



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

**FINDINGS, CONCLUSIONS AND DECISION
APPROVING**

**THE “WINSLOW RIDGE”
PLANNED RESIDENTIAL DEVELOPMENT AND
PRELIMINARY PLAT APPLICATIONS**

APPLICANT: MTT FAMILY OF COMPANIES (SHARON SNOOK)

OWNER: WINSLOW DEV 360, LLC (CURRENT OWNER);
PHILLIP J. SWENSON (AT TIME OF APPLICATION)

AGENTS: TEAM 4 ENGINEERING
5819 NE MINDER ROAD
POULSBO, WASHINGTON 98370

LOCATION/TAX PARCEL NUMBER: THE PROPOSED PLAT IS LOCATED JUST NORTH OF VINLAND ELEMENTARY SCHOOL WITH A CELL TOWER SITE TO THE NORTHWEST, FRONTING RHODODENDRON LANE NW ON THE WEST SIDE, IN THE CITY OF POULSBO AND POULSBO URBAN GROWTH AREA, ALL WITHIN KITSAP COUNTY TAX PARCEL No. 092601-1-041-2005, ADDRESSED AS 22181 RHODODENDRON LANE.

APPLICATIONS: DEVELOP PROPERTY TOTALING 18.64-ACRES INTO AN 86 LOT PLANNED RESIDENTIAL DEVELOPMENT AND PRELIMINARY PLAT – WITH PLANNED RESIDENTIAL DEVELOPMENT AND PRELIMINARY PLAT REVIEWED UNDER APPLICABLE CITY CODES, INCLUDING WITHOUT LIMITATION CH. 18.260 PMC (FOR PLANNED RESIDENTIAL DEVELOPMENT), TITLE 17 PMC (FOR PRELIMINARY PLAT), AND ZONING PROVISIONS IN TITLE 18 PMC, WITH ASSOCIATED IMPROVEMENTS AND DEDICATIONS, INCLUDING 1.89 ACRES OF OPEN SPACE, RECREATIONAL AMENITIES, TREE RETENTION, ROAD AND SIDEWALK IMPROVEMENTS, UTILITY CONNECTIONS AND EXTENSIONS, AND STORMWATER FACILITIES.

SUMMARY OF DECISION: *APPROVED*, SUBJECT TO CONDITIONS

DATE OF DECISION: NOVEMBER 21, 2022

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), dated September 6, 2022, provided to the Hearing Examiner regarding “Winslow Ridge Planned Residential Development & Preliminary Plat,” including two Addendums to the Staff Report, dated September 28th and October 6th of this year, with attachments;

Exhibits A – L, as described and numbered on page 29 of the Staff Report provided to the Examiner, renumbered as Exhibits 3-14 for the public hearing exhibit list;

Exhibits 15-21 – as described and numbered in the Exhibit List prepared by Staff, and updated after the public hearing on October 6th to reflect all exhibits presented as part of the hearing process.

For the reader’s convenience, the following chart, prepared by Staff and updated on or about October 6th, lists most, if not all, Exhibits entered into the record for this matter:

Exhibit	Description
1	Project File
2	Staff Report, dated September 6, 2022
3	A. Applications
4	B. Project Narrative, dated February 2021)
5	C. Plan Set, revised April 27, 2022
6	D. Landscaping 1. Preliminary Landscape Plan, dated October 15, 2020 2. Street Tree Peer Review Prepared by Sound Urban Forestry (see Exhibit F.3)
7	E. Home Siting Plan and Home Designs
8	F. Tree Retention 1. Tree Retention Plan Prepared by Peninsula Environmental Group, Inc, dated March 15, 2022 2. Tree Retention Plan Drawing Prepared by Team 4 Engineering (see Exhibit C, sheet 5) 3. Tree Retention Peer Review Prepared by Sound Urban Forestry, dated April 21, 2021 4. Tree Retention Peer Review Prepared by Sound Urban Forestry, dated January 26, 2022 5. Tree Retention Peer Review Prepared by Sound Urban Forestry, dated May 4, 2022
9	G. Stormwater Documents 1. Preliminary Storm Drainage Report Prepared by Team 4 Engineering. revised April 29, 2022 Beginning Page 39: Limited Geotechnical Engineering Report Prepared by EnviroSound Consulting Inc., dated September 4, 2019 Beginning Page 79: Limited Geotechnical Engineering Services Prepared by Krazan & Associates, Inc.. dated January 3, 2020 2. Peer Review Storm Drainage Report Prepared by BHC Consultants, dated April 8, 2022
10	H. Traffic Documents. 1. Transportation Concurrency Application dated March 23, 2021 2. Traffic Impact Analysis Prepared by Gibson Traffic Consultants, dated October 2019 3. Traffic Impact Analysis Addendum Prepared by Kimley-Horn and Associates, Inc., dated June 9, 2022 4. Land Use Comprehensive Plan, Transportation Element, Figure TR-3

*Findings, Conclusions and Decision Approving
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File No. P-02-26-21-02*

11	I. SEPA Review Documents 1. SEPA Threshold Determination 2. Environmental Checklist, commented 3. SEPA Noticing Affidavits
12	J. Public Noticing 1. Notice of Application Materials 2. Notice of Planning Commission Public Meeting Materials
13	K. Public Comments
14	L. Engineering Department Staff Report Memorandum <i>Added in September 28, 2022 memorandum</i>
15	Planning Commission Findings of Fact, Conclusion and Recommendation –
16	Planning Commission Draft Meeting Minutes
17	Public Hearing Publication and Posting Affidavits
18	WSDOT comment provided September 9, 2022.
19	City Engineering Department response to WSDOT. <i>Added in October 6, 2022 memorandum</i>
20	Staff Presentation Slides A. Planning Presentation Slides B. Engineering Presentation Slides
21	Additional Public Comment added at hearing

Testimony/Comments:

Only members of staff and applicant representatives asked to speak and provided factual information during the public hearing held in Council Chambers at Poulsbo City Hall, and all witnesses were sworn in by the Examiner and provided testimony under oath, including Edie Berghoff, an Associate Planner for the City of Poulsbo, and the primary staff representative at the public hearing; Michael Bateman, Transportation Engineer, with the City’s Public Works Department; Matt Rasmusson, with Team 4 Engineering, as the applicant’s engineer of record and hearing representative; and Morgan Lindberg, introduced himself as Vice President of Operations for the applicant going forward. One individual submitted a written comment dated October 3rd, a copy of which was added into the record as Ex. 21. A small group of people attended the public hearing and sat in the audience but did not ask to offer any comments. No one appeared during the public hearing to question or oppose the pending application.

The Examiner conducted a site visit to the project location and surrounding area on the day of the public hearing.

Throughout the review and hearing process, there was no evidence or testimony provided in this 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 in the zoning district 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 includes Preliminary Plat and Planned Residential Development applications. See PMC 19.20.010(C) and Table 19.20.020.

Criteria for Approval of the pending Preliminary Plat Application.

The City's approval criteria for a preliminary subdivision (which means the same thing as a preliminary plat) is found at PMC 17.60.040. 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).

Findings required to approve Planned Residential Development.

The City's code mandates that in approving a Planned Residential Development, the review authority must make specific findings, as set forth in PMC 18.260.140.

Burden of Proof.

The applicant bears the burden of proof to establish by a preponderance of the evidence that their preliminary plat application is consistent with state law, city codes and standards. *Rule 3.9, HEx Rules of Procedure.* 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 a preponderance of evidence demonstrates that the applicant has satisfied its burden of proof to satisfy the criteria for Planned Residential Development and Preliminary Plat 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 Winslow Ridge preliminary plat and planned residential development as set forth below.

*Findings, Conclusions and Decision Approving
Winslow Ridge PRD and Preliminary Plat Applications –
File No. P-02-26-21-02*

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. The applicant in this matter is an entity known as MTT Family of Companies, with Sharon Snook signing materials for the applicant. (Ex. 3, *Application Materials*). The applicant's consultants and agents through the hearing process were from Team 4 Engineering, with offices in the City of Poulsbo. The application materials include signatures required from the property owner. (Ex. 3, *Application materials*).

3. The project site is all within a single parcel, with 18.64-acres, located just north of Vinland Elementary School with a cell tower site to the northwest, fronting Rhododendron Lane NW on the west side, in the City of Poulsbo and Poulsbo Urban Growth Area, assigned Kitsap County Tax Parcel No. 092601-1-041-2005, and addressed as 22181 Rhododendron Lane. (*Staff Report, page 5; Site visit by the Examiner*).

4. The applicant's proposal would create 86 single-family lots. (*Staff Report, page 5; Exs. 3-5, Application materials and site plans*).

5. There is no dispute that the entire property is zoned RL, Residential Low density, which allows Single Family Residential uses like that proposed in the pending application, and that the proposal satisfies the City's maximum and minimum density requirements for the zone, and PRD requirements. (*See Staff Report, page 9, which provides the following formula:*

Minimum and maximum density requirements are met by the proposal with a range of 51 minimum and 93 maximum units.

<i>Maximum Density (5 Units/Gross Acres)</i>	<i>86 Units Proposed / 18.64 gross acres = 4.6</i>	<i>OK</i>
<i>Minimum Density (4 Units/Net Acres)</i>	<i>86 Units Proposed / 12.73 = 6.75</i>	<i>OK</i>

Also see Staff Report, on pages 12-13, table showing combined development standards under standard zoning and PRD modifications allowed).

6. The pending application is for approval of a Planned Residential Development (PRD) and Preliminary Plat application to authorize the subdivision and development of an 18.64- site into 86 single-family residential lots, with associated improvements and amenities, including new internal roads, utility extensions/connections, stormwater facilities, recreational amenities, and sidewalks, including frontage improvements along Rhododendron to connect with the sidewalk system already bordering the school property to the south. (*Staff Report; Exhibits A (Application materials), B (Project Narrative), C (Plan set), D (Landscape plan), and E (PRD Home Designs and siting plan), same exhibits also identified as Exs. 3-7*).

7. 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 PRD/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.

8. Earlier this year, the applicant submitted initial application materials for its proposed Winslow Ridge PRD and Preliminary Plat, with several requests for additional information made by staff and additional information submitted by the applicant during the thorough review process for this proposal (*Exhibit A, application materials; Staff Report, pages 25-26, application timeline summary*). For any Preliminary Plat application, a neighborhood meeting is required before formal application submittal. For this project, the neighborhood meeting occurred on November of 2020. (*Staff Report, page 25*). During the hearing, staff described adjacent plats owned by others that have since started construction and development, as observed during the Examiner's site visit. Staff examined the application materials and SEPA checklist submittal and issued formal Notices regarding the application and SEPA environmental review, inviting comments from affected agencies and interested members of the public. Comments received are included in *Ex. K (also numbered as Ex. 13)* and are also addressed in the Staff Report, on pages 27-28.

9. After reviewing the SEPA Checklist, application materials, design features, transportation/traffic impact reports prepared by qualified experts (*Ex. H*), SEPA comments received and applicant feedback, if any, (*Ex. K*), and other relevant environmental information regarding the proposal and its potential impacts on the surrounding area, the City issued its SEPA threshold determination for this project, which was a Mitigated Determination of Non-Significance (MDNS) issued on August 12, 2022. (*Ex. I-1*).

10. The MDNS included 6 specific mitigation measures, including without limitation provisions addressing stormwater management; compliance with Endangered Species Act/salmon habitat protection requirements; school mitigation fees to address impacts on the North Kitsap School District; historic and cultural preservation; tree retention; and wellhead protection considerations. Notices related to the SEPA MDNS were issued in accord with applicable law. (*Staff Report, pages 26-27; Ex. J, notice confirmation materials*). All mitigation measures imposed by the MDNS are also included as specific Conditions of Approval for this project. (*See Conditions S-1 through S-5 and S-8*).

11. 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*. The record establishes that no one submitted any timely comments regarding the MDNS that would serve as a basis to reject to City's threshold determination.

12. The MDNS notice expressly provides: “*APPEAL: Any agency or person may appeal this SEPA determination by filing a written appeal to the responsible official no later than 10 working days from the date of this determination (PMC 16.04.250.B).*” (Ex. I-1, MDNS). There is no dispute that no one filed a timely appeal of the MDNS. 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. The City’s SEPA threshold determination (the MDNS) stands unchallenged for purposes of concluding the public hearing process and issuing this Decision approving the requested preliminary plat and PRD.

13. 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 September 13, 2022. The Staff Report confirms that all notices were published, posted and mailed in accord with applicable requirements. (See Staff Report, page 26; Ex. J, copies of notices and confirmation of distribution, posting, publication). Following their meeting, the Planning Commission voted to recommend approval of the pending PRD and Preliminary Plat project, subject to conditions of approval recommended in the Staff Report. (See Staff Report, Addendum 1, dated September 28, 2022, and Exhibits 15-19).

14. Soon thereafter, on October 4, 2022, the undersigned Hearing Examiner conducted a duly-noticed public hearing regarding this PRD and preliminary plat application, with the Examiner, applicant representatives, project-review staff, and interested members of the public able to participate in-person at Poulsbo City Hall in the Council chambers. No one contacted Staff prior to the hearing seeking to participate via any online hearing platform, and no one signed in on the Zoom hearing link provided in the public notice for the public hearing. All persons who offered testimony or comments during the hearing were placed under oath.

Public hearing, key issues.

15. During the public hearing, Ms. Berghoff summarized key portions of the Staff Report and how the pending application, with conditions, satisfies all relevant approval criteria, how the “Spencer Plat” is under development adjacent to this project, how privacy fencing will be required between the projects (see Tract I), how no one appealed the SEPA MDNS, and that the Planning Commission recommended approval without changes. Ms. Berghoff clarified that the WSDOT comment was considered and Staff determined that no project changes would be required (Ex. 19); Mr. Bateman summarized engineering and transportation system design issues, and other Public Works considerations, noting that water service will be provided by KPUD, not the City, but that the water system design satisfies KPUD standards, and that the temporary ‘cul de sac’ on the neighboring plat will become a through street connecting the two plats. Staff’s detailed slide presentation from the public hearing is now included as part of the record. (Ex. 20).

16. The applicant’s hearing representative, Mr. Rasmussen, accepted the analysis and recommendations provided in the Staff Report, as summarized during their hearing testimony,

including all proposed conditions, without requests for any changes. Mr. Lindberg introduced himself as the applicant's vice president of operations going forward, and did not request any changes to the Staff Report or conditions. No members of the public, including neighboring property owners, asked to speak during the public hearing. All written public comments are included as part of the record.

17. None of the written public comments raised questions or presented credible evidence that would serve as a basis to deny this application, or to add additional conditions of approval. There was no showing that environmental review should be reopened. The Staff review confirms that the project has been designed or can be conditioned to comply with all applicable approval criteria. No one challenged the SEPA MDNS issued for this project, and all mitigation conditions included in the MDNS are also included as Conditions of Approval for the requested PRD and Preliminary Plat. General comments to the effect that

As designed and conditioned, the Winslow Ridge PRD and Preliminary Plat application satisfies applicable approval criteria.

18. The Staff Report and Engineering Department Memo (*Ex. 14*) fully details how the project is designed or can be conditioned to comply with applicable codes, including without limitation: critical area protections, density, concurrency, tree retention, amenities, fencing, stormwater management, utility infrastructure, payment of impact fees, and requirements for projects in the RL zone. (*Staff Report, pages 5 – 24; Engineering Memo, Ex. 14*).

19. 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)*. As noted in the Staff Report, the new plat will be served by the North Kitsap School District, with Vinland Elementary School located immediately south of the proposed plat. Sidewalks are provided along the new internal project roadway system, and connections to the school property and surrounding sidewalk network are included as part of this project design.

20. As noted above, the SEPA Mitigated Determination of Non-Significance (MDNS) issued for this project included specific mitigation measures. No one submitted any comments questioning or challenging any part of the MDNS in a timely manner, and 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.

21. 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.

22. A preponderance of evidence in the record, including without limitation the summary of relevant reports and analyses provided in the unchallenged Staff Report and Engineering Memo, the Examiner's site visits to the area, and credible testimony by Staff, 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 approval criteria for a preliminary plat, found at PMC 17.60.040(A)(1-3)¹, as explained in the un rebutted Staff Report and Engineering Memo, and summarized below:

1. The proposed preliminary subdivision conforms to the requirements of this title. *As designed and conditioned, the proposed preliminary subdivision conforms to the requirements of Title 17, Land Division. The City Engineer has reviewed the project for consistency with Chapter 12.02 PMC and supports approval of the preliminary plat subject to all conditions of approval. See Exhibit L, Engineering Department Staff Report Memo.*

2. The proposed preliminary subdivision conforms to the site requirements for the zoning district in which the property is located and/or other applicable zoning provisions. *As designed and conditioned, the proposed preliminary subdivision conforms to the requirements of Title 18 Zoning and will comply with the Comprehensive Plan. The site is designated "Residential Low" in the comprehensive plan and "Residential Low" on the Zoning Map and is being platted consistent with these designations. The project meets the Comprehensive Plan's goals of providing single-family housing according to established zoned densities in order to meet the City's population allocation under the Countywide Planning Policies and Growth Management Act. See Staff Report, pages 8-21 for additional explanation for how the project is consistent with or implements provisions of the City's Zoning Ordinance, PMC Title 18).*

3. The proposed preliminary subdivision:

- a. Makes adequate provision for streets, roads, alleys, other public ways, and transit stops as required; and the proposed street system provides for the safe, orderly and efficient circulation of traffic. *See Exhibit L, Engineering Department Staff Report Memo; Staff Report, analysis and summary on page 22.*
- b. Will be adequately served with water, sewer, storm drainage, and other utilities appropriate to the nature of the subdivision and meets all current and applicable standards. *See Exhibit L, Engineering Department Staff Report Memo; Staff Report, analysis on pages 22-23.*
- c. Makes adequate provision for parks, recreation, and playgrounds, as required. *Onsite recreation amenities are summarized in the Staff Report, including pages 23-24. The City has a Park Impact Fee Ordinance which requires the project developer to mitigate for their project's park impacts through payment of an impact fee. The developer is responsible for paying impact fees at rates in effect on the date of building permit issuance (Condition P16).*
- d. Makes adequate provision for schools and school grounds, as required. *The North Kitsap School District receives a school impact fee from the project developer, as determined by the school district to help offset impacts from the new development's residents. Payment of the applicable school impact fee is a specific mitigation measure imposed using the City's SEPA authority, under the MDNS issued for the project and is also a Condition of Approval for this project. Additional connections and access features relevant to school issues are summarized on page 24 of the Staff Report.*

¹ See Staff Report, Sec. IV, pages 7-11).

- e. Makes adequate provisions for sidewalks and other planning features that provide safe walking conditions for students who walk to and from school. *See Exhibit L, Engineering Department Staff Report Memo, previous findings above; Staff Report on page 24-25.*
- f. Makes adequate provisions for critical area protection pursuant to Chapter 16.20. *See section III of the Staff Report, re: Critical Areas, on pages 7-8, and summary on page 25. analysis on pages 10-11. The project makes adequate provisions for critical area protection, to the extent any are present on or near the project site.*
- g. Makes adequate provisions for fire and emergency access and protection. *See Exhibit L, Engineering Department Staff Report Memo. Adequate levels of emergency vehicle access, now and in the future, exist with the two proposed connections to Rhododendron Lane west, and three proposed connections to approved future development east. Approved future development east will provide connectivity via Malbec Street and Urdahl Road.*
- h. Serves the public interest and makes appropriate provisions for the public health, safety, and welfare. *The proposed project has been mitigated and conditioned based on applicable city development regulations and SEPA authority, to prevent and address potential adverse impacts so the new PRD and preliminary plat will not be detrimental to the public health, safety and welfare of the city and its residents. Staff determined that the project will be compatible with neighboring properties and adjacent uses. Tree retention and stormwater management measures are included in this project design and conditions. Through the SEPA mitigation measures included in the MDNS, and conditions of approval, this project will be in the public interest and will made appropriate provisions for the public health, safety and welfare. See Ex. L, Engineering Dept. analysis.*

23. A preponderance of evidence in the record, including without limitation the summary of relevant reports and analyses provided in the unchallenged Staff Report, Engineering Memo, the Examiner’s Site Visits to the area, and credible staff testimony, fully supports a finding that the proposed Planned Residential Development has been designed or can be conditioned to satisfy applicable approval criteria for the proposed PRD, including without limitation all required findings that must be made by the reviewing authority in approving such application, as provided in PMC 18.260.140(a)-(1)², as set forth below:

- a. The proposal, through its design and submitted supporting documents, has clearly demonstrated it meets the stated purposes of this chapter.

The purpose of the PRD Ordinance is to encourage creative and superior site design in residential zones which also promotes the preservation of open space in such development by permitting greater flexibility in zoning requirements than is permitted by other chapters of the Poulsbo Zoning Ordinance, while ensuring compliance with the goals and policies of the Poulsbo Comprehensive Plan. The flexibility afforded by the PRD ordinance has allowed the Winslow Ridge PRD to be designed with smaller lot sizes and reduced setbacks, enabling inclusion of accessible open space and an extensive offstreet soft surface walking path connecting to Rhododendron Lane, via a neighborhood now under development to the east, consistent with the Urban Paths of Poulsbo Plan. The proposed design provides efficient street, utility, and public improvement layout through double

² See Staff Report discussion, analysis, and recommended findings on pages 12-22.

loading streets, with access to an adjacent residential development now under construction, with appropriate access options to the school just south of the project.

- b. The proposal complies with all of the applicable provisions of this title, except those provisions from which deviation has been allowed under this chapter.

The proposal as designed, reviewed, and conditioned in the staff report meets all applicable provisions of the Zoning Ordinance with specific deviations as identified for planned residential developments. The proposal meets use, density and street tree requirements and is in compliance with additional standards and provisions of residential zoning districts, parking, and signage as reviewed and conditioned.

- c. The proposal provides overall site design features through its conceptual architectural renderings for the entire project, and has included open space areas, pedestrian walkways and connections, recreational amenities, and outdoor features.

The proposal includes information on the overall site design features, identified on the project drawing set (Exhibit C) as well as on the conceptual landscape plan (Exhibit D.1), and home siting and design (Exhibit E). Conditions of Approval require substantial compliance with the house designs submitted, which will be reviewed for compliance the time of building permit application (Conditions of Approval P4-a-c). Also, additional information on the site's landscaping and recreational amenities will be submitted with the final landscape plan (Condition of Approval P11-b).

- d. The proposal would not impair the integrity and character of the zoning district in which it is to be located.

The proposal will not impair the integrity and character of the Residential Low zoning district, because it has been designed and conditioned to meet the minimum PRD development standards and design criteria as discussed throughout the Staff Report.

- e. The site is physically suited for the type and intensity of land use being proposed.

The site is physically suited for the type and intensity of land use being proposed. The site does not contain critical areas or buffers and the lot configuration, streets, stormwater facilities, open space, and amenities are a continuation of the existing development of the neighborhoods south and southwest.

- f. The proposal would be compatible with existing and future land uses within the general area in which the proposal is to be located by providing screening or buffering between parcels and providing consistency between any existing single-family subdivisions and the proposal.

The surrounding properties are zoned Residential Low, same as the project site, and Rural Residential in unincorporated lands to the north and west. The proposal is complementary to the existing, single-family PRD subdivision to the east. Adequate screening and buffering is proposed for the site via tree retention and fencing.

- g. The proposal would preserve natural features and critical areas and would preserve and incorporate existing significant stands of trees within the project design as much as possible.

The site does not include any critical areas or associated buffers. Tree retention is appropriate for the project as proposed, as reviewed and verified by the City Arborist.

- h. There are adequate provisions for water, sanitary sewer, and public utilities (electric, gas, phone) and services to ensure that the proposal would not be detrimental to public health and safety.

The applicant has made adequate provisions for water, sanitary sewer and public utilities and services to ensure that the proposal will not be detrimental to the public health and safety. Water will be provided by the Kitsap Public Utility District (KPUD) with connection, looping, and stubs to adjacent developments, all as required by KPUD. The City Engineer has determined there is adequate provision for sanitary sewer. Other public utilities including electric and phone are available. See also Exhibit L, Engineering Department Staff Report Memo.

- i. There will be adequate provisions for public access to serve the subject proposal, as well as providing for neighborhood connectivity as appropriate and as required by the city.

The proposal provides adequate provisions for public access to serve the subject site, with two access points to the west at Rhododendron Lane, two three access points east at Reliance, Swenson, and Spencer streets, and two future access driveways south to school district property. See Exhibit L, Engineering Dept Staff Report Memo.

- j. The proposal is consistent with the comprehensive plan and the city's adopted development standards.

The proposed PRD is consistent with the City's Comprehensive Plan and adopted development standards. The subject development is located in the Residential Low zoning district and as conditioned, is consistent with the City's development standards, infrastructure standards, and Comprehensive Plan.

- k. There will not be significant unmitigated harmful effects upon environmental quality and natural resources.

There will not be any significant harmful effects upon environmental quality and natural resources with the proposed development. There are no designated critical areas or associated buffers on the project site. The applicant will mitigate impacts to the City's park and transportation systems by paying mitigation fees. The MDNS issued for the project stands unchallenged and includes a mitigation requirement for payment of school impact fees.

- l. The proposed location, size and design of the proposal would not be detrimental to the public interests, health, safety or welfare of the city.

The proposed site meets the PRD requirements for size and location. The design has been reviewed against the City's development standards and, as conditioned, meets the City's adopted ordinances for stormwater, transportation, subdivision, and zoning. The MDNS for the project stands unchallenged.

24. As noted above, the Staff Report and Engineering Memo (*Ex. L*) both include a number of specific findings and proposed conditions that establish how the proposed PRD and Preliminary Plat application satisfies provisions of applicable law, is consistent with the city's Comprehensive Plan, and is designed or can be 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 and its 2 addendums, and those in the Engineering Memo, are incorporated herein by reference as Findings of the undersigned hearing examiner.³

³ For purposes of brevity, only certain Findings from the Staff Report and recommendation of approval, and Engineering Memo, 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.

25. Based on all evidence, exhibits and testimony in the record, the undersigned Examiner specifically finds that the proposed Winslow Ridge PRD and Preliminary 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 preliminary plat and associated improvements.

26. The Conditions of Approval included as part of this Decision are reasonable, consistent with applicable law, supported by the evidence, and capable of accomplishment.

CONCLUSIONS OF LAW

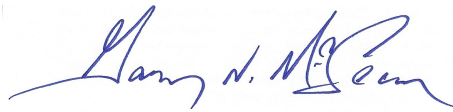
1. Based on the Findings as summarized above, the undersigned examiner concludes that the proposed Winslow Ridge Planned Residential Development and Preliminary Plat, as conditioned below, conforms to all applicable zoning and land use requirements and appropriately mitigates potential adverse environmental impacts. Upon reaching such findings and conclusions as noted above, the application 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 site visits to the affected area, the undersigned Examiner APPROVES the Winslow Ridge Planned Residential Development and Preliminary Plat, subject to the attached Conditions of Approval.

Decision issued: November 21, 2022.



Gary N. McLean
Hearing Examiner for the City of Poulsbo

CONDITIONS OF APPROVAL

***Winslow Ridge
Planned Residential Development and
Preliminary Plat***

File No. P-02-26-21-02

[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].

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 approval of the plat shall conform to all applicable provisions of the Poulsbo Municipal Code and the Conditions of Approval herein.

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 for this project (*Ex. I-1*). Each mitigation measure is also included as a condition of approval for the preliminary plat).

- S1. Earth. Development of the site shall comply with the recommendations of the Preliminary Storm Drainage Report dated revised April 29, 2022, or as amended.
- S2. Fish. 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.

- S3. Public Services. School mitigation fees are required for this project. Fees shall be paid prior to building permit issuance. The North Kitsap School District must be contacted directly for the amount and confirmation provided prior to building permit issuance for each structure.
- S4. Historic and Cultural Resources. 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 the State Historic Preservation Office and Tribes will be contacted.
- S5. Tree Retention.
 - a. Trees identified for retention shall be marked on site prior to tree harvest commencing. No grading shall take place on the site until tree protective fencing is installed. Chain link fencing on driven posts is required for tree protection. Tree marking and protective fence shall be under supervision of project arborist, and, when completed the city notified for inspection by the City Arborist.
 - b. No grading within 10 feet of retained tree root collar. No grading (cut or fill).in tree retention easement.
 - c. No storage, equipment, or vehicular traffic shall be allowed within tree retention areas.
- S8. Land Use. All development activity within wellhead protection areas associated with private wells on adjacent properties shall be limited to that allowed according to agency regulations.

Planning and Economic Development Department Conditions of Approval.

- P1. Development of the site shall be in conformance with the plan set and associated documents identified in Exhibits C-H, stamped approved in Planning File No. P-02-26-21-02 and subject to the conditions of approval contained herein.
- P2. A Tree Cutting and Clearing permit application shall be submitted and reviewed concurrently with the grading application. The application form and associated fees are available on the PED Department website. Construction deposit of \$5,000 shall be provided prior to release of construction drawings for the express use of City Arborist. Additional funds may be required from time to time during the life of the development. Unused funds shall be returned following recording of final plat.
- P3. Setbacks, building lot coverage, and building height shall be reviewed at time of building permit submittal. Setbacks shall be measured from property lines.
- P4. Individual Home Identity.
 - a. 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 E. 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.
 - b. The PED Department will review each building permit submitted to determine compliance with 18.260.060.E and to ensure substantial compliance with the architectural renderings submitted. Side and rear facades facing public or private roadways and open space in or adjacent to the project

shall include façade treatments similar to the front façade.

c. 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 plan shall ensure architectural variety is provided in accordance with PMC 18.260.060.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.

P5. Site lighting is to be oriented and shielded to avoid direct glare onto adjacent properties, while providing adequate safety, including along off-street walking paths.

P6. A setback of 5 feet from the 10 feet utility easement fronting all public roads is implemented to provide utility workspace away from structure foundations and provide space for street trees in front yards where necessary.

P7. Driveway on lots shall be a minimum 20-foot length to accommodate vehicle parking.

P8. Driveway in tracts I, J, and K shall include pedestrian pathway, vehicle restraint, and adjacent side yard fencing.

a. Pathway may be separated from driveway or driveway may include pedestrian access in the required 20-foot wide driving surface when pedestrian access is minimum 5-foot wide, differs in color and material, and supports emergency vehicle weight.

b. Vehicle restraint which allows pedestrian access shall be designed for the south end of tract I, north end of tract J, near the south lot line of lot 52 of tract K and incorporated into grading and landscaping drawings.

c. Side yards adjacent to tracts I, J, and K shall be provided a 6-foot high sight obscuring fence for privacy.

P9. Internal project public and private pathway and trail shall be a minimum 5 feet wide with gravel surface.

P10. Public path along Reliance Street shall connect to adjacent development public pathway to the east and Rhododendron Lane shared use path to the west.

P11. Final Landscape Plan.

a. Street trees shall be consistent with the conceptual landscape plan (Exhibit D1) and shall be included on the final landscape plan submitted with the tree cutting and clearing and grading permits. Species consistency with adjacent development is preferred. Placement of street trees may be within right-of-way or in residents front yards. An irrigation plan is required with landscape plan. Irrigation and maintenance shall be addressed in developments CCRs. Bonding for street trees and associated groundcover, in addition to the submittal of an as built landscape plan, is required prior to final plat approval. Street trees shall not contribute to tree retention.

b. The final landscape plan, submitted with the tree cutting and clearing and grading permits, shall include details on the recreational amenities approved, including commercial grade circuit training equipment and signage, 7 seating areas, gazebo, and gravel surface walking path sections with distance monuments and map indicating public and private trail.

c. Commercial grade circuit training equipment shall be professionally designed and available. A minimum of 4 stations and safety signage are required. Project trail shall include signage with map showing HOA community and public trails with trail length and monument markers along trail segments consistent with map.

- d. The development monument sign(s) shall be shown on the final landscape plan. A separate building permit is required for construction of the monument sign.
- e. Bonding for landscaping in open space tracts shall be required.
- f. Street trees are required on both sides of streets. Where street trees are determined to conflict with required hardscape development (such as retaining walls or utilities) trees shall be relocated through clustering on the same side of the street or located on the opposite side of the street. street trees shall be centered in a 5-foot easement.
- g. All street trees shall be in right-of-way, the rear 3 feet of 10-foot easement fronting street, or minimum 5' by 5' easement on individual lots.
- h. Commercial grade root barrier shall be installed where utilities and appurtenances are located conflict with street trees or City Inspector requires installation.
- i. Perimeter and permanent protective fencing shall be shown on the landscape plan.
- j. Project arborist shall be present on site during trail installation through open space tracts when installation occurs after landscaping installation.

P12. Tree Retention.

- a. A final tree retention plan shall be submitted with the tree cutting and clearing and grading permits and reviewed by the City Arborist, at the cost of the applicant. Significant, equivalent diameter, and supplemental trees are required shown. Street trees shall not contribute to tree retention.
- b. The location of the 106 supplemental Western red and Incense cedar trees (6-foot minimum size) shall be clearly identified on the final landscape plan submitted with the tree cutting and clearing and grading permits. The supplemental plantings shall be located within tree retention tracts and/or easements, as reviewed by the City Arborist, at the cost of the applicant. Bonding will be required.
- c. Retention trees are to be flagged or otherwise marked for retention prior to tree removal on site. Marking shall be inspected by the City Arborist at the development expense. City Arborist may provide tree removal direction to limit harm to trees identified for retention.
- d. Trees identified for retention shall require protective fencing to be installed following consultation between project arborist and City Arborist, and installation inspected by the City Arborist prior to commencement of construction activities. Tree protective fencing shall be shown on all submitted materials including construction and landscape drawings consistent with Sheet 5, Winslow Ridge – PRD Tree Retention Plan, revision dated 4/12/22, by Team 4 and located to eliminate grading within 10 feet of any retention tree root collar. Protective fencing shall be inspected by the City Arborist with modification to fencing made prior to commencement of stump removal and grading. The protective fencing detail shall be included in drawings submitted with the tree cutting and clearing and grading permits. (Refer to COA S.5.a)
- e. Permanent tree protective split rail or similar fencing shall be installed along all tree retention easements following consultation with City Arborist. Fencing location inspection shall be required prior to final plat. Fence shall be minimum 4' high and ending within 3 feet of each lot line crossed.
- f. Location planning for off street walking paths, and related facilities, located within tree retention tracts shall be a collaborative on-site consultation between project arborist and City Arborist at the expense of the applicant. The construction of off-street walking paths, and related

facilities, shall be as approved by the City Arborist during collaborative planning, shall be observed by an ISA certified arborist and avoid damaging retention trees, including critical root zone of trees to be retained. The City Arborist will determine appropriate oversight during planning and installation of the amenity path and benches. The City shall be notified of any impacts or pruning of significant (3" and greater) tree roots prior to the approval of the final plat. Review by the City Arborist shall be at the cost of the applicant.

g. A follow-up risk assessment of the proposed retention trees areas shall be conducted by an ISA certified arborist once the clearing and grading has occurred and submitted to the city for peer review. If needed, the tree retention numbers shall be amended to reflect any necessary removals and additional plantings. An arborist report shall be provided to the City prior to approval of final plat and may be peer reviewed by the City Arborist, at the cost of the applicant. Additional assessment may be required if deemed necessary by the PED Director in consultation with the City Arborist due to weather or development encroachment into tree protection areas. Reports and reviews are at the owners expense.

h. A Certified Arborist shall supervise planting of the 106 evergreen trees in fall with inspection by the City Arborist at the developer expense.

i. Supplemental plantings shall be covered by a maintenance bond for a period of 5 years pending a health, mortality, and replanting review report. The mortality and replanting review report shall be provided by the applicant and reviewed by the City Arborist at the cost of the applicant. The Planning Director may determine if an additional maintenance bond is necessary based on tree mortality numbers.

j. Trees shall be properly irrigated during dry months with drip irrigation. Drip irrigation shall be designed to water trees for 4-6 hours per week (one gallon per inch in diameter per week) or until soil is saturated below 4-inches. Irrigation systems and trees shall be monitored twice per year with summary of monitoring results provided in a 5-year survivability and enhancement report.

P13. New perimeter fencing shall be 6 feet high sight obscuring. Fence design/details shall be provided with the tree cutting and clearing and grading permits. Fence location shall be shown on construction drawings.

a. The City Arborist shall review, at the cost of the applicant, the location of fencing in relation to tree retention at the time of tree cutting and clearing permit. The City Arborist will evaluate the impact of fencing on the long-term health of the proposed retention trees and provide, if necessary, recommendations for optimal success of tree retention. Recommendation may include alternative location of fencing, removal of trees, and/or supplemental plantings.

b. Fencing along the east property boundary shall be installed along tract C and lots 25-26 and 83-86 unless fencing is installed with adjacent development.

c. Fencing location along the south property line will be determined with grading permit review to limit conflict with road retaining wall maintenance.

P14. Covenants, Conditions and Restrictions (CCRs)

a. 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 PED Department and City Attorney to ascertain if the documents are sufficient to assure compliance with the Conditions of Approval and SEPA Mitigations. Language shall also

be included in the CCRs which requires notification to the City of Poulsbo PED 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.

b. CCRs shall include provisions that the Homeowner's Association (HOA) will own, maintain, and enforce all open space, tree retention, and amenity tracts (tracts A-H).

c. CCRs shall include provisions of how the HOA will manage, maintain, and enforce all perimeter buffer/tree retention easements. The CCRs shall outline, in detail, the roles and responsibilities of the HOA, individual property owners, and the City of Poulsbo. CCRs shall address tree retention easements on lots may be utilized by property owners in a manner that will not harm trees. This shall include roles and responsibilities for removal of danger trees, replanting and any associated costs.

d. CCRs shall include provisions of how the HOA will manage street tree maintenance, including irrigation.

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

P15. Final Plat.

a. A final as-built landscape plan and irrigation plan shall be submitted and approved prior to final plat approval. The as-built landscape plan shall address street trees, right-of-way landscaping, supplemental tree retention plantings, 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 PED Department. The as-built landscape plan shall be suitable for contractor bid, as this will be the basis for calculating the required two-year landscape maintenance, and five-year tree retention health, mortality and replanting review report, bonds. 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.

b. Bonding for landscaping is required prior to final plat approval. Landscape bond(s) will be required and based on current City requirements. Landscape bid estimates for material and labor shall match the final as-built 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.

c. Open space and amenities are to be located in tracts on the final plat with a note identifying project amenities are for the benefit of project owners and residents.

d. The face of the final plat shall include statement(s):

1. The project's HOA will own, maintain, and enforce all open space, tree retention, and amenity tracts.

2. The HOA will manage, maintain, and enforce all perimeter buffers/tree retention easements.

3. The City will not join the HOA as enforcers of the project's CCRs.

e. Face of the plat and each page showing tree retention shall include the following note: *The project's homeowners' association or other common ownership will own and maintain the tree retention tracts, own and maintain trees in tree retention easements, and enforce any activities contrary to*

the retention and preservation of the trees.

- f. Certifications required with application:
 - 1. Project arborist letter certifying observation of trail installation in tree retention and landscaping areas.
 - 2. Project landscaper letter certifying installation of landscaping is per plan and meets landscaping standards.
 - 3. Developer letter certifying all tree retention, landscaping, amenities and perimeter and tree retention fencing are installed according to plan and city requirements, and accepted by the developer.
- g. Public use pathways shall be identified on the face of the plat and dedication provided:
 - 1. North of reliance street row linking shared use path at Rhododendron Lane and development east (Spencer Plat),
 - 2. Linking Swenson Street and Mushroom Lane
 - 3. Walkway portions of driveway in tracts I and K.

P16. Park impact fee is required with this project. Fee is determined at the time of building permit issuance according to current code requirement.

P17. Any onsite wells or septic waste disposal systems shall be removed/decommissioned in accordance with the requirements of the Kitsap Public Health District, prior to recording of the final plat.

P18. 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.

P19. Modification to planned residential development are reviewed under PMC 19.90.040 as currently adopted.

P20. Within 5 years following the approval of the preliminary plat, or as otherwise stipulated in RCW, a final plat shall be submitted to the city for review and approval or the approval becomes void.

Engineering 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 site plan drawing are approved in concept only and are not considered approved for construction. Approval of the site plan does not constitute approval of any construction drawings submitted with the site plan 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 project construction approval the applicant shall: construct the required improvements per City standards, and submit “as-built” drawings on 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, they 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. Applicant shall provide material testing and provide results to city as outlined in SEPA.
- 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, wetlands) 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, biologist, and the City's consultants.
- 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 with crossings shown in the profiles. Drawing sets that require multiple drawings to cover large areas shall have a large-scale overall drawing for each subject, logical cut lines and a key map in the upper right to show individual drawing location in the set. An overall composite utility map and an overall composite grading/TESS map shall be provided in PDF form as well for City inspection team use.
- 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.

CLEARING, GRADING, AND EROSION CONTROL

(REFER TO CONSTRUCTION STANDARDS)

- E10. A Clearing and/or Grading Permit is required prior to any land-disturbing activity on the site (PMC 15.35, 15.40). The permit may include restrictions as to the limits of any particular 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 in regard to 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 weather and wet season construction methods.
- E11. Applicant shall provide detailed staging plan for each phase of proposed clearing, grading, and construction sequencing plan.
- E12. The Department of Ecology requires project owners to obtain a Construction Stormwater General Permit for certain projects. Construction site operators must apply for the permit 60 days prior to discharging stormwater.
- E13. The developer's engineer shall submit a completed NPDES Permit Appendix 7 Worksheet with the construction plan submittal along with other required stormwater application documents.

STORMWATER

- E14. 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 Poulsbo:
- a) All temporary and permanent storm system and erosion control measures shall be designed, constructed, maintained, and governed in accordance with PMC Chapter 13.17. Chapters 12.02.030 and 12.02.040 provide further guidance on design manual and threshold criteria within compliance of NPDES Phase II Permit.
 - b) City of Poulsbo standards and ordinances
 - c) All conditions of approval associated with any clearing and/or grading permits
 - d) Recommendations of the geo-technical engineer
- E15. The design of detention and treatment systems shall include appropriate access for maintenance as determined by the Public Works Department.
- E16. A final geotechnical report shall be submitted with the grading permit submittal to support site design and provide guidance on site construction.
- E17. A Final Geotechnical Report shall be submitted certifying that the infiltration facility is operating as designed. The proposed infiltration pond facility will be required to submit performance testing consistent with 2019 SWMMWW Volume III-3.3.4 step 7 and Volume III-3.3.8 step 11 and show satisfactory performance prior to Final Plat Approval. Final Plat will be contingent on ability to demonstrate properly functioning infiltration pond facility. If this facility is not operating as designed, the developer must propose measures to bring the facility into compliance with design assumptions. Mitigation may include proposals from the facility design engineer or enlargement of pond area through Post Decision Review. City Staff must be present for field measurements.

- E18. The final stormwater report will require peer review by the City's stormwater consultant. The applicant shall make a cash deposit which will be used to pay for the independent review. Initial estimate for one review to confirm compliance is \$5,000. Additional deposit will be required if more than one review cycle is needed. This report will be required to address the public comment submitted by the Department of Ecology concerning the potential need for a Dam Construction Permit.
- E19. The developer shall be responsible for providing regular and adequate maintenance and supportive maintenance records for the stormwater detention 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.
- E20. Provision shall be made for the conveyance of any upstream off-site water that naturally drains across the applicant's site.
- E21. All secondary storm systems and easements shall be in compliance with the City standards and remain privately maintained.
- E22. Unless otherwise approved by the City Engineer maximum catch basin depth to invert is 15'.
- E23. Stormwater General Facility connection charge per PMC 3.12 is required for the project and payable with each building permit. The connection charge is based on Impervious Surface Units (ISU) where 1 ISU = 3,000 sf of impervious surface per PMC 13.70.

SANITARY SEWER

- E24. Refer to Public Works Department conditions of approval for sanitary sewer construction standards and requirements.
- E25. Sewer General Facility connection charge per PMC 3.12 is required for the project and payable with each building permit. The connection charge is based on equivalent residential units (ERUs) and is comprised of City portion of the connection fee and County portion of the charge.
- E26. Latecomer recorded under Kitsap County Auditor's File Number 201112290032 is recorded against the property and must be paid with Grading permit Submission.

WATER

- E27. Refer to Public Works Department comments for water construction standards, connection and looping requirements.
- E28. Water General Facility connection charge per Developer Agreement with Kitsap Public Utility District is required for the project and payable with each building permit.

ALL UTILITIES

- E29. Applicant will be required to extend water and sanitary sewer connection(s) to behind the sidewalk as feasible to the 30-foot curb cuts for the North Kitsap School District to avoid the need for asphalt disturbance.
- E30. 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.
- E31. 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.
- E32. 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 be fifteen feet (15') wide minimum and 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.

- E33. 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.
- E34. Applicant and contractor or contractors shall have a utility specific pre-construction meeting with City staff, consultants, and/or inspectors for each utility prior to work beginning on that specific utility. This meeting will outline construction, inspection, acceptance requirements and expectations.

STREETS

- E35. Unless otherwise approved by the City Council, street sections shall conform to adopted City standards. (refer to Developer's Guide – Section 2 – Street Standards, revised available online; <http://www.cityofpoulsbo.com/publicworks/ConstructionStandards.htm>)
- E36. All materials used for public roadway construction shall conform to WSDOT specifications for roadway construction. Material testing showing compliance with standards shall be submitted to the City inspector prior to material usage. A plan for material control and testing shall be submitted to the Engineering Department with the grading permit submittal for review and approval.
- E37. The developer's engineer shall certify that there is adequate entering sight distance at all intersections. 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.
- E38. 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 confirm ADA compliance.
- E39. GMA Transportation Impact Fee Ordinance (PMC 3.86) has been approved by City Council. This establishes a transportation impact fee assessment per Average Daily Trip (ADT) payable at time of Building permit issuance. Average weekday trips are 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. ITE 11th Edition Trip Generation manual indicates single family homes generate 9.43 ADT/unit. Traffic Impact Fees are payable at the time of building permit for each apartment building.
- E40. Street lighting shall be installed per City of Poulsbo and Puget Sound Energy (Intolight) specifications on public roadways. Lighting installed shall meet the requirements of IES RP-8 per City of Poulsbo requirements. Lighting plans shall be coordinated with Puget Sound Energy/Intolight and shall be submitted to the Engineering Department for review. New streetlights shall be LED fixtures.
- E41. The applicant's engineer shall obtain approval of the postmaster and the City Engineer for all mailbox installation locations.
- E42. Frontage improvements are required as a condition of approval for developments. As identified in the Engineering Staff Report Exhibit L, the proposed plat frontage improvements shall include

construction of a 10ft paved shared use path (SUP) with 2ft gravel shoulders consistent with the SUP constructed as part of the Finn Hill Shared Use Path Improvement Project. The SUP shall extend from the existing SUP near Vinland Elementary and shall terminate at the northernmost property line of the plat. The SUP shall be constructed within the ROW and shall make provisions for stormwater mitigation.

- E43. Pedestrian restraint and/or guardrails are required at locations where retaining walls create a significant hazard. The location and type shall be approved by the City Engineer prior to construction plan approval.
- E44. Retaining walls are proposed within Rights Of way which will be owned/maintained by the City of Poulsbo. The specific type of retaining wall proposed is not permitted to have tie back material that extends past the sidewalk.

OTHER

- E45. A spill prevention plan shall be submitted with grading permit submittal materials.
- E46. All bonds, conveyances, and easements dedicated to the City shall be on the City's forms.
- E47. 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 his operations under this permit.
- E48. 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.
- E49. No rockeries/retaining walls may be constructed within the ten-foot (10') wide utility easement along all public roadways or within any other utility easement. No rockeries shall be constructed within City right of way. No permanent structures of any kind are allowed within any utility easement.
- E50. Any agreements made between the applicant and another property owner related to utilities, easements, right-of-ways, or ingress and egress shall not be in conflict with City codes or ordinances. No agreements between the applicant and the property owner shall exempt either party from obtaining proper City approval for land use activities regulated under the Poulsbo Municipal Code.
- E51. The covenants shall state that no fence shall be placed within two feet of the back of any sidewalk.
- E52. 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.
- E53. The applicant shall be responsible for obtaining all required permits, easements, property rights and rights-of-way prior to grading permit issuance. Copies of all recorded easements, agreements and right of way dedications shall be provided to the City Engineer.
- E54. Demolition permit(s) are required through the building department for the removal of existing structures. Demolition permit(s) shall be acquired prior to issuance of grading permit.

Public Works Conditions of Approval.

Service Availability, Generally:

- PW1. The City of Poulsbo has determined that, as of the date of this development approval, the City has sufficient water supply to serve the development. **[*The Examiner notes that the Staff Report and application materials confirm that this project will receive water service from KPUD instead of the City.]** This determination is not, however, a guarantee that sufficient supply will exist at the time of connection to the City's water system is applied for and the City expressly disclaims any such guarantee. The City allows connections to its water system on a first-come, first-served basis and the City may or may not have an adequate supply of water available to serve the development at the time connection is applied for. Pursuant to RCW 19.27.097, verification that an adequate water supply exists to serve the development will be required at the time a building permit is applied for and issuance of a certificate of water availability by the City at the time will be necessary before the ability to connect to the City's water system is assured.
- PW2. Sewer conveyance and treatment demand to serve the City's growth is anticipated in the City's Comprehensive Sewer Plan, the Poulsbo sanitary sewer Capital Improvement Plan (CIP) and the Kitsap County Capital Improvement Plan. The City's CIP identifies improvements to serve the projected growth of the City based on historic growth rates, and adequately provides for the development of the Winslow Ridge project. This determination is not, however a guarantee that sufficient capacity will exist at the time connection to the City's sewer system is applied for and the City expressly disclaims any such guarantee. The City allows connections to its sewer system on a first-come, first-served basis and the City may or may not have adequate sewer capacity to serve the development at the time connection is applied for. Verification of available sewer capacity will be required prior to issuance of building permits.

WATER

- PW3. All lots shall be connected to Kitsap Public Utility District (KPUD) water. Water connection shall be to Spencer Plat at all stubbed connection points and looped per requirements of KPUD through separate application. Water will be required to be stubbed to both access curb drops to the school district.
- PW4. Service connection to the KPUD water system shall be the responsibility of the property owner and shall comply with state and local design and development standards.
- PW5. Water main looping shall be in compliance with KPUD and Department of Health water design standards.
- PW6. Locate meters in a single bank when possible.
- PW7. 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 KPUD. Dedicated water lines shall be centered in an easement of 20 feet in width minimum.
- PW8. Meters for all lots shall be located within the public right of way, adjacent to the property line.

- PW9. Existing on-site well(s) shall be decommissioned per Department of Health requirements prior to commencement of site grading.
- PW10. Individual PRV is required on the property owner side of the meter when pressure exceeds 80 psi. (KPUD provides PRV if needed).

IRRIGATION

- PW11. Irrigation water shall come from a separate connection. Please show irrigation connection(s) on the utility drawing(s).
- PW12. A double check valve assembly shall be installed within 18-inches of the downstream side of the water meter. The type of backflow assembly must be per KPUD and State Standards.
- PW13. 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, as well as KPUD

SEWER

- PW14. Development of the plat requires installation of gravity sewer to serve all lots. Connection shall be to the sanitary sewer system installed in the Spencer Plat subdivision to the West at available stubs.
- PW15. Sewer stubs for extension of the gravity system shall be provided to adjacent properties where road connections are provided.
- PW16. 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.
- PW17. All side sewers shall enter public right-of-way as gravity flow.
- PW18. Service connection and alterations to the City sewer system shall be the responsibility of the property owner.

SOLID WASTE

- PW19. Solid waste service shall be provided by the City of Poulsbo.
- PW20. 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.
- PW21. 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

- PW22. 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.
- PW23. 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
- KPUD Standard Details, current version

PW24. In the event that there is a conflict between construction standards, the more restrictive standard shall apply as determined by the City Engineer.

PW25. No walls or structures shall be permitted in utility easements unless approved at time of construction review.

PW26. 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.

PW27. A 10' dry utility easement shall be provided behind public roadway sidewalks. No permanent structures or rockeries shall be permitted in utility easements or within the 10' dry utility easement.

SUBMITTAL AND APPROVAL

PW28. 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.

PW29. 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. Water utility systems shall be dedicated to KPUD.

PW30. Upon completion of the project, the developer shall supply the Public Works Department and KPUD 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.

FACILITIES OWNERSHIP

PW31. Ownership and maintenance of the onsite utility systems not conveyed to the City of Poulsbo shall remain the responsibility of the property owner.

PW32. Stormwater Pond tracts shall be fenced to the requirements of the Public Works Department.

CONNECTION FEES AND ASSESSMENTS

PW33. Utility service for the noted property is subject to application and payment of the applicable fees and assessments.

PW34. 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. KPUD required payment of fees at the time of binding water letter issuance

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.