive Plan provisions and development regulations.

26. The Staff Report recommended approval, subject to conditions. The City's Planning Commission reviewed the Staff Report and recommendation of approval, and issued their own findings recommending approval of the Poulsbo Meadows PRD/Preliminary Plat. The Examiner concurs with the staff and the Planning Commission, and has included conditions of approval to clarify general requirements commonly imposed on all new plats in the state.

27. As noted in the Staff Report, existing and surrounding utilities, with proper extensions and connections can adequately serve the utility demands associated with the new plat.

28. The record contains substantial evidence to demonstrate that, as conditioned, the proposed plat makes appropriate provisions for considerations listed in applicable law, particularly RCW 58.17.110(2).

29. Throughout the process, no one presented any substantive or credible basis in fact or law that would serve as a basis to deny the pending plat/PRD application. No one presented credible or even a preponderance of evidence or testimony sufficient to rebut the City's determination that the proposed plat and PRD meets applicable development standards and comprehensive plan policies.

30. The Staff Report and recommendation of approval includes a number of specific findings and conditions that establish how the proposed Preliminary Plat and PRD application satisfies provisions of applicable law, is consistent with the city's Comprehensive Plan, and is designed or conditioned to comply with applicable development standards and guidelines. Except as modified in this Decision, all Findings, recommended findings, and statements of fact contained in the Staff Report, are incorporated herein by reference as Findings of the undersigned hearing examiner.¹

31. Based on all evidence, exhibits and testimony in the record, the undersigned Examiner specifically finds that the proposed plat, as conditioned below, makes appropriate provision for the considerations detailed in applicable law, and that the public use and interest will be served by the proposed PRD/preliminary plat and associated improvements.

32. The Conditions of Approval included as part of this Decision are reasonable, supported by the evidence, and capable of accomplishment.

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¹ For purposes of brevity, only certain Findings from the Staff Report and recommendation of approval are highlighted for discussion in this Decision, and others are summarized, but any mention or omission of particular findings should not be viewed to diminish their full meaning and effect, except as modified herein.

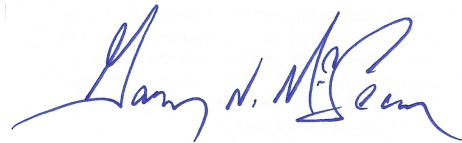
CONCLUSIONS of LAW

1. Based on the Findings as summarized above, the undersigned examiner concludes that the proposed Poulsbo Meadows Planned Residential Development and Preliminary Plat, as conditioned below, conforms to all applicable zoning and land use requirements and appropriately mitigates adverse environmental impacts. Upon reaching such findings and conclusions as noted above, the plat meets the standards necessary to obtain approval by the City.
2. Any Finding or other statements in previous or following sections of this document that are deemed Conclusions of Law are hereby adopted as such and incorporate herein by reference.

DECISION

Based upon the preceding Findings of Fact and Conclusions of Law, evidence presented through the course of the open record hearing, all materials contained in the contents of the record, and the Examiner's site visits, the undersigned Examiner APPROVES the Poulsbo Meadows Planned Residential Development and Preliminary Plat, subject to the attached Conditions of Approval.

Decision issued: March 4, 2019.



Gary N. McLean
Hearing Examiner for the City of Poulsbo

CONDITIONS OF APPROVAL

For the Poulsbo Meadows Planned Residential Development and Preliminary Plat

File No. 10-23-07-1

[NOTE: For convenience of the parties, these conditions are generally organized as they were presented with the Staff Report. The use of captions, numbering, or sections has no substantive effect regarding the full scope or applicability of any condition to various aspects of the project].

Index:

- Sec. I – General conditions;**
- Sec. II – MDNS Mitigation Measures included as Conditions of Approval;**
- Sec. III – Engineering Department Conditions of Approval;**
- Sec. IV – Public Works Department’s Conditions of Approval; and**
- Sec. V - Planning and Economic Development Department Conditions of Approval**

I. General.

- A. Preliminary Plat approval shall be null and void if any condition enumerated herein is not satisfied.
- B. No construction or site development activities related to the plat may be undertaken until required land-use and engineering approvals become effective, and the City and other regulatory authorities with jurisdiction issue applicable permits.
- C. The applicant shall comply with all professional report conclusions and recommendations submitted in connection with the preliminary plat and engineering reviews, as approved and or amended by the City.
- D. Applicant shall be responsible for consulting with state and federal agencies, and tribal entities with jurisdiction (if any) for applicable permit or other regulatory requirements. Approval of a preliminary plat does not limit the applicant’s responsibility to obtain any required permit, license or approval from a state, federal, or other regulatory body. Any conditions of regulatory agency permits/licenses/approvals shall be considered conditions for this project.
- E. The final engineering plans and submittals necessary to obtain final approvals for each phase of the plat shall conform to all applicable provisions of the Poulsbo Municipal Code and the Conditions of Approval herein.

II. MDNS Mitigation Measures included as Conditions of Approval.

The following conditions are a restatement of mitigation measures imposed on the project as part of the SEPA MDNS issued on January 20, 2017. Each mitigation measure is also included as a condition of approval for the preliminary plat.

ANIMALS

S1. It shall be the responsibility of the applicant to take all necessary steps to prevent the incidental taking of protected species under the Endangered Species Act through habitat modification or degradation during the life of the project or development authorized by this permit or approval. The applicant shall notify the City through its Public Works Superintendent and the Federal agencies with responsibility for enforcement of the Endangered Species Act immediately, in the event of any damage or degradation to salmon habitat by or from the project or the development subject to this permit or approval. In any such case, the applicant shall, at its sole cost and expense, take all actions necessary to prevent the furtherance of the damage or degradation and to restore the salmon habitat as required by the Federal, State, and local agencies with jurisdiction.

LAND USE

S2. All development activity within wellhead protection areas associated with private wells on adjacent properties shall be limited to that allowed according to agency regulations.

CULTURAL PRESERVATION

S3. While there are no known archaeological resources on this site, in the event archaeological artifacts are uncovered during construction, activity shall be halted immediately, and State Historic Preservation Office and Tribes will be contacted.

SCHOOLS

S4. School mitigation fees are required for this project. Fees shall be paid prior to building permit issuance. Payment will be to the North Kitsap School District directly, and the developer will present a receipt of payment to the City.

III. Engineering Department Conditions of Approval.

GENERAL

E1. 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. In the event that there is a conflict between standards, the more restrictive standard shall apply as determined by the City Engineer.

E2. 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 preliminary plat drawing are

approved in concept only and are not considered approved for construction. Approval of the preliminary plat does not constitute approval of any construction drawings submitted with the 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.

- E3. 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 final plat approval the applicant shall: construct the required improvements per City standards and 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).
- E4. 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.
- E5. 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 sitework (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.
- E6. The applicant shall adhere to all recommendations of the applicant's geo-technical engineer and the City's consultants as determined by the City Engineer.
- E7. City of Poulsbo Construction Standards and Specifications are published on the City website within the Public Works/Engineering Department page. Unless specified otherwise within Conditions of Approval these standards shall be followed.
- E8. The civil construction drawings shall include plans for: grading, water, sewer, storm, streets, dry utilities, street lighting, signage/stripping, and composite wet utilities. Other plans may be required depending on site-specific conditions. Profiles and details for the wet utilities shall also be provided.

- E9. Construction drawings will be rejected, without review, if the following drafting requirements are not met:
- a. Construction plan size shall not exceed 24"x36". The minimum drawing scale shall be 1:40 horizontal and 1:5 vertical. A larger scale may be required for legibility.
 - b. Utilities shall be shown on plan/profile sheets. Each sheet shall have the corresponding plan/profiles on the same sheet with aligned stationing.
 - c. Labels from the various overlapping AutoCAD layer shall be legible.
 - d. All elements on the drawings shall be legible as determined by the City Engineer.
- E10. All infrastructure 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 to serve the division or allow it to function must be completed as well.

CLEARING, GRADING, AND EROSION CONTROL

- E11. A Clearing and Grading Permit is required prior to any land-disturbing activity on the site (PMC 15.35). The permit may include restrictions as to the limits of any area or phase that can be cleared and graded at any one time or during any construction season. Additional restrictions may be placed on the permit for seasonal weather conditions. At any time, the City Engineer may restrict activities or access to portions of the site which would be detrimental to maintaining erosion and sediment control. A final geotechnical report shall be submitted with the construction drawings to provide recommendations for site grading and compaction. The report shall include a section with recommendations for wet season construction methods.

STORMWATER

- E12. All temporary and permanent storm system and erosion control measures shall be designed, constructed, maintained, and governed per the following, as adopted by the City of Poulsville:
- a. All temporary and permanent storm system and erosion control measures shall be designed, constructed, maintained, and governed in accordance with PMC Chapters 12.02 and 13.17.
 - b. City of Poulsville standards and ordinances.
 - c. All conditions of approval associated with any clearing and/or grading permits.
 - d. Recommendations of the geo-technical engineer.
- E13. Provision shall be made for the conveyance of any upstream off-site water that naturally drains across the applicant's site.
- E14. The design of the detention system shall include appropriate access for maintenance as determined by the Public Works Department.
- E15. The developer shall be responsible for providing regular and adequate maintenance and supportive maintenance records for the stormwater system for a minimum of two-years or until 80% of the residences have been completed, whichever is longer. At the end of this time, the City will inspect the system and, if acceptable, the City will take over maintenance and operation of the system.

E16. A spill control type oil/water separator shall be installed in the stormwater system at the most downstream point of the site.

E17. All secondary storm systems and easements shall be in compliance with the City standards and remain privately maintained.

SANITARY SEWER

E18. Refer to Public Works Department comments for sewer connection requirements and construction standards.

E19. The sewer system serving the plat was installed as a condition of approval of the Mountain Aire plat. The Poulsbo Meadows plat properties are in the benefiting area of the Mountain Aire sewer latecomer agreement #66, AFN 201601280194 associated with that construction. The applicant shall pay the fees established in the latecomer agreement no later than the time of construction drawing approval/issuance.

WATER

E20. Refer to Public Works Department comments for water construction standards, connection and looping requirements.

ALL UTILITIES

E21. For utilities not within City right-of-way, the Public Works Director will determine if the City will assume ownership and maintenance of the utility.

E22. All water mains and all primary sanitary sewer and storm drainage mains shall be within public right-of-way or within easements dedicated to the City which meet the City's criteria for dimensions and access. All water, sewer, and storm service laterals and all secondary sanitary sewer and storm drainage lines located within easements or private property shall remain privately owned and maintained by the Homeowner's Association or applicable lot owners.

E23. Easements for access and maintenance of utilities determined to be City-owned shall be legally described and dedicated to the City on the Final Plat drawings. Easements shall comply with all City requirements. Additional width is required to accommodate turning radii, more than one utility or deep utilities. The City Engineer may require an all-weather surface, conforming to City standards, to be constructed over the easement to provide vehicular access for maintenance. Ownership of the pipe and appurtenances shall be conveyed to the City on the Final Plat drawings. The easements shall be shown on the construction drawings, "as-built" drawings, and Final Plat drawings.

E24. When private storm or sewer pipe is located in an easement that is adjacent and parallel with the property line between two lots/parcels, the easement shall be located entirely on one property and not split between the adjacent properties OR the utilities shall be off-set from the property line a minimum of 2 feet due to the high potential for fence posts to be placed on the property line.

E25. All street ends with the possibility for extension must have utilities stubbed out of the paved area a minimum of six feet or as directed by the City Engineer. Pavement and sidewalks shall be extended to within six feet of the property line at the end of the road. Appropriate barricades in compliance with current MUTCD standards shall be constructed at the road ends.

- E26. The offsite utility work to connect to the existing utilities in the Mountain Aire development will require a separate Public Property Construction Permit. Private property signage and a removable barrier meeting Public Works Department requirements shall be installed to prevent pedestrian access to the easement area. The above elements shall appear as details on the site construction drawings subject to Public Works Department approval.

STREETS

- E27. Unless otherwise approved by the City Council, street sections shall conform to adopted City standards (refer to Developer's Guide – Section 2 – Street Standards).
- E28. The intersection of Road A and Noll Road NE shall be improved to meet City/AASHTO standards. Detailed intersection improvement drawings shall be submitted with construction drawings for review. The improvements shall include the sight distance improvement to the corner of Noll Road NE adjacent to the project entrance if it is not already completed by the Mesford PRD project, as well as any adjustments necessary to the intersection of Tallagson Lane with Noll Road NE. Work in Kitsap County right of way will require permitting through Kitsap County. The sight distance improvement to the corner of Noll Road NE shall be completed prior to commencement of site construction.
- E29. The developer's engineer shall certify that there is adequate entering sight distance at the intersection of Road A and Noll Road, and the intersection of Tallagson Lane and Noll Road at construction plan submittal. Such certification shall note the minimum required sight distance, the actual sight distance provided, and a sight distance diagram showing the intersection geometry drawn to scale, topographic and landscaping features, and the sight triangle. The certification shall also note necessary measures to correct and maintain the minimum sight triangle.
- E30. At time of construction plan submittal, the applicant shall submit site distance and stopping report at all intersections which have K values which do not meet the standard as stated in Section 2 of the City's current Construction Standards.
- E31. All intersections, crosswalks at intersections, sidewalks and driveway drops shall meet current ADA standards. Construction drawings shall include sufficient intersection grade and slope details to determine ADA compliance.
- E32. A mid-block crosswalk across Noll Road NE connecting to the existing pedestrian pathway through the Morrow Manor development shall be installed by the Poulsbo Meadows project. Rectangular Rapid Flashing Beacons (RRFB) and curb ramp improvements conforming to ADA standards shall be constructed/installed with the mid-block crosswalk.
- E33. GMA Transportation Impact Fee Ordinance (PMC 3.86) has been approved by City Council. This establishes a transportation impact fee assessment of \$355.00 per ADT payable at time of Building permit issuance as of the date of this memo. The application shall provide accurate occupancy information for each building to assign accurate ADTs. Average week day trips shall be determined using the latest version of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE) for the land use(s) that are the subject of the permit. The impact fee is due at the time of each single-family home building permit and shall be calculated using the most current ADT for a single-family home identified in the ITE manual (10th edition identifies an ADT of 9.44) and multiplying the most current traffic impact fee established by PMC 3.86.090.

- E34. Streetlights shall be installed per City of Poulsbo and Puget Sound Energy specifications. New streetlights shall be LED light fixtures.
- E35. The applicant's engineer shall obtain approval of the postmaster and the City Engineer for all mailbox installation locations.
- E36. As a condition of site plan development, the construction of frontage improvements is generally required in accordance with PMC section 17. The applicant is responsible for frontage improvements to Noll Road NE consistent with the Noll Road corridor plan. Additional dedication of ROW as shown on the plat may be required to complete the require frontage improvements.
- E37. Street end of proposed Road A provide future access to adjacent properties. The street end shall be marked following either MUTCD Section 3C.04 (OM4 series signs) or MUTCD Section 3F.01 (Type III Barricade). Incorporated into the MUTCD installations shall be physical barriers such as bollards and an information sign with white background and black lettering that reads; "FUTURE STREET EXTENSION". All of the above elements shall appear as details on the site construction plans subject to Public Works Department approval.
- E38. A temporary truck route has been established by the City Police Chief in accordance with PMC 10.24. The project's construction truck traffic shall use Noll Road NE to SR305 to the South and/or Noll Road NE to NE Lincoln Road to the North. The project's construction truck traffic shall not use NE Hostmark, NE Mesford or NE Bjorn Street.

OTHER

- E39. All bonds, conveyances, and easements dedicated to the City shall be on the City's forms.
- E40. A Public Property Construction Permit is required when connecting to City-owned utilities or performing other work within the City right-of-way or other public/City-owned property (PMC 12.08). The permittee shall be responsible for repair and/or restoration of any damage to City property (such as sidewalks, curbs, gutters, pavement, and utilities) that occurs as a result of operations under this permit.
- E41. Shared driveways shall be dedicated easements or tracts benefiting the property owners served by the driveway. The face of the plat and the covenants shall state that the responsibility for maintenance of any shared driveway shall be the responsibility of the property owners served by the driveway.
- E42. No rockeries/retaining walls may be constructed within the ten-foot (10') wide utility easement fronting all lots or within any other utility easement. No permanent structures of any kind are allowed within any utility easement. If construction, maintenance, repair, or reconstruction of any utility is required, the property owner shall be responsible for the removal and relocation of any permanent structure and plantings that were removed. Such relocation shall not be in conflict with City codes. The face of the plat shall state this requirement.
- E43. Any agreements made between the applicant and another property owner related to utilities, easements, rights-of-way, 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.

- E44. The applicant has proposed to resolve property line encroachments and existing fence location issues along the east side of the property by providing easements to the neighboring properties. This shall be accomplished and easements recorded prior to final plat.
- E45. The covenants shall state that no fence shall be placed within two feet of the back of any sidewalk.
- E46. All public utilities shall be provided within the plat and shall include power, telephone, natural gas, and cable television. All utilities shall be placed underground (PMC 17.08.140). A ten-foot easement fronting all lots shall be dedicated for public utilities. The developer shall provide and install a minimum of one additional empty four-inch conduit trunk line with road crossings, in parallel with the aforementioned utilities, with appropriate termination points within junction boxes, for future telecommunications use (PMC 12.02.015). Ownership of the conduit shall be conveyed to the City on the Final Plat drawings. All existing and new utilities shall be underground. A plan sheet titled Dry Utilities shall be included with Construction Plan submittal and include all above mentioned utilities.
- E47. The applicant shall be responsible for obtaining all required offsite easements and rights-of-way. Copies of all recorded easements shall be provided to the City Engineer.
- E48. The existing well shall be abandoned per Department of Health requirements and copies of the associated documentation submitted to the City prior to final plat.
- E49. Sewer and water service stubs shall be provided to neighboring property tax id 242601-1-014-2009 (Williams/Lau). Location of service stubs shall be coordinated with property owner and shown on construction drawings for Public Works Department approval.
- E50. All known existing wells and the associated well protection circles on neighboring properties shall be shown on the construction drawings and any required well protection shall be addressed prior to construction drawing approval.

IV. Public Works Department Conditions of Approval.

WATER

- PW1. All lots shall be connected to city water. Water connection shall be to the Mountain Aire development to the South and the Morrow Manor development to the Northwest. Water stub shall be provided to the North for connection to the Mesford PRD project.
- PW2. Service connection to the City water system shall be the responsibility of the property owner and shall comply with state and local design and development standards.
- PW3. Water main looping shall be in compliance with City and Department of Health water design standards.
- PW4. Locate meters in a single bank when possible.

PW5. All water systems shall be publicly owned up to and through the water meter. All water mains and fire hydrants shall be located in public right-of-way or easements dedicated to the City of Poulsbo. Dedicated water lines shall be centered in an easement of 15 feet in width minimum.

PW6. Domestic and fire flow may share the same water line. The domestic service must exit the water line before the fire service.

PW7. Meters for all lots shall be located adjacent to public right-of-way.

PW8. Existing on-site well(s) shall be decommissioned per Department of Health requirements prior to commencement of site grading.

PW9. Individual PRV is required on the property owner side of the meter when pressure exceeds 80 psi.

IRRIGATION

PW10. Irrigation water shall come from a separate connection. Please show irrigation connection(s) on the utility drawing(s).

PW11. A double check valve assembly shall be installed within 18-inches of the downstream side of the water meter.

PW12. The double check valve assembly shall be tested by a “city approved” state certified tester upon installation. A copy of the test report must be sent to the Public Works and Engineering Departments.

SEWER

PW13. Development of the plat requires installation of gravity sewer to serve all lots. Connection shall be to the sanitary sewer system installed in the Mountain Aire subdivision to the South and to Noll Road NE to the North for further extension. The project shall also provide sanitary sewer connection to the Morrow Manor development.

PW14. Sewer stubs for extension of the gravity system shall be provided to adjacent properties where road connections are provided.

PW15. Sanitary sewer manholes shall not be located in roadway curb and gutter, sidewalk or landscaping strip adjacent to roadway. Sewer mains shall not be located generally parallel to and under road curb and gutter, sidewalk, or landscaping strip adjacent to the roadway.

PW16. All side sewers shall enter public right-of-way as gravity flow.

PW17. Service connection and alterations to the City sewer system shall be the responsibility of the property owner.

SOLID WASTE

PW18. Solid waste service shall be provided by the City of Poulsbo.

PW19. Garbage and recycle cans shall be placed curbside on the ‘no parking’ side of the road. The requirement shall be stated in the CC&R's prior to final plat approval.

PW20. Lots accessed by private easement will be required to place solid waste containers curbside on public right-of-way. The requirement shall be stated in the CC&R's prior to final plat approval.

GENERAL CONDITIONS

PW21. Design: All water, wastewater, stormwater system facilities and streets shall be designed by a professional engineer registered in the State of Washington. Design and installation of the improvements shall be the property owner's responsibility.

PW22. Design and Development Standards: Design shall be subject to the following Standards:

- City of Poulsbo Utility Comprehensive Plan
- City of Poulsbo Design, Development and Construction Standards
- City of Poulsbo Municipal Code
- Washington State Department of Health Design Standards
- Washington State Department of Ecology's Criteria for Sewage Works Design
- American Public Works Association/Department of Transportation Standard Specifications

PW23. In the event that there is a conflict between construction standards, the more restrictive standard shall apply as determined by the City Engineer.

PW24. No walls or structures shall be permitted in utility easements unless approved at time of construction review.

PW25. Placement of landscape plantings and/or street trees shall not interfere with utilities. Required landscape vegetation may need to be relocated in the final landscape plan. Landscape vegetation not required by city code may need to be relocated or removed from the final landscape plan.

SUBMITTAL AND APPROVAL

PW26. The applicant shall be required to submit to the City for approval, the plans and specifications associated with design and construction of utility system improvements.

PW27. Utility systems include, but are not limited to, distribution and collection mains, pumping facilities, storage reservoirs, detention/retention facilities or any improvements to be dedicated to the city under a deed of conveyance.

PW28. Upon completion of the project, the developer shall supply the Public Works Department with a copy of drawings of record; these drawings shall be in hard copy form and in electronic form compatible with the most recent version of AutoCAD.

CONNECTION FEES AND ASSESSMENTS

PW29. Utility service for the noted property is subject to application and payment of the applicable fees and assessments.

PW30. Utility connection fees are required paid at the time of building permit issuance and are based on the current fee schedule in effect at that time. Early payment and reservation of utility connection are not provided for in Poulsbo Municipal Code.

V. Planning and Economic Development Department Conditions of Approval:

P1. Development shall be consistent with drawing revisions dated 10-25-18 and preliminary landscape plans dated 10-24-18.

P2. Setbacks, building lot coverage, and building height shall be reviewed at time of building permit submittal. Critical area buffer building / impervious setbacks from buffer shall be shown and identified on building permit submittal documents. Minor structural improvements may be located in the setback from buffer. Review of setbacks, and structural improvements shall be on a case-by-case basis and reviewed with building permit. Building permit drawings are to clearly identify critical area buffer setbacks.

P3. Park impact fee is required with this project. Fee is determined at the time of building permit issuance according to current code requirement.

P4. The construction of all single-family homes in the proposed development shall substantially conform to the conceptual architectural drawings and elevations, and the identified location of each housing type on the lots, as shown in Exhibit H. This condition shall bind the applicant and any subsequent developers or assignees of the project. Comparison of the architectural drawings and house placement will occur at Building Permit submittal.

P5. The Planning Department will review each building permit submitted for the Poulsbo Meadows PRD to determine compliance with 18.80.060.E and to ensure substantial compliance with the architectural renderings submitted.

P6. The applicant shall submit a Streetscape Plan with the building permit application, which will show plot plans, elevations, and unit types for the adjacent properties. The Streetscape Plan shall ensure architectural variety is provided in accordance with PMC 18.80.060.E.2.e and E3. Building footprint and exterior design on adjacent lots is to be varied and will be reviewed with building permit. Reverse building plans, or left/right “flip” of the footprint, are considered the same footprint.

P7. Homes on Lots 1, 2, 3, 4, 27, 28, 29, 45, and 46 are to be setback 15 feet, and garages 20 feet, from private road tracts.

P8. A setback of 5 feet from the 10 feet utility easement fronting all public and private roads is implemented to provide utility work space away from structure foundations and provide space for street trees in front yards where necessary.

P9. Street trees are required along Noll Road frontage spaced 40 feet on center and may be clustered along the frontage. Internal project Road A street trees are required 30 feet on center and may be location adjusted around hardscape and utilities. Street trees along Road B and Private Road C are at the developer option. Placement of street trees may be within right-of-way or in residents front yards. Irrigation and maintenance shall be addressed in developments CCRs. Bonding for street trees and associated groundcover is required prior to final plat recording.

P10. The park play structure is to accommodate 20 or more individuals 5 to 12 years of age. Design information for the play structure is required submitted with the final landscape plan. A

similar structure which meets the intent of the requirement may be proposed with the final landscape plan. Fencing between roads and park play area is required for safety. Fence design is to be provided with construction drawing.

P11. The final landscape plan shall include details on the recreational amenities approved for the Poulsbo Meadows PRD, including: play area structure, seating/picnic areas, and hard and soft surface walking path sections. A minimum of two picnic tables are required in the open play area south of the park path; a minimum two picnic tables or benches are required near the play area structure.

P12. The development monument sign located in Tract A shall be shown on the final landscape plan. A building permit is required for construction of the monument sign.

P13. A final landscape plan and irrigation plan shall be submitted and approved prior to final plat. The final landscape plan shall address required street trees, any right-of-way landscaping, and any other areas in common ownership of the homeowners. Planting specifications shall be consistent with PMC 18.130, and are subject to approval by the Planning Department. The final landscape plan shall be suitable for contractor bid, as this will be the basis for calculating the required two-year landscape maintenance bond. The plan shall include plant species, common name, number to be planted, and minimum size at time of planting. Street trees may be under separate landscape bond.

P14. Bonding for landscaping is required prior to final plat recording. Landscape bond(s) will be required and based on current City requirements. Landscape bid estimates for material and labor shall match the final landscape plan, itemizing plant species, common name, number to be planted, and minimum size at time of planting. An estimate for material and labor matching the irrigation plan shall also be required.

P15. Tree Retention:

- a. Construction drawings must show: 1). Trees identified for retention; 2). Protective fencing detail and location;
- b. Caution needs to be taken with the felling and extraction of trees identified for removal in the open space. The trees should be felled away from those to be retained and carefully extracted to not damage the trunks. The stumps should remain intact to help protect the roots of trees to be retained. Stump grinding is an option but they should not be excavated or pulled out of the ground.
- c. Protection fencing should be installed along the access road and backsides of lots 21 through 26.
- d. Protective fencing shall be inspected by the City Arborist prior to construction activity.

P16. Consultation with the City Arborist of project site tree removal and work in the vicinity of the Williams/Lau property (tax parcel 242601-1-014-2009) and trees east of the fence near Tallagson Lane is required. At a minimum, removal of project site trees shall follow recommendations of tree removal in the vicinity of retention trees.

P17. Construction drawings shall show the bypass, roof drain, and road ditch flow path to Lemolo Creek. critical area peer review of the construction drawing storm drainage report assumptions to balance pre- and post-development water flows through pipe to Lemolo Creek at Tallagson Lane.

P18. Critical area, critical area buffer, and building/impervious surface setback from buffers are to be shown the length of on- and off-site development on construction documents. Recording documents shall label and show critical area, critical area buffer, and building / impervious surface setback from the buffer where they occur on the plat property. Creek buffer of 75 feet north of the Tallagson Lane impoundment and 100 feet at and south of the impoundment are to be shown.

P19. Trail segments through Tract E, Tract F, Private Road D Tract, and Tract G, are to be identified as public trail easement on the final plat drawing.

P20. Fence between open space tracts and lots, between lot 26 and Private Road D, and providing separation between Road A and Lots 45 and 46, or landscape screening buffer is required. Fence or landscape screen location is to be shown on construction drawings. Fence design is to be provided with construction drawings. Landscape screen is to be shown on landscape plans.

P21. Perimeter fencing is required as follows:

- a. Existing site perimeter barbed wire fence to be removed, according to PMC 18.70.070.L.
- b. Existing site perimeter fence posts along Tallagson Lane may remain in place.
- c. No perimeter fencing is required adjacent to parcel 242601-1-014-2009 as requested by the property owner. No perimeter fence is required across access and utility easements.
- d. New perimeter fencing shall be 6 feet high sight obscuring. Fence shall be located between Tract A and lots, offset from the east property boundary in place of or immediately west of existing fence, and at the north and east edge of Tract H. Remainder of perimeter fence shall be located on the project property line.
- e. Fence design shall be provided with construction drawings. Fence location shall be shown on construction drawings.

P22. The final project Covenants, Conditions and Restrictions (CCRs) shall be submitted with the final plat application and shall be recorded with final plat. The CCRs are subject to review and approval of the Planning Department and City Attorney to ascertain if the documents are sufficient to assure compliance with the Conditions of Approval and SEPA Mitigations. At a minimum, the CCRs shall include provisions for repair, maintenance and performance guarantee of any tracts, landscaping, facilities, utilities or amenities which are private and commonly owned by the homeowners of the plat. Language shall also be included in the CCRs which requires notification to the City of Poulsbo Planning Director of any amendments to the CCRs, and that the City shall have the authority to object to any modification that is inconsistent with any condition lawfully placed upon the subdivision by the City of Poulsbo.

P23. In lieu of the required RV storage, the applicant shall include a provision in the CCRs that addresses recreational vehicle parking, which shall be reviewed by the Planning Department and the City Attorney prior to final plat approval and recording of plat documents.

P24. CCRs are required to address ownership and maintenance of open space tracts within the development. Street tree maintenance shall be identified in the CCRs.

P25. Project proponents shall file notice to title for this project regarding critical areas, critical area buffers, and setback from critical area buffers located on development property lots which will be encumbered by a critical area buffer or setback to buffer with Kitsap County Auditor per PMC 16.20.135. Critical area requirements will be identified on the approved notice to title. The proponent shall submit proof that the required notice has been filed before the Director will issue the underlying permit's notice of decision.

P26. Modifications to preliminary subdivisions are reviewed under PMC 17.60.070. as currently adopted. Where significant deviation from the approved plan is proposed, the revision will be considered a major modification under the initial approval review authority.

P27. Project Covenants, Conditions and Restrictions shall include provisions that the Homeowner's Association will own, maintain and enforce all open space tracts, perimeter buffers, fences, recreation amenities, private roads, parking bays, and all other applicable project condition(s) regarding ownership, maintenance and enforcement of all commonly owned elements.

P28. Project CCRs and face of the final plat or final development plan shall include the following statement: "Open space areas not proposed to be improved with recreational amenities or purposes shall remain as natural vegetation or appropriately landscaped. Removal of preserved and approved open space in natural vegetation shall only be permitted for public safety reasons and upon review and approval of the Planning & Economic Development Director and City Arborist. Enhancement of critical are buffer vegetation shall be as allowed and prescribed in the Poulsbo Critical Areas Ordinance."

P29. The face of the final plat or final development plan shall include statement(s) that the project's Homeowner's Association will own, maintain and enforce all open space tracts, perimeter buffers, fences, recreational amenities, private roads, parking bays, and all other commonly owned elements. The City will not join the Homeowners Association as enforcers of the project's CCRs.

P30. Within five years following the approval of the PRD and preliminary plat, or as otherwise provided in RCW 58.17.140 (as written or may be subsequently amended), a final plat shall be submitted to the City for review and approval.

P31. Review and permits required by other jurisdictions are a condition of this project. Further consultation with Kitsap County Planning and Engineering will occur to verify County concerns are addressed with construction drawing review(s).

P32. No vehicle or pedestrian access is granted to Tallagson Lane from project lots. No vehicle access is granted to Road A from lots 45 and 46. No vehicle or pedestrian access is granted to Tract H. Access may be proposed and will be reviewed by City for consistency with codes, standards, and procedures.

P33. Tallagson Lane is a legally established permanent feature of the land and creates a stream buffer interruption along the east property boundary.

P34. CCRs shall include a statement indicating application of hazardous or toxic substances on Lot 1-11 roofs should be avoided since roof runoff is directed to Lemolo Creek and further identifying that preferred substances are those approved by the EPA and/or the Washington Department of Ecology.

NOTE – In the event of a need for clarification regarding the application or interpretation of any term or condition of approval set forth above, either the applicant or the city can invoke the jurisdiction of the Hearing Examiner to issue a written clarification of a particular term or condition, through a written request detailing the matter, and the basis for such request. Such request shall be made as a Request for Reconsideration, submitted within ten (10) calendar days of the date this Decision is issued.

Notice of Rights to Request Reconsideration or Appeal This Decision

Reconsideration –

Sec. 2.22 of the Poulsbo Hearing Examiner Rules of Procedure reads as follows:

“Reconsideration –

(a) The Hearing Examiner may reconsider a decision on an application, if it is filed in writing within 14 calendar days of the date of issuance. Designated parties to the appeal who participated in the hearing may have standing to seek reconsideration. Any request for reconsideration shall be served on all parties of record and to any party’s designated representative or legal counsel on the same day as the request is delivered to the Hearing Examiner. The Examiner will seek to accept or reject any request for reconsideration within 3 business days of receipt. If the Examiner decides to reconsider a decision, the appeal period will be tolled (placed on hold) until the reconsideration process is complete and a new decision is issued. If the Examiner decides to reconsider a decision or recommendation, all parties of record shall be notified. The Examiner shall set a schedule for other parties to respond in writing to the reconsideration request and shall issue a decision no later than 14 calendar days following the submittal of written responses. A new appeal period shall run from the date of the Hearing Examiner’s Order on Reconsideration.”

Appeal –

PMC 19.70.020 explains that all decisions of the hearing examiner on Type I and II appeals, and all decisions of the hearing examiner on Type III permits may be appealed to the city council. (See definition of “permit application” in PMC 19.10.030, and Table 19.20.020, where “preliminary subdivision/plat” is listed as a permit type). The city council will make a final decision on such matters in a closed record appeal proceeding in which no new evidence may be submitted. The deadline and filing requirements for appeals are detailed in the city’s code, including without limitation PMC 19.70.020.

NOTE: The Notice provided on this page is only a short summary, and is not a complete explanation of fees, deadlines, and other filing requirements applicable reconsideration or appeals. Individuals should confer with advisors of their choosing and review all relevant codes, including without limitation the city code provisions referenced above and the Land Use Petition Act (Chapter 36.70C RCW) for additional information and details that may apply.