

EXHIBIT 46 A.

From: [Maria Peterson](#)
To: [Edie Berghoff](#)
Subject: Plateau at Liberty Bay
Date: Tuesday, May 7, 2024 1:32:08 PM

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Hi, I have a question for the public hearing on May 9 regarding the access road to be constructed off of Liberty Road at the far north end of the Plateau at Liberty Bay planned development. The road is described as being "Emergency access only". I'd like to know in more detail what this description encompasses. Will the road be blocked by bollards or a gate when not in use by emergency vehicles? What will be the character of this road; gravel/asphalt/sidewalks etc.?

I see on one of the site plan sheets that it is also slated to be used as a construction entrance. Does this mean there will be construction vehicles entering and exiting through Liberty Road during both "Phase 1" and "Phase 2" of development?

Thanks for considering my questions, I hope to be able to listen in to the meeting via livestream.

Best,
Maria Peterson

Sent from my iPhone

EXHIBIT 46 B.

From: [Rod Malcom](#)
To: [Edie Berghoff](#)
Subject: P-12-06-22-02 The Plateau at Liberty Bay
Date: Tuesday, May 7, 2024 9:44:05 AM
Attachments: [Poulsbo P-12-06-22-02 The Plateau at Liberty Bay 20240506.pdf](#)

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Good afternoon, attached are comments on the subject project.

Thank you.

Rod

Roderick Malcom
Biologist/Ecologist
Natural Resources Department



P.O. Box 498 (mailing)
18490 Suquamish Way
Suquamish, WA 98392
Phone: (360) 394-8449

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Poulsbo P-12-06-22-02 The Plateau at Liberty Bay

Below are some comments about the proposed P-12-06-22-02 The Plateau at Liberty Bay adjacent to Johnson Creek. The comments fall into five broad categories:

1. Proposed Mitigation Measures;
2. Johnson Creek wildlife corridor and movements;
3. Wetland intrusions;
4. Hydrology; and
5. Johnson Creek’s value to natal and non-natal salmon.

1. Proposed Mitigation Measures.

The wording of the SEPA Mitigation measures require modification to reduce ambiguity about what the applicant is required to do and if the actions undertaken comply with the mitigation measures. The nature and potential location of contaminants at the project site are unclear. Based upon information in the record, the site might contain a variety of solvents, hydrocarbons, metals, etc. on the surface or subsurface. The mitigation measures must clearly define the area to be sampled and what chemicals a laboratory is to look for.

Specific comments are in the following table.

Mitigated Determination of Non-significance (DNS) dated 4 Apr 24		
Measure	Wording	Comment
S2	An inspection report for debris in southwest corner is required with grading permit submittal for the areas that are subject to grading.	<p>Unless there is a map showing the area of interest in the SOUTHWEST corner this statement is ambiguous. One potential method to deal with this is a reference to a specific map or drawing incorporated into a report that shows the outline of the area to be inspected for debris.</p> <p>Additionally, as the wording restricts the inspection to areas that are subject to grading, areas outside of the grading area that might contain hazardous or dangerous debris will be excluded. The totality of the potential debris area should be inspected.</p> <p>Additionally, the required qualifications for the entity conducting the inspection and writing the inspection report should be specified so that only firms with expertise in such matters are used. For example, a firm that conducts environmental assessments to determine the potential for contamination at a site based upon past and present land use would be a reasonable choice. A firm that simply removes debris from a site would not be.</p>

S2	<p>If contamination is found, staff and the applicant shall coordinate with Health Department to determine if removal and remediation is needed.</p>	<p>Contamination can differ from debris. It should be clarified if the intent of the proposed mitigation measures is to look for debris, contamination, or both. Additionally, contamination is a broad term; however, measure S3 suggests that sampling might be restricted to lead. If the intent is to only sample for lead, then the word “lead” should be placed before contamination to narrow the intent. If the intent is wider, than the range of contaminants should be noted or a panel requested typical for sites that have seen the prior type of land use. Given the uncertainties of what might be at the site, a broad based panel similar to that used for light industrial areas should be used.</p> <p>As some of the potential contamination might be soluble, the slope leading to the stream channel should also be sampled to see if there is a plume.</p>
S3	<p>An inspection and sampling report for lead in a debris area in the center of property toward the west is required with grading permit submittal for the areas that are subject to grading. If contamination is found, staff and the applicant shall coordinate with Health Department to determine if removal and remediation is needed.</p>	<p>As per measures S2, suggest a map be prepared and referenced in the mitigation measures as well as the type of firm required.</p>
S3	<p>City consultant peer review of inspection and or replanting report(s) shall be at the discretion of the PED Director and at expense of the applicant/developer.</p>	<p>Given the public concern about the potential for lead and other contamination, all debris and contamination reports should be reviewed by one of the City’s consultants with expertise in the field.</p>
S4	<p>If contamination and or debris is found during mitigation planting in the stream buffer, staff and the applicant shall coordinate with Health Department to determine if removal and remediation is needed.</p>	<p>The wording here appears to rely upon the observation of untrained personnel to determine if contamination is present. While debris might be visible to the workers, most contamination will not. Unless there is soil sampling to look for contamination prior to the mitigation planting, contamination will most likely go undetected.</p>

		While coordination with the Health Department is warranted for human health risk, the Department of Ecology should also be consulted as criteria set for aquatic life could differ from human health criteria.
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2. Wildlife corridor

With respect to the North Fork of Johnson Creek, Addendum 1 (dated 4 April 2024) to the Planning Commission reports opens with (emphasis added):

*“The purpose of this addendum is to **acknowledge a mapped wildlife corridor** on the Parks, Recreation and Open Space Plan map 2036 Park System Acquisition & Improvements Plan, Figure PRO-2. While mapped, the corridor and any associated requirements are not defined.”*

And goes on to state,

“The corridor only exists on the map. The municipal code and comprehensive plan do not have any standards for wildlife corridor”

and

“It appears to coincide with the stream, minus the buffer.”

The location of this wildlife corridor is depicted in Fig 1. Imagery (Fig 2) shows the area to the NORTH of the project site is quite developed and the area to the SOUTH is less developed. However, much of the Johnson Creek basin remains forested allowing animals to move between Hood Canal and Liberty Bay with a fair amount of cover and freedom from disturbance. It should be noted Johnson Creek provides the route with the most concealment between Hood Canal and Liberty Bay. To the NORTH are large developments. To the SOUTH, there are many cleared lots lacking cover for larger wildlife EAST of Viking Ave NW. The “Plateau at Liberty Bay Poulsbo Wetland Resources Report Revision #3: March 1, 2024” list numerous wildlife species using the area. An addition to that list is cougar.

The administrative record and documents forwarded to the Tribe indicate there has been considerable discussion about the “*wildlife corridor*”. For those wildlife species more inclined to avoid contact with people or buildings, the pattern of existing development will guide such wildlife along a NORTHWEST-SOUTHEAST path as they move from Hood Canal to the EAST or the opposite as they move from Liberty Bay to the WEST. The presence of the mapped wildlife corridor (Fig 1) roughly running on a NORTH-SOUTH line along the North Fork of Johnson Creek has detracted some attention away from this much larger, but unmapped wildlife corridor running EAST to WEST between Liberty Bay and Hood Canal.

The proposed development will increase the distance urban density development extends WEST from Liberty Bay as well as SOUTH from NW Finn Hill Road.. Furthermore, the parcels to the SOUTH of the proposed development are currently within the City and many to the NORTH within the City’s UGA. The likely development of these parcels will further constrain the area for wildlife to move as they attempt to move between Hood Canal and Liberty Bay.

It cannot be presumed that stream buffers will effectively buffer impacts to wildlife corridors, especially for larger or shyer wildlife. The proposed mitigation measures should explicitly include mitigation measures intended to reduce disturbance of wildlife to the WEST and SOUTH of the proposed project. A potential mitigation measures is to increase the density of the buildings in the eastern part of the project to allow for a wider vegetated area in the WEST.

Additionally, the City cannot effectively review impacts to wildlife corridors, whether found in a city document or what is used by wildlife on the ground during individual project review. The City must take a detailed look at the functions and values offered by Johnson Creek for the movement of wildlife and enact protective measures before future development further erodes this wildlife corridor between Hood Canal and Liberty Bay.

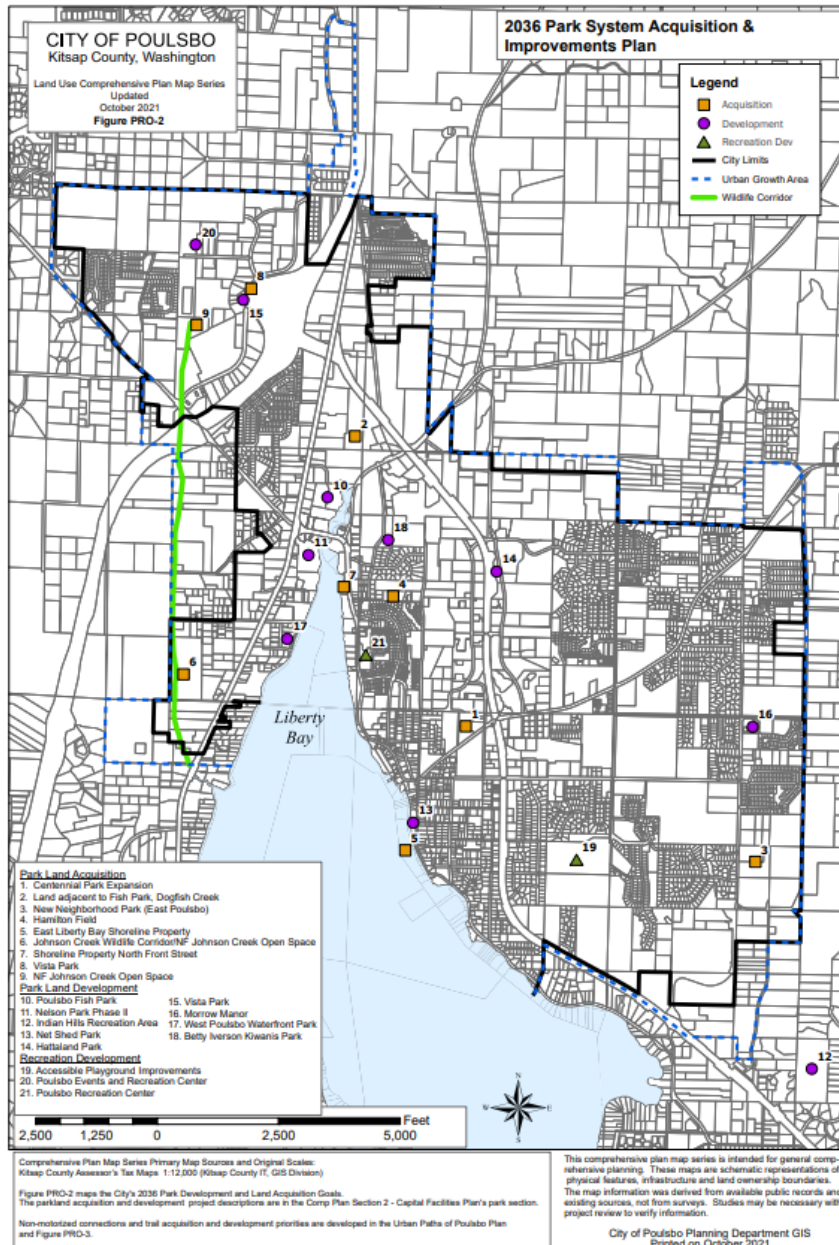


Fig 1. 2036 Park System Acquisition and Improvement Plans map retrieved from https://cityofpoulsbo.com/wp-content/uploads/2022/04/PRO_2_2036-Park-System-Aquisition-and-Improvements-Plan.pdf 29 Apr 2024.

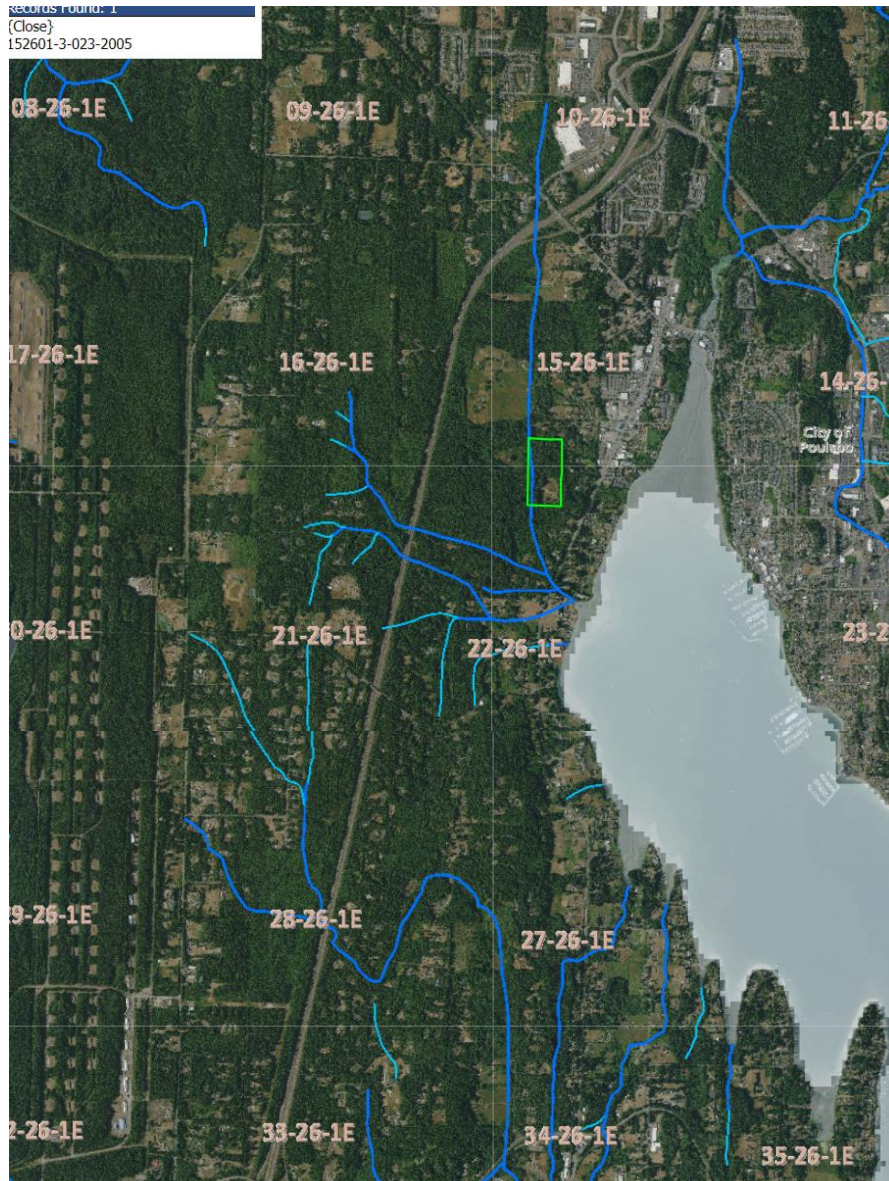


Fig 2. Forest cover to the NORTH, WEST, and SOUTH of project site. 2021 Imagery retrieved from <https://psearch.kitsap.gov/psearch/> 29 April 2024.

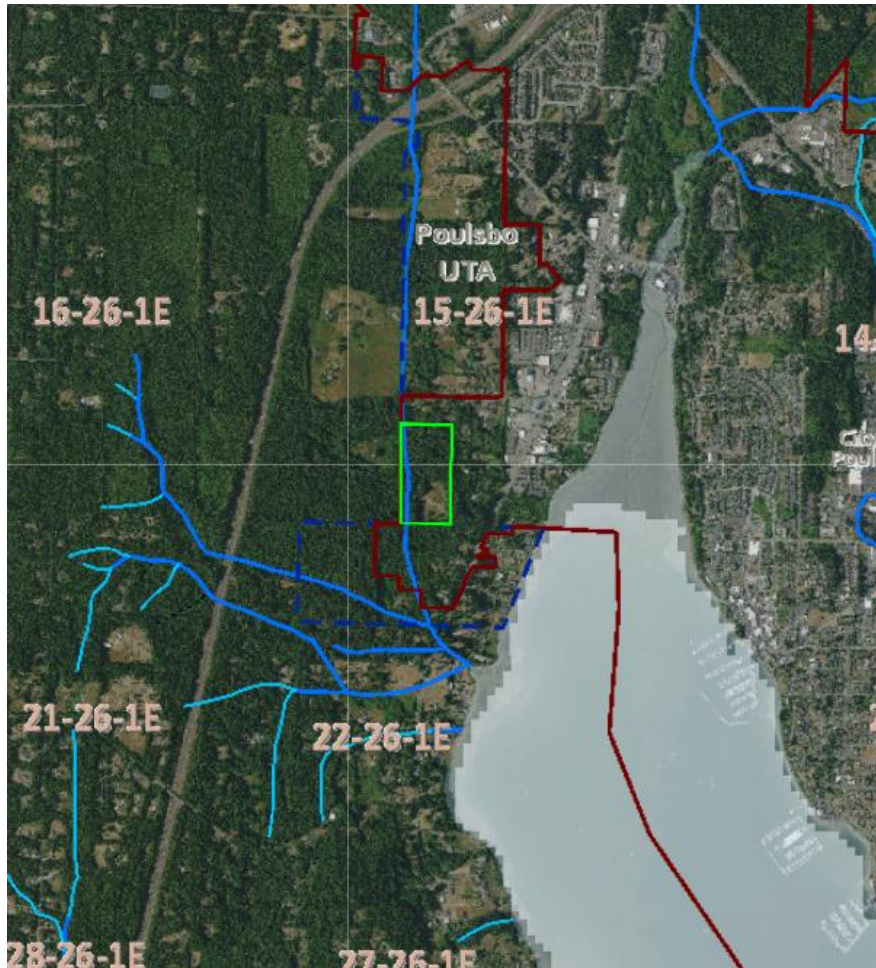


Fig 3. Retrieved from <https://psearch.kitsap.gov/psearch/> 29 April 24.

3. Wetland Intrusions.

During the 28 December 2022 public meeting some of the comments indicated that access to Johnson Creek and the wetlands should be restricted. The response was “*Access to Wetland A and Johnson Creek is not proposed*”. However, the issue goes beyond stating access in not proposed. People will access areas in the absence of a conscious intent to provide access. A plan, such as fencing that deters people and pets but not wildlife, must be developed that prevents people and domestic pets from entering the wetlands, Johnson Creek and its riparian buffer in order to reduce impacts to wildlife and the stream.

4. Hydrology

Development can increase peak flows, create new peaks where none existed before and also reduce stream base flows. Increased peak flows and the creation of new peaks when none previously existed are in response to increases in runoff due to increased impervious surface area. Stormwater management deals with issues such as preventing downstream erosion, altering wetland hydroperiod, and water quality. Various models or calculations are used to deal with those issues. The inability of models used for older development to properly anticipate runoff and erosive forces is evidenced in the erosion found in many streams as well as increasing stringency found in the evolving stormwater management manuals.

However, the required and necessary efforts to reduce water quality impacts, downstream erosion, and wetland hydroperiod alterations has unfortunately resulted in overlooking another typical impact of development – reduced infiltration and potential impacts on stream base flows. Though there does not appear to be Critical Aquifer Recharge Area at the project site, infiltration is still important in those areas to support stream base flows. The project is divided into two drainage areas.

Page 5 of “*The Plateau at Liberty Bay PRD Poulsbo, WA Drainage Report February 2024 | Planned Residential Development and Preliminary Plat Report*” (Drainage Report) states:

“The westernmost lots disperse rooftop runoff west to the Wetland/Stream A buffer in order to maintain the wetland hydro-period. This runoff is assumed to either infiltrate into the ground and travel as interflow to Stream A (Johnson Creek) or sheet flow to Stream A (Johnson Creek). Runoff directed to the wetland buffer will be fully dispersed across the 200 foot stream buffer and is not anticipated to become channelized prior to reaching Stream A. This matches the existing conditions where runoff from the west TDA sheet flows or moves as interflow to Stream A. Stream A flows south from the project site and eventually southeast/east to Liberty Bay.”



Figure 5-1: TDA Site Map

Fig 4. Drainage Areas at project site.

Incubating eggs of all salmon species are vulnerable to high flows that can scour gravel, a problem particularly pronounced in streams that lack wood or other features that stabilize gravel. Additionally, juvenile coho salmon are particularly vulnerable to winter flows. Stormwater management efforts to reduce peak flows generally come at the expense of increasing the duration of subpeak flows, flows that can adversely affect stream rearing and resident fishes.

The project proposed to infiltrate the water in the west TDA so time of concentration to increased flows in the stream channel might be spread out over a long, but undefined period of time. However, the infiltration calculations are based upon the requirement for stormwater management. They are not based upon attempting to quantify what the changes the project may exert upon onsite infiltration in either drainage area A or B. The applicant should calculate the total volume of water over the typical water year that will be infiltrated pre- and post-development. The difference is the annual volume of volume that would otherwise have been infiltrated and potentially available to seep or spring feed off-channel areas during high flow events in the main channel or maintain base flows. Reductions in infiltration should be considered an impact. Stream surveys conducted by the Suquamish Tribe have documented declining number of coho and chum spawners in Johnson Creek and this reduction is attributed to passage issues caused by low flows in the Johnson Creek during the upstream spawning migration – with the decreasing flows attributed to development.

Additionally, it is unclear as to the extent the stormwater water quality plan considered measures to reduce the input 6PPD-Q into Johnson Creek, a compound found in tires that is extremely toxic to coho.

5. Johnson Creek's value to natal and non-natal salmon

Johnson Creek and its North Fork support natal populations of chum (Fig 4) and coho (Fig 5) salmon. That natal population has declined dramatically over time. Where Johnson Creek discharges into Liberty Bay is mapped by the NOAA as a pocket estuary (Figs. 6a and 6b). Pocket estuaries provide habitat for non-natal salmonids. Additionally, the “ditch” shown in Figs 7a and 7b which traverses through Wetland H also discharges into a pocket estuary. Juvenile salmonids, particularly Fall Chinook (listed as threatened under the ESA) and fall chum (the species most dependent on estuaries for early marine rearing) would use the Johnson Creek pocket estuary and well as the pocket estuary near the Liberty Shores Retirement Community. Based on studies from the Skagit basin, non-natal Chinook would be expected to rear at and near the mouth of Johnson Creek as well as ascend it for some distance. Additionally, if the juvenile salmonids can ascend from Liberty Bay into the “ditch”, they are likely to use it. Flows from this “ditch” are such that a channel is present in the intertidal (Fig. 8). If not already completed, it should be determined if the juvenile salmonids can ascend into this ditch.

While the stormwater management plan for the project might prevent increases in the magnitude or frequency of erosive flows, the stormwater management might increase the duration of flows below those that could erode the channel or later wetland hydrology, but above that conducive to juvenile rearing. There does not appear to have been an analysis of changes in the flow regime in the lower reaches of Johnson Creek and the “ditch” that may influence their use by non-natal salmonids.

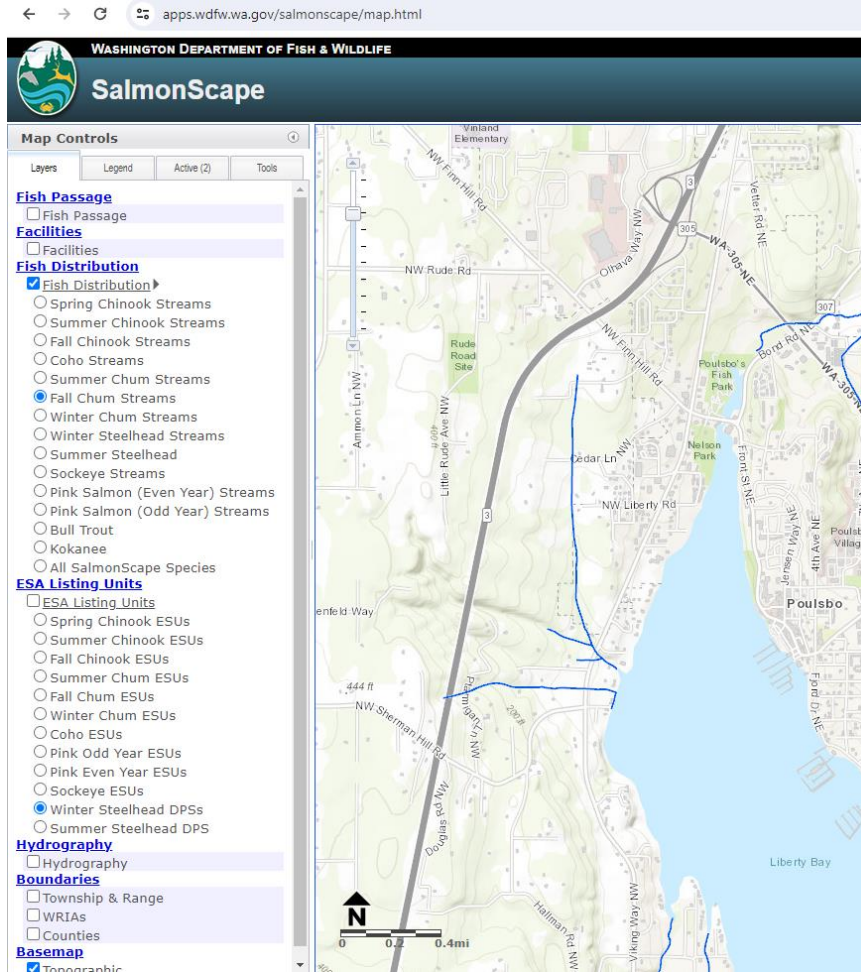


Fig 4. Mapped distribution of fall chum salmon in Johnson Creek.

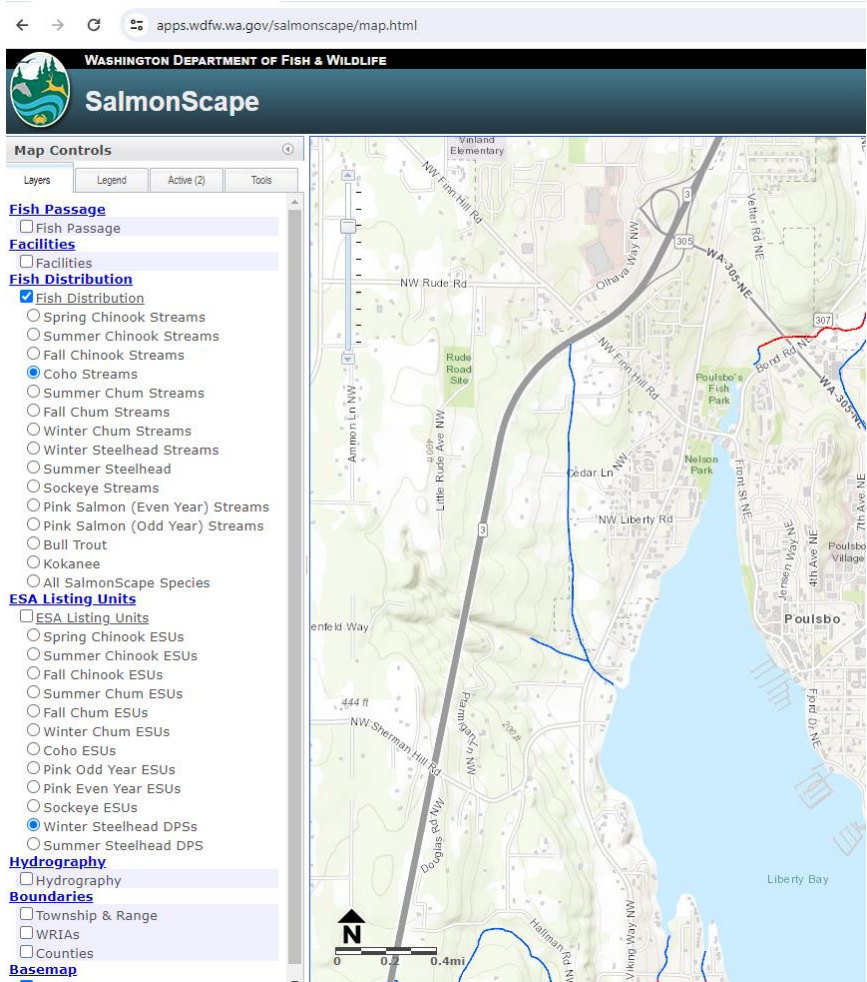


Fig. 5. Mapped distribution of coho salmon in Johnson Creek.

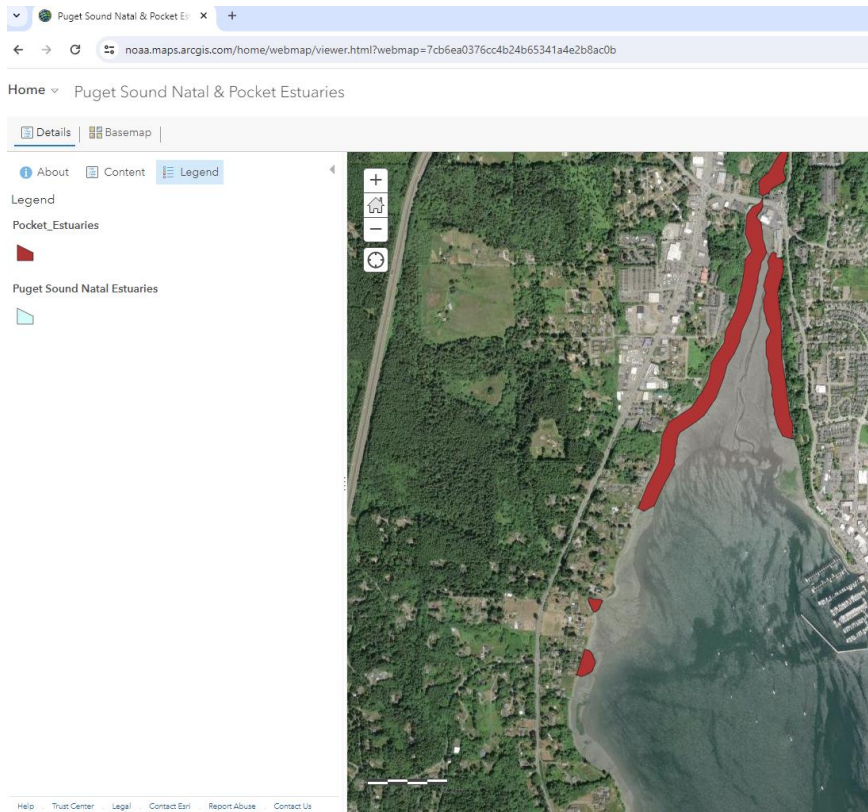


Fig 6a. NOAA mapping showing the mouth of Johnson Creek is considered a pocket estuary as well as the area where there are existing discharges to Liberty Bay (see Fig. 7)



Fig 6b. Close up of Fig 6a.

The project discharges stormwater to the public stormwater system, that discharges to a ditch-like channel that runs through Wetland H to Liberty Bay. See Figure 6-6 for ditch location relative to Wetland H.



Figure 6-6: Stormwater Ditch Through Offsite Wetland H

Fig 7a. Figure 6-6 from the Plateau at Liberty Bay PRD, Drainage Report February 2024.



Fig 7b. From PDF file page 172 from the Plateau at Liberty Bay PRD, Drainage Report February 2024.



Fig 8. Approximate discharge point of “ditch” shown in Fig 7 to Liberty Bay to the SOUTH of the Liberty Shores Retirement Community. A channel in the intertidal is visible.

EXHIBIT 46 C.

To: City of Poulsbo Planning Department

From: Ken Priddis
P.O. Box 693
Keyport WA 98345

RECEIVED
MAY 08 2024
PED Department

Date: 8 May 2024

Subj: Plateau at Liberty Bay Planned Development

Topic: Possible Lead Contamination

R.C. Brown, a previous owner of the subject property, had a small shooting range on his property.

From my property, I frequently heard gun shots coming from his direction. So, one afternoon I drove up to his house, introduced myself and asked about that activity. R.C. showed me his range setup, which consisted of a shooting shed and a bullet backstop. The shed was a short distance from the house, in the field and the bullet backstop was westward, at the field edge just before the ground dropped down into Johnson Creek. He showed me the inside of the shed. It had an opening in the west wall to fire a rifle through.

The above info is not hearsay. It was my direct observation.

R.C. Brown also mentioned that he was a former Marine stationed at Keyport Naval Station during WWII and worked there afterwards as a civilian. So I assumed from the conversation that he lived at the subject Poulsbo location for a very, very long time.

EXHIBIT 46 D.

Jan Wold
P. O. Box 1340
Poulsbo, WA 98370
Email: j.creek@hotmail.com
May 9, 2024

Hearing Examiner
City of Poulsbo
200 NE Moe Street
Poulsbo, WA 97370

Mayor Becky Erickson
berickson@cityofpoulsbo.com

Heather Wright
Director of Planning and Economic Development
Hwright@cityofpoulsbo.com

Edie Berghoff,
Senior Planner
eberghoff@cityofpoulsbo.com
Poulsbo permit number P-12-06-22-02

Attn: Hearing Examiner, Department of Planning and Economic Development (please share these comments with the Hearing Examiner)

Re: Public Comments, Plateau at Liberty Bay, Applicant Entitle Fund Two LLC, Location: 19313 and 19321 Viking Way NW, Poulsbo, Kitsap County, WA, Hearing before the Hearing Examiner

Project Description: According to the Notice:

Construct a 63-unit residential development on the subject property, with access via the east from Viking Ave NW. The development will include residential buildings, access roads, and associated utilities.

Project Information:

This proposed housing development's western boundary is shared with about 800 feet of Johnson Creek's eastern buffer. Johnson Creek is a salmon stream that is designated an F, or Fish Stream. A few years ago, a WDFW fisheries biologist wrote a letter stating that anadromous fish originally were located as far up Johnson Creek as the area below the south end of Walmart, and the Olhava commercial development along with its huge settling ponds. These are located about 1.5 miles upstream and north of this proposed development.

I own five acres of undeveloped, wooded property, the NE corner of which touches the SW corner of the proposed "Plateau at Liberty Bay" housing development. My property includes a portion of the Johnson Creek buffer. I owned and resided at a home at the mouth of Johnson Creek where it enters Liberty Bay for seven years, until 2013. This home is about a quarter of a mile downstream and southeast of this proposed housing development. Johnson Creek and its estuary were the north boundary of my property. This is mapped by NOAA as a pocket estuary, important for juvenile salmonids, especially Puget Sound Chinook that is a threatened species and is in crisis according to a report from the Washington Governor's Office. Liberty Bay was the east property boundary.

Hearing Examiner Decision on this Development:

Public health and safety is the top priority when considering this proposed development, followed closely by the protection of the numerous critical areas, Johnson Creek and its fish and wildlife and wildlife corridor. I am requesting that the City of Poulsbo and/or the Hearing Examiner put this proposal on hold or not approve this development in its present configuration UNTIL the contamination in it is sampled, the makeup and location of the contamination and the hazard to people and wildlife is determined and any possible remediation alternatives are considered. Some or much of the upper western portion of this property, especially in the Johnson Creek drainage is likely contaminated with lead and other chemicals from gun shooting over a span of 40-50 years as well as a garbage dump area used over the same time period. The garbage dump area may also contain lead and other contaminants.

This is a very sensitive area ecologically with numerous wetlands and a salmon stream that has already been severely impacted. It is not appropriate to approve more damage, much less risk the safety of the public in these contaminated areas. I have been sharing a great deal of history of this area in my previous public comments that are in the record. They can assist you in making your decision.

The best solution would be to move the proposed housing and the play area some distance to the east to be located out of the contaminated areas. This would also avoid adding to the existing severe problems in Johnson Creek that impact the salmon run and other stream dependent species. It would best protect the important Johnson Creek wildlife corridor. It would also avoid adding to the already high potential of the loss of the Viking Way crossing of Johnson Creek downstream that could result in the potential to cut off a major road access to Poulsbo from the south.

Potential Toxic Sites in the Proposed Development:

The City of Poulsbo and the Hearing Examiner can take the initiative to put health and safety first and determine the condition of contaminants in this proposed housing development for families BEFORE approving the development. Once sampling has been completed, the City may need to consult with someone with expertise in contaminated sites, the Environmental Protection Agency, the state of Washington and Kitsap County. Alternatives can be developed to deal with any contaminated sites before making a decision on approving this development.

We all hope that every developer puts the safety of the public first. However, it is asking quite a lot of any developer to take responsibility for determining where, how and how many samples to take to find toxic contamination that could greatly impact the size of this development and may lead to a significant loss of money for the developer. It also does not seem appropriate to leave it up to the developer to decide who to have test the samples without any City of Poulsbo or Hearing Examiner oversight. I would suggest reviewing the Suquamish Tribe's comments for more insight on these issues.

The southwest corner of this proposed development was used for decades as a dump site by at least one of the families living in their home on the property. The residents dumped all of their household garbage and garbage from their gun sales and repair business in this area near and over the canyon edge of Johnson Creek. I observed this dump site a few times some years ago. There is a great deal of garbage that appeared to have car parts, appliance parts and all other household debris at the site. According to neighbors, the dump site was used by the past homeowner for all household debris for decades. There was also a gun repair business and shooting range operating at this property. There is likely debris tied to this gun repair business at the dump site that may include solvents, gun parts and highly toxic lead.

The private gun range located on this proposed development property was used for decades for practice, sighting in guns and entertainment by the previous property owner for his personal use, use of his friends and use of those having guns that were serviced and sold by the property owner. This property owner lived on the property from around 1950 until around 2000, so these activities on the property may have occurred for about 50 years.

According to neighbors, they could frequently hear shooting. The shooting apparently was mostly done from the central area of the property toward the north and west areas of the property. These areas were no doubt riddled with lead and a number of other associated chemicals for many years. According to neighbors there was also a backstop for the shooting that was made of trees and dirt.

Disturbing these sites may bring lead and any associated contaminants to the surface. Any movement of dirt around this development will also have the potential to move the lead and any other contamination around the property near the creek, numerous wetlands and closer to neighboring private wells. It is my understanding that the current owner eliminated the most recent logs and dirt backstop used for the shooting range. This material would be expected to be the most highly contaminated of all. It's location will need to be determined and that area very thoroughly tested for contamination. If these sites are not sampled before grading, there is a potential for lead contamination to be carried with the dust particles. This can be a hazard for anyone running earth moving equipment or in the vicinity.

Another potential environmental issue to be addressed was the use of portions of this property to store or grow plants for a commercial plant nursery, Valley Nursery. Records need to be requested from the property owner/plant nursery owner and reviewed to ascertain if chemicals such as insecticides and herbicides have been used on plants, stored on the property or leached out of potted nursery stock into the soil over the last nearly two decades under their ownership.

Potential Lead Pollution:

Lead pollution is regulated by many laws administered by EPA. The Clean Water Act prohibits anyone from discharging pollutants, including lead, through a point source into waters of the United States. According to the EPA, lead is particularly dangerous to children because their growing bodies absorb more lead than do adults. Their brains and nervous systems are more sensitive to the damaging effects of lead. There are also adverse impacts to pregnant women as well as all adults.

Just as property owners are required to share any knowledge of lead paint in properties being sold, it would also be critical for developer JK Monarch to notify any prospective buyers of their houses in this proposed development of the potential for lead poisoning and other contaminants in their yards, landscaped areas, the proposed park or play location and any other areas of exposed soil. The wetlands and buffers may also contain lead and other contaminants. These areas would be very attractive for playing children and their pets.

Monarch proposes having a recreation area or park at the western development boundary along the central part of the development for residents and their children that may have lead contamination. Lead contamination in areas where children, pets and adults are encouraged to play and have contact with the contaminated soil would not be safe. The lead may have been leaching into these areas for decades. Children exposed to tiny amounts of lead can develop damage to the brain and nervous system, slowed growth and development, lower IQ, decreased ability to pay attention, underperformance at school, and learning, behavior, hearing and speech problems.

The areas that may have lead and any other contamination may also be located above, around and in the Johnson Creek buffer and the numerous wetland areas in the development area. Any added disturbance could increase the lead and other associated pollution in these sensitive environmental locations and could potentially add lead into ground and surface water. According to the Virginia Department of Health, lead is a toxic metal with harmful effects on multiple organ systems even at low doses.

History of Actions in the Johnson Creek Drainage:

See my public comments dated 12/28/22, 3/9/23 and 4/8/24 for a very detailed history of the many issues in the Johnson Creek drainage. The eastern boundary of this proposed housing development is located about 700 feet from Liberty Bay. There are numerous wetlands on and adjacent to this development property, one of which is apparently planned to carry development stormwater down into Liberty Bay. There should be some type of requirement by the City or Hearing Examiner to document that communications have occurred with the Washington Department of Fish and Wildlife about the need for a Hydraulic permit (HPA) for this stormwater being discharged into the wetland leading to Liberty Bay.

Any decisions on stormwater systems, pipes, settling ponds, pervious pavements, rain gardens, landscaping and water from building gutters and other impervious surfaces need to be done with the greatest care and use of hydrologic and fisheries expertise to not further degrade Johnson Creek and lead to the elimination of what remains of the salmon runs, eggs and rearing areas. There is also no discussion about the addition of pollution from tires with 6PPD-quinone that is deadly to salmon and steelhead trout.

The wetlands and their function in this area need to be carefully reviewed and protected as well. Once again, the elimination of housing and playgrounds in the western most part of the development that flows into Johnson Creek and its buffer to the west would eliminate most of these issues. See the blue area on Figure 5-1, TDA Site Map, that marks the Johnson Creek drainage section of the development that could be used to determine where to end the house and road construction on the development property.

Johnson Creek Wildlife Corridor:

I believe Johnson Creek is the only designated wildlife corridor in the City of Poulsbo. It provides a portion of the only effective wildlife travel corridor from the east portion of Puget Sound through Liberty Bay to Hood Canal. The next similar area for wildlife travel is in the area of Belfair, about 30 miles south of Johnson Creek.

I have discussed this corridor in my earlier comments. Eliminating construction and clearing from the Johnson Creek drainage on the western portion of the proposed development would greatly lessen the impact on the wildlife corridor. See the blue area on Figure 5-1, TDA Site Map, that marks the Johnson Creek drainage section of the development that would best be eliminated from the development.

The “F” wetland and the other wetlands in this development also provide wildlife travel corridors down the wetlands to the attached wetlands connected to the travel corridor provided by the Liberty Bay shoreline.

This proposed development plans to build several houses next to the edge of the Johnson Creek wildlife corridor and buffer. It appears the plan may now be suggesting releasing some of the runoff from each lot near the creek and wetland buffer edges into those wetlands and the creek buffer. The developer is proposing roads located in wetland buffers and setbacks that will cause further harm.

Olhava Commercial Development:

See the documentation in my Department of Ecology letter, dated December, 2023, provided to the record earlier. The letter has information about the ongoing impacts to Johnson Creek, the wildlife corridor and the salmon by the Olhava Commercial Development and the other housing developments that have been approved in this drainage.

Condition of Johnson Creek, Salmon Runs, Wetlands, Local Wells and Viking Way Crossing:

There have been numerous development decisions and actions taken by the City of Poulsbo over the past two decades that have led to a partial destruction of Johnson Creek and the complete loss of its coho salmon and Puget Sound steelhead (a federally threatened species) runs. The chum salmon run continues but is also impacted by the ever-increasing destruction of aquatic systems in this drainage due to the City of Poulsbo's continued approval of more and more housing and business developments upstream.

The northeast corner of the Viewside Water System property is about 300 feet west of the southwest corner of this proposed Plateau at Liberty Bay development. The large Viewside Water System well that serves nearly 50 family households in the area is located about 1,000 feet southwest of the southwest corner of the proposed development where the garbage dump (possibly also containing toxic lead) is located and may infiltrate contaminants down through it. It would be catastrophic if toxic materials and lead were to be carried into the aquifer from this proposed development and infiltrate this community water system well, any other private wells in the area, the salmon stream and wetlands.

Johnson Creek is piped beneath Viking Way in a culvert one property above my previous home and below my wooded five-acre property and the proposed Plateau at Liberty Bay development. The culvert is undersized for the presently excessive volumes of water, designed as it was during the "pre-Olhava" era. In a December 2007 storm the excess stormwater, bedload (e.g., rocks, stones, and mud) and vegetation was so voluminous that the culvert's lack of capacity caused the Viking Way road fill to act as a dam.

During storms, the trees and vegetation in the riparian area along Johnson Creek at my previous home, our five-acre wooded property and our neighbors' properties upstream to the Olhava Development, are increasingly undercut by Johnson Creek, thrown out of equilibrium by the pace of the City's developments. This excessive runoff carries with it oil, grease, rubber and chemicals from tires that kill salmon and other contaminants that are then deposited in the salmon stream and in Liberty Bay.

During higher-than-normal flows due to development upstream, the coho and chum salmon eggs are washed out of the salmon nests (redds) in the

gravels and washed into Liberty Bay where they are killed by salt water and eaten by the birds along the shoreline. See my earlier comments for more details.

The large increases in stormwater flows are leading to more and more mud and debris filling up Liberty Bay. The mud accumulating in the estuary causes significant damage to natural resources there, too. The mud buries habitat used for the rearing, shelter, and feeding of sea life, including everything from tiny invertebrates that live in the tidelands to salmon and waterfowl far higher up on the food chain. If lead and other contaminants are carried into the estuary it will cause additional damage.

Aquifer recharge is also at risk. As more water runs off hardened surfaces, less water infiltrates to recharge the aquifer. This leads to more and more problems for all the neighboring areas that have shallow, private wells near salt water. The wells may become dry or become contaminated by saltwater flowing in if aquifers are not fully recharged.

Another impact of the proposed Plateau development in its present form are the especially high densities, probably from lot averaging. All house lots need to be removed from areas that drain to Johnson Creek or the numerous wetlands in and around this proposed development. House lots and a road completely surround one wetland (C), cutting it off from the other wetlands, the creek and the wildlife corridor. It will also no longer be connected to the wetlands below it and those going into Liberty Bay. The new diagram of this development has added a road across most of the north side of this wetland.

Wetland B on the northwest portion of the proposed development shows a road going right through both the wetland buffer and the Johnson Creek buffer or setback, cutting off access directly between the two. I also thought that there is a 200-foot buffer on the creek and an additional 25 foot setback. The 25-foot setback appears to be missing. The wetland buffer is also destroyed by the road location. The road should not be allowed in this location.

Wetlands E, F and G have the main development access road in the middle of the wetlands and their buffers, cutting the three wetlands into two parts. Viking Way had already cut through the wetlands, separating them and their buffers and continuation of the wetlands on the eastern

side of Viking Way down to Liberty Bay. The wildlife passage through these wetlands will also be eliminated. Much of this wetland area was filled in when the Viking Way commercial buildings and pavement were allowed to be built in the past, north of the proposed Plateau development access road.

Any stormwater leaving this proposed development will need to cross under Viking Way, dumping unnatural amounts of water into the Liberty Bay shoreline wetlands on the east side of Viking Way and then into Liberty Bay itself, creating even more environmental issues. The main access road for this development should not be approved in this location.

Growth Management Act and Anadromous Fisheries:

The City is responsible for protecting the interests of all citizens, providing infrastructure, protecting the environment, and avoiding destruction of Johnson Creek and Liberty Bay. The City is also responsible for determining cumulative impacts and determining there is no net loss of species and function. However, the breakneck pace of development in the Johnson Creek drainage is wreaking havoc on the Johnson Creek anadromous fishery and private property in flagrant contradiction of the requirements of the Growth Management Act and other state and federal law.

Monitoring and Rehabilitation:

The City needs to take responsibility for putting a monitoring plan or action plan in place to avoid further stream degradation and to begin to rehabilitate Johnson Creek by reducing any of the existing problems that it has created. The City blithely assumes that its best management practices and stream buffers will be effective. These have proven grossly inadequate, as accurately predicted by the experts and verified by the salmon.

Naval Base Bangor:

Another concern is the proximity of this proposed development to the boundary of Naval Base Bangor and Strategic Weapons Facility Pacific. The Navy is concerned about any increase in development near military bases. The Navy needs to be actively involved in whether or not this housing development should be approved about two miles east of the military base boundary.

Conclusion:

I am requesting that the City of Poulsbo and the Hearing Examiner put this development proposal on hold until corrections can be made to the proposed plan, monitoring is completed to determine the extent and condition of the areas contaminated with lead and other contaminants from gun shooting over a span of 40-50 years as well as in the garbage dump area used over the same time period.

This is a very sensitive area ecologically that has already been severely impacted. It is not appropriate to approve more damage, much less risk the safety of the public with these contaminated areas. I am sharing a great deal of history of this area to assist you in making an appropriate and safe decision for the public. If these toxic sites are not delineated, cleaned up and/or avoided it might open the city up to potential litigation should someone, or worse yet, their child be impacted by lead poisoning.

The best option would be to move some of the proposed housing and the play area to the east to be located out of the contaminated areas. This would avoid adding more stormwater to the severe problems already existing in Johnson Creek, to the salmon run and to other stream dependent species. It would also avert adding to the already high potential of the loss of the Viking Way crossing of Johnson Creek downstream which would cut off a major road access into Poulsbo.

The City of Poulsbo needs to take extreme action to attempt preservation of what little is left of the Johnson Creek chum salmon run and the few remaining natural organisms that are still able to live there as well as the wildlife corridor. Unfortunately, the City of Poulsbo has at this point turned what was a very healthy, productive steelhead, cutthroat trout, coho and chum salmon stream into a stormwater “drainage pipe.” The stormwater

“drainage pipe” then dumps large, unnatural amounts of sediment and debris into Liberty Bay.

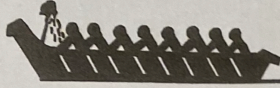
Please provide me with copies of information and the decision on this Plateau development application.

Thank you for the opportunity to comment,

Jan Wold



North Fork Johnson Creek



FISHERIES DEPARTMENT

Phone: (360) 394-8437/8438

Fax: (360) 598-4666

www.suquamish.nsn.us

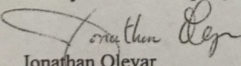
THE SUQUAMISH TRIBE

P.O. Box 498 Suquamish, Washington 98392

November 5, 2006

Johnson Creek Through The Eyes of a Surveyor

I have been surveying the Johnson Creek watershed along with 20-30 other East Kitsap streams for the Suquamish Tribe since 1998. During my work with the Tribe, I have become very intimate with many of the local streams I survey. Compared to many of the other streams I walk, in my opinion, the Johnson Creek watershed contains one of the most intact and high quality habitats left within the North Kitsap region. The stream is well-shaded and buffered from city and Highway noise. I have observed black bear, bear tracks, big cat tracks, river otter, red-tailed hawks, kingfishers, Great Blue Herons, skunks, opossums, coyote, and deer within the reach from the mouth of Johnson Creek to river mile 0.9 (just below Cedar Lane). Additionally, I have been told by long-time residents along the creek that mountain lion as well as bobcat have been seen to wander throughout the forested edges of Johnson Creek. Johnson Creek is home to fall chum and coho salmon as well as cutthroat and steelhead trout. All species are found throughout my survey index up to Cedar Lane. With few exceptions, Johnson Creek has seen at least 200 adult salmon return each fall to spawn since 1998 and appears to be maintaining a healthy population of both chum and coho. In recent years more wild coho have been observed in-stream, which is a testament to the high quality of the habitat. Both the mainstem and the middle fork have beautifully forested ravines made up of a mosaic of second growth tree species including cedar, Douglas Fir, Spruce, Alder, and Maple and large sword ferns. This forested area not only serves to keep the watershed hydrology protected and clean, but also serves as an extremely important wildlife corridor not usually found in a rapidly urbanizing geography.


Jonathan Oleyar

B.S. Wildlife Biology/Management (emphasis on aquatic ecosystems) with a Minor in Environmental Ethics - 1994 Humboldt State University/University of Montana

Field Biologist
Suquamish Tribe
Fisheries Dept.
P.O. Box 498
Suquamish, WA 98392

Johnson Creek Preserve

To whom it may concern: My name is Jonathan Oleyar. By profession and passion, I have lived and worked in Kitsap County for over 20 years. During that time I have been fortunate enough to experience hiking along countless streams and wild lands within our region. My job and my environmental obligation as a human being often require me to speak up for and protect habitats and creatures who cannot speak for themselves.

Today I am speaking on behalf of the forest and wildlife communities which inhabit and use as a critical migration corridor, the beautiful 200 acre County-owned public land parcel located just west of Highway 3 near Bangor Naval Base. This parcel of land is not simply an outline on a map, but a sensitive, thriving natural ecosystem worthy of our notice and deserving of our protection. This parcel includes the headwaters to Johnson Creek. My personal account of this richly unique watershed is already on public record.

This valuable wild property affords us a unique opportunity to preserve a vital east-west wildlife corridor which connects our east-Kitsap wildlife communities to the larger Hood Canal bionetwork. Amidst a rapidly urbanizing geography, these wildlife corridors are life lines for the wildlife populations (from song birds to black bear, salmon fry to salmonberry) to continue their survival. Rich ecological properties such as this piece are critical biological banks of diversity which are being increasingly threatened, fragmented and destroyed by development. Development pressure has a negative impact on riparian forests and wetlands that are essential to natural stream function. Considerable evidence about these impacts exists from studies of urban streams within the Pacific Northwest.

Corridors are critical linkages for the maintenance of ecological processes including allowing for the movement of animals and the continuation of viable populations. Corridors can come in the form of under or overpasses which can provide safe passage for both animals and humans. Many busy highways cross through natural habitats causing fragmentation.

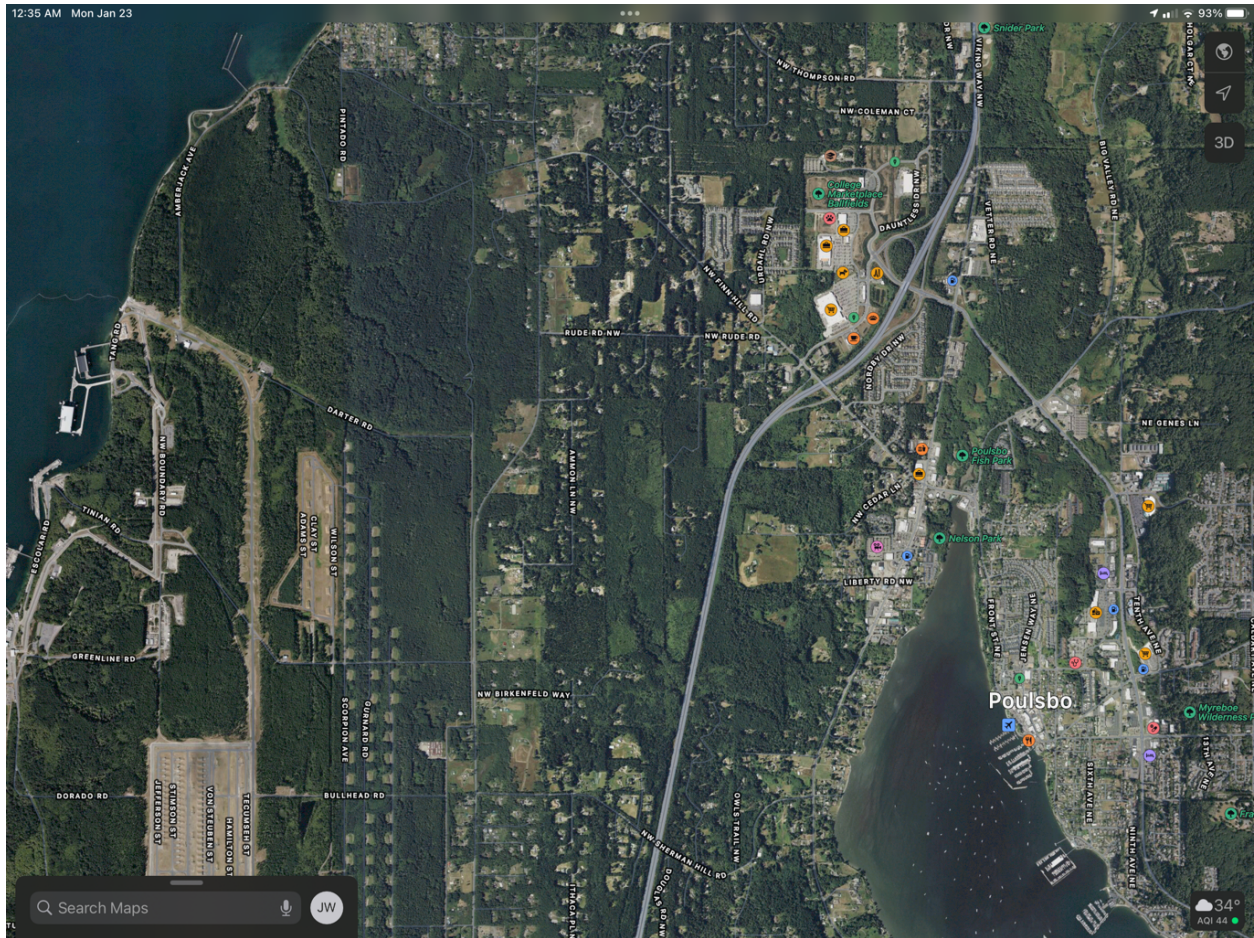
This diverse natural property also provides a wonderful opportunity to traverse Highway 3 with a Wildlife Overpass providing safe passage for humans and animals alike and points to Kitsap County as a destination hiking trail on the gateway steppe to the Olympic Mountains. This is the legacy we should be discussing in regards to this beautiful piece of publicly-owned land. Habit loss is forever. Allow me to repeat this: habitat loss is forever. This 200 acre parcel is a valuable connection of life and a potentially rich recreational opportunity. It harbors the life line, the headwaters, for the Johnson Creek watershed and provides a critical linkage for this watershed to that of the greater Hood Canal landscape.

Hear my voice. My voice speaks for all of the creatures who live within the Johnson Creek Watershed, large and small, who we often cannot hear. They do have a voice, and it is mine. Hear us now. Our lives matter. Protect our home.

Thank you for listening.

Sincerely,

Jonathan Oleyar, Fish and Wildlife Biologist



Wildlife Corridor Location Liberty Bay to Hood Canal

From: [J.Creek](#)
To: [Edie Berghoff](#); [Heather McFarlane](#); [Becky Erickson](#); [J.Creek](#)
Subject: Fwd: Jan Wold's Comments for the Poulsbo Plateau at Liberty Bay Hearing Examiner, 5/9/24, Permit P-12-06-22-02
Date: Thursday, May 9, 2024 9:33:58 AM
Attachments: [PoulsboPlateauHEX 5924.pdf](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I have attached some additional comments for the Plateau at Liberty Bay Hearing Examiner for the hearing this morning. Can you please provide these comments to the Hearing Examiner and let me know you received these comments?

Thank you,

Jan Wold

Begin forwarded message:

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MAY 09 2024

PED Department

Submitted for Public Hearings on "Plateau At Liberty Bay Planned Development + Preliminary Plat" May 09, 2024, by Molly Chamberlin

1. Note that there is no mention in the project

description of Plateau At

Liberty Bay Residential

Development + Preliminary

Plat; there is no mention of City of Poulsbo's Planning

file P-12-06-22-02 (exhibit A)

Specifically Environmental Health; S2, S3, + S4.

The City of Poulsbo reports in S2 that there is need for an inspection for debris in Southwest Corner of Property.

The City of Poulsbo reports in S3 that there is need for an inspection and sampling report for lead debris in a debris area in the center of Property toward the west

Regarding the City of Poulsbo

page 206 ~~acknowledging~~ pointing out that

this ~~planned~~ "Plateau

At Liberty Bay Planned Residential Development + Preliminary Plat

has 2 sites with high

potential for environmental

and human health hazards;

and yet; ~~are~~ the city is

moving forward with grading

the soil via the grading

permit submittal ^{+ acceptance} meaning

that the inspection and

sample reports will be done

while grading the soil that

has still yet to be determined

to be hazardous or not hazardous.

Grading the soil will already

cause disturbance of soil -

causing potential airborne

contamination and, ~~are~~ there

will be soil relocation - thus

the spread of potential hazards

46(-)

will be occurring At A Point
that the grading permit
Submittal is Already been
inserted into the Planning
& Economic development
department.

This makes no sense. I guess
the City of Poulsoo and
Property Developer are willing
to pay for and accept payment
for a grading permit before
either really know whether
there are very dangerous
hazards — or maybe both

Parties have an understanding
that there will be no
Problems with grading the
Soils, because there will be
"no debris or lead found"

There should be a report
before any grading is done -
period - by a viable professional

page 4 of 6

using the Environmental
Protection Agency Analytical
methodology for ~~the~~
via Chemical sampling.

54 States that removal
and remediation of contamination
and or debris ~~is~~ potentially in
the stream buffer, which is
A: 'Critical Area'. However
in 'Project description' ^{investigation} ^{stream} ^{buffer"}
(exhibit B), Appicard states
"Critical areas accommodate
free retention requirement".

Which is it — will there be
remediation + or ~~the~~ removal of
toxins in stream buffer, and
where is there any regulatory
requirements within the
City of Poulsoo's Critical
Area ordinance regarding

Page 5 of 6

The management of Creek buffer when there are potential health hazards within that buffer.

I do not ~~recall~~ recall details of how removal or remediation of soil filled with lead or other toxic debris would be handled by the city via its critical area ordinance - that would ~~space~~ guarantee the utmost

protection of this Johnson Creek wildlife corridor and Creek buffer, and not jeopardize it by cutting a swath of land out of it and reestablishing a natural area with a man made

Page 6 of 6

iteration of a corridor that is meant to protect and shield the natural environment from man made infiltration, including removal and remediation of buffer soils.

This development should not proceed without appropriate testing, as stated on page 6 of 6; and without the hearing Examiner reviewing the CTO of City of Poudre specifically regarding removal of lead or other debris from creek and wetland buffers.

PLATEAU AT LIBERTY BAY PLANNED RESIDENTIAL DEVELOPMENT & PRELIMINARY PLAT
PLANNING FILE P-12-06-22-02

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SEPA MITIGATION

PED Department

Animals.

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

Environmental Health.

- S2. An inspection report for debris in southwest corner is required with grading permit submittal for the areas that are subject to grading. If contamination is found, staff and the applicant shall coordinate with Health Department to determine if removal and remediation is needed. Any removal and remediation shall be subject to the critical areas ordinance requirements and replanting may be required. City consultant peer review of inspection and or replanting report(s) shall be at the discretion of the PED Director and at expense of the applicant/developer.
- S3. An inspection and sampling report for lead in a debris area in the center of property toward the west is required with grading permit submittal for the areas that are subject to grading. If contamination is found, staff and the applicant shall coordinate with Health Department to determine if removal and remediation is needed. Any removal and remediation shall be subject to the critical areas ordinance requirements and replanting may be required. City consultant peer review of inspection and or replanting report(s) shall be at the discretion of the PED Director and at expense of the applicant/developer.
- S4. If contamination and or debris is found during mitigation planting in the stream buffer, staff and the applicant shall coordinate with Health Department to determine if removal and remediation is needed. Any removal and remediation shall be subject to the critical areas ordinance requirements and replanting may be required. City consultant peer review of report(s) shall be at the discretion of the PED Director and at expense of the applicant/developer.

Historic and Cultural Preservation

- S5. 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.
- S6. The applicant shall coordinate with city staff to provide a sign and/or plaque on-site and in the open space to commemorate the contributions of the Raab family to the City of Poulsbo. The sign and/or plaque shall be installed prior to final of the plat. The applicant is encouraged to coordinate with the Poulsbo Historical Society for preferred wording and/or images.

Traffic.

- S7. The developer shall construct improvements to the existing pedestrian crossing of Viking Avenue NW near Bovela Lane. These improvements shall include the installation of pedestrian refuge island, Rectangular Rapid Flashing Beacon, associated MUTCD complaint signage and striping, and sidewalk/curb ramp improvements to bring the crossing to full compliance with current ADA/City Construction standards.

Public Services.

- S8. 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.



NOTICE OF PUBLIC HEARING

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

10:30 AM
 Thursday

PLATEAU AT LIBERTY BAY PLANNED RESIDENTIAL DEVELOPMENT & PRELIMINARY PLAT Hearing Examiner Public Hearing

Hearing Date:	Thursday, May 9, 2024	Hearing Time:	10:30 am
Hearing Location:	Poulsbo City Hall, Council Chambers, 200 NE Moe Street, Poulsbo, WA		
Requested Action:	All persons are invited to provide written and verbal testimony to the Hearing Examiner regarding the proposed project.		
Project File No.	P-12-06-22-02		
Site Location and Tax Parcel:	19313 Viking Avenue 152601-3-023-2005 19521 Laurene Lane 152601-3-040-2004 19179 Viking Avenue 152601-3-033-2003 19321 Viking Avenue 152601-3-025-2003 No address 152601-3-090-2102 Poulsbo WA 98370	Access improvements are located on the following additional properties: 1161 Liberty Road 152601-3-002-2000 19431 Viking Avenue 152601-3-027-2001 No address 152601-3-036-2000	
Applicant:	Entitle Fund Two, LLC P.O. Box 188 Puyallup, WA 98371		
Project Description:	<p>Project proposal is the subdivision of land for the construction of 63 single family lots with associated roadways, utilities, and open spaces. Four existing homes are planned to be demolished prior to final plat approval.</p> <p>The site is approximately 26 acres of which critical areas make up approximately 12.8 acres, and an additional approximately 0.42 acres are encumbered by limited development easement. Critical areas and their buffers make up almost half of the project area and will remain naturally vegetated with existing trees and mitigation plantings in grass areas. Critical areas accommodate tree retention requirement. Open space is provided in tracts E and G-M. Amenities located in open space tracts include project park with big toy, benches and picnic tables, walking path and open play area; covered picnic benches and bar-b-ques near a soft surface trail; overlook with bench; and open play area with picnic tables and benches on the stormwater vault. Remaining open space tracts will be landscaped or remain in native vegetation.</p> <p>Access to the site is via Viking Avenue NW, with emergency only access connection to NW Liberty Road. No modification of access to property south of the project is proposed. Development will connect to city water and sanitary and storm sewers. Water will loop with mains connection in NW Liberty Road and Viking Avenue. Development includes an additional approximately 0.54 acres offsite for access and slopes creation.</p>		
Application(s) Under Review:	Planned Residential Development, Preliminary Plat, SEPA		
Environmental Review:	Review under the State Environmental Policy Act (SEPA) was required for this project. A SEPA Threshold Determination was issued for this project April 4, 2024 with comment and appeal periods ending April 18, 2024 at 4:30 pm. No timely appeal was received.		
Examination of File:	The application file may be examined online by going to https://ci-poulsbo-wa.smartgovcommunity.com/Public/Home > Applications > and search for permit # P-12-06-22-02. If you are unable to access the file, please call the staff contact for options.		
Review Authority:	The Hearing Examiner is the review authority for this Type III application.		

Submitted for hearing & examiner Public hearing
May 09, 2024

Notes regarding Page 1 of 14
SEPA Environmental Checklist
for Plateau at Liberty Bay
Planned residential
development.

Submitted by Molly Lee on April
09, 2024 to Planning Commission

Item 1
Page 3 of SEPA Environmental
Checklist

2) Air
A. During construction -
dust from grading soil - not
from equipment will occur.
This dust may or has a
high probability of containing lead
(Note: City of Poulsbo Mitigated
Determination of non-significance
Environmental Health 51 and
particularly 53) comments.
Plus - the lead poisoning would
be from many years of
shooting with a gun - which

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MAY 09 2024

PED Department

Molly Lee
Planning April 14, 2024
Page 2
of 14

Would contain not only lead but
other toxic poisons from
ignited ammunition.

Item 2. Page 3 of SEPA Environmental
Checklist.

3. WATER

3) filling 375 SF of
Wetland

What is the Plan of developer
for eliminating flooding of
adjacent properties - when
dirt is put in a natural
Wetland

Natural wetlands contain
specific pervious soils - that
have over many many years
obtained the ability to
slowly & consistently
absorb surface water.
Replacing it with surface
dirt will completely
decommission the pervious

Michelle Planning April 2024 page 3 of 14

Primer soil with hard ~~base~~ basically impervious surface dirt -

Where will the wetland water go?

Where's the mitigation plan? Will it be flooding wet ~~land~~ properties?

Few 3. Page 4 of Sepa Environmental Checklist.

2) 4 existing houses plus their septic tanks or septic systems will be in the areas of development - Removal of septic tanks and removal of contaminated soils; If these homes are too old to have septic tanks and have used basically the soils for ~~the~~ sewage 'storage' ~~these soils need to be~~ the should occur based on

Michelle Planning April 2024 page 4 of 14
Quality Testing Soils Presenting
V ~~Testing~~ for poop and plans

for removal and remediation.

This should be addressed in the Sepa Environmental Checklist.

The Developer is redispersing surface dirt All thru the property - including into wetlands -

Yet there is no evaluation within the Sepa Checklist as to potential lead poisoning and soil infiltrated with years worth of human waste (In the old days people dug holes for sewage containment.)

Several of the houses to be demolished are pretty old - what - historically - did they use as ~~the~~ waste management?

Item 4. Page 5 of ^{Separate} Environmental Checklist.

4) Plants

a. due Pasture

- developer declared on

Page 2 B. Environmental Elements.

1. Earth

c. "The site is

currently both forested and open pasture space."

So, he should mark in Pasture box.

Also, because wetlands are on property, wet soil plants box should be marked.

Item 5. Page 6 of ^{Separate} Environmental Checklist.

5. Animals

Blue

a) Bai herons are a

threatened or endangered species + should be listed with Chum

~~Item 5. Page 6 of~~ ^{Separate} Environmental Checklist.

Item 6. Page 6 of ^{Separate} Environmental Checklist.

c. Energy and Natural Resources

a) The state of Washington has started the process of eliminating the use of natural gas for homes and businesses.

When this process is completed who will the residents of this development go to when they lose their ability to serve their homes with onsite natural gas infrastructure?

The current developer is

an LLC - ~~whose~~ ^{maker}

LLC's are ghostlike -

capable of dissolving and

removing itself from

culpability in a heartbeat.

This would include ~~hazardous~~ ^{TAKING}
no responsibility for lead
contamination or health
hazards or environmental
contamination from human
waste, or the jeopardy for
residents when natural gas is
~~is~~ not available. Not Addressed
in Checklist

Item 7. page 3 of Sept
Environmental Checklist.

Edie Berghof has a notation
on bottom of page.

There is an asterisk -
implying her note is specific
& relevant to another item
on same page - but there
is no reference to other
item.

What does her note mean?
Why is it on the checklist?

Item 8. page 7 of Sept
Environmental Checklist.

- F) Environmental Health
- 1.
- 2.
- 3.
- and 5.

The City of Poulsbo has
stated within their
"Mitigated Determination of
Non-significance"
Environmental Health
S2

and specifically S3 that
the potential for contaminated
debris and specifically
lead debris are within
very specific areas of this
development proposal.

And get the City is moving

forward with the permitting process without seriously addressing these serious health hazards. Plus existing dirt will be moved into wetlands through shooting ranges - which basically is what we are talking about - A property that was used by one or more people for several decades for random shootings; should have soils tested with for chemical sampling.

Environmental analytical methods should be used and samples should be tested by a ~~PER~~ good standing State Agency.

If lead is discovered. The ~~same~~ method of removal and remediation of the toxic soils should be under guidelines set by the Environmental

Protection Agency - Not the City of Poudre
Critical areas ordinance requirements.

This process of chemical and EPA analytical methodology should be required based on City supplying basic location of lead remnants; before permitting moves forward.

Note: Many toxic remnants are become part of the environment, not only where the bullets land - but where the gun is shot from - ~~and~~

If people get lead poisoning - Do they go to the LLC - which will go away when necessary - or will they go to the City of Poughkeepsie - who approved this development without doing due-diligence in proactively taking care of a ~~the~~ potential health crisis?

Based on City of Poughkeepsie's Acknowledging Potential Health Risks in their "Mitigated Determination of Nonsignificance" Dated April 4, 2024 - and no reference in the Applicant's Sepa Environmental Checklist dated November 22, 2022 of

any Environmental Health Risks on page 16 of said Sepa Environmental Checklist;

Why is the Planning Commission determining anything regarding this development.

This development should be allowing chemical sampling of the soils ~~to~~ for lead contamination, should be testing soils in reported debris area for possible contamination and should provide City with ^{historical} ~~clear~~ ^{of} systems used for sewage from 4 homes on properties.

This Sepa Environmental Checklist is not acceptable to move past The City Planning Department - let alone continue moving forward into permitting.

The date on the checklist of 2022 is out of touch with the current realities of 2024, and should be redone using current information to provide

a Substantive document for
to eliminate jeopardy to the
environment and peoples lives.

Also: Page 10 of Checklist

13. Historic & Cultural preservation

b) Johnson Creek and associated
land has always been
declared as historic "Indian"
use and occupation.

Page 11 of Checklist

14. Transportation

a) Viking Avenue will now
take on less more homes, with
no plans or money from developer
for mitigating this heavy
inflow of traffic, on a well
used (Already) North/South
right of way.

Where is a traffic light,
or where is property acquired
by developer, to ease movement

of this large volume of traffic
onto and off of Viking Avenue?

Plateau at Liberty Bay Planned Residential Development and Preliminary Plat

Hearing Examiner

May 9, 2024

Project Outline

Critical Area Designation and Buffers – 7/4/2022

Peer Review

Neighborhood Meeting

Notice of Application

Project Review

Peer Reviews:

Tree Retention (1), Critical Areas (2), Drainage Report (3), Minimum Requirement 8 (2)

Ecology Consultation

Meeting Notice & Staff Report – 4/2/2024

SEPA Determination – 4/4/2024

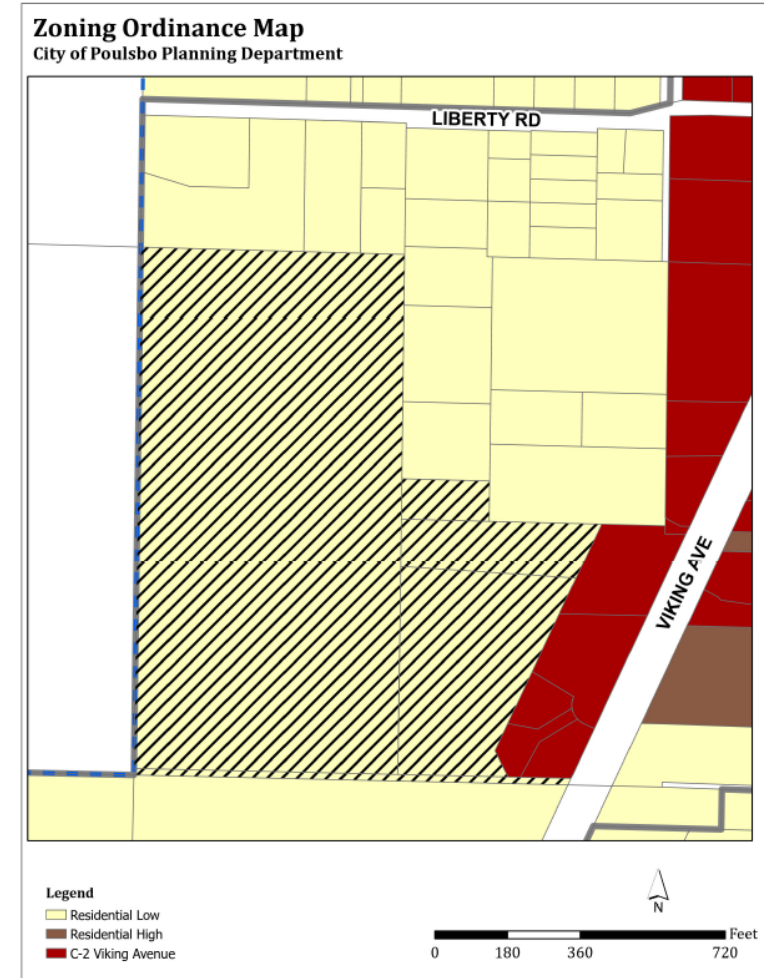
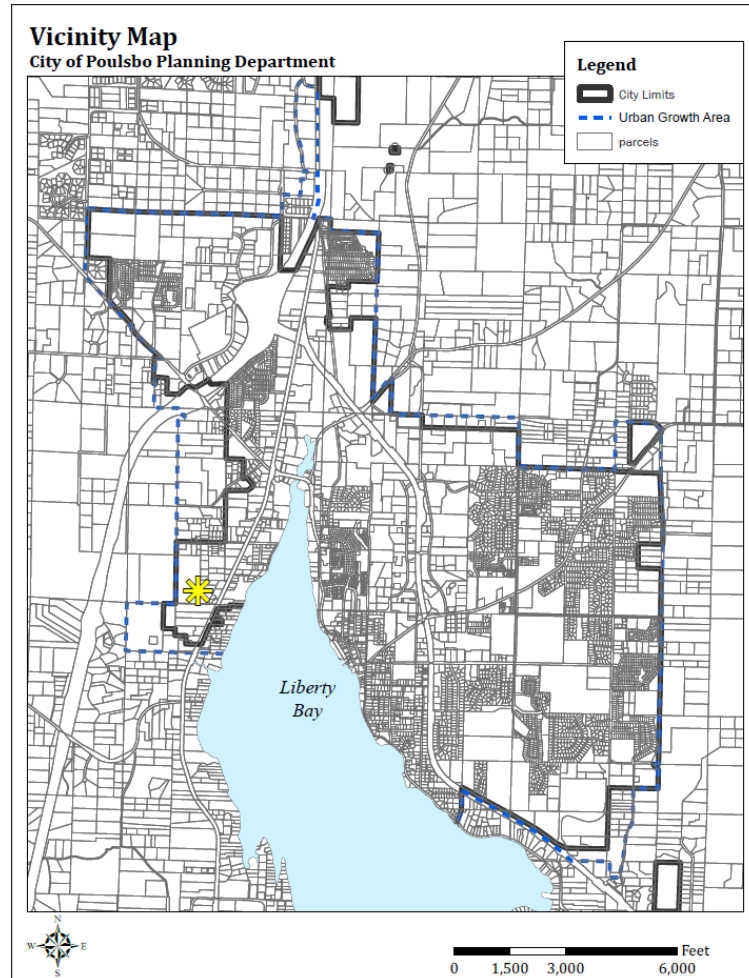
Planning Commission Meeting – 4/9/2024

SEPA Comment and Appeal Ends – 4/18/2024

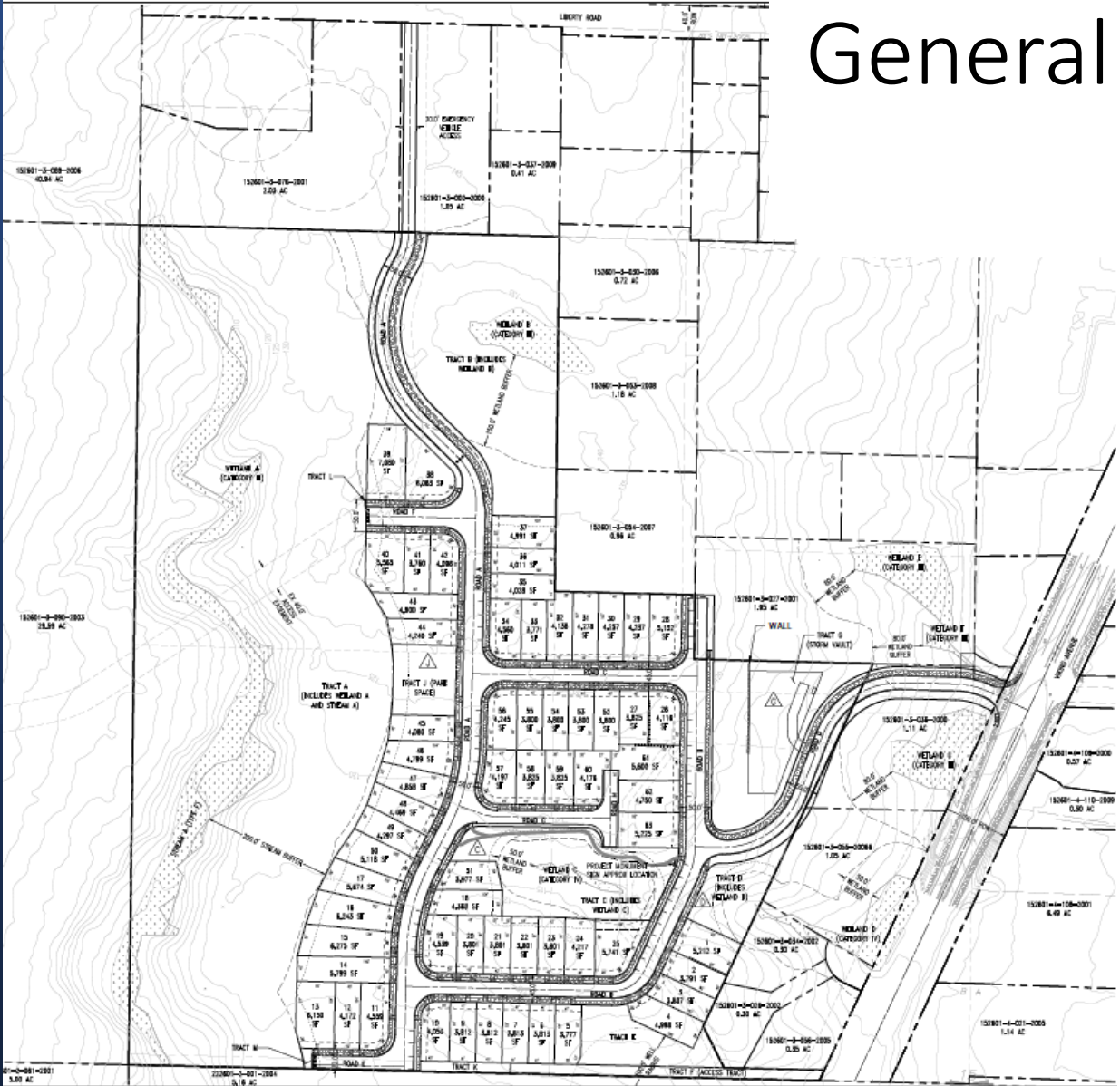
Hearing Notice – 4/25/2024

Hearing Examiner Hearing – 5/9/2024

Location and Zoning

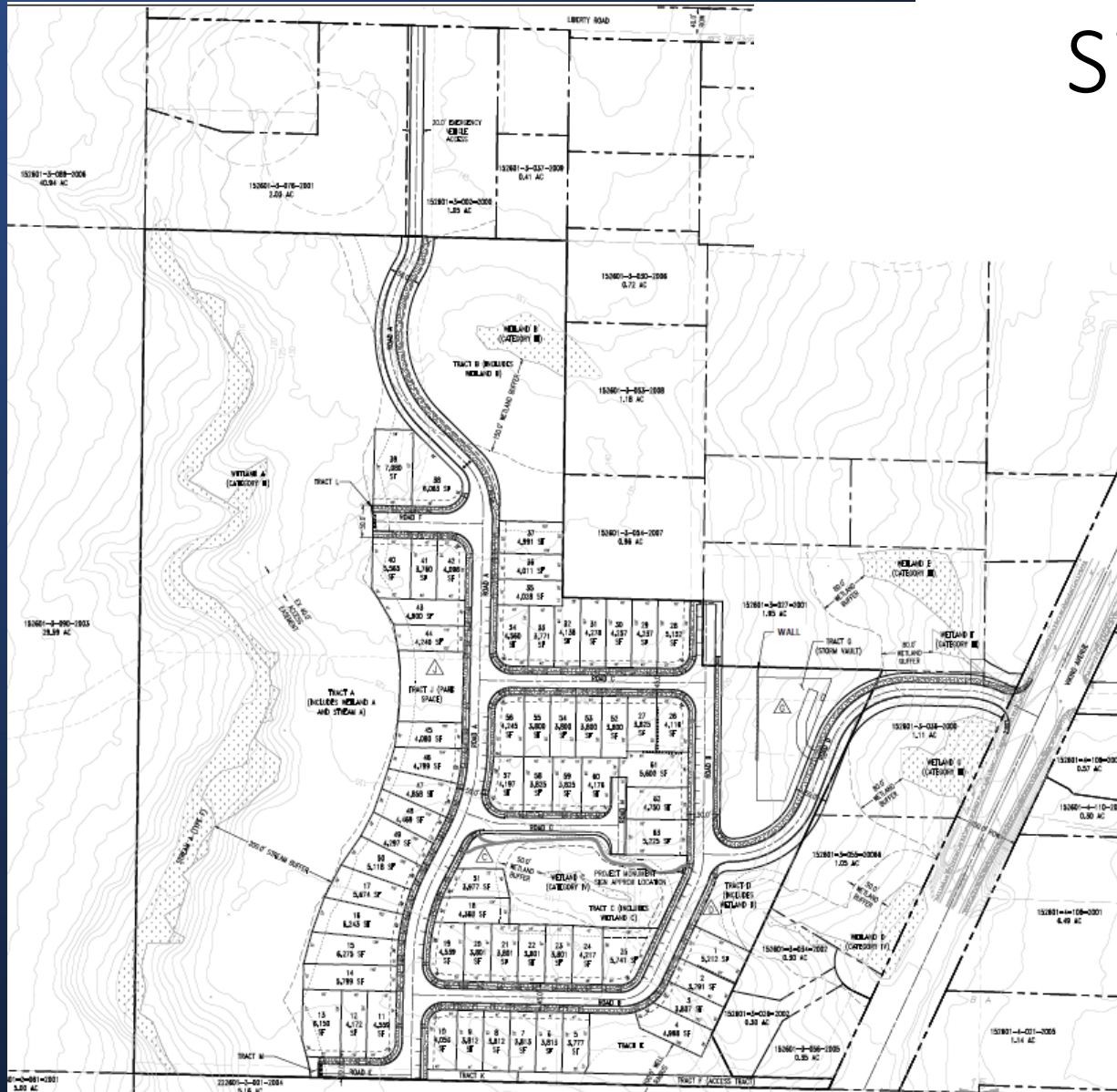


General Information



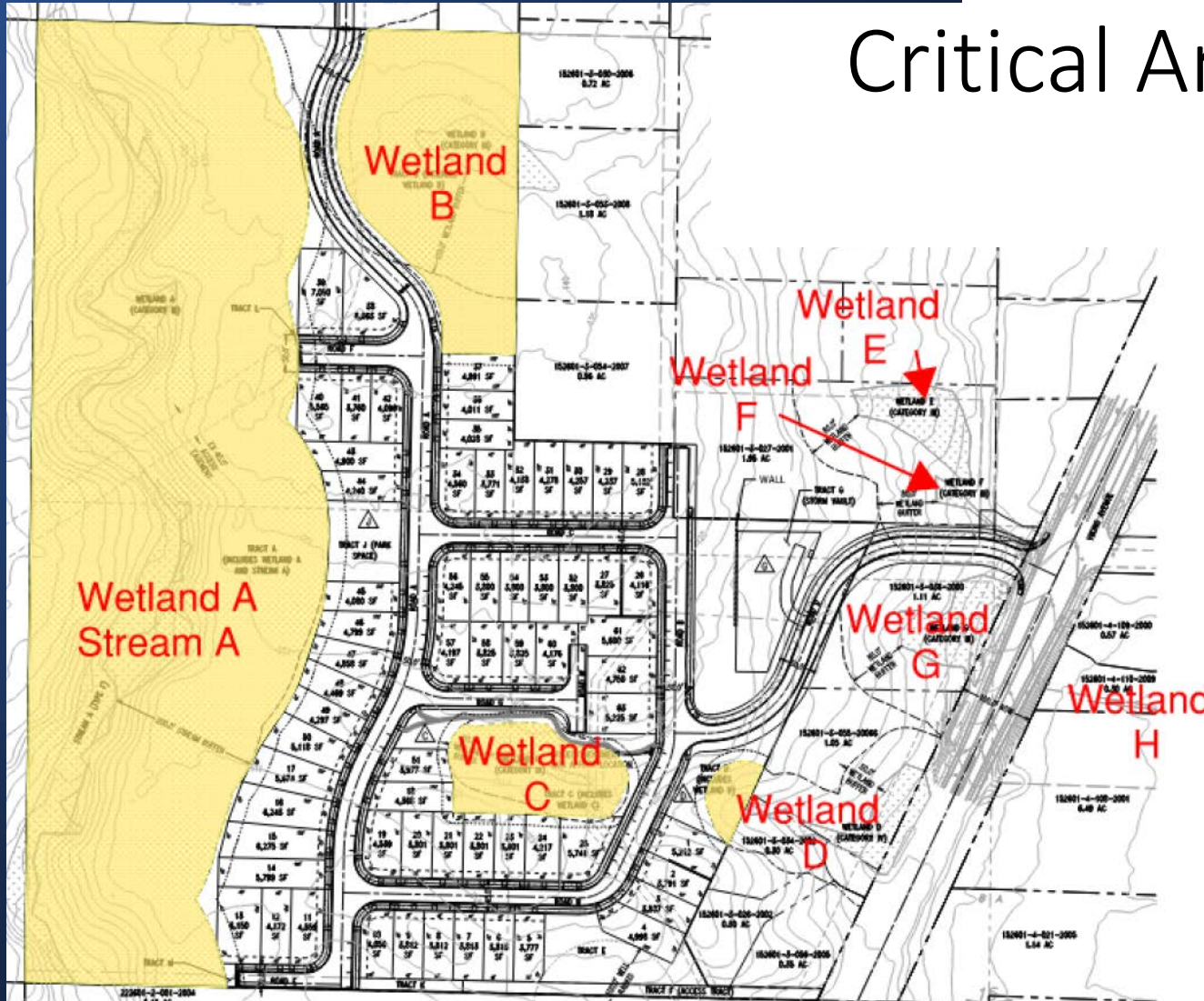
- Site is 5 properties, 26 acres.
- Current development is 4 homes and outbuildings.
- Density supports 130 units.
- Proposal: 63 units
- Site access crosses 4 additional properties

Site Plan



- Lots are 3,777 to 7,080 square feet. (Residential Low PRD minimum lot size is 3,750 square feet.)
- Lot area and dimension meet requirement as proposed.
- Setback, building height, building lot coverage, and general design reviewed with building permit submittal.
- Amenities, including surface of storm vault, will be maintained by HOA.
- Tree retention in critical area buffer. Trees also maintained in portion of Tract E, Tract C and Tract K.
- Street trees are provided along all streets.

Critical Areas



Critical Area and Buffer				
Critical Area	Impact or Creation	Buffer Width Standards Buffer + Setback From Buffer	Buffer Modification	Setback from Buffer Modification
Wetland A / Stream A		150' + 15' / 200' + 25'	None. Mitigation / enhancement planting enhancement from F & G. MR-8 mitigation planting from H.	Grading. Eliminated at Road E and F ends and along emergency access. Dispersion trenches.
Wetland B		150' + 15'	Buffer averaging. Decrease of 25% at emergency access (west) and increase by new lots (south).	Grading. Eliminated along emergency access.
Wetland C	creation from F	50' + 15'	Buffer averaging. Decrease of 25% at north and southeast with increase southwest.	Grading. Dispersion trenches.
Wetland D		50' + 15'	None.	Grading.
Wetland E		80' + 15'	None.	None.
Wetland F	impacted; creation at C and enhancement at A	80' + 15'	Buffer impact	
Wetland G		80' + 15'	enhancement at A	Grading.
Wetland H	MR-8 compensation at buffer A		None.	None.

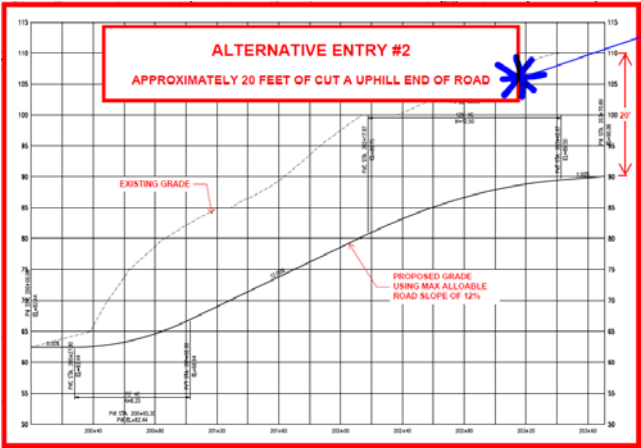
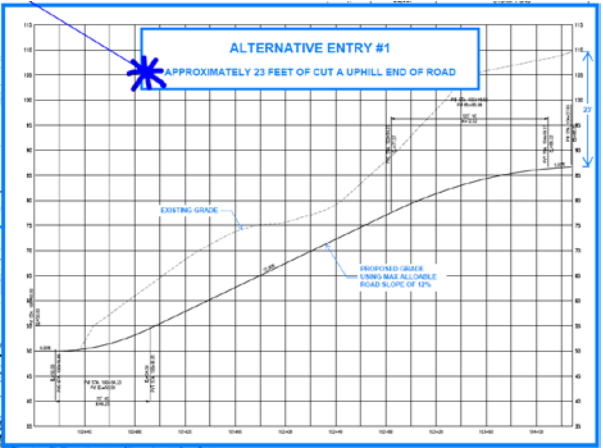
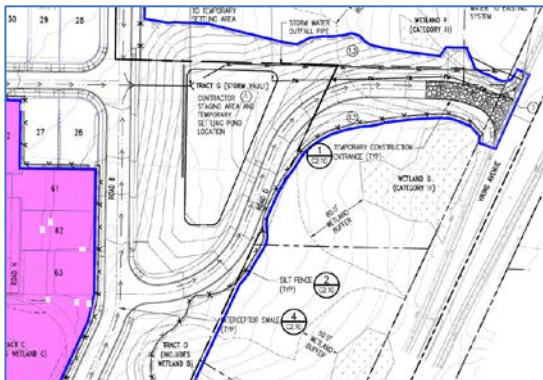
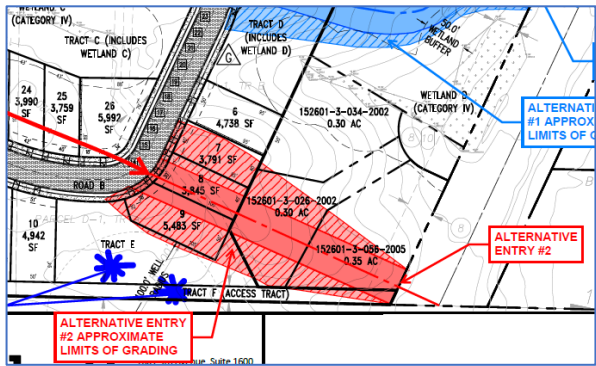
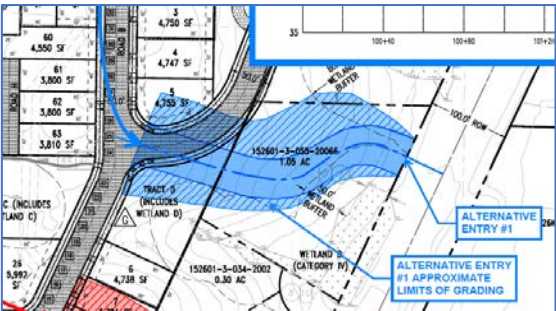
Engineering

Drainage Report (Stormwater)

Utilities (Water & Sewer)

Transportation

Access Options



Public Interest Topics

Critical Areas: salmon stream, Wetland C.

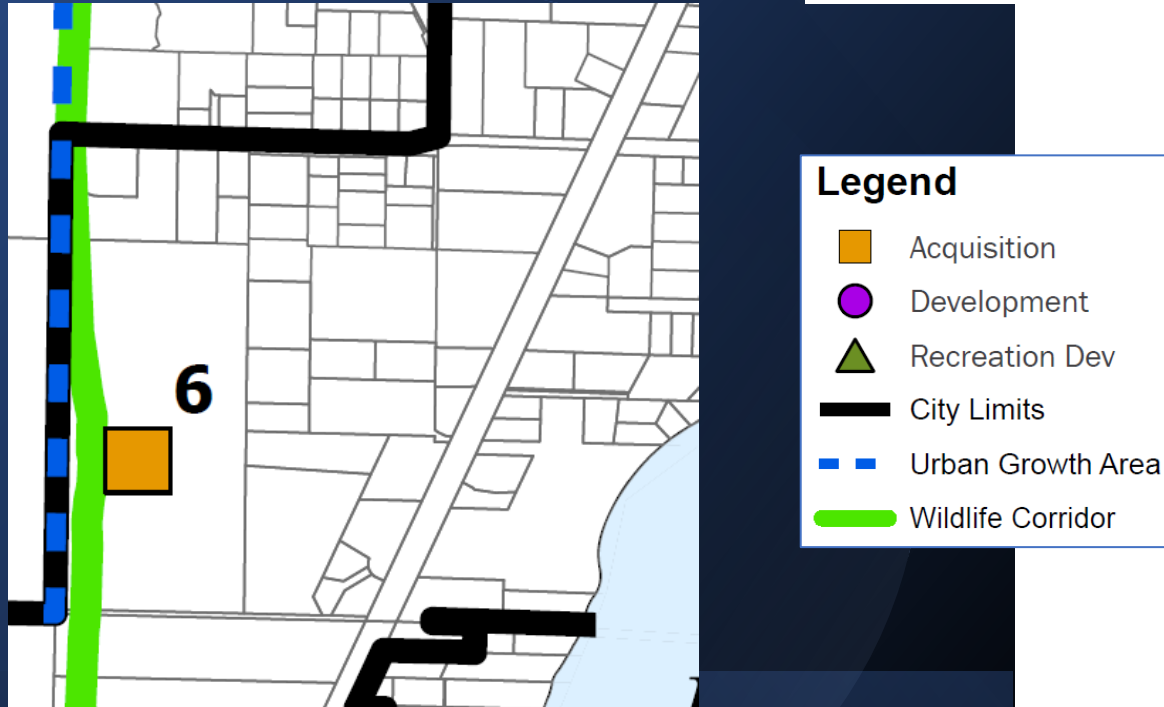
Stormwater: permeable surface options, downstream path and discharge at outfall, storm pond location.

Utilities: capacity, not removing water from North Fork Johnson Creek for project.

Traffic: transportation impacts to Viking Avenue and local access, Emergency access function, speeding, Liberty Road primary access.

Other: former owner personal dumpsite and personal shooting range, other projects impacts, density, Growth Management Act, proximity to military base, notification of The Suquamish Tribe, wildlife corridor, wildlife sanctuary, Liberty Bay to Hood Canal wildlife corridor needs EIS, local wells, ground water, privacy fencing, ownership of open space, trespass, construction noise, well protection radius, historic city sewer plan.

Staff Report Addendum 1



Excerpts from 2036 Park System Acquisition & Improvements Plan, Figure Pro-2, showing wildlife corridor.

- Parks, Recreation and Open Space plan identifies stream as wildlife corridor. No regulatory authority (no standards) provided.
- Critical Areas Ordinance provides stream protections.
- Parks Capital Improvement Plan includes
 - Development of a public trail along North Fork Johnson Creek
 - Acquisition of park land in southwest Poulsbo

SEPA

- Released April 4, 2024.
- Comment and appeal ended at 4:30 p.m. on April 18th.
- Addresses only those impacts that are not addressed through existing standards, codes and or regulations adopted by the City.
 - Raab family plaque or sign.
 - Historic use of site reported by one commentor. Additional information is required from the developer with grading permit submittal. Any remediation identified will be with required with site development.
 - Rapid Flashing Beacon.
- Exhibit 45 is a city letter rejecting an attempted appeal.

EX 48

William T. Lynn
Direct: (253) 620-6416
E-mail: blynn@gth-law.com

May 8, 2024

Hand Delivered

City of Poulsbo Hearing Examiner
200 NE Moe Street
Poulsbo, Washington

RE: The Plateau at Liberty Bay PRD and Preliminary Plat

Dear Examiner:

The Applicant was provided with written comments from a representative of the Suquamish Tribe on May 7, 2024. I am counsel for the Applicant and was asked to respond but am unable to attend the scheduled hearing on May 9 because of an ongoing lengthy land use hearing in Pierce County. We offer this brief response and would be happy to supplement this should the Examiner have questions or request further authorities.

The numbers correspond to those in the letter.

1. The SEPA determination was not appealed and the adequacy of the MDNS is not before the Examiner. The Examiner has no authority to modify or clarify the mitigation measures complained of.
2. This is apparently a criticism of the applicable codes or established buffer requirements. The wisdom of the codes is not before the Examiner. The Poulsbo Staff and Examiner apply the codes to the project. They are not authorized to disregard or alter them. This is true as to the land use decisions (RCW 36.70B.030 and .040) and under SEPA (RCW 43.21C.240). Land use decisions and environmental review must be based on adopted codes.
3. Under the City's code, the fencing of wetlands lies in the discretion of the "Director". PMC 16.20.230.I.
4. The exclusive standard for stormwater management and design is the City code, PMC Chapter 13.17, and the Poulsbo storm manual as defined in that chapter. The City staff and Examiner only have authority to regulate stormwater on that basis. Various

Reply to:

Tacoma Office

1201 Pacific Ave., Suite 2100 (253) 620-6500
Tacoma, WA 98402 (253) 620-6565 (fax)

Seattle Office

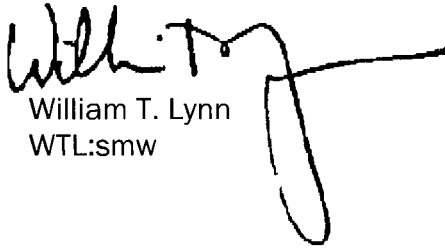
520 Pike St, Suite 1515 (206) 676-7500
Seattle, WA 98101 (206) 676-7575 (fax)

elements criticized in the letter, such as infiltration rates, are elements of the storm manual and the testing and models it requires. No deviation from that is permitted, except where explicitly allowed. The water quality requirements are likewise set forth in the manual and no additional requirements for treatment of 6PPD-Q may be imposed outside the manual. To our knowledge there is no established or adopted treatment requirement for 6PPD-Q in the manual or otherwise.

5. The City concluded that there were no significant unmitigated environmental impacts, and no appeal was taken from that conclusion. That finding is unchallenged and must be accepted in this remaining process. Further this comment seems to argue with the storm water manual and or critical areas code, which again must be the basis for decision-making.

I am sorry I am unable to attend the hearing in person. I can follow up within a day or 2 after the hearing if that would be useful to the Examiner.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W. T. Lynn', with a long horizontal line extending to the right and a large loop at the end.

William T. Lynn
WTL:smw