



STAFF REPORT

Planning and Economic Development Department
200 NE Moe Street | Poulsbo, Washington 98370
(360) 394-9748 | fax (360) 697-8269
www.cityofpoulsbo.com | plan&econ@cityofpoulsbo.com

Staff Report NOLL ROAD PHASE I/JOHNSON PARKWAY CRITICAL AREA PERMIT | PUBLIC AGENCY & UTILITY EXEMPTION TYPE III PERMIT

To: Planning Commission
From: Marla Powers, Associate Planner
Date: June 19, 2019
Subject: Noll Road Phase I/Johnson Parkway Critical Area Permit | Public Agency & Utility Exemption Type III Permit

Planning and Economic Development (PED) staff respectfully recommends approval of the Noll Road Phase I | Johnson Parkway Critical Area Permit | Public Agency & Utility Exemption, Planning File No. P-11-09-18-01, subject to the SEPA Mitigation and Conditions of Approval contained in the Staff Report.

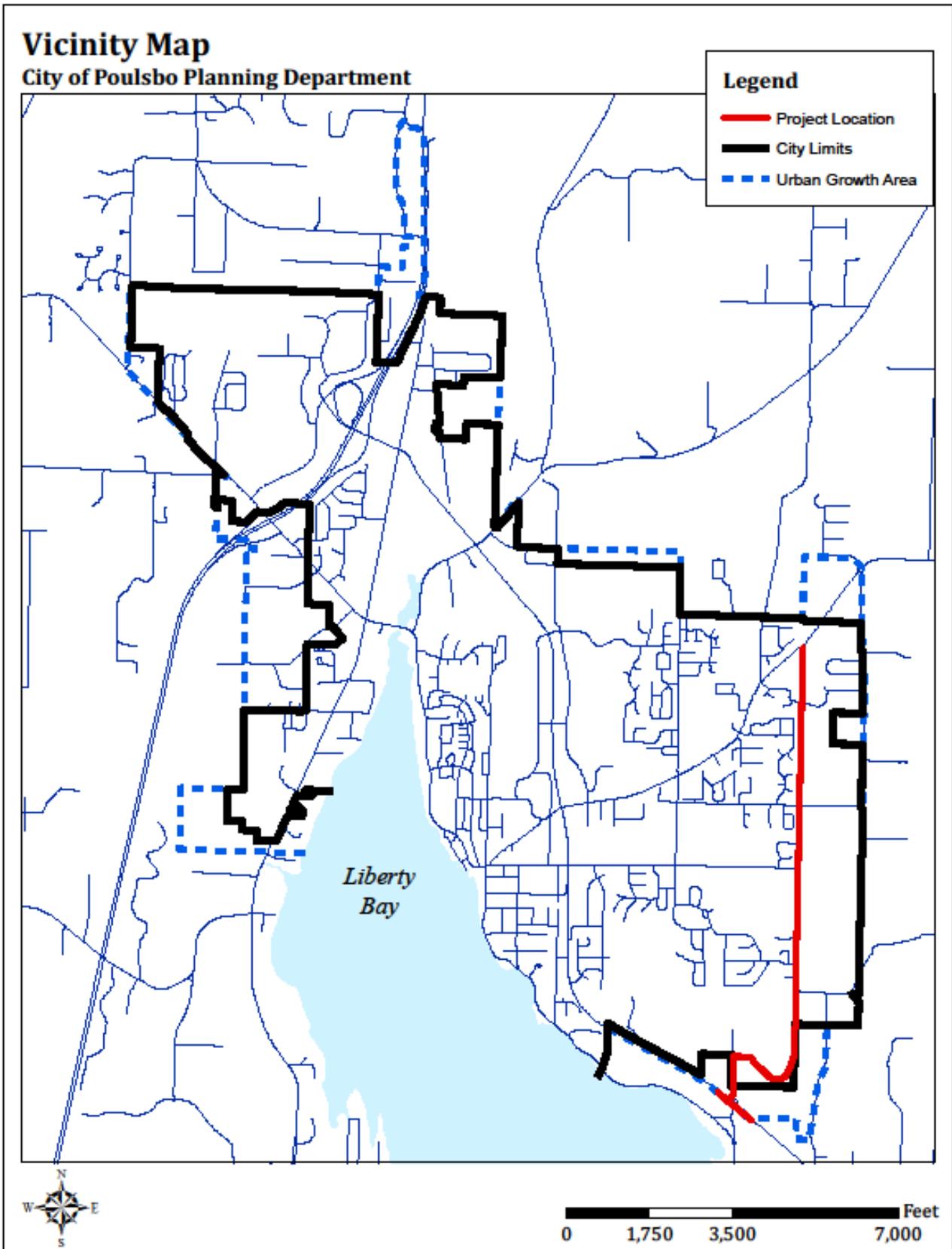
ACTION:

The Planning Commission shall hereby recommend (approval) (approval with modifications) (denial) to the Hearing Examiner of the Noll Road Phase I | Johnson Parkway, subject to the SEPA Mitigation and Conditions of Approval contained in the Staff Report, Planning File No. P-11-19-18-01.

CONTENTS:

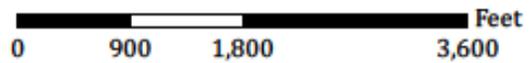
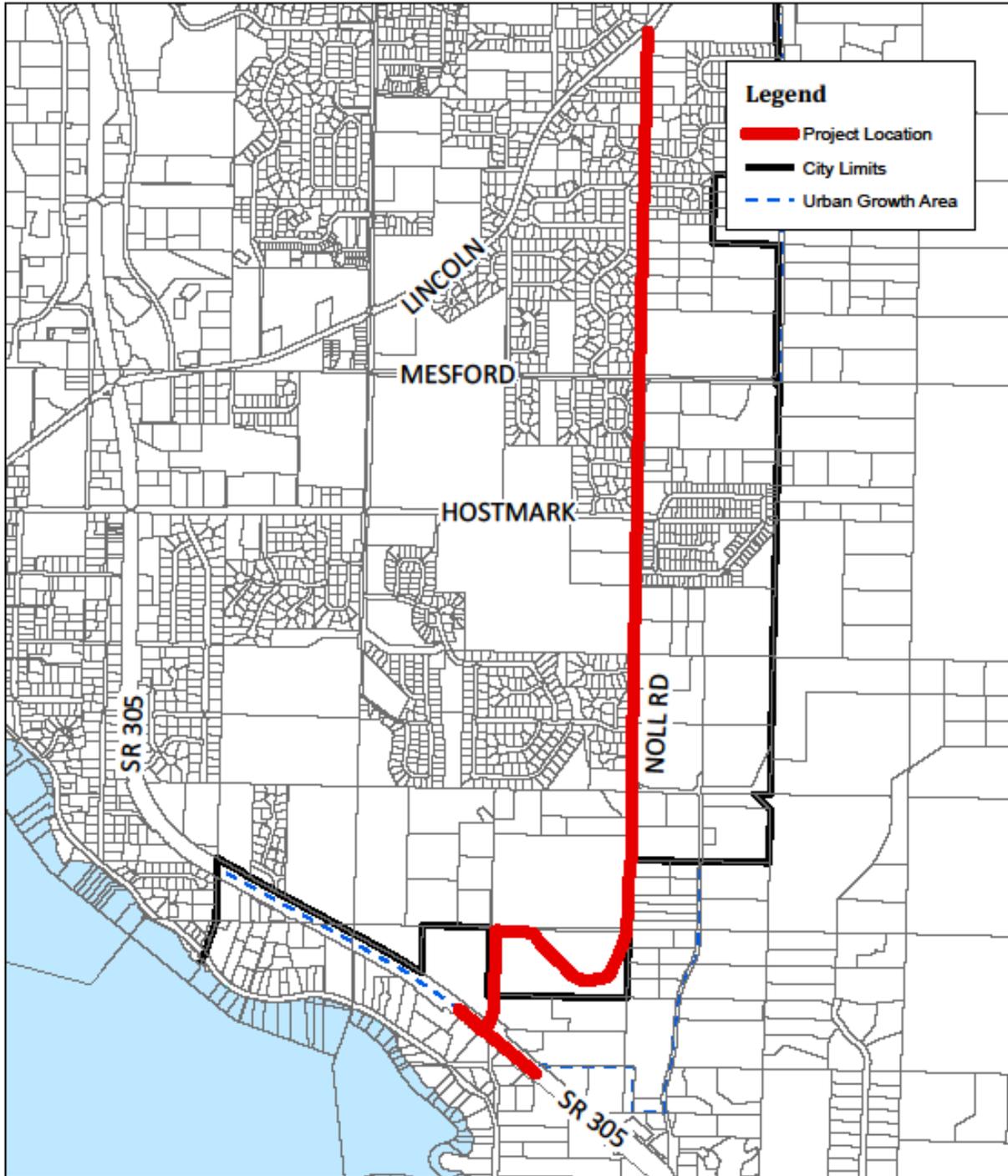
Page 2	City Vicinity Map
Page 3	Site Vicinity Map
Page 4	Comprehensive Plan and Zoning Map
Page 5	Staff Report
Page 6	Staff Comments and Recommendations
Page 28	List of Exhibits
Page 30	Conditions of Approval





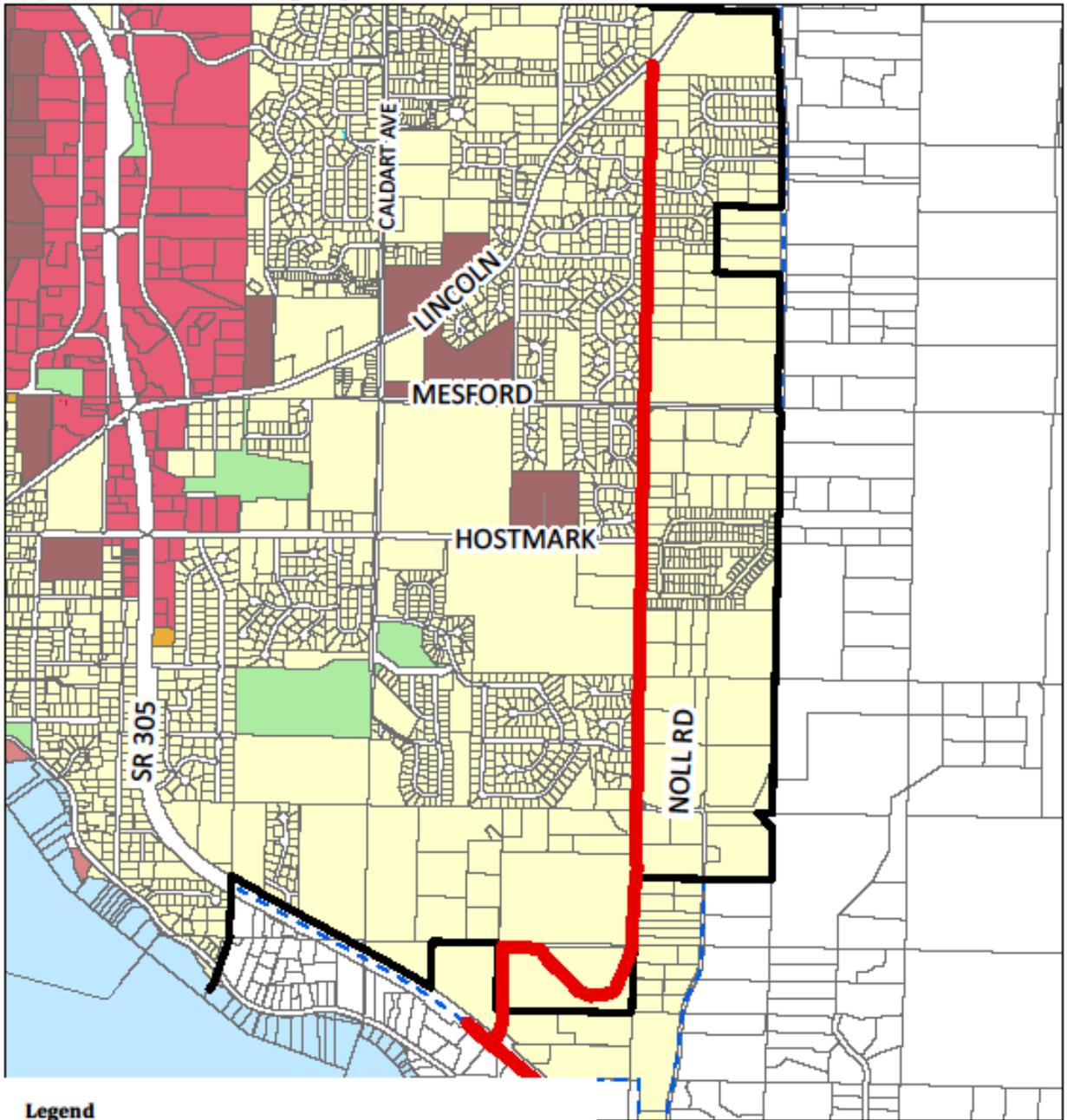
Project Site Map

City of Poulsbo Planning Department



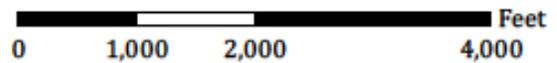
Zoning Ordinance Map

City of Poulsbo Planning Department



Legend

- | | |
|-------------------|--------------------------------------|
| Project Location | Zone |
| City Limits | Residential Low |
| Urban Growth Area | Residential Medium |
| | Residential High |
| | C-1 Commercial Downtown/Front Street |
| | C-3 SR 305 Corridor |
| | Park |



**NOLL ROAD PHASE I | JOHNSON PARKWAY
CRITICAL AREA PERMIT | PUBLIC AGENCY & UTILITY EXEMPTION
PLANNING FILE NO. P-11-19-18-01**

I. GENERAL INFORMATION

Applicant/Property Owner Name and Address:

Diane Lenius, City Engineer
City of Poulsbo
200 NE Moe Street, Poulsbo WA 98370

Land Use Review:

Critical Area Permit | Public Agency & Utility Exemption, Type III Review

Description of Proposal:

The full project will improve the Noll Road corridor between SR 305 in the south and Lincoln Road in the north. The project will include roadway, sidewalk, bicycle lane, and shared-use path improvements in various configurations through the corridor, as specified in the *Noll Road Corridor Plan* (Parametrix 2008). The South Segment of the project will realign Noll Road, creating a new roadway between SR 305 and Storhoff Road, approximately one-quarter mile south of Poulsbo Elementary School. This segment includes intersection improvements (roundabout) at the new intersection with SR 305 near Johnson Road.

Wetlands and streams are present in the Noll Road Corridor South Segment. The alignment has been subsequently refined to avoid and minimize impacts to wetlands, streams, and buffers. The existing undersized culvert on Bjorgen Creek under Storhoff Road will be replaced with a structure specifically designed to provide fish passage and an open box culvert will be included for Stream 1. Refer to the Noll Road Corridor Improvements-Wetland Mitigation Plan and Habitat Management Plan and Noll Road Corridor Improvements Wetlands Delineation and Stream Characterization Report (Parametrix May 2019) for additional information.

Location | Tax Parcel:

SR 305 north to intersection of Noll Road and Storhoff Lane

Legal Description:

City of Poulsbo Right-of-Way

Comprehensive Plan Designation:

Site: Residential Low
North: Residential Low
South: Residential Low
East: Residential Low
West: Residential Low

Zoning Designation:

Site: Residential Low
North: Residential Low
South: Residential Low
East: Residential Low
West: Residential Low

Portions of the proposal are within the Urban Growth Boundary and project areas west of SR 305 are in unincorporated Kitsap County and are zoned Rural Residential.

Existing Land Use:

Site: Some residential homes. Mostly undeveloped land containing forests, streams and wetlands.
North: Poulsbo Elementary School is a ¼ mile to the north
South: Liberty Bay 300 feet to the south of project limits
East: Residential
West: Residential

Site Features:

Terrain in the project area generally slopes down toward Liberty Bay to the south. This general trend is interrupted by a knoll on the Johnson property near the center of the project area. The eastern portions

of the project area slope eastward, toward Bjorgen Creek. Elevations along the proposed right-of-way range from approximately 100 feet at SR 305 to approximately 200 feet where the proposed right-of-way traverses the north side of the knoll on the Johnson property.

Vegetation within the project area consists of both wetland and upland species. Wetlands in the project area contain primarily emergent habitats. Dominant vegetation includes reed canarygrass (*Phalaris arundinacea*), tall fescue (*Schedonorus arundinaceus*), and broad-leaf cattail (*Typha latifolia*). Pacific willow (*Salix lucida*), western redcedar (*Thuja plicata*), and rose spirea (*Spiraea douglasii*) occur in patches in the wetlands. Wetland habitats on the site are further detailed in Section 5.2.

Upland plant communities within the project area consist primarily of upland forest and herbaceous vegetation. Vegetation includes red alder (*Alnus rubra*), Douglas-fir (*Pseudotsuga menziesii*), western redcedar, salmonberry (*Rubus spectabilis*), reed canarygrass, Himalayan blackberry (*Rubus armeniacus*), western swordfern (*Polystichum munitum*), big-leaf maple (*Acer macrophyllum*), common velvet grass (*Holcus lanatus*), English plantain (*Plantago lanceolata*), snowberry (*Symphoricarpos albus*), and mowed grasses and forbs.

General wetland characteristics are discussed below. Detailed information is presented in the appendices: wetland determination forms (Appendices A, B, and C), wetland rating forms (Appendix D), supplementary information (Appendix E), and site photographs (Appendix F).

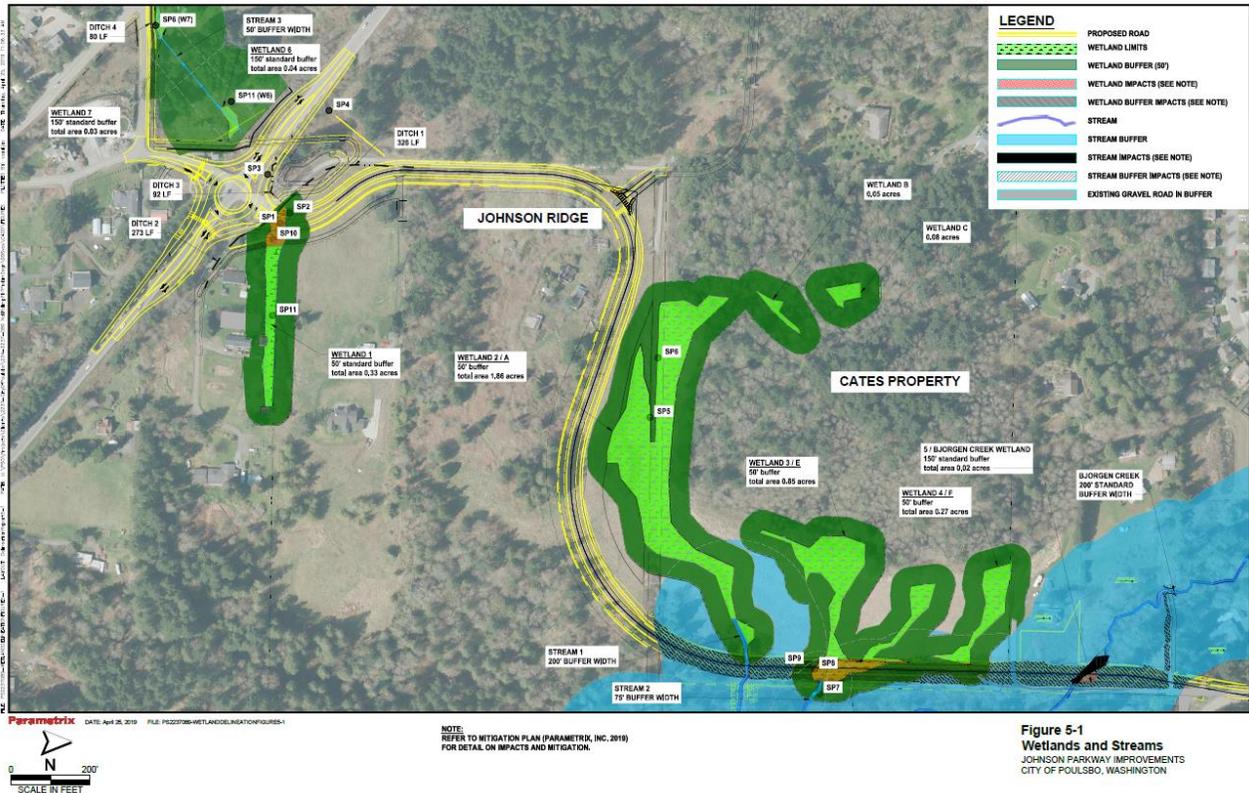
Parametrix biologists delineated portions of five wetlands (Wetlands 1, 2/A, 3/E, 4/F, and 5/Bjorgen Creek) in the study area (Figures 5-1, 5-2, 5-3, and 5-4). All but one of the wetlands have dual names because they have been described in separate reports. The numeric names were created for this report. The letter names are from the Storhoff Road Wetland Delineation Report (Myers 2016). Wetlands B and C in the Myers (2016) report are not affected by the project; therefore, these are not included in this discussion. The Bjorgen Creek Wetland was delineated within the project area in 2010 and checked in 2015 (Parametrix 2010, 2015; Appendix G). Wetland 6, 7 and Stream 3 were delineated in April 2019 by Struck Environmental, Inc. (2019; Appendix H).

Wetland 2/A overlaps three separate properties and was delineated and rated by three different biologists. The southern boundary of Wetland 2/A within the study area was cross verified by both Jeff Meyer, PWS Parametrix, and Joanne Bartlett, PWS Ecological Land Services. It is the largest wetland in the study area, but it has been ditched and mowed. Wetlands 1, 2/A, 3/E, and 4/F are Category IV wetlands, while Wetland 5/Bjorgen Creek is rated II, principally because it is adjacent to Bjorgen Creek. Wetlands 6 and 7 are rated Category III. Between the four studies, biologists recorded over 75 formal data forms. Only those recorded by Parametrix or Struck Environmental are labeled on Figures 5-2 through 5-4. Dozens of informal soil pits were also excavated to inform the field investigations and delineations. The City's third-party technical consultant reviewed delineation data for areas within the City and UGA (Wetland 1-5 and Streams 1-3) and concurred with these wetland and stream baseline conditions.

Fish and Wildlife Habitat Conservation Areas (FWHCAs) within 300 feet of the study site includes four streams (Bjorgen Creek, Stream 1, Stream 2 and Stream 3). No federal- and/or state-listed endangered, threatened, sensitive, or candidate species have been documented within 300 feet of the study site (WDFW 2018a). The area within 300 feet of the study site does not include any lakes; areas with rare plant species; high-quality ecosystems; habitats or species of local importance; areas targeted by federal, state, and/or local government for protection of fish and wildlife habitat benefits; habitats with high wildlife density, high wildlife species richness, or significant wildlife breeding habitat; documented seasonal

ranges or movement corridors; or habitats with limited availability and/or high vulnerability. Liberty Bay is located approximately 310 feet from Stream 3 and Wetland 7.

Aerial Photograph of Subject Site:



Map 1 Shows the Noll Road Phase I/Johnson Parkway alignment with the four stream and seven wetland locations. The image is page 33 of the Noll Road Corridor Improvements Wetlands Delineation and Stream Characterization Report (May 2019).

II. APPLICABLE REVIEW CRITERIA

The criteria approval for this project is included in the City’s Municipal Code (PMC): PMC 16.04, Environmental Review (SEPA); PMC 16.20 Critical Areas Ordinance; and PMC 19, Procedures for Review.

III. TITLE 16 CRITICAL AREAS

The City Critical Areas Ordinance (Chapter 16.20) reviews regulations and development standards in the vicinity of critical areas and their buffers (PMC 16.20.115.D). The project area includes wetland, stream, and aquifer recharge critical areas.

A. PMC 16.20.105 PURPOSE

It is the intent of the city of Poulsbo that beneficial structure, value and functions of critical areas be preserved, and potential damage or public costs associated with the inappropriate use of such areas be minimized by reasonable regulation of uses within, adjacent to or directly affecting such areas.

Staff Comment. The critical areas impacted by the proposal have been determined to be fully mitigated thereby meeting the intent of the purpose of this regulating by ensuring that the beneficial structure, value and functions of critical areas are preserved. The application packet included the Noll Road Corridor Improvement Wetland Delineation and Stream Characterization Report referenced as WDCSR and the Noll Road Corridor Improvement-Wetland Mitigation Plan and Habitat Management Plan referenced as WMPHMP throughout this staff report.

B. PMC 16.20.115 APPLICABILITY

Any development proposal that includes a critical area or its buffer or is within three hundred feet of a critical area, is subject to review under the provisions of this chapter.

Staff Comment. The proposal is within, adjacent to, and directly affecting wetlands, wetland buffers, and fish and wildlife habitat conservation critical areas (streams and stream buffers).

C. PMC 16.20.133 PUBLIC AGENCY AND UTILITY EXEMPTION

1. A request for a critical area public agency and utility exception may be made if the application of this chapter would prohibit a development proposal by a public agency or public utility. The public agency and utility exception shall be considered a Type III application.

Staff Comment: WMPHMP provides a response to this section on page 5-3 to 5-11. In summary, the proposed Noll Road Phase I | Johnson Parkway would be prohibited because there is no alignment from Noll Road/Storhoff Intersection to SR 305 that does not impact a critical area.

2. The review authority, in granting a public agency and utility exception, must determine that all of the following criteria are met:
 - a. There is no other practical alternative to the proposed development with less impact on the critical areas;

Staff Comment: Many alternative alignments have been researched and the proposed alignment in this application is the one with the least amount of impacts to critical areas. See WMPHMP page 5-3 for an in-depth response to this criterion.

- b. The application of this chapter would unreasonably restrict the ability to provide services to the public;

Staff Comment: The Noll Road Corridor is an important public multi-modal transportation service that is given high importance in the City of Poulsbo Comprehensive Plan, the 2008 Noll Road Corridor Plan and WSDOT's 2018 SR 305 Corridor Plan due to increased growth along the eastern side of the city limits. Growth is not expected to slow and demand for multi-modal transportation options will only increase. See response in WMPHMP page 5-5 for more detailed response.

- c. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;

Staff Comment: This proposal is intended to advance public safety by improving the existing Noll Road and creating new segments that are designed to city standards to meet the planned residential capacity of the east side of the city limits and urban growth area. The proposal will improve a failing level of service standards at the Noll Road/SR 305 intersection. It will also provide safe pedestrian and bicycle crossing of SR 305 at the new round a bout.

- d. The proposal will result in no net loss of critical area functions and values consistent with the best available science; and

Staff Comment: The WMPHMP goes into detail in response to this criterion on pages 5-6 to 5-11. The conclusion is that a total of 48,338 square feet of buffer enhancement is proposed where 46,439 square feet of stream buffer impacts are proposed. This yields a ratio slightly greater than the standard 1:1 mitigation ratio for buffer impacts. Restoration of a fish passage barrier for Bjorgen Creek and an 18-foot-wide open box culvert is proposed for Stream 1 as part of the not net loss of critical area functions and values.

- e. The proposal is consistent with other applicable regulations and standards.

Staff Comment: See response in WMPHMP page 5-11. The proposal is consistent with City of Poulsbo, Kitsap County, WSDOT, WEFW, Washington Department of Ecology and Corps of Engineers standards for streets and environmental mitigation. The project meets City, County and state stormwater management requirements for detention and treatment including Low Impact Development stormwater BMPs where feasible. The project meets federal, state and local wetland and stream mitigation sequencing requirements including impact avoidance and minimization.

3. Any authorized alteration of a critical area under this section may be subject to conditions established by the city and shall require mitigation under an approved special report pursuant to Section 700 of this chapter.

Staff Comment: The Noll Road Corridor Improvement Wetland Mitigation and Habitat Management Plan, see in particular Chapter 7, has been provided in full compliance with PMC 16.20.700. Additional mitigations are as discussed in the MDNS, Reviewed SEPA Checklist, and Memorandum SEPA Determination Cover Letter (Exhibit C).

D. PMC 16.20.200 WETLANDS

1. PMC 16.20.205 Purpose.

This section applies to all regulated uses within, or adjacent to, areas designated as wetlands, as categorized in Section 16.20.215. Under the conditions of this section, the city may deny development purposes that would irreparably impact regulated wetlands. The intent of this section is to:

- a. Achieve no net loss of wetland acreage, functions and values. Mitigation measures, as conditions of permits, must have a reasonable expectation of success;
- b. Plan wetland uses and activities in a manner that allows property holders to benefit from wetland property ownership wherever allowable under the conditions of this section and chapter; and
- c. Preserve natural flood control, stormwater storage and drainage or stream flow patterns.

Staff Comment: WMPHMP Section 7 describes the need to compensate for impacts to existing wetlands and streams. The project will mitigate impacts to wetlands by proceeding in accordance with the mitigation sequencing requirements established by NEPA, the Clean Water Act, and the City of Poulsbo and Kitsap County critical areas regulations. The conclusion of this section is that there is no net loss of area and that required mitigation ratios have been exceeded by this proposal.

2. PMC 16.20.230 WETLAND AND BUFFER DEVELOPMENT STANDARDS

For the purpose of this chapter, a regulated wetland and its buffer is a critical area.

- a. **Buffers.** Buffers shall be undisturbed native species vegetation areas appropriate to the ecoregion, for the purpose of protecting the integrity, function, and value of wetland resources. If the existing buffer does not consist of vegetation adequate to provide the necessary protection, then either the buffer area should be planted or the buffer width should be increased. Any buffer enhancement proposed shall be through an approved buffer enhancement plan. No uses or activities shall be allowed within the buffer unless as otherwise allowed or permitted by this section. If the buffer has previously been disturbed, the director may require the disturbed buffer area be revegetated pursuant to an approved buffer enhancement plan (see also Section 16.20.740). No refuse, including but not limited to household trash, yard waste and commercial/industrial refuse, shall be placed in the buffer.

Staff Comment: WDSCR describes the wetlands inventoried, wetland types, and the associated wetland buffers. Chapter 6 describes permanent impacts on wetlands,

permanent impacts on wetland buffers, temporary impacts on wetlands and wetland buffers and indirect impacts on wetlands. See WMPHMP Chapter 6 Table 6-4 below:

Table 6-4. Summary of Wetland and Stream Buffer Zones

	Total Area	Wetland or Stream Cat.	Habitat Score	Wetland Score for all 3 Basic Functions	Land Use Intensity	Standard Buffer (ft)	Buffer Reduction Proposed	Proposed Buffer	Buffer Averaging Proposed	Building Setback (ft)
Wetlands										
1 ^a	0.33	IV	5	15	High	50	No	50	No	15
2/A ^a	1.86	IV	7	15	High	50	No	50	No	15
3/E ^a	0.85	IV	6	15	High	50	No	50	No	15
4/F ^a	0.27	IV	6	14	High	50	No	50	No	15
5/Bjorgen Creek ^a										
	0.02	II	6	-	High	150	No	150	No	15
6 ^b	0.08	III	6	16	High	150	No	150	No	15
7 ^b	0.06	III	6	19	High	150	No	150	No	15
Streams										
5/Bjorgen Creek ^a										
	-	F	-	-	-	200	No	200	No	25
Stream 1 ^a	-	F	-	-	-	200	No	200	No	25
Stream 2 ^a	-	Ns1	-	-	-	75	No	75	No	25
Stream 3 ^b	-	Ns	-	-	-	50	No	50	No	15

^a Wetland and stream rating according to PMC Title 16.

^b Wetland and stream rating according to KCC Title 19.

Based on this Table and both reports provided for this application no buffer reductions are proposed. All impacts to wetlands and wetland buffers will exceed the mitigation requirements and therefore result in no net loss of wetland size or function. The wetland buffers, at the completion of the construction, will be undisturbed native species vegetation that support the integrity, function, and value of wetland resources.

- b. Impact of Land Use. Different land use intensities can result in high, moderate, or low levels of impact to adjacent wetlands and buffers. Types of land uses are categorized into impact levels as shown in PMC Table 16.20.230.A:

Staff Comment: The Land Use Intensity is provided for in Table 6-4 above. The proposal is identified as a High Level of Impact from Land Use.

- c. Buffer Widths. All regulated wetlands shall be surrounded by a buffer as follows, based upon Appendix 8-C, Section 8C.2.3 of Wetlands in Washington State—Volume 2: Guidance for Protecting and Managing Wetlands (Ecology Publication No. 05-06-008):

Staff Comment: The Buffer Width Standards are identified in Table 6-4 in the section above and match city requirements for the type of wetland and land use impact.

- d. Buffer Measurement. All buffers shall be measured on a horizontal plane from regulated wetland edge as marked in the field by the wetlands specialist.

Staff Comment: The wetland buffers have been field verified by the city peer review consultant Grette Associates. The wetland buffers have been properly measured and shown on all maps.

- e. Table 16.20.230.C Examples of Measures to Minimize Impacts to Wetlands from Different Types of Activities

Staff Comment: WMPHMP Section 6.1.2.2 speaks to indirect impacts on wetlands and states re-vegetation using native shrubs and trees adjacent to the road, sidewalk and path will mitigate noise impacts. A lighting analysis will be done to design a light system that meets lighting standards but does not unnecessarily light areas where people and vehicles are not present. Light shields and optic lenses will focus light onto hard surfaces and minimize light spillage. Stormwater facilities will preserve wetland hydrology.

- f. PMC 16.20.230.H. Building or Impervious Surface Setbacks. A building or impervious surface setback of fifteen feet is required from the edge of any wetland buffer. Minor structural or impervious surface intrusions into the areas of the setback, such as but not limited to fire escapes, open/uncovered porches, landing places, outside walkways, outside stairways, retaining walls, fences and patios, may be permitted if the department determines upon review of an analysis of buffer functions submitted by the applicant, that such intrusions will not adversely impact the wetland. The setback shall be identified on a site plan.

Staff Comment: Table 6-4, shown above, identifies the building setbacks for wetlands as 15 feet. WMPHMP Section 6.3 speaks specifically to Building and Impervious Surface Setbacks, the amount these setbacks are impacted and the mitigation proposed.

- g. Signs and Fencing of Wetlands. This subsection applies to those wetlands and their buffers that are within three hundred feet of regulated development activities:

- i. Wetland buffers shall be temporarily fenced or otherwise suitably marked, as required by the director, between the area where the construction activity occurs and the buffer. Fences shall be made of a durable protective barrier and shall be highly visible. Silt fences and plastic construction fences may be used to prevent encroachment on wetlands or their buffers by construction. Temporary fencing shall be removed after the site work has been completed and the site is fully stabilized per city approval.

Staff Comment: A Condition of Approval will require that wetland buffers are to be temporarily fences or otherwise suitably marked between the area where the construction activity occurs and the buffer. Removal of Erosion and Sedimentation control features are listed in Section 7.6.3 as being removed within the first year of completion.

- ii. The director may require that permanent signs and/or fencing be placed on the common boundary between a wetland buffer and the adjacent land. Such signs will identify the wetland buffer and may be required to contain other information related to wetland protection. The director may approve an alternative method of wetland and buffer identification if it provides adequate protection to the wetland and buffer.

Staff Comment: WMPHMP Section 7.6.3 states that fence and signage are to be checked to ensure they are intact but does not state when the fencing and signage will be installed nor does it describe the fencing or signage details. A Condition of Approval will require split rail fencing and signage be installed along the critical areas that would be accessible to the public (i.e. 3' high retaining wall would prohibit ease of access to the critical areas and therefore a fence would not be required).

3. PMC 16.20.235 ADDITIONAL DEVELOPMENT STANDARDS

In addition to meeting the development standards in Section 16.20.230, the regulated uses identified below shall also comply with the standards of this section and other applicable state, federal and local ordinances.

- a. PMC 16.20.235.D Road/Street Repair and Construction. Public road or street repair, maintenance, expansion or construction may be allowed in wetlands or wetland buffers subject to the following development standards:

- i. No other reasonable or practicable alternative exists and the road or street crossing serves multiple properties wherever possible;

Staff Comment: WMPHMP page 5-1 provides a detailed response to this criterion. In summary, this proposed alignment is the most practicable alignment of the alternatives studied in the 2008 Noll Road Corridor Study-which generally considered in order of priority and within the constraints of federal transportation rules: 1) direct impacts to wetlands primarily (no net wetland loss), buffer secondary; 2) willing property owners for ROW acquisition; 3) topographical constraints; and 4) location within the city limits and Poulsbo Urban Growth Area.

- ii. Publicly owned or maintained road or street crossings provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.;

Staff Comment: The Noll Road Corridor improvement is a City owned and maintained street, and includes improvements and installation of utilities, such as water, sewer, storm, power, gas and communications, as is common with City street projects. Non-motorized improvements with the new road were identified as a priority during the 2008 Noll Road Corridor Study and include the following: 10-ft shared use path for the full length of the south segment which will serve both pedestrian and bicycles (see WMPHMP Figure 7-1 in Chapter 7).

- iii. The road or street repair and construction are the minimum necessary to provide safe roads and streets;

Staff Comment: The street cross section has been decreased to the minimum city standard in the vicinity of the wetland buffers. The total roadway footprint width has been reduced from 59 feet wide to 50 feet wide within the wetland buffer areas to minimize impacts. The reduced road width provides 11-foot travel lanes, 10-foot shared use path, and 3-foot landscaped buffer to the shared use path. This cross section is the minimum allowed under City and WSDOT guidelines. See cross section provided in Exhibit A. 6.

- iv. Mitigation shall be performed in accordance with this chapter and specific project mitigation plan requirements; and

Staff Comment: The WMPHMP sets forth the mitigation measures required for identified impacts to the wetlands, wetland buffers, streams, and stream buffers (impacts identified in WDSCR Chapter 6), in accordance with PMC 16.20.240 (Wetland Alterations), see Section 4 below.

- v. Before beginning work in-water or within wetlands, it shall be the responsibility of the agency to ensure that all other required state and federal approvals have been obtained.

Staff Comment: Permits required by the Corps and WEFW will be obtained prior to commencement of construction. Permit applications to these agencies have been submitted.

4. PMC 16.20.240 WETLAND ALTERATIONS

- a. Mitigation Sequencing. All regulated development activities proposed to impact wetlands or buffers shall be mitigated according to this title subject to the following sequential order

(WAC 197-11-768). The applicant shall demonstrate to the satisfaction of the review authority that each step of this sequence has been adequately addressed prior to approving or permitting impacts to wetlands under this chapter.

Staff Comment: WMPHMP Section 7 describes the wetland and stream mitigation plan and the details of the mitigation sequencing. See this section beginning on page 7-1 for additional details.

- i. Avoiding the impact altogether by not taking a certain action or parts of an action;

Staff Comment: Complete impact avoidance by not constructing the roadway or locating the road outside of critical areas was not possible due to lack of other practicable and feasible alternatives. A new connection to SR 305 for the Noll Road corridor has been identified by the City as a critical transportation need since the early 1990's and is included in past and current City Comprehensive Plans. The 2008 Noll Road Corridor Plan provided a thorough assessment of options for connecting the Noll Road corridor to SR 305 and the Johnson Road intersection was determined to be the safest, most cost effective and most consistent with land use plans.

- ii. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

Staff Comment: Impact minimization was accomplished through design measures that reduced the project footprint within wetlands, streams, and buffers. Alignment options and associated impact assessment are described in more detail in Chapter 5. Design features to minimize environmental impacts to the greatest extent feasible include:

- The roadway alignment was kept within the footprint of existing public roads and utility corridor access roads and easements wherever possible to avoid disturbing intact buffers and wetlands.
- The road width was reduced to the minimum allowed under City standards in areas that coincide with wetland and stream buffers. See Exhibit A.6.
- Retaining walls were used for stream crossings to minimize the length of culverts.
- Retaining walls were used along roadways to minimize the amount of clearing and fill material that is needed in buffer areas.

- iii. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

Staff Comment: The project rectifies impacts by repairing, rehabilitating, or restoring the following critical area features:

- Degraded Wetland 2 (a Category IV wetland) will be restored to a Category II or III wetland by removing invasive and restoring trees, shrubs and other native plants.
- Create (Establish) new wetlands and enhance low-grade wetlands.
- Improve biological diversity in existing wetlands.
- Increase the production of organic matter by planting trees and shrubs in wetland buffers.
- Increase wildlife habitat and improve biological diversity by enhancing native buffer vegetation.

Table 7-1 Summary of Proposed Mitigation shows wetland buffer enhancement, wetland creation, and wetland enhancement, see below:

Table 7-1. Summary of Proposed Mitigation

Wetland/Stream	Buffer				Aquatic Resource					
	Wetland Enhancement		Stream Enhancement		Wetland Creation		Wetland Enhancement		Stream Enhancement	
	Square Feet	Acres	Square Feet	Acres	Square Feet	Acres	Square Feet	Acres	Square Feet	Acres
Wetland 2/A	56,067	1.29	--	--	18,377	0.42	41,650	0.96	--	--
Wetland 6	5,241	0.12	--	--	--	--	--	--	--	--
Wetland 7	833	0.02	--	--	--	--	--	--	--	--
Wetland Total	62,141	1.43	--	--	18,377	0.42	41,650	0.96	--	--
Stream 1	--	--	9,690	0.22	--	--	--	--	--	--
Stream 2	--	--	0	--	--	--	--	--	--	--
Stream 3									275	.01
Wetland 5/ Bjorgen Creek	--	--	38,648	0.89	--	--	--	--	2,086	0.05
Stream Total	--	--	48,338	1.11	--	--	--	--	2,361	0.06

- iv. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

Staff Comment: Impacts will be reduced or eliminated over time by providing permanent protection of the mitigation and HMP area through right of way purchase; and implementation of a long term 10-year performance and maintenance plan. The following measures will be taken to further reduce impacts:

- Pervious pavement was used wherever feasible to enhance infiltration and hydrology.
- Near wetlands and streams, earthwork will be done as much as possible in the dry season to reduce the potential for sediment runoff.
- BMPs to control erosion will be implemented to reduce direct and indirect impacts on aquatic resources during construction by using mulch, matting, and netting; filter fabric fencing; quarry rock entrance mats; sediment traps and ponds; temporary stream bypasses; or surface water interceptor swales and ditches and other approved BMPs.
- Permanent erosion control will be achieved by replacing topsoil in disturbed areas, revegetating disturbed areas with native plants, and maintaining all stormwater collection, conveyance, treatment and flow control facilities.
- A Spill Prevention, Control, and Countermeasures (SPCC) plan will be prepared prior to start of construction. The SPCC plan will identify the appropriate spill containment materials and will be available at the project site at all times.

- v. Compensating for the impact by replacing, enhancing or providing substitute resources or environments;

Staff Comment: Compensatory mitigation will be provided for impacts wetland, stream and buffer areas as described in this Mitigation Plan/HMP. This will include a combination of wetland creation, wetland and stream enhancement, and buffer rehabilitation and enhancement. The compensatory mitigation will be accomplished in accordance with a mitigation plan that is approved by the City, County and Corps.

- vi. Monitoring the impact and taking appropriate corrective measures; or

Staff Comment: The Mitigation Plan and HMP includes a 10-year wetland mitigation monitoring plan, and a 5-year stream and culvert monitoring and maintenance plan.

- vii. Mitigating for individual actions may include a combination of the above measures.

Staff Comment: Overall mitigation for the project consists of a combination of the above measures.

- b. Mitigation for Regulated Activities in Wetland Buffers. A specific mitigation plan is required, and the requirements are provided in Section 16.20.725. Appropriate implementation and timing of the mitigation plan shall be included as conditions of approval of the underlying land use permit.

Staff Comment: The city’s peer review consultant Grette Associates has determined that the WMPHMP meets all the requirements of Section 16.20.725 with the exception of two items that are included as Conditions of Approval. They include:

- i. Invasive species coverage performance standards are not to exceed 20 percent coverage.
- ii. The Mitigation Notes and Plan Materials List; Sheet L8 are to reflect the changes made in Section 7.7.7 (WMPHMP) regarding noxious weed control measures (i.e. pre-treatment and excavation of root material for invasive vegetation).

- c. Mitigation for Regulated Activities in Wetlands. Compensatory mitigation shall be required for regulated activities that result in the loss of wetland acreage or in the reduction of wetland functions or habitat values. A specific mitigation plan is required, and the requirements are provided in Section 16.20.725.

- i. A compensatory mitigation plan shall be completed. The applicant shall submit a detailed mitigation plan for compensatory mitigation to the department.

Staff Comment: WMPHMP Section 7 meets the requirement of the compensatory mitigation plan.

- ii. The detailed mitigation plan shall be prepared, signed, and dated by the wetlands specialist to indicate that the plan is in accordance with specifications as determined by the wetlands specialist. A signed original mitigation plan shall be submitted to the department.

Staff Comment: The WMPHMP is signed by Jeff Meyer, MS Certified Professional Wetland Scientist 0184 and a description of his experience and training is included in the signature block. The WMPHMP is also signed by Phil Struck, BS, MBA with a description of his experience and training included in the signature block.

- iii. Approval of the detailed mitigation plan shall be signified through conditions of approval of the underlying land use permit and requiring appropriate implementation and timing of the mitigation plan.

Staff Comment: The WMPHMP meets all requirements for a mitigation plan per PMC 16.20.755 as verified by the city’s peer review consultant Grette Associates. There is no other land use permit associated with this critical area permit review. Conditions of Approval will be that mitigation be conducted as approved in the WMPHMP. If deviations are necessary, they shall be reviewed and approved by PED prior to those changes being made, including but not limited to vegetation and

tree substitutions, changes in fencing, significant slopes, additional tree removal or unexpected loss of preserved trees, etc.

Temporary impacts will be mitigated immediately after construction is completed, as stated in Section 6.2.2 and will be for a maximum duration of 60-90 days. Mitigation for permanent impacts to critical areas will be completed as construction takes place or after construction following BMPs for wet and dry season mitigation implementation.

Section 7.8 Wetland and Buffer Monitoring Plan speaks to the length and type of monitoring that will occur at the completion of the mitigation.

- iv. The mitigation project shall be completed according to a schedule agreed upon between the department and the applicant as included in the wetland mitigation plan and conditions of approval.

Staff Comment: WMPHMP Section 7 Wetland and Stream Mitigation Plan meets the Wetland Mitigation Plan requirements and a Condition of Approval will require that the WMPHMP is implemented in substantial compliance with the approved document.

- v. Wetland mitigation shall occur according to the approved wetland mitigation plan and shall be consistent with provisions of this chapter and title.

Staff Comment: Wetland mitigation in accordance with the WMPHMP is a Condition of Approval.

- vi. A wetlands specialist shall be on site during construction and plant installation phases of all mitigation projects.

Staff Comment: WMPHMP Section 7.7.11 Construction Observation states that the biologist or landscape architect will be in attendance at the pre- and post-construction meetings. This section also states that a wetland biologist or landscape architect will review the site periodically during mitigation implementation. PED staff is to be in attendance for the pre- and post-construction meetings. These will be listed as a Condition of Approval.

- vii. On completion of construction for the wetland mitigation project, the wetlands specialist shall submit an as-built report to the department for review and approval.

Staff Comment: This requirement is included in the WMPHMP under Section 7.8 Wetland and Buffer Monitoring Plan. This section states that monitoring reports will be submitted for review: 1) sixty days after completing construction of the mitigation project (Year 0; submittal of as-built report), 2) End of the first growing season after construction (Year 1), 3) December 1 of the calendar year annually for Years 2, 3, 4, 5, 7, and 10.

d. Wetland Replacement Ratios.

- i. The ratios presented here are based on the type of compensatory mitigation proposed (restoration, creation/establishment, or enhancement). These types of compensatory mitigation, listed in order of preference, are defined as follows:

Table 16.20.240 Wetland Mitigation Replacement Ratios:

Table 16.20.240—Wetland Mitigation Replacement Ratios

Wetland Category	Reestablishment or Creation	Rehabilitation Only	Reestablishment or Creation (R/C) and Rehabilitation (RH)	Reestablishment or Creation (R/C) and Enhancement (E)	Enhancement Only
All Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II estuarine	Case-by-case	4:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case	Case-by-case
Category II interdunal	2:1 compensation has to be interdunal wetland	4:1 compensation has to be interdunal wetland	1:1 R/C and 2:1 RH compensation has to be interdunal wetland	Not considered an option*	Not considered an option*
All other Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1

Staff Comment: WMPHMP Table 7-2 shows the wetland, wetland type, wetland impacts required mitigation ratio and required mitigation area, and proposed mitigation as follows:

Table 7-2. Wetland Mitigation Summary

Wetland	Category	Wetland Impacts (sq ft)	Required Mitigation Ratio		Required Mitigation Area		Proposed Mitigation ^a	
			Creation	Enhancement	Creation	Enhancement	Creation	Enhancement
1	IV	3,663	1.5:1	0	5,495	0	-	-
2/A	IV	0	1.5:1	0	0	0	18,377	41,650
3/E	IV	7,090	1.5:1	0	10,635	0	-	-
4/F	IV	74	1.5:1	0	111	0	-	-
5/Bjorgen Creek	II	884	1:1	8:1	884	7,072	-	-
Wetland 6	III	0	-	-	-	-	-	-
Wetland 7	III	0	-	-	-	-	-	-
Totals		11,711			17,125	7,072	18,377	41,650
Net Surplus at Required Mitigation Ratios (sq ft):							1,253	34,578
Actual Mitigation:Required Mitigation ratio:							1:07:1	5.9:1

^a All wetland mitigation is proposed to occur at Wetland 2.
sq ft = square feet

The ratios proposed for wetland impacts for creation and enhancement reflect that required in PMC 16.20.240.

- e. Compensatory Mitigation. Unless it is demonstrated that a higher level or ecological functioning would result from an alternative approach, compensatory mitigation for ecological functions shall be in-kind and either on-site, or within the same stream reach,

sub-basin, or drift cell (if estuarine wetlands are impacted). Compensatory mitigation actions shall be conducted within the same sub-drainage basin and on the site of the alteration except when all of the following apply:

Staff Comment: Responses to this requirement are well detailed in WMPHMP Section 7.4.1. Please see this section for additional information and details.

Impacts to Wetland 1 are described in WDSCR Section 5.2.1. The summary of impacts to this wetland area identified as .08acres/3,663 square feet of permanent wetland impacts and .25acres/10,8805 square feet of permanent buffer impacts. The impacts to Wetland 1 are just over the sub-basin divide and approximately 800 feet north from Wetland 2/A. Wetland 2/A drains to Bjorgen Creek and into Liberty Bay which is a different sub-basin than where the impacts occurred. Therefore, the criteria below must be satisfied.

- i. There are no reasonable on-site or in-sub-drainage-basin opportunities (e.g., on-site options would require elimination of high-functioning upland habitat), or on-site and in-sub-drainage-basin opportunities do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts; and

Staff Comment: WMPHMP Section 7,4,1 describes the impacts to Wetland 1 and supports the proposed mitigation for such impacts in a different sub-basin as follows. As shown in Figure 7-5 the Wetland 1 sub-basin is small, and is dominated by City, State, and County roads and private residences. Opportunities for mitigation in this sub-basin are extremely limited due to slopes, lack of wetland hydrology, existing land use, and proximity to high intensity land uses. Any mitigation site within this sub-basin would likely provide minimal function due to small size, isolation, and proximity to high impact land uses. Conversely, the proposed mitigation site is very close to the impact area, meets mitigation goals and provides a variety of functions.

- ii. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and

Staff Comment: The mitigation site in and adjacent to Wetland 2/A was selected because it is on-site and in near proximity to the impacts. The mitigation area is part of larger wetland/stream mosaic and is a headwater wetland to Bjorgen Creek, which experiences low flows during dry the season. The site will provide improved Bjorgen Creek base flow (salmonid recovery) and improved wildlife habitat (larger area and better connectivity) compared to creating or enhancing a separate smaller wetland near a high-volume state highway.

After mitigation is complete, the site will eventually evolve into a Category II or III system while a separate in-basin mitigation site would likely never exceed a Cat IV rating. The proposed site has a high potential to successfully compensate for impacts to project area wetlands and functions. Selected photographs of Wetland 2/A and the proposed mitigation site are presented in Appendix A of this document. The site is also owned by the City, which contributes to the site's likelihood of success.

- iii. Off-site locations shall be in the same sub-drainage basin unless:
 - A. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the city or Kitsap County and strongly justify location of mitigation at another site;

Staff Comment: This requirement is addressed in the WMPHMP Section 7.4.1.3, in summary, watershed goals for Bjorgen Creek and Liberty Bay are established in Liberty Bay TMDL Implementation Plan (City of Poulsbo 2016) and East Kitsap Peninsula WRIA 15 Salmon Habitat Restoration Strategy Summer (West Sound Watershed Council 2005). Bjorgen Creek has been established as a high priority for water quality and habitat restoration due to documented water quality and habitat degradation. Protecting and restoring hydrologic and riparian functional integrity is identified as the highest priority limiting process for watersheds in East Kitsap. This reflects the finding that salmonid habitat in the streams of East Kitsap are highly susceptible to changes in hydrology that result from development in watersheds.

The mitigation site is consistent with both of these plans in that it enhances hydrology in a stream basin that is hydrologically limited. Mitigation in the Wetland 1 basin would not provide this benefit since no fish bearing stream is located in this basin (see Figure 7-2).

Providing mitigation in a different sub-basin than Wetland 1 does not effect water quality functions since the functions of Wetland 1 are currently low, and the project will provide a full stormwater treatment retrofit of both existing and new impervious surfaces that are within the project limits.

- B. Credits from a state-certified wetland mitigation bank are used as compensation and the use of credits is consistent with the terms of the bank’s certification; or

Staff Comment: Not applicable.

- C. Fees are paid to an approved in-lieu-fee program to compensate for the impacts.

Staff Comment: Not applicable.

- f. PMC 16.20.340.G. Monitoring Requirements. The city of Poulsbo shall require monitoring reports on an annual basis for a minimum of five years and up to ten years, or until the director determines that the mitigation project has met the performance standards specified in the wetland mitigation plan. The wetland mitigation plan shall provide specific performance standards for monitoring the mitigation project. The performance standards shall be project-specific and use best available science to aid the director in evaluating whether or not the project has achieved success.

Staff Comment: WMPHMP Section 7.8 Wetland and Buffer Monitoring Plan describes the mitigation sites will be monitored for a period of 10 years. Monitoring reports will be submitted for review on the following schedule:

- Sixty days after completing construction of the mitigation project (Year 0; submittal of as-built report)
- End of the first growing season after construction (Year 1)
- December 1 of the calendar year annually for Years 2,3,4,5,7, and 10

Successful mitigation will be measured by attainment of the performance standards described in Section 7.6 Mitigation Goals, Objectives, and Performance Standards.

E. PMC 16.20.300 FISH AND WILDLIFE HABITAT CONSERVATION CRITICAL AREAS

1. PMC 16.20.305 PURPOSE

This section applies to all uses and activities regulated under this chapter within or adjacent to areas designated as fish and wildlife habitat conservation areas, as categorized in Section 16.20.310. The purpose of this chapter is to:

- a. Preserve existing ecological functions of fish and wildlife habitat conservation areas normally associated with streams, riparian areas (freshwater areas and estuarine areas not regulated by the city’s shoreline master program), wetland and upland wildlife habitat;
- b. Preserve natural flood control, stormwater storage and drainage or stream flow patterns;
- c. Control siltation, protect nutrient reserves and mainstream flows and stream quality; and
- d. Prevent turbidity and pollution of streams.

Staff Comment: Section 1.4.3 of the WMPHMP speaks to the stream reach impacts of Streams 1, 2, 3, and Bjorgen Creek of 92 linear feet. That the project will replace affected stream habitat with habitat that is functioning equivalent to or greater than the altered stream in terms of hydrological, biological, physical, and chemical functions. Stream restoration will total 0.05 acres (2,361 square feet), exceeding the stream channel impacts of 0.03 acres (1,486 square feet) and providing a mitigation ration of about 1.6:1. The stream buffer of Bjorgen Creek and Stream 1 will be enhanced to provide habitat valuable to fish and wildlife. A total of 1.11 acres (48,338 square feet) of stream buffer will be enhanced by removing invasive species and replanting with native species. This area is greater than the stream buffer area impacted by the project by a factor of 1.04:1.

Taking into consideration the impacts and proposed mitigation this proposal meets the purpose of PMC 16.20.305.

2. PMC 16.20.315 DEVELOPMENT STANDARDS

The following development standards shall apply to fish and wildlife habitat conservation areas:

- a. Buffers and Setbacks. Buffers and building setbacks shall be maintained along all identified fish and wildlife habitat conservation areas, as indicated in this section.
 - i. Buffers and building setbacks shall be maintained along all identified fish and wildlife habitat conservation areas. Distances shall be measured horizontally from the ordinary high water mark (OHWM) or from the top of the bank where the OHWM cannot be identified. Building setbacks shall be measured horizontally from the edge of the buffer.

Staff Comment: Impacts to stream buffers is provided in WMPHMP Section 1.4.3 as summarized above. Impacts are caused from the stream crossing necessary for the construction of the Noll Road South Segment. The applicant must rely on the provisions discussed in Section III.C of this staff report under PMC 16.20.133 Public Agency and Utility Exemption. The application must meet standards discussed later in staff report under Section III.G.2 regarding stream crossings

- A. For streams in ravines with ravine sides ten feet or greater in height, the minimum buffer width shall be the minimum required or a width which extends twenty-five feet beyond the top of the slope, whichever is greater.

Staff Comment: Streams have not been identified as ravines.

- ii. Buffers shall be retained in at least the quality of their existing condition. Where impacts or reductions of the standard buffer width are proposed, the director may require the remaining buffer be enhanced to protect the quality and function of the fish and wildlife habitat conservation area through a buffer enhancement plan. Refuse, including but not limited to household trash, yard waste, and commercial/industrial refuse, shall not be placed in the buffer.

Staff Comment: The WMPHMP is a required component of this application, Section 4.2 describes the four Fish and Wildlife Habitat Conservation Areas (Streams) in the project area. The buffer conditions are described in Section 4.2.1.3. Impacts to stream buffers will be approximately 1.07 acres (46,439 square feet) as described in Section 6.2.1.

- iii. Stream buffers shall include streamside wetlands and/or functional floodplains which provide overflow storage for stormwaters, provide groundwater recharge or discharge functions, or provide seasonal shelter and food for fish. In braided channels, the OHWM or top of bank shall be defined so as to include the entire stream feature.

Staff Comment: Stream buffers are properly allocated in the WMPHMP and WDSCR.

- iv. Where wetlands and geologically hazardous areas occur on a site that contains a fish and wildlife habitat conservation area, refer to Sections 200, Wetlands, and 400, Geologically Hazardous Areas, of this chapter for additional development standards. In cases of differing standards, the more restrictive buffer or setback shall apply.

Staff Comment: The WMPHMP and WDSCR includes wetlands. A Preliminary Geotechnical Assessment discussed any geologically hazardous areas that may be on the site and proposed BMPs and mitigation measures for addressing the specific geological concern.

- v. Building Setbacks. An additional building setback of twenty-five feet is required from the edge of all fish and wildlife habitat conservation area buffers.
 - A. If applicable, the required building setbacks may meet or contribute to specific yard setback requirements of Title 18.
 - B. Minor structural or impervious surface intrusions such as but not limited to fire escapes, open/uncovered porches, landing places, outside walkways, outside stairways, retaining walls fences, and patios may be permitted within the required building setback if the director determines, upon submittal of a habitat management plan, that such intrusions will not adversely impact the fish and wildlife habitat conservation area or its buffer. The setback shall be identified on the site plan or appropriate drawing.

Staff Comment: Table 6-4 (provided in Section III.D.2.f of the staff report) identifies the building setbacks for streams as 25 feet. WMPHMP Section 6.3 speaks specifically to Building and Impervious Surface Setbacks, and the amount the setbacks are impacted by the proposal. See Table 6-2 provided below, note that footnote e states that buffer impacts include impervious surface setbacks.

Table 6-2. Wetland, Stream, and Buffer Impacts within the City of Poulsbo.

Wetland/Stream	USFWS Classification	City of Poulsbo Rating ^a	Wetland/Stream	Buffer
			Permanent Impacts (ac/sf)	Permanent Impacts (ac/sf) ^e
Wetland 1	PEM	IV	0.08/3,663	0.25/10,805
Wetland 2/A	PEM	IV	0/0	<0.01/884
Wetland 3/E	PEM/PSS	IV	0.16/7,090	0.38/16,517 ^b
Wetland 4/F	PEM	IV	0.002/74	0/0 ^b
Wetland 5/ Bjorgen Creek	PFO	II	0.02/884	0/0 ^c
Wetlands Total			0.27/11,711	0.65/28,206
Stream 1	N/A	Type F	0 lf (0/0)	0.43/18,939
Stream 2	N/A	Type Ns 1	0 lf (0/0)	0/0
Bjorgen Creek	N/A	Type F	73 lf ^d (0.03/1,261) ^d	0.63/27,500
Streams Total			73 lf (0.03/1,261)	1.07/46,439

^a Wetland rating according to PMC 16.20.210.
^b Total wetland buffer impact area value is an overlap of the impact areas for the buffers on Wetland 3/E and Wetland 4/F. This overlap is only counted once in the total of Wetland 3/E.
^c Wetland buffer contained within Bjorgen Creek stream buffer. Stream buffer takes precedence.
^d Area within ordinary high water mark as surveyed for the 2013 Bjorgen Creek Culvert Replacement, subtracting length of existing culvert.
^e Buffer impact area includes impervious surface setbacks.
 ac = acre; sf = square feet; lf = linear feet; N/A = Not applicable

- vi. New Development or Redevelopment. Standard buffers and building setbacks for fish and wildlife habitat conservation areas shall be required as per Table 16.20.315 below:

Table 16.20.315—Fish and Wildlife Habitat Conservation Area Development Standards

Standard Buffers and Setback Requirements		
Water Type	Buffer Width (feet, each side of stream)	Building Setback (feet, each side of buffer)
F1 (salmonids)	200	25
F2 (nonsalmonids)	150	25
Np	100	25
Ns 1 (connected to S, F, Np)	75	25
Ns 2 (not connected to S, F, Np)	50	25

Staff Comment: Table 6-4 shows the correct stream buffers and building setbacks.

- b. Changes to Standard Buffers.
 - i. Conditional Alterations. The director may alter the standard buffer, and building setback for water-dependent structures and utilities within a stream or its buffer when no other reasonable or practical alternative exists. Any alteration of a buffer or building setback shall be the least necessary and shall require a habitat management plan which identifies and adequately protects any affected fish and wildlife conservation area.

Staff Comment: The WMPHMP Section 6.2.1.2 discusses infiltration within the stream buffer. The infiltration facility will serve as a treatment and flow control retrofit of the existing Noll Road area north of Storhoff Road. The infiltration facility will be located in a currently degraded buffer area adjacent to an existing driveway that has been cleared and consists primarily of grass and weeds, and that provides minimal habitat value. The infiltration facility will be a natural, sinuous form with gradual slopes and landscaped with native plants that integrate with the adjacent buffer restoration area. The infiltration area will be carefully maintained to preserve native plantings and avoid disruption of adjacent restored buffers. The infiltration system will enhance and preserve existing ecological functions of fish and wildlife habitat conservation areas normally associated with streams and riparian areas by improving base flow recharge and riparian function; preserve natural flood control, stormwater storage and drainage or stream flow patterns by improving stream recharge and attenuating peak flow events; control siltation, protect nutrient reserves and stream quality by treating run off from existing impervious surfaces that otherwise would not be treated; and prevent turbidity and pollution of streams by infiltrating untreated stormwater. Location shown in Figure 7-1 below in red circle:

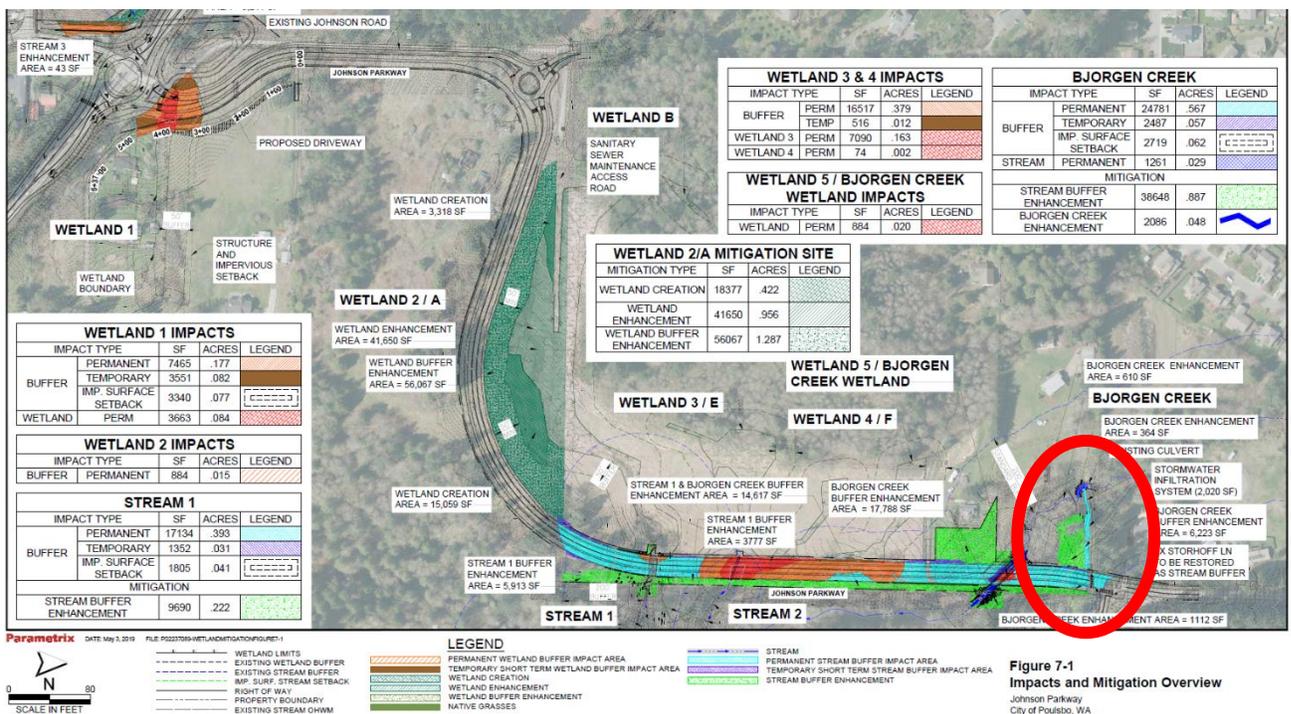


Figure 7-1
Impacts and Mitigation Overview
Johnson Parkway
City of Poulsbo, WA

- c. Fish and wildlife habitat conservation areas and required buffers shall be located within specified open space tracts. The specified open space tracts shall be identified on the underlying land use permit drawings and conditions of approval shall include provisions for preservation, maintenance and other requirements deemed necessary by the director and/or review authority.

Staff Comment: WMPHMP Section 7.13 states: “The mitigation area is part of City right-of-way. A supplemental plan sheet will be prepared as part of the project’s final Right-of-Way plan that depicts the mitigation areas and fish and wildlife conservation area limits. This plan will depict the mitigation area and fish and wildlife conservation area and will note that the area is committed to be permanently used for mitigation in perpetuity. This plan will be prepared by a Professional Land Surveyor and will become part of the permanent project record.

In addition, permanent fencing and signs indicating that the area is a natural or critical area to be protected from disturbance will be posted along the boundaries of each mitigation area.”

The following Section 7.14 states that after attainment of performance standards and acceptance of the mitigation project by the agencies, the City will implement a long-term management plan for the site. This management plan will include trash removal, weed control, signage repair, and other elements that may be necessary for the long-term viability of the mitigation site.

Condition of Approval will require a Supplemental Plan Sheet prepared as part of the project's final Right-of-Way plan that depicts the mitigation areas and fish and wildlife conservation area limits. The Plan is to be prepared by a Professional Land Surveyor and will become part of the permanent project record. In addition, a Long-Term Management Plan that identifies provisions for preservation, maintenance, trash removal, weed control, signage repair, fence repair, and other elements that may be necessary for the long-term viability of the mitigation area be submitted and made part of the file.

- d. All development permits on sites with known locations of fish and wildlife habitat conservation areas, or sites within three hundred feet to known locations of fish and wildlife habitat conservation areas, shall submit a habitat assessment or management plan as specified in Section 700 of this chapter for approval. In the case of bald eagles, an approved bald eagle management plan by the Washington Department of Fish and Wildlife, meeting the requirements and guidelines of the bald eagle protection rules (WAC 220-610-100), as now or hereafter amended, shall satisfy the requirements for a habitat management plan.

Staff Comment: A WMPHMP is provided as part of the Critical Area Permit: Public Agency and Utility Exception permit.

- e. Habitat Assessment Report and Management Plan. For all regulated activity proposed on a site which contains or is within three hundred feet of fish and wildlife habitat conservation area, a habitat assessment shall be prepared by a qualified wildlife biologist. The habitat assessment shall identify the type of stream and its prescribed buffer, an analysis of species or habitats known or suspected, and assessment of project impact or effect on habitat and water quality (see Section 16.20.750). If it is determined that a fish and wildlife habitat conservation area or its buffer does not occur on or within three hundred feet of the site, or if it is demonstrated that the project will comply with the standard buffer width and building setback requirements, the development may proceed without any additional requirements under this section. If it is determined that a fish and wildlife habitat conservation area does occur on or within three hundred feet of the site, and a modification (i.e., reduction, intrusion or impact) to the standard buffer width and/or building setback is proposed, a habitat management plan shall be prepared. (See Section 16.20.730.)

Staff Comment: A WMPHMP is provided as part of the Critical Area Permit: Public Agency and Utility Exception permit.

- f. Signs and Fencing. As a project condition of approval, the director or review authority may require the fish and wildlife habitat conservation area and buffer be permanently fenced, signed or an acceptable alternative, to further protect the conservation area. Timing, location and type of installation shall be identified in the condition of approval. Fencing shall be required when reductions of buffer or intrusions into building setback are approved.

Staff Comment: WMPHMP Section 7.6.3 states that fence and signage are to be checked to ensure they are intact, but does not state when the fencing and signage will be installed nor does it describe the fencing or signage details. A Condition of Approval will require split

rail fencing and signage be installed along the critical areas that would be accessible to the public (i.e. 3' high retaining wall would prohibit ease of access to the critical areas and therefore a fence would not be required).

3. PMC 16.20.320 PROJECT-SPECIFIC DEVELOPMENT STANDARDS

- a. Stream Crossings. Any private or public road expansion or construction which is allowed and must cross streams classified within this chapter shall comply with the following minimum development standards:

Staff Comment: Responses to this section are described in WMPHMP Section 5.1.2 beginning on page 5-2.

- i. Bridges or bottomless culverts shall be required for all streams which support fish life, unless a habitat management plan is submitted which demonstrates that other alternatives would not result in significant impacts to the fish and wildlife habitat conservation area and as determined appropriate through the Hydraulic Project Approval process administered by the Washington State Department of Fish and Wildlife;

Staff Comment: Bottomless box culverts are proposed for all streams that support fish life. The City has obtained preliminary approval from WEFW and the Suquamish Tribe for culvert design on Bjorgen Creek and Stream 1. An HPA will be obtained from WEFW.

- ii. Crossings shall not occur in salmonid spawning areas unless no other feasible crossing site exists. For new development proposals, if existing crossings are determined to adversely impact salmon spawning or passage areas, new or upgraded crossings shall be located as determined necessary through coordination with the Washington Department of Fish and Wildlife;

Staff Comment: The crossing of Bjorgen Creek is the only crossing where salmon spawning exists. The new Bjorgen Creek culvert will replace a currently impassable culvert with a new larger, bottomless box culvert that meets all WDFW Water Crossing design requirements. Stream 1 is designated a Type F stream due to the potential fish habitat that it supports and will be accommodated with an 18-foot-wide bottomless box culvert to avoid impact to an erratic and tree that provide fish habitat.

- iii. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary high water marks unless no other feasible alternative placement exists;

Staff Comment: No bridge piers or abutments will be placed within the limits of ordinary high-water marks.

- iv. Crossings shall not diminish flood-carrying capacity;

Staff Comment: Culverts on Type F streams (Bjorgen Creek and Stream 1) are sized to accommodate the bankfull width, plus 2-ft in accordance with WDFW Water Crossing Guidelines. Stream crossings of non-fish bearing Type Ns waters (Stream 2 and 3) are sized to convey the 100-year peak flow for the contributing basin.

- v. Crossings shall serve multiple properties whenever possible;

Staff Comment: The new road serves multiple properties and connects to existing roadways (SR 305, Johnson Road and Storhoff Road) on both ends of the segment. This is a new public road and will provide access for any additional development that is expected to occur in this area.

- vi. Publicly owned or maintained road or street crossing shall provide for other purposes, such as utility crossing, pedestrian or bicycle easements, viewing points, whenever possible;

Staff Comment: The new road is publicly owned and provides utility crossings (water, sewer, storm, power, gas, and communications), pedestrian and bicycle facilities and viewing points.

- vii. Where there is no reasonable alternative to providing a conventional culvert, the culvert shall be the minimum length necessary to accommodate the permitted activity. If located on a stream containing fish and wildlife habitat per WAC 222-16-030, the culvert shall be designed in accordance with the Washington Department of Fish and Wildlife's 2013 Water Crossing Guidelines (or as amended).

Staff Comment: The roadway prism width has been designed to reduce the footprint to the minimum necessary to meet design standards and therefore require the minimum length stream culverts to accommodate the road. These design measures include reduced travel lane and landscape width, use of retaining walls instead of embankment slopes, and larger culvert wing walls that reduce fill areas. All culverts on Type F streams are designed in accordance with the WEFW Water Crossing Guidelines.

- b. Pesticides, Fertilizers and Herbicides. No pesticides, herbicides or fertilizers may be used in fish and wildlife habitat conservation areas or their buffers, except those approved by the EPA and approved under a DOE water quality modification permit for use in the specific fish and wildlife habitat conservation area environments. Where approved, herbicides must be applied by a licensed applicator in accordance with the safe application practices on the label.

Staff Comment: Section 7.7.7 mentions the use of herbicides for noxious weed control. A Condition of Approval will state that pesticide, fertilizer, and herbicides must be approved by the EPA and approved under a DOE water quality modification permit for use in the specific fish and wildlife habitat conservation environments. Where approved, herbicides must be applied by a licensed applicator in accordance with the safe application practices on the label.

- c. Bank Stabilization. A stream channel and bank may be stabilized when naturally occurring earth movement threatens existing structures (defined as requiring a building permit pursuant to the International Building Code), public improvements, unique natural resources, public health, safety or welfare, or is the only feasible access to property; and when such stabilization results in maintenance of fish and wildlife habitat, flood control and improvement of water quality. Shoreline stabilization is regulated by the city's shoreline master program.

When bank stabilization is determined to be necessary, bioengineering or other nonstructural methods should be the first option for protection. The director may require that bank stabilization be designed by a professional engineer licensed in the state of Washington with demonstrated expertise in hydraulic actions. Bank stabilization projects may also require a

Hydraulic Project Approval from the Washington Department of Fish and Wildlife and may be required to meet the design guidelines in WDFW's 2002 Integrated Streambank Protection Guidelines.

Staff Comment: Bank stabilization is not proposed.

IV. **STATE ENVIRONMENTAL POLICY ACT (SEPA)**

A Mitigated Determination of Non-Significance (Exhibit C.2) was issued on June 14, 2019, with a two-week comment period. Mitigations were included to address wetland and wetland buffers, fish and wildlife habitat conservation areas and associated buffers, and to provide for Best Management Practices identified in the following: SEPA Checklist, Preliminary Geotechnical Assessment, Noll Road Corridor Improvement-Wetland Mitigation Plan and Habitat Management Plan, Noll Road Corridor Improvements Wetlands Delineation and Stream Characterization Report, 60% Stormwater Design Approach Technical Memorandum, PMC 18.180.070 Tree Protection Measures, Noise Impact Analysis, and other documents listed in the SEPA Checklist and NEPA.

Multiple Agencies and Jurisdiction have authority to be the SEPA lead. Kitsap County confirmed in email dated June 17, 2019 their concurrence that City of Poulsbo is SEPA lead. WSDOT confirmed City of Poulsbo Lead Agency Status in a phone conference and email on June 4, 2019. Email confirmations provided in Exhibit C.5.

Planning & Economic Development staff prepared a Memorandum revieweing project environmental documents. Mitigations are identified in the Memorandum under Exhibit C.3, the commented SEPA Checklist is Exhibit C.4, and all documents associated with this permit review are identified in Section VIII Exhibits. Noticing information is Exhibit C.6.

V. **CRITICAL AREA PERMIT FINDINGS**

Per PMC 16.20.115 (Critical Area Ordinance Applicability), The city of Poulsbo shall not grant any permit, license or other development approval to alter the condition of any land, water or vegetation, or to construct or alter any structure or improvement, nor shall any person alter the condition of any land, water or vegetation, or construct or alter any structure or improvement, for any development proposal regulated by this chapter, except in compliance with the provisions of this chapter.

Per PMC 16.20.133, Approval Criteria, the Review Authority, in granting a public agency and utility exception, must determine that all of the following criteria are met:

1. There is no other practical alternative to the proposed development with less impact on the critical areas;
2. The application of this chapter would unreasonably restrict the ability to provide services to the public;
3. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
4. The proposal will result in no net loss of critical area functions and values consistent with the best available science; and
5. The proposal is consistent with other applicable regulations and standards.

Staff Recommended Finding: The Noll Road Phase I | Johnson Parkway proposal has been reviewed for compliance with all applicable critical area requirements as detailed and set forth in this staff report. Public services to serve the site are not applicable. In combination with the Conditions of Approval and SEPA MDNS Determination, the proposal meets the applicable approval criteria.

VI. TITLE 19 PROJECT PERMIT PROCEDURES

The Critical Area Permit for a Public Agency and Utility Exemption is a Type III application which requires a public hearing. The Hearing Examiner is the review authority for a Type III permit.

The application was received on November 9, 2018. On January 20, 2019 the application was determined Technically Complete and a Notice of Application was issued on March 1, 2019. Comments received are included in Exhibit C.1.

A SEPA Mitigated Determination of Non-Significance (MDNS) was issued June 14, 2019. Mitigation addresses impacts to wetland and wetland buffers as well as to fish and wildlife habitat conservation critical areas and associated buffers. Exhibit C includes the SEPA MDNS, Staff Memorandum, and Commented Checklist. As of the date of this report no public comments have been received. They will be added to the record if any are received. Public comment period closes June 28, 2019.

This staff report, and a Notice of Public Meeting, will be issued at least 7 days prior to the Planning Commission meeting scheduled for June 25, 2019 and a Notice of Public Hearing will be published, posted and mailed at least 14 days prior to the public hearing no later than June 26, 2019 as the Hearing Examiner public hearing is scheduled for July 10, 2019, as required by Title 19. The Notice of Decision will be sent to the applicant, agencies with jurisdiction, and interested parties of record within seven days of the Hearing Examiner’s decision.

Exhibit C.6 contains affidavits of posting and distribution for required notices.

The project timeline is shown below. The application was reviewed and issued within the 120-day mandate per RCW 36.70B.080.

	Date	Days in Review
Application Technically Complete	2/20/2019	
NOA issued	3/01/2019	
NOA public comment closed	3/15/2019	
On Hold-Additional Information Required	4/05/2019	44 days
Resubmitted Application Packet	5/10/2019	
MDNS Issued/SEPA public comment	6/14/2019	
SEPA MDNS public comment closes	6/28/2019	
Planning Commission Public Meeting	6/25/2019	
Hearing Examiner Public Hearing	7/10/2019	61 days
Hearing Examiner Decision Issued	7/24/2019	
Total number of days in review		Anticipated 119 days

VII. STAFF COMMENT AND RECOMMENDATIONS

Comments: This project as proposed is consistent with the Poulsbo Comprehensive Plan and Critical Areas Ordinance.

Recommendation: Staff respectfully recommends approval of the Noll Road Phase I | Johnson Parkway Critical Area Permit: Public Agency & Utility Exemption, Planning File P-11-09-18-01 as presented and subject to all Conditions of Approval contained herein.

VIII. EXHIBITS

A. Application

1. Noll Road Critical Area Permit Application
2. Noll Road Corridor Improvements Wetlands Delineation and Stream Characterization Report (May 2019)
3. Noll Road Corridor Improvements-Wetland Mitigation Plan and Habitat Management Plan (May 2019)
4. Revised 60% Stormwater Design Approach, Technical Memorandum by Parametrix (April 18, 2019)
5. Revised SEPA Checklist (May 2019)
6. Noll Road Stream Buffer Roadway Prism (June 13, 2019)

7. Department of the Army Corps of Engineers letter (December 19, 2018)
8. Preliminary Geotechnical Assessment, Technical Memorandum by Parametrix (October 24, 2018)
9. Noll Road NEPA (May 2016)
 - a. Appendix includes:
 - Cultural Resources Assessment finding “No Historic Properties Affected” from DAHA (April 19, 2016)
 - Preliminary Hazardous Waste (May 4, 2016)
 - Noise Analysis (May 2016)
 - Environmental Justice Determination (April 27, 2016)
 - ESA Listings: U.S. Fish and Wildlife Service and National Marine Fisheries Service (January 15, 2016)
 - ESA Memorandum: Preliminary Determination of No Effects on ESA-listed Species (February 19, 2016)
10. Noll Road JARPA (date unknown, unsigned)
11. Johnson Parkway Outfall SEPA MDNS & Checklist (issued January 16, 2018)
12. Johnson Parkway Outfall Notice of Decision (July 16, 2018)
- B. Applicant Correspondence:
 1. Technically Complete, PED (February 20, 2019)
 2. Technical Memorandum, Grette Associates (March 4, 2019)
 3. Additional Information Required-On Hold, PED (April 5, 2019)
 4. Memorandum CAO Permit Pathway-Directors Interpretation, PED Director (change permit from Type II to Type III) (April 5, 2019)
 5. Resubmittal/Response Memo, Struck Environmental, Inc. (May 10, 2019)
 6. SEPA Agency Status email, PED Director (June 4, 2019)
 7. Technical Memorandum, Grette Associates (June 5, 2019)
- C. Public Noticing
 1. Notice of Application (Issued March 1, 2019) and comment received
 2. SEPA MDNS (Issued June 14, 2019)
 3. Memo, SEPA Determination Cover Letter (June 14, 2019)
 4. SEPA Checklist, Reviewed by PED Staff (June 14, 2019)
 5. SEPA City of Poulsbo Lead Agency Acknowledgement Kitsap County, WSDOT
 6. Affidavits of noticing
 7. Notice of Public Hearing (June 21, 2019)

**Noll Road Phase I | Johnson Parkway
Critical Area Permit: Public Agency & Utility Exception
CONDITIONS OF APPROVAL
PLANNING FILE P-11-09-18-01**

Following are the Planning and Economic Development Departments Conditions of Approval:

1. Substantial compliance with the Noll Road Corridor Improvements-Wetland Mitigation Plan and Habitat Management Plan (WMPHMP), SEPA MDNS Conditions of Approval, and all Best Management Practices where applicable.
2. If any deviations are necessary, they shall be reviewed and approved by PED prior to those changes being made, including but not limited to planting and tree substitutions, changes in fencing, change in grade relevant to critical areas, additional tree removals or unexpected loss of preserved trees, etc. See requirement described in Section III.D.4.c.iii.
3. A Supplemental Plan Sheet prepared as part of the project’s final Right-of-Way plan that depicts the mitigation areas and fish and wildlife conservation area limits. The Plan is to be prepared by a Professional Land Surveyor and will become part of the permanent project record. See requirement described in Section III.E.2.c.
4. A Long-Term Management Plan that identifies provisions for preservation, maintenance, trash removal, weed control, signage repair, fence repair, and other elements that may be necessary for the long-term viability of the mitigation area be submitted and made part of the file. See requirement described in Section III.E.2.c.
5. Wetland biologist, and/or landscape architect, and PED staff are to attend pre- and post-construction meetings.
6. Wetland buffers are to be protected from construction impacts through temporary fencing or fencing otherwise suitably marked between the area where the construction activity occurs and the buffer. See requirement described in Section III.D.2.g.i.
7. Remove erosion and sedimentation control features after completion of mitigation implementation.
8. Split rail fencing is to be installed along the critical areas that would be accessible to the public from Noll Road. See requirement described in Section III.D.2.g.ii.
9. Split rail fencing is to be installed along the critical areas that would be accessible to the public from Noll Road. See requirement described in Section III.E.2.f.
10. No pesticides, herbicides or fertilizers may be used in fish and wildlife habitat conservation areas or their buffers, except those approved by the EPA and approved under a DOE water quality modification permit for use in the specific fish and wildlife habitat conservation environments. Where approved, herbicides must be applied by a licensed applicator in accordance with the safe application practices on the label.
11. SEPA MDNS Conditions of Approval as provided in Exhibit C.3.



*Karla Boughton,
Planning and Economic Development Director*

6/19/2019

Date