

## **Inadequate Neighbor Meeting for Plateau at Liberty Bay, JK Monarch Homes**

**12/27/2022**

The developer and the City of Poulsbo need to reschedule the neighborhood meeting planned for 12/28/22 at 5:00 pm., at the Poulsbo Public Library for the following reasons:

\*JK Monarch has been aware of the City of Poulsbo requirement for a meeting with neighbors within 300 feet of any proposed housing development since sometime prior to 7/24/2019, when they held a similar neighborhood meeting for their Noll Terrace Subdivision in Poulsbo, yet they schedule the meeting for the Christmas holiday.

\*JK Monarch, after having the Pre-Application meeting with the City of Poulsbo on 6/7/2022, a half year ago, decided to have the neighborhood meeting during the middle of the Christmas holiday week when many people are either out of town or have visitors at their homes. The City of Poulsbo Municipal Code states that this meeting “should be scheduled on weekday and non-holiday evenings.”

\*During Christmas the mail service is slow. It took some time for many of us to receive the meeting announcement letter. The letter was apparently mailed sometime on or after 12/9/22.

\*The meeting is scheduled at 5:00 pm. during dinner time for many people. This time also does not allow time for people who are working to commute home in time for the meeting.

\*Geoffrey Sherwin told me in a phone conversation on

\*There was no map showing the location of what is referred to as a “project.” Many of the people notified of this meeting have property that adjoins many other properties. We had no idea where this “Plateau at Liberty Bay” is located, much less what it is.

\*There was no address provided.

\*There was no parcel number provided.

\*There is no way to determine if this “project,” called “Plateau at Liberty Bay” is a commercial building, a car or RV lot, a church, a school, or a subdivision.

\*JK Monarch failed to provide a working phone number. The letter sent to neighbors, 253-840-56660, does not exist. There was no way to call JK Monarch to get any clarifying information.

\*We are in the throes of what is being referred to as a triple pandemic, yet no effort has been made to make it safe for many of us to take part in the meeting. A large percentage of the people getting this meeting announcement are of retirement age or older. It is unsafe, even if we are vaccinated, to be in the enclosed basement meeting room of the Poulsbo Library with large groups of people.

\*I asked Geoffrey Sherwin, Director of Acquisition and Entitlement for JK Monarch, in a phone conversation on 12/21/2022 about having the neighborhood meeting on zoom. He told me that it is not possible to have a zoom meeting at the Poulsbo Public Library.

\*When asked about postponing the meeting until after the Christmas holiday and holding the meeting in a location that can have zoom, Geoffrey Sherwin, Director of Acquisition and Entitlement at JK Monarch, told us “no” via email.

\*I have contacted the Poulsbo Public Library. They do have wireless and there is no problem setting up a zoom meeting in the public meeting room where JK Monarch is planning to hold the neighborhood meeting.

\*I have contacted the City of Poulsbo Planning Department by phone and left numerous messages beginning on 12/16/2022 when I became aware of the letter from JK Monarch. After eleven days I still have not received a return call from the Poulsbo Planning Department. I expect this inability to get information from the City of Poulsbo is due in part to timing the JK Monarch letter so close to Christmas, having the meeting during the Christmas holidays and inclement weather.

In summary, JK Monarch and the City of Poulsbo need to either postpone this neighborhood meeting until after the Christmas holiday or schedule a second neighborhood meeting after Christmas. The City of Poulsbo code does suggest that applicants may choose to hold additional neighborhood meetings. It should be held in a setting that can accommodate zoom. The City of Poulsbo should not accept the application for the “Plateau at Liberty Bay” as complete until a

neighborhood meeting is held after the Christmas holiday and public safety has been provided by including a zoom link for the meeting.

Jan Wold

Neighborhood Meeting Notification Letter  
Entitle Fund Two, LLC

December 9, 2022

Dear Property Owner,

The purpose of this letter is to inform you that a Neighborhood Meeting is scheduled to review and solicit public input for "The Plateau at Liberty Bay" by Entitle Fund Two, LLC. As an affected property owner within 300 feet, you are invited to attend this meeting to learn more about the proposal. The Neighborhood Meeting will be held:

Date: December 28, 2022

Time: 5:00 P.M.

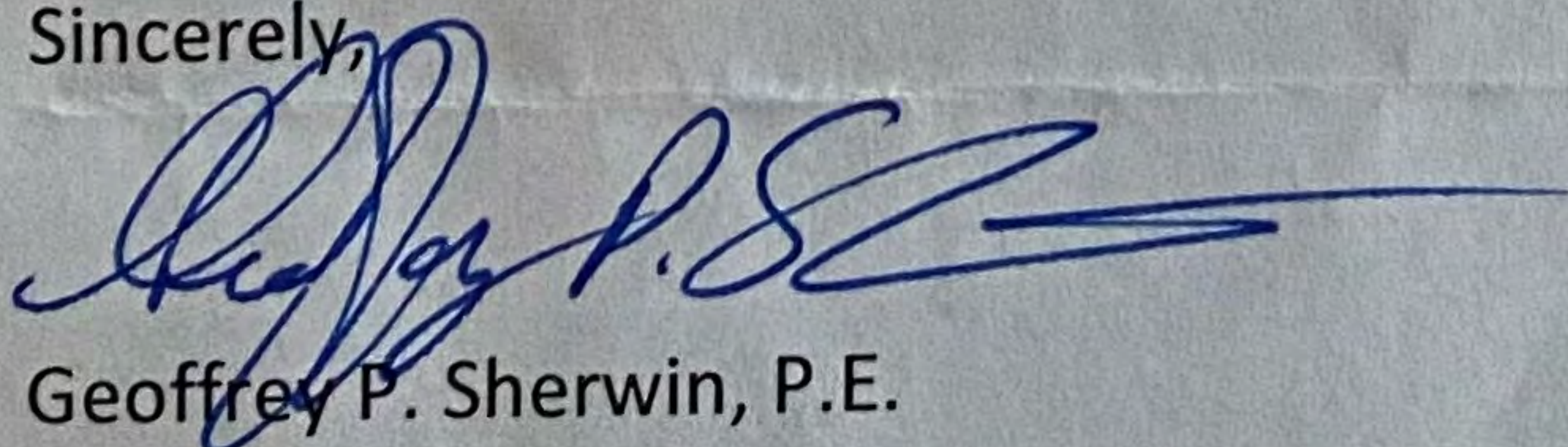
Place: Kitsap County Library, 700 N.E. Lincoln Road, Poulsbo, Washington 98370

The purpose of a neighborhood meeting is to provide a forum for interested individuals to meet with the applicant to learn about the proposal early in the review process, provide an opportunity for meaningful public input, and provide an opportunity for applicants to address concerns generated by individuals and incorporate possible changes.

The City of Poulsbo conducted a Pre-Application meeting on June 7<sup>th</sup>, 2022. The applicant is ready to move forward in the permit process and before an application can be complete a Neighborhood Meeting must be conducted following the requirements of Poulsbo Municipal Code (PMC) 19.60.

If you have any questions or need additional information, please contact Geoffrey P. Sherwin, P.E.

Sincerely,



Geoffrey P. Sherwin, P.E.

Director of Acquisition and Entitlement

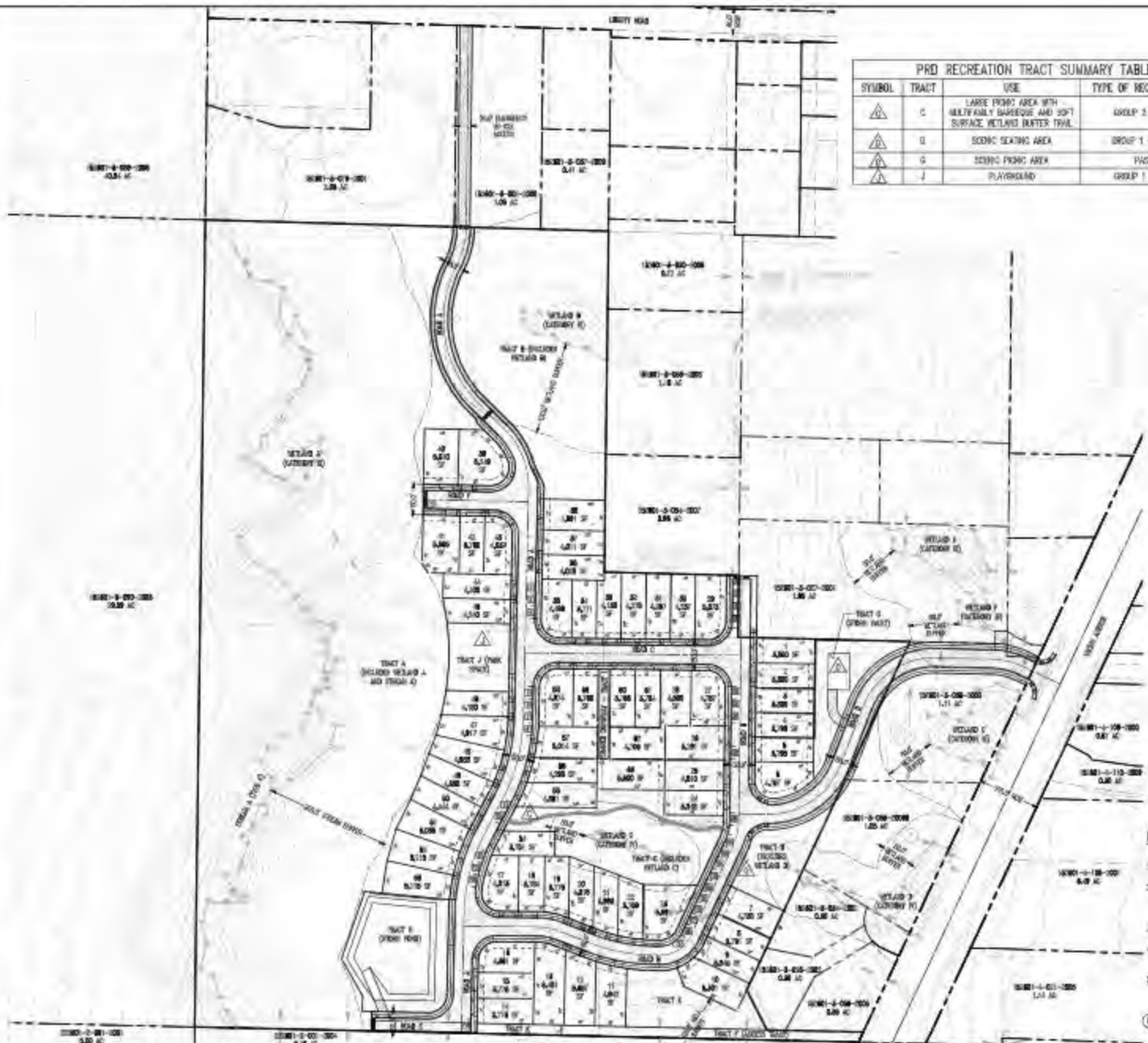
Entitle Fund Two, LLC

[geoff@jkmonarch.com](mailto:geoff@jkmonarch.com)

253-840-56660

P.O. Box 188

Puyallup, Washington 98371



SYMBOL	TRACT	USE	TYPE OF RECREATION USE
(A)	C	LARGE POND AREA WITH MULTIFAMILY BARBEQUE AND SPOT SURFACE WETLAND BUFFER TRAIL	GROUP 2 - ACTIVE
(B)	D	SEENIC SEATING AREA	GROUP 1 - PASSIVE
(C)	G	SEENIC POND AREA	PASSIVE
(D)	J	PLAYGROUND	GROUP 1 - ACTIVE

TRACT	AREA (SF)	USE
A	402,897	WETLAND & STREAM & CRITICAL AREA BUFFER, OPEN SPACE
B	68,381	WETLAND & CRITICAL AREA BUFFER, OPEN SPACE
C	352,200	WETLAND & CRITICAL AREA BUFFER, OPEN SPACE, PASSIVE RECREATION
D	12,717	WETLAND & CRITICAL AREA BUFFER, OPEN SPACE
E	14,580	WELL TRACT, OPEN SPACE
F	8,655	NEIGHBOR ACCESS TRACT
G	12,358	STORM SWALE, PASSIVE RECREATION
H	29,620	STORM POND
I	3,690	SHARED DRIVEWAY
J	10,600	OPEN SPACE, ACTIVE RECREATION
K	2,570	OPEN SPACE

CODE REFERENCE	ALLOWED	PROVIDED
MINIMUM LOT AREA	3,700 SF	3,700 SF
MINIMUM AVERAGE LOT AREA	4,000 SF	4,282 SF
MAX GROSS DENSITY (5 UNITS PER GROSS ACRE)	130 LOTS	83 LOTS
MINIMUM NET DENSITY (4 UNITS PER NET ACRE)	35 LOTS	83 LOTS

CODE REFERENCE	ALLOWED/REQUIRED	PROVIDED
TOTAL SITE AREA	---	1,534,110 SF
RAW AREA	---	198,328 SF
STORM WATER POND AREA	---	28,817 SF
OPEN SPACE <sup>1</sup>	170,117 SF	633,581 SF
CRITICAL AREAS <sup>2</sup>	---	857,886 SF (43%)
UNCOMMITTED OPEN SPACE <sup>3</sup>	89,047 SF	71,004 SF

<sup>1</sup> 15% OPEN SPACE IS REQUIRED FOR AVERAGE LOT SIZE OF 4,000-5,000 SF  
<sup>2</sup> 60% OF REQUIRED OPEN SPACE IS PROPOSED TO BE CRITICAL AREA, AS OVER 40% OF THE TOTAL SITE AREA IS CRITICAL AREA  
<sup>3</sup> 40% OF THE REQUIRED OPEN SPACE MUST BE UNCOMMITTED  
<sup>4</sup> WALK TRACT AREA IS INCLUDED IN THE OPEN SPACE AREA DUE TO RAW USE AS PASSIVE RECREATION



- NOTES:**
- SEE SHEET C1.10 FOR PROPOSED PROJECT PHASING (2 PHASES)
  - DE DATA IS USED FOR ALL GRADING INFORMATION AND CITY RECORDS ARE USED FOR ALL SHOWN EXISTING UTILITIES. THE PROJECT SURVEYOR SHALL PROVIDE A FULL SITE SURVEY DURING CONSTRUCTION DOCUMENT PREPARATION.
  - EXISTING LOT LINES AND EASEMENTS SHOWN ARE PROVIDED BY THE PROJECT SURVEYOR.
  - WETLAND AND STREAM LIMITS ARE PLACED IN THE FIELD BY THE WETLAND BIOLOGIST AND SURVEYED LOCATION IS SHOWN ON THESE PLANS.
  - ON-STREET PARKING STALLS ARE NOT STAMPED. LOCATIONS ARE SHOWN FOR REFERENCE. SURFACE AND STORM PLANS, INCLUDING FIRE LAKE RELATION SHOVAGE, WILL BE PROVIDED DURING ENGINEERING.
  - PROPOSED UTILITY EASEMENTS FOR WATER, SEWER, STORM WATER AND FIBER/OPTIC UTILITIES SHALL ALL BE 10' (TYP) UNLESS OTHERWISE NOTED.



NO.	DATE	BY	CHKD.	APPR.	REVISION
1	12/2022	EKC	EKC	JSF	INITIAL PRELIMINARY PLAT SUBMITTAL

DRAWN BY: RAB  
 CHECKED BY: EKC  
 DATE: DECEMBER 8, 2022  
 JOB NO.: 2000506

CALL TWO BUSINESS DAYS BEFORE YOU DIG  
 1-800-524-3535  
  
 4013 1/2 Avenue, Suite 100  
 Seattle, WA 98104  
 206.465.4422  
 www.kpff.com

THE PLATEAU AT LIBERTY BAY PRD / ENTITLE FUND TWO, LLC  
 POU, WA  
  
 12/08/2022

PRELIMINARY PLAT PLAN  
 SHEET C1.00

B. Priddis

1 page

Date: 28 December 2020

RECEIVED

From: Mr. Ken Priddis  
P.O. Box 673  
Keyport, WA 98345

DEC 29 2020  
PED Department

To: City of Poulsbo  
Planning Department  
Attn: Edie Berghoff  
200 NE Moe Street  
Poulsbo, WA 98370

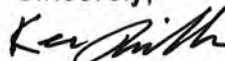
Subj: The Plateau at Liberty Bay by Entitle Fund Two, LLC

Ref: JK Monarch "Neighborhood Meeting Notification Letter", dated 12/9/2022

Listed below are my comments, concerns and objections to the proposed "The Plateau at Liberty Bay by Entitle Fund Two, LLC:

1. Traffic congestion at the new access (ingress/egress) road to Viking Avenue. The proposed access road will result in additional traffic congestion and delays at the new intersection. Please require the developer to install turn lanes. Will a traffic light or roundabout eventually be installed on Viking Avenue?
2. The developer's preliminary plat plan (Sheet C.100) shows a new, second road going north to Liberty Road. The plan suggests that it is for emergency vehicles. What prevents the Plateau residents from using the new road as general access road? Liberty Road is currently just a unimproved, single lane road at it's upper end.
3. Storm water runoff from all the impervious surfaces creates a real concern. Please require the developer to use permeable materials for all roads, sidewalks and driveways.
4. Does the City of Poulsbo have sufficient sewer and water capacity to support the new development? Does the City need to purchase or lease more capacity at the regional sewage treatment plant? Will current City residents pay for any needed upgrades or will the developer pay?

Sincerely,

  
Ken Priddis

**From:** [Todd Ferguson](#)  
**To:** [City of Poulsbo Planning and Economic Development](#); [Edie Berghoff](#)  
**Cc:** [Flo](#); [Neil](#)  
**Subject:** Re: The Plateau at Liberty Bay - Notice of Application  
**Date:** Wednesday, February 22, 2023 3:46:01 PM

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

Regarding the P-12-06-22-02 application submittal.

I reviewed some of the submittal information and various plot information from Kitsap parcel search. I looked for a place to comment on line, but did not find such. I am adding my comments in this e-mail. Please let me know if something else needs to be done for them to be reviewed.

I read through the traffic study. I don't believe this study is sufficient to provide sufficient data regarding the proposed entrance area. The study only measures two times of day, and appears to only measure for one day and a traffic count at that. I believe the study needs to review the speed of the traffic on the roads currently, and the number of vehicles merging from two lanes to one at the proposed entrance site.

When I travel in that area both by foot and vehicle I normally observe vehicles traveling 45-50 mph on the street, and speeding up to beat other cars at the merge point, which is the proposed entrance point. A study of the actual speeds needs to be conducted to see if additional traffic modification would be required for that sharp and steep entrance point. The currently proposed entrances will not provide safe access in inclement winter weather due to the steepness and requirement to stop on an incline prior to entering Viking Way.

The northern lot is also off of NW Liberty Rd which is currently a public street used by multiple businesses and residents. This point is a safer access point for getting to homes and would allow for future improvement such as a traffic circle or light at the intersection of Liberty Rd and Viking Way.

I also have some concerns regarding the Environmental study and water flows observed in the various measure points. It confirms that the area is a wet location with many underground streams and water pathways that can change from season to season. They have proposed making ponds and routing the ground water to these locations to soak in. There does not seem to be a mention of the effect this will have on the existing homes and properties to the east of the development on both sides of Viking Way. It would seem that it would be better to move this water into the Poulsbo storm water system and help improve ground water seepage that may cause problems for properties downhill of these ponds.

The traffic on Viking Way does appear to me to be a safety issue for adding an new entrance for 60 new homes. Entrance off of Liberty Rd is a much safer access point for 60 families to used multiple times a day.

I know this may sound like an exaggeration regarding Viking Way traffic. I would suggest performing a study with speeds and volumes over the course of a week each day all day. I have found that if I follow the speed limit in either direction on Viking Way the either back traffic up, or am passed in the double lane area of Viking Way. When I do attempt to keep up with traffic, speeds seem to average 45-50mph near the transition from two lanes to one lane. I expect this will also be an issue for the new Fire Station being added on Viking Way.

Respectfully,

Todd Ferguson

On Feb 9, 2023, at 8:02 AM, City of Poulsbo PED Department  
<[planninginfo@cityofpoulsbo.com](mailto:planninginfo@cityofpoulsbo.com)> wrote:



## City of Poulsbo Public Notice

You are receiving this email because you have signed up to be on a City of Poulsbo PED public outreach list.

Project documents and public notices for The Plateau at Liberty Bay can be found [here](#). If there is an issue with the [link](#), you can go to <https://ci-poulsbo-wa.smartgovcommunity.com/Public/Home> > Applications > and search for permit number P-12-06-22-02.

**Comments are due by February 23, 2022**

Thank you!

- [Notice of Application](#)

Edie Berghoff, Associate Planner  
[eberghoff@cityofpoulsbo.com](mailto:eberghoff@cityofpoulsbo.com)

City of Poulsbo | Planning and Economic Development Department, 200 NE Moe Street,  
Poulsbo, WA 98370

[Unsubscribe islandtodd@gmail.com](mailto:islandtodd@gmail.com)

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2/23/23

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[geoff@jkmonarch.com](mailto:geoff@jkmonarch.com)

## **JK Monarch “The Plateau at Liberty Bay” Development Comments**

### **Johnson Creek, a Salmon Stream, History and Condition**

Johnson Creek is a salmon stream that is designated “F”, a Fish Stream. A few years ago, a WDFW fisheries biologist wrote a letter stating that anadromous fish originally were present in Johnson Creek from Liberty Bay up past the proposed “Plateau at Liberty Bay” development to the area just below the south end of Walmart’s location.

I believe Johnson Creek is the only designated wildlife corridor in the City of Poulsbo. It also provides a portion of the only real wildlife travel corridor from the east portion of Puget Sound through Liberty Bay to Hood Canal. This corridor extends across the Johnson Creek drainage through culverts under Highway 3 and across the overpass at Highway 3 at Sherman Hill Road. It continues through State Park property just west of Highway 3, then eventually through the wooded areas of Bangor to Hood Canal. This proposed housing development is about 2.5 miles east of the Hood Canal shoreline.

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 resided at a home at the mouth of Johnson Creek where it enters Liberty Bay for seven years. This home was about a quarter of a mile downstream and southeast of this proposed housing development.

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 run. The chum salmon run is barely hanging on due to the ever-increasing destruction of the aquatic systems in this drainage due to City of Poulsbo housing and business developments.

Any decisions on stormwater systems, pipes, settling ponds, pervious pavements, rain gardens, landscaping and water from building gutters need to be done with the greatest care and use of hydrologic and fisheries expertise to avoid further degrading Johnson Creek and leading to the elimination of what remains of the chum salmon run.

I am going to share some of the history of how the complete Johnson Creek coho salmon run was lost and how the chum salmon run has almost been eliminated. The home and acreage that I used to own at the mouth

of Johnson Creek was my home from 2005 until the middle of 2013. My house was located on Viking Way, 500 feet from the Poulsbo city limits and was situated at the mouth of Johnson Creek where it flows into Liberty Bay, a small, shallow bay of Puget Sound. Liberty Bay is suffering from increasing amounts of sediment being deposited in the Bay. The center of Johnson Creek was the northern boundary of my property. The small estuary formed at the mouth of Johnson Creek was the eastern boundary of my property. I purchased my property based on my desire to live near and observe a salmon stream and its wildlife-filled estuary.

The Olhava commercial development is located about a mile above the proposed "Plateau at Liberty Bay" subdivision. The Olhava development includes Wal-Mart, Home Depot, Office Max, Petco, numerous other businesses, and Olympic College.

The Olhava development is in the headwaters of the largest tributary of Johnson Creek, the North Fork. The Middle and South Forks are much smaller, both entering the mainstem, or North Fork of Johnson Creek, on the two private properties just above where my home was located. (The much smaller Middle and South Forks are located outside city limits, i.e., within the unincorporated county. The Middle Fork and South Fork drainages are in better condition and are mostly forested with a few scattered homes on acreage.

Johnson Creek historically supported heavily used spawning areas for chum salmon and coho salmon. It was a rearing location throughout the year for coho salmon.

When the City of Poulsbo was considering approving the Olhava development, Dick Boughner, an environmental engineer with 40 years of experience, testified regarding predicted negative impacts to Johnson Creek. He discussed the expected loss of salmon runs due to high water temperatures, lack of dissolved oxygen in the water and high flows washing out the salmon eggs. He testified that the assertions in the Olhava Environmental Impact Statement as to efficacy of the project's measures to mitigate stormwater impacts were inaccurate and that severe damage downstream would occur.

On June 24, 2003, according to the Poulsbo City Council's minutes of that meeting, Mr. Boughner testified (page 17) that the Environmental Impact Statement (EIS) for the Olhava Master Planned Development stated that "... very little of any water leaves the site in the form of surface water to Johnson Creek ... This means there will be no runoff." He again quotes the EIS as stating "In order to mitigate the potential impacts, the applicant has proposed to install surface water retention system, which is infiltration ponds ..."

Mr. Boughner continues, "When I looked at the drawings of the ponds that are installed, which there are four, and there is not one that is designed to meet that requirement. ... The copy of the contract drawings ... show every one as an overflow pond. ... There is no control of the water that goes in these ponds that will not drain into Johnson Creek. This drawing shows a perched water table underneath Pond #1. Pond #3 also sits atop a perched water table. Therefore these two ponds could not infiltrate water into the soil. Anything that goes into those ponds would overflow. ... That's basically my concern is that they are, that they have not followed the impact statement, they've built it contrary to it and the ponds will impact Johnson Creek."

Mr. Boughner continues on page 19: "They're flow-through ponds ..."

On page 21, Mr. Boughner covers the expectation of a lack of dissolved oxygen in the water and how it would kill fish. He also covers the lack of any effort to remove oil from the stormwater coming from a thousand-car parking lot. At the time, the City Council listened to his expert testimony and asked questions but went ahead and approved the development and its inadequate storm-water facilities, ignoring the expert testimony.

The dire predictions of the expert witness, Mr. Boughner, and others who testified to similar effect came true by 2011 at my home and property and my neighbor's properties. The impacts continued to worsen with the addition of more and more impervious surfaces from this development located about 1 1/2 miles upstream of my home and my separate five acre property.

The stormwater ponds, located in Olhava, are full, or nearly full, of water year around. When a storm occurs, the stormwater runs off the impervious surfaces such as buildings, sidewalks, roads, and extremely large parking lots directly into the stormwater ponds. Inasmuch as the ponds are usually full, the stormwater quickly enters the North Fork of Johnson Creek. The creek channel is not large enough to deal with these huge volumes of water, far greater than anything it carried before development. As the creek “adjusts” (carved by ever higher peak volumes) to these higher flow volumes, the edges of the creek channel and the slopes above them begin caving in. Trees and other vegetation, soil and rocks are undermined and fall into the channel as well. This additional volume of mud, rock and vegetation must then also be carried downstream along with the higher volumes of water.

Christy Christensen, an environmental consultant for another potential developer in the Johnson Creek drainage, reported similar conditions close to my five acre wooded parcel: “Erosion of steep and unstable banks along both sides of the creek has resulted in numerous downed trees in the channel.” C3 Habitat Corp., Nathan’s Glen, Inc. Large Lot Subdivision (Feb. 23, 2009). The attached picture of Johnson Creek (Exhibit A) also shows the excessive amount of sediment and rock piles along the channel. There has been another 13 years of development in the headwaters of Johnson Creek since this analysis.

Johnson Creek is piped beneath Viking Way in a culvert one property above my previous home and below my wooded five acre property. 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. It began to dam up the excess water that could not get through the culvert. The first level of our upstream neighbor’s home, two properties above mine, but on the west side (upstream side) of Viking Way filled with backed up stormwater, as did their carport. A great deal of rock and mud piled up on my property, both in the creek and on the estuary.

The entire Viking Way road fill and culvert was nearly lost with county workers laboring feverishly to keep water moving through the culvert. Had

this culvert and fill failed, it could have undermined the area below my neighbors' properties and my garage and caused a great deal of damage to the mouth of Johnson Creek, its estuary and Liberty Bay.

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. On November 19, 2009, at 10:00 P. M., we heard a loud crash. Undermined by the excessively high peak flows, a large, live, cedar tree at the edge of Johnson Creek on our neighbor's property toppled into and across the creek. The tree hit a century-old alder tree, another cedar tree and two fir trees. Together the group of trees hit the power line, cable and telephone lines that crossed above my garage and then over the creek. The trees then hit the northeast corner of my garage. Sparks were flying from the downed power line lying on my garage roof amid the downed trees. It was fortunate that the weather was cool and rainy. Had it been dry, the garage and nearby house could have burned to the ground.

The power company spent several hours on overtime with heavy equipment cutting the branches and trees out of the power lines with the power, cable TV and phone shut off to us and some of our neighbors. We had a large deductible on our homeowner's insurance policy, so we had to pay \$1,140 to have the trees removed from the garage and another \$2,433 to have the garage repaired. The City's mismanagement had already cost us \$3,573 in repairs. Of course, this does not begin to cover the diminished value of our waterfront property due to the huge volumes of mud and silt being deposited on the beach in front of our home at the rate of several inches per year, nor does it address the contaminated fish and shellfish on our property that cannot be safely consumed (because the stormwater is washing off of parking lots, streets and drives and carries with it oil, grease, rubber and chemicals from tires and other contaminants).

These unnatural high flows and polluted waters damage not just private property, but natural resources, too. During all these higher-than-normal flows, 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.

In 2007, the increased stream flows from a single storm washed out virtually all salmon eggs from more than 1,500 spawning salmon for the entire 2007 spawning season. Only four adult coho salmon were seen in the creek following the washout. For the first time in recorded history, not a single adult coho salmon was observed spawning in Johnson Creek in the fall of 2008. During 2009 the total number of coho observed during a Suquamish Tribe's fishery survey by their fisheries biologist was nine dead coho and three live coho. None were observed in all the fish surveys done on Johnson Creek during 2010.

The fisheries situation has worsened since then. There is no longer any coho salmon run in Johnson Creek. Young coho salmon need to rear in Johnson Creek for about a year before going out to saltwater. They can no longer survive in Johnson Creek due to the much higher temperatures caused by the settling ponds, the pollutants and the erratic flows that do not mirror what was occurring naturally. I would suggest you consult with the Suquamish Tribal Fisheries section if you wish to gather more specific information on the fisheries situation in Johnson Creek.

The chum salmon eggs need to remain in Johnson Creek for a few months but the minute the young chum emerge from the stream gravels they head to saltwater. The chum do not need to survive in Johnson Creek for a year. However, the stream flows have become so erratic that it is becoming very difficult for spawning adult chum salmon to swim up into the creek. Moreover, the high stormwater flows can wash out all the eggs.

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 on the food chain.

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 as aquifers are not fully recharged.

The damage we have witnessed is not unique. Unfortunately, it is the probable consequence of intense development in small drainages. Dr. Derek Booth has done a significant amount of research on Puget Sound and its tributaries. He concludes in his article, "Forest Cover, Impervious Surface Area, and the Mitigation of Urbanization Impacts in King County, Washington, 2000." On page 3 he states as follows:

*Modifications of the land surface during urbanization produce changes in both the magnitude and the type of runoff processes. In the Pacific Northwest, the fundamental hydrologic effect of urban development is the loss of water storage in the soil column. This may occur because the soil is compacted or stripped during the course of development, or because impervious surfaces convert what was once subsurface runoff to Horton overland flow. In either situation, the precipitation over a small watershed reaches the stream channel with a typical delay of just a few minutes, instead of what had been a lag of hours, days or even weeks. The result is a dramatically changed pattern of flows in the downstream channel, with the largest flood peaks doubled or more and more frequent storm discharges increased by as much as ten-fold.*

Dr. Booth continues on page 16:

- *Land development that eliminates hydrologically mature forest cover and undisturbed soil can result in significant changes to urban stream hydrology and, in turn, to the physical stability of stream channels.*
- *Land development modifies streamflow patterns; even with stormwater detention ponds, it can produce seasonal and stormflow patterns that are substantially different from those to which native biota have adapted.*
- *Although factors other than hydrologic change can undoubtedly affect the magnitude of urban impacts, the breadth of the existing data suggest that improvements in these other factors (e.g., riparian buffers) cannot fully mitigate the hydrologic consequences of overly intense urban development. ... Even the largest detention ponds,*



*however, have been recognized as limited in their ability to mitigate all aspects of hydrologic change.*

- *Twenty years of empirical data display a good correlation between readily observed damage to channels and modeled changes in hydrology that correspond to loss of about one-third of the forest cover in a “typical” western Washington watershed. A similar degree of observed damage also correlates to a level of watershed effective imperviousness of about ten percent.*

The damage resulting from the Olhava development combines with impacts from the other existing and approved developments in the Johnson Creek drainage to cause additional cumulative damage. Since 2011, when I first documented this history, the City continues to allow more and more intense development of more land adjacent to and in the headwaters of Johnson Creek. The City has permitted a great deal of impervious surfaces, including numerous additional large commercial buildings and large parking lots that drain into Johnson Creek. These include the College Mercantile, Petco, First Security Bank, Big 5 Sporting Goods and many others.

By 2011, the City of Poulsbo had approved 161 new residences in the Johnson Creek drainage located nearer the headwater areas. The Liberty Hill subdivision (previously called Urdahl Meadows subdivision) has 71 homes and a huge settling pond; the Vinland Pointe subdivision (previously named Finn Hill Landing subdivision and named the Cook subdivision before that) has 90 homes and two huge settling ponds. There is another newly built Westwood Crossing subdivision with 37 homes and a settling pond between the previous two subdivisions. There is apparently another 19.56 acres in the process of being developed that is next to the north border of the Westwood Crossing subdivision at the end of Urdahl Road. All of this bulldozing and hardening off of more and more previously wooded drainage area will only add to Johnson Creek’s hydrologic problems.

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. 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. The Growth Management Act, RCW 36.70A.172, requires that “counties and cities shall give special consideration or protection measures necessary to preserve or enhance anadromous fisheries.” Regardless of what the City of Poulsbo intended with its 1994 and 2009 Comprehensive Plans and its Critical Areas Ordinance, the anadromous fishery is not being preserved or enhanced, but is being lost very rapidly. In large part, this is due to the consequences of the City’s growth as currently planned, its failure to treat stormwater, its excessive impervious paving and its inadequate buffer protection for the headwaters and aquifer recharge area of Johnson Creek.

You can talk about how much you care about the salmon and the environment. You can quote the “protections” for the salmon stream such as SEPA decisions, planning regulations or best management practices. However, the salmon have spoken and they tell the real story. The decisions of the City of Poulsbo have eliminated the Johnson Creek coho salmon run and nearly eliminated the chum salmon run.

Irresponsibly, the City has no monitoring plan or action plan in place to avoid further stream degradation or to repair any of the existing problems. The City blithely assumes that its best management practices and stream buffers will be effective. When they have proven grossly inadequate, as accurately predicted by the experts, the City simply dumps the problem into the laps of those living downstream, both inside and outside of the City, those depending on fishing and the creek’s flora and fauna. I am a member of the class of homeowners and property owners adversely affected by the City of Poulsbo’s irresponsible actions.

It is my hope that the City of Poulsbo can admit that the present approach has failed miserably. The City now needs to make decisions that do not allow development to have impervious surfaces in the Johnson Creek drainage. What little is left of the Johnson Creek drainage needs to be preserved. Any approaches to stormwater management for this and any other proposed development in Johnson Creek can not have any stormwater ponds or drainage off buildings and roads delivering water to Johnson Creek. This development will need to deliver stormwater to Liberty Bay, also a poor choice, but better than into a dying salmon stream. The City of Poulsbo needs to take extreme action to attempt to preserve what little is left of the Johnson Creek chum salmon run and the

few remaining natural organisms that are still able to live there.

Unfortunately, the City of Poulsbo has at this point turned what was a very healthy, productive salmon stream into a stormwater “drainage pipe.” The stormwater “drainage pipe” then dumps large, unnatural amounts of sediment and debris into Liberty Bay.

Jan Wold

Exhibit A



**From:** [Emery Tallon](#)  
**To:** [Edie Berghoff](#)  
**Subject:** Johnson creek development  
**Date:** Thursday, February 23, 2023 12:03:09 PM

---

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Hello Edie,

Thanks again for your time on the phone and information regarding Johnson creek and it's watershed.

I am writing to submit an official comment Re: our discussion earlier. I believe the recent rampant over development, required by the GMA, and stewarded/championed by Becky Erickson is going to have severe impacts on both the organic/biological atmosphere that we call home as well as the cultural and economic future.

Allowing large scale builders and developers to come in and do severe, damage to our community while lining investors pockets and depending on public infrastructure(see outside your window:the Sophie building and its already severely negative impact on the accessibility to downtown Poulsbo) is shortsighted and will lead to a very different Poulsbo, very fast. The commercial entities moving in and having their way with our quiet little town should make the current city council and admin ashamed. I am very concerned for the future look and feel of Poulsbo.

Specific to the Johnson Creek watershed  
, it seems like allowing any sort of residential development in that area will have short term(access, runoff, habitat loss, public easements and utility abuse) and long term(loss of character, infrastructure wear, long term run off and environmental damage) and that the city should do anything in its power, including public pleas and information campaigns to protect our town from predatory, profit driven development.

Emery Tallon,  
Long time rural kitsap resident(98370), NKHS grad, and part owner/employee of several Poulsbo based businesses.

**From:** [jay.humphries](mailto:jay.humphries)  
**To:** [Edie.Berghoff](mailto:Edie.Berghoff)  
**Subject:** Comments regarding Proposed project #P-12-06-22-02 "Plateau at Liberty Bay"  
**Date:** Thursday, February 23, 2023 2:54:00 PM

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Hello Edie, I received the email regarding the public notice of proposed project #P-12-06-22-02 "Plateau at Liberty Bay" , and I am assuming that you are taking comments. Please let me know if this needs to be directed elsewhere.

2/23/2023

To whom it may concern,

This is my comment/ concern response regarding the proposed "Plateau at Liberty Bay" housing project, permit # P-12-06-22-02.

I live at 19445 Viking Avenue NW, and my driveway access to Viking avenue will be directly connected to, and affected by the newly proposed access road (road "D" as labelled in site plan document 2023-02-01 PLB Print.pdf). I have lived at this location for over 10 years now.

I realize that there is a need for new housing development to make this city thrive and prosper. However, I think that the project, as proposed , will cause serious traffic issues for Viking Avenue. Not just for the existing residents in the immediate area, but also for the future residents of the 63 proposed homes.

I understand that it is the job of every consulting / engineering firm to dazzle the reader with details, charts, graphs, and jargon in order to persuade the decision makers to accept their proposal. They do not live here. I have read the traffic analysis report, and I think it is flawed and it is drastically underestimating the impact this development will have.

Here are issues I have:

#1

There is only one proposed road access to the development of 63 homes. It will be 66 homes counting the 3 existing (including mine) that will have to use one bottleneck exit to Viking Ave. So, 66 homes will probably have at least 130 people living there, probably more. All with one exit.

It is difficult right now to get out of my driveway to Viking Ave during peak hours, and that is with only 3 adults that currently use the existing driveway entrance.

#2

The traffic analysis report uses, and bases the exit times, delays, and site line distances on the posted 35mph speed limit at the entry road location. Also, the proposed entrance (adjacent to my current driveway entrance) is exactly where the 4 lanes of traffic neck down to 2 lanes.

The 35mph posted limit is irrelevant. People drive a lot faster except for the rare occasion that police officers park nearby.

The reality is that all through the afternoon hours, in the southbound lanes, it often times seems like a flat-out drag race. Many drivers speed and race to be the first one

in front to get to the spot where the two lanes merge to one--exactly at the location of the new proposed road entrance.

The traffic coming from the opposite direction (from south-north) is almost as bad in the mornings. Again, even though there is a posted 35mph limit, many drivers coming into town from the south are moving way faster than that. Even though there is a center- turn lane, it is very difficult, and often times dangerous to turn left (north) onto Viking avenue.

#3

The volume analysis, I think, is flawed. Have we not forgotten that we are still to this day coming out of our pandemic behavior? Those traffic volume data were taken at a time when there are still a significant number of people working from home. This will only decrease over time, which will mean more trips, more traffic.

#4

The conclusion to the traffic analysis report (pg 22) states "no LOS deficiencies are identified", and that the mitigation is to pay the city of Poulsbo a "**Traffic Impact Fee**" of **\$313,584** ???

How does the payment of this fee/fine by the developer help anyone that actually lives near, or in this new development. Where would these fees go?

I think something else needs to be done for this to not turn the area into a congested nightmare : a stoplight, a traffic circle, a second entrance – something else is needed.

Sincerely,

Jay Humphries

19445 Viking Ave NW, Poulsbo, 98370

360-621-4866 [jhumph@gmail.com](mailto:jhumph@gmail.com)

**From:** [City of Poulsbo Planning and Economic Development](#)  
**To:** [Edie Berghoff](#)  
**Subject:** FW: The Plateau at Liberty Bay - Notice of Application  
**Date:** Monday, February 27, 2023 9:49:41 AM

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**From:** Neal <nealbooth@gmail.com>  
**Sent:** Friday, February 24, 2023 8:30 AM  
**To:** City of Poulsbo Planning and Economic Development <information@cityofpoulsbo.com>  
**Cc:** Todd Ferguson <islandtodd@gmail.com>; Edie Berghoff <eberghoff@cityofpoulsbo.com>; Flo <avikingflo@gmail.com>  
**Subject:** Re: The Plateau at Liberty Bay - Notice of Application

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This is Neal Booth from 19220 Viking way. I am Todd's neighbor I agree with Todd 100% and do not believe that the powers that be really know how fast and aggressively cars and truck go when they lose a lane by our houses and where the road may be for getting in and out of the development. Surely a comprehensive study must be done, not just a spot check. Thank you.

Neal Booth  
Sent from my iPhone

On Feb 22, 2023, at 3:49 PM, City of Poulsbo Planning and Economic Development <[information@cityofpoulsbo.com](mailto:information@cityofpoulsbo.com)> wrote:

Good Afternoon Todd,

Thank you for submitting comment. This is a perfect way to submit them, we take comments via email and letter at the moment. We have added these to the file and they will be forwarded to the applicant as well.

Thank you again!  
[Tiffany Simmons](#)  
Administrative Assistant  
City of Poulsbo | 200 Moe Street | Poulsbo, WA 98370  
Direct: (360) 394-9743 | PED General Line: (360) 394-9748

[Planning and Economic Development | City of Poulsbo](#)  
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**From:** Todd Ferguson <[islandtodd@gmail.com](mailto:islandtodd@gmail.com)>

**Sent:** Tuesday, February 21, 2023 6:44 PM

**To:** City of Poulsbo Planning and Economic Development <[information@cityofpoulsbo.com](mailto:information@cityofpoulsbo.com)>; Edie Berghoff <[eberghoff@cityofpoulsbo.com](mailto:eberghoff@cityofpoulsbo.com)>

**Cc:** Flo <[avikingflo@gmail.com](mailto:avikingflo@gmail.com)>; Neil <[nealcbooth@gmail.com](mailto:nealcbooth@gmail.com)>

**Subject:** Re: The Plateau at Liberty Bay - Notice of Application

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Regarding the P-12-06-22-02 application submittal.

I reviewed some of the submittal information and various plot information from Kitsap parcel search. I looked for a place to comment on line, but did not find such. I am adding my comments in this e-mail. Please let me know if something else needs to be done for them to be reviewed.

I read through the traffic study. I don't believe this study is sufficient to provide sufficient data regarding the proposed entrance area. The study only measures two times of day, and appears to only measure for one day and a traffic count at that. I believe the study needs to review the speed of the traffic on the roads currently, and the number of vehicles merging from two lanes to one at the proposed entrance site.

When I travel in that area both by foot and vehicle I normally observe vehicles traveling 45-50 mph on the street, and speeding up to beat other cars at the merge point, which is the proposed entrance point. A study of the actual speeds needs to be conducted to see if additional traffic modification would be required for that sharp and steep entrance point. The currently proposed entrances will not provide safe access in inclement winter weather due to the steepness and requirement to stop on an incline prior to entering Viking Way.

The northern lot is also off of NW Liberty Rd which is currently a public street used by multiple businesses and residents. This point is a safer access point for getting to homes and would allow for future improvement such as a traffic circle or light at the intersection of Liberty Rd and Viking Way.

I also have some concerns regarding the Environmental study and water flows observed in the various measure points. It confirms that the area is a wet location with many underground streams and water pathways that can change from season to season. They have proposed making ponds and routing the ground water to these locations to soak in. There does not seem to be a mention of the effect this will have on the existing homes and properties to the east of the development on both sides of Viking Way. It would seem that it would be better to move this water into the Poulsbo storm water system and help improve ground water seepage that may cause problems for properties downhill of these ponds.

The traffic on Viking Way does appear to me to be a safety issue for adding an new entrance for 60 new homes. Entrance off of Liberty Rd is a much safer access point for 60 families to used multiple times a day.

I know this may sound like an exaggeration regarding Viking Way traffic. I would suggest performing a study with speeds and volumes over the course of a week each day all day. I have found that if I follow the speed limit in either direction on Viking Way the either back traffic up, or am passed in the double lane area of Viking Way. When I do attempt to keep up with traffic, speeds seem to average 45-50mph near the transition from two lanes to one lane. I expect this will also be an issue for the new Fire Station being added on Viking Way.



Respectfully,

Todd Ferguson

On Feb 9, 2023, at 8:02 AM, City of Poulsbo PED Department  
<[planninginfo@cityofpoulsbo.com](mailto:planninginfo@cityofpoulsbo.com)> wrote:



## City of Poulsbo Public Notice

You are receiving this email because you have signed up to be on a City of Poulsbo PED public outreach list.

Project documents and public notices for The Plateau at Liberty Bay can be found [here](#). If there is an issue with the [link](#), you can go to <https://ci-poulsbo-wa.smartgovcommunity.com/Public/Home> > Applications > and search for permit number P-12-06-22-02.

**Comments are due by February 23, 2022**

Thank you!

1. [Notice of Application](#)

Eddie Berghoff, Associate Planner  
[eberghoff@cityofpoulsbo.com](mailto:eberghoff@cityofpoulsbo.com)

City of Poulsbo | Planning and Economic Development Department, 200 NE Moe  
Street, Poulsbo, WA 98370

[Unsubscribe islandtodd@gmail.com](mailto:islandtodd@gmail.com)

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**From:** [Rod Malcom](#)  
**To:** [Edie Berghoff](#)  
**Subject:** RE: The Plateau at Liberty Bay - Re-Issued Notice of Application  
**Date:** Monday, February 27, 2023 11:27:23 AM

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The Suquamish Tribe has no comments, at this time, on this proposed project, except as follows. The Drainage Report (pg. 6) states (emphasis added) the *“east vault basin and road bypass basins are designed to discharge to the existing City Stormwater System located in Viking Avenue. The Viking Avenue Storm System **appears to consist** of a series of bioretention swales and below grade catch basins and pipe. From the project site, the stormwater system conveys flows north, before turning east toward an existing outlet to Liberty Bay.”* It should be verified if the storm system consists of what is listed, and if not, what that means for water quality discharged from the project.

Additionally, it would be helpful to ascertain the potential cumulative stormwater impacts of this project upon the nearshore environment if the percentage contribution of the proposed development in terms of impervious surface area that drains through the Viking Avenue Storm System was quantified. Forage fish spawn to the south of the discharge point and the potential for spawning or future spawning near the discharge point cannot be discounted.

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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**From:** City of Poulsbo PED Department <planninginfo@cityofpoulsbo.com>  
**Sent:** Thursday, February 23, 2023 8:04 AM  
**To:** Rod Malcom <rmalcom@suquamish.nsn.us>  
**Subject:** The Plateau at Liberty Bay - Re-Issued Notice of Application



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Project documents and public notices for The Plateau at Liberty Bay can be found [here](#). If there is an issue with the [link](#), you can go to <https://link.zixcentral.com/u/6ef12d4b/5gZDspOz7RGldtcaYVsSiw?u=https%3A%2F%2Fci-poulsbo-wa.smartgovcommunity.com%2FPublic%2FHome> > Applications > and search for permit number P-12-06-22-02.

**Comments are due by March 09, 2023**

Thank you!

- [Notice of Application Re-Issued](#)

Eddie Berghoff, Associate Planner  
[eberghoff@cityofpoulsbo.com](mailto:eberghoff@cityofpoulsbo.com)

City of Poulsbo | Planning and Economic Development Department, 200 NE Moe Street, Poulsbo, WA 98370

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**From:** [Jill Harris](#)  
**To:** [Edie Berghoff](#)  
**Subject:** From Rita Hagwell re The Plateau at Liberty Bay  
**Date:** Tuesday, March 07, 2023 9:17:20 AM

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March 7, 2023

CITY OF POULSBO Planning and Economic Development  
200 NE Moe Street  
Poulsbo, WA 98370  
eberghoff@cityofpoulsbo.com  
360-394-9748

Re: The proposed project named, "The Plateau at Liberty Bay"  
Permit No.: P-12-06-22-02

Attention: Ms. Edie Berghoff, Ms. Tiffany Simmons, and Ms. Heather Wright,

Dear Planners,

I object to the proposal for 63 homes to be built across from my road, which is Marelaine Lane.

My land, and much of the surrounding land, has long been officially designated as a Wildlife Sanctuary— the only one designated as such within the bounds of Poulsbo, WA.

The miniature postcard regarding the Re-Issue Notice of Land Use Application for Permit # P-12-06-22-02 comes as very short notice for me, having been out of town for a month. I need more time to thoroughly research this proposal and respond with my serious concerns.

Please extend the deadline for comments on this proposal from March 9th, 2023 to May 1st, 2023.

Thank you very much for your consideration,

Mrs. Mary "Rita" Hagwell  
19301 Viking  
P.O. Box 1411,  
Poulsbo, WA 98370  
360-779-2242

Jill Frances Harris  
HOME CARE AIDE  
WA State Licensed  
360-509-9756

Sent from my iPad

**From:** [donnamick@hcc.net](mailto:donnamick@hcc.net)  
**To:** [Edie Berghoff](#)  
**Subject:** HCEC Comments Plateau at Liberty Bay  
**Date:** Thursday, March 09, 2023 6:15:37 PM

J. Hood Canal Environmental Council #1  
(comment provided email and hard copy)  
3 pages

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Edie Berghoff, Senior Planner,

The following comments from the Hood Canal Environmental Council regarding the Plateau at Liberty Bay proposed development are enclosed in this e-mail. A hard copy of this letter will be mailed tomorrow.

Attention: Edie Berghoff:

The Hood Canal Environmental Council (HCEC) has serious concerns about potential environmental impacts from the Plateau at Liberty Bay development proposal to build 63 houses. Located on the east edge of the North Fork Johnson Creek, this area provides environmental protection for wildlife as part of a larger, mostly wooded wildlife corridor.

The larger wildlife corridor runs between Hood Canal through to Liberty Bay and continues to connect to eastern Puget Sound. It appears to provide the best and shortest wildlife passage between eastern Puget Sound and Hood Canal. The proposed development is only about 2.5 miles east of the Hood Canal shoreline.

The importance of providing safe passage for wildlife is well known. The tidelands and shores of Liberty Bay, Puget Sound, and Hood Canal serve as important connecting wildlife corridors. A similar short wildlife corridor between the east part of Puget Sound and Hood Canal is about 20 miles south at the very southeast end of Hood Canal, not far from Case Inlet near Belfair. Between these two crossings much of the 15 miles of Highway 3 is a barrier for wildlife. It is imperative that we maintain effective passageways for wildlife. We simply cannot afford to lose or degrade any of our existing corridors.

Any proposed development activities in or near any portion of the existing wildlife corridor has the potential to negatively impact wildlife within the Hood Canal watershed boundary. A review of the aerial photographs shows that the western end of the wildlife corridor lies within the north central section of the Hood Canal watershed and includes the vast habitat north of the Bangor Naval Base.

Because the cumulative effects of this proposed development and others like it could significantly impact the wildlife corridor, we request that an Environmental Impact Statement be required before a decision is made.

We appreciate the opportunity to provide comments on the proposed Plateau at Liberty Bay development. We ask that the HCEC be placed on your list of interested parties and to receive further information about

this proposal as the decision-making process moves forward.

Sincerely,

Donna M. Simmons, President  
Hood Canal Environmental Council  
(360) 877-5747  
Donnamick@hcc.net

RECEIVED  
MAR 13 2023  
PED Department

March 6, 2023

Edie Berghoff, Senior Planner  
City of Poulsbo  
200 NE Moe Street  
Poulsbo, Washington 97370

Re: **Plateau at Liberty Bay Development Proposal**

Attn: Edie Berghoff:

The Hood Canal Environmental Council (HCEC) has serious concerns about potential environmental impacts from the Plateau at Liberty Bay development proposal to build 63 houses. Located on the east edge of the North Fork Johnson Creek, this area provides environmental protection for wildlife as part of a larger, mostly wooded wildlife corridor.

The larger wildlife corridor runs between Hood Canal through to Liberty Bay and continues to connect to eastern Puget Sound. It appears to provide the best and shortest wildlife passage between eastern Puget Sound and Hood Canal. The proposed development is only about 2.5 miles east of the Hood Canal shoreline.

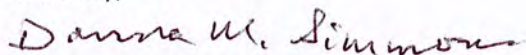
The importance of providing safe passage for wildlife is well known. The tidelands and shores of Liberty Bay, Puget Sound and Hood Canal serve as important connecting wildlife corridors. A similar short wildlife corridor between the east part of Puget Sound and Hood Canal is about 20 miles south at the very southeast end of Hood Canal, not far from Case Inlet near Belfair. Between these two crossings much of the 15 miles of Highway 3 is a barrier for wildlife. It is imperative that we maintain effective passageways for wildlife. We simply cannot afford to lose or degrade any of our existing corridors.

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Because the cumulative effects of this proposed development and others like it could significantly impact the wildlife corridor, we request that an Environmental Impact Statement be required before a decision is made.

We appreciate the opportunity to provide comments on the proposed Plateau at Liberty Bay development. We ask that the HCEC be placed on your list of interested parties and to receive further information about this proposal as the decision-making process moves forward.

Sincerely,



Donna Simmons, President  
Hood Canal Environmental Council  
(360) 877-5747  
Donnamick@hcc.net

Jan Wold  
P. O. Box 1340  
Poulsbo, WA 98370  
Email: [j.creek@hotmail.com](mailto:j.creek@hotmail.com)  
3/9/23

City of Poulsbo  
200 NE Moe Street  
Poulsbo, WA 97370

Mayor Becky Erickson  
[berickson@cityofpoulsbo.com](mailto:berickson@cityofpoulsbo.com)

Heather Wright  
Director of Planning and Economic Development  
[Hwright@cityofpoulsbo.com](mailto:Hwright@cityofpoulsbo.com)

Edie Berghoff,  
Senior Planner  
[Eberghoff@cityofpoulsbo.com](mailto:Eberghoff@cityofpoulsbo.com)

Geoffrey P. Sherwin, PE  
Director of Acquisition and Entitlement  
Entitle Fund Two, LLC  
JK Monarch  
POB 188  
Puyallup, WA 98371  
253-840-5660  
[geoff@jkmonarch.com](mailto:geoff@jkmonarch.com)

## **JK Monarch “The Plateau at Liberty Bay” Development Comments**

### **Toxic Sites in Proposed Development Location**



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 proposed for this 63-house development. All household garbage was dumped in this area near and over the canyon edge of Johnson Creek. Johnson Creek is a salmon stream that is designated "F", a Fish Stream. A few years ago, a WDFW fisheries biologist wrote a letter stating that anadromous fish originally were present in Johnson Creek from Liberty Bay up past the proposed "Plateau at Liberty Bay" development to the area just below the south end of Walmart's location. There is additional documentation of use of Johnson Creek by coho and chum salmon and steelhead and cutthroat trout in the description of a project in 1999 to replace the Cedar Lane culvert across Johnson Creek for passage of spawning fish as well as in other documents.

I observed this dump site a couple of times a few 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 site was used by an earlier homeowner for all household debris for decades. There was also a gun repair business 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.

A private gun range located on this proposed development property was used for years for practice, sighting in guns and entertainment by the property owner for personal use, use of his friends and use of those having guns worked on by the property owner. This property owner lived on the property from around 1950 until around 2000, so his activities on the property may have occurred for about 50 years, or half a century. 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 for many years. Disturbing these sites will bring lead to the surface. Any movement of dirt around this development will also have the potential to move the lead contamination around the property near the creek, numerous wetlands and closer to private wells.

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 Monarch to notify any prospective buyers of their houses in this proposed development of the potential for lead poisoning in their yards, landscaped areas, the proposed park or play location and any other areas of exposed soil.

Monarch is proposing having park space in the central part of the property for residents and their children in the area that likely has lead contamination. Having 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 has likely been leaching into these areas for decades. Children exposed to tiny amounts of lead can have damage to the brain and nervous system, slowed growth and development, lower IQ, decreased ability to pay attention, underperformance at school, cause learning and behavior problems and cause hearing and speech problems.

The lead infused areas are also above, around and possibly in Johnson Creek and the numerous wetland areas in the development area. Any added disturbance could increase the lead pollution in these sensitive environmental locations and could potentially add lead into ground water 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.

### **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. This corridor extends from Liberty Bay at the Johnson Creek estuary up the North, Middle and South forks of the Johnson Creek drainage. The wildlife corridor includes my five acre forested property that touches the southwest corner of the proposed Plateau development and the Johnson Creek buffers. The corridor then passes through the heavily timbered 30-acre Viewside Water System property that contains a large, active eagles nest that has been used for decades. This 30 acres is under a Kitsap

County Land Conservation Agreement signed in 1982. This 30-acre property shares a corner with a Kitsap County Park parcel to the west. The corridor then crosses through culverts under Highway 3 for each of the forks of Johnson Creek and across the overpass at Highway 3 at Sherman Hill Road. It continues through Kitsap County Park property just east and west of Highway 3. This 186-acre undeveloped property was originally Washington State Department of Natural Resource timberland. There is an additional undeveloped 19-acre Kitsap County Park property attached to the northeast part of the 186-acre property for a total of 205 acres. The wildlife corridor then connects through private parcels that are generally five acres or larger with mixed habitat. The wildlife corridor then connects to all of the heavily wooded areas of the north portion of the Bangor Navy base to Hood Canal. This proposed Plateau housing development is about 2.5 miles east of the Hood Canal shoreline. See the two attached letters from Jon Oleyar, Fish and Wildlife Biologist, one undated and one dated 11/05/2006.

The next similar wildlife corridor is about 15 miles south near the southern end of Hood Canal near Belfair. Much of the 15 miles of Highway 3 and heavy development in between these two corridors acts as a major barrier for wildlife.

Johnson Creek has many sightings of bear, coyote, weasel, opossums, fox, river otter, deer, bobcats and tracks of cougar. The area is heavily used by birds, including an eagle nest active for decades. The area of the proposed Plateau development has some large timber with use by pileated woodpeckers. Pileated woodpeckers are on the State of Washington list of State Candidate Species for listing as State Endangered, Threatened or Sensitive. The large trees in this proposed development need to be retained for this species as well as other dependent species and as part of the wildlife corridor.

This property proposed for development was also a large heron nesting colony in the past. Someone cut the nest trees down at some point in the past. There may or may not be heron nests located there now, but the property certainly has proved to be a viable location for a heronry in the past. There are recent reports of a critical drop in the number of herons nesting in Puget Sound and the Olympic Peninsula.

### **Condition of Johnson Creek, Salmon Runs and Local Wells**

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 steelhead runs. The chum

salmon run is barely viable due to the ever-increasing destruction of aquatic systems in this drainage due to the City of Poulsbo continued approval of more and more housing and business developments.

Any decisions on stormwater systems, pipes, settling ponds, pervious pavements, rain gardens, landscaping and water from building gutters need to be considered with the greatest care and use of hydrologic and fisheries expertise to avoid further degradation of Johnson Creek leading to elimination of what remains of the chum salmon run.

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 resided at a home at the mouth of Johnson Creek where it enters Liberty Bay for seven years. This home was about a quarter of a mile downstream and southeast of this proposed housing development. Johnson Creek and its estuary were the north boundary of this property. Liberty Bay was the east boundary.

I shared in my earlier comments (dated 2/23/23) some of the history of how the complete Johnson Creek coho salmon run was lost and how the chum salmon run has almost been eliminated. The home and acreage that I used to own at the mouth of Johnson Creek was my home from 2005 until the middle of 2013. My house was located near Viking Way, 500 feet from the Poulsbo city limits and was situated at the mouth of Johnson Creek where it flows into Liberty Bay, a shallow bay of Puget Sound. Liberty Bay is suffering from increasing amounts of sediment being deposited in the Bay. My home was about a quarter of a mile downstream and southeast of this proposed Plateau housing development. The center of Johnson Creek and the small estuary formed at the mouth of Johnson Creek was the northern boundary of my property. Liberty Bay was the east boundary of my property. I purchased my property based on my desire to live near and observe a salmon stream and its wildlife-filled estuary.

The Olhava commercial development is located about a mile above the proposed “Plateau at Liberty Bay” subdivision. The Olhava development includes Wal-Mart, Home Depot, Office Max, Petco, numerous other businesses, and Olympic College.

The Olhava development is in the headwaters of the largest tributary of Johnson Creek, the North Fork. The Middle and South Forks are much smaller, both entering the mainstem, or North Fork of Johnson Creek, on the two private

properties just above my home site. The much smaller Middle and South Forks are located outside city limits, i.e., within the unincorporated county. The Middle Fork and South Fork drainages are in better condition and are mostly forested with a few scattered homes on acreage.

Johnson Creek historically supported heavily used spawning areas for chum salmon and coho salmon. Steelhead and cutthroat trout were also found in Johnson Creek. It was a rearing location throughout the year for coho salmon.

This proposed development WILL have significant adverse environmental impacts. A SEPA decision on this property will need to conclude that there has already been so much loss of salmon and steelhead, a listed T & E species, that none of the parts of this development that drain into Johnson Creek or its aquifer can be approved. Nor can the damage be mitigated. At a minimum an Environmental Impact Statement would be required.

When the City of Poulsbo was considering approving the Olhava development, Dick Boughner, an environmental engineer with 40 years of experience, testified regarding predicted negative impacts to Johnson Creek. He discussed the expected loss of salmon runs due to high water temperatures, lack of dissolved oxygen in the water and high flows washing out the salmon eggs. He testified that the assertions in the Olhava Environmental Impact Statement as to efficacy of the project's measures to mitigate stormwater impacts were inaccurate and that severe damage downstream would occur. As I documented in my 2/23/23 comments, Mr Boughner was absolutely correct.

In my 2/23/23 comments I also documented why the settling or infiltration ponds would not be successful in the Johnson Creek drainage. There were perched water tables in the very large Olhava commercial development so the water in the ponds at that location overflow into Johnson Creek. The high water tables in the area of this proposed Plateau development are evident in the numerous wetlands throughout and below this property and also located adjacent to the west and east borders of this proposed development. Due to the present condition of Johnson Creek, it cannot handle ANY additional water discharges to the creek from runoff or from the proposed development settling pond. Even if the additional volumes of water coming off the hardened surfaces in this development were itself not a problem, having this pond located above a toxic garbage dump with a potential for leaching lead and other toxic materials into Johnson Creek cannot be approved under SEPA and cannot be mitigated. This pond is also proposed for a location above and about 300 feet west of a private well used for drinking water. There are

also other private wells in the area. Other private wells are located around 400 feet northeast of the area with lead contamination.

The northeast corner of the Viewside Water System property is about 300 feet west of the southwest corner of this proposed 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 corner of the proposed development where the large settling pond is proposed to be built over the garbage dump (possibly also containing toxic lead) and infiltrate down through it. It would be a catastrophe if toxic materials and lead were to be carried into the aquifer from this proposed settling pond and get into this community water system well, any of the other private wells in the area, the salmon stream and wetlands.

Another environmental issue to be researched was the use at times of portions of this property to store or grow plants for a commercial plant nursery. Records need to be reviewed to ascertain what insecticides, herbicides and fertilizers have been used on plants or leached out of potted nursery stock into the soil over the last nearly two decades.

In my previous input I discussed how Mr. Boughner, an environmental engineer, covers the expectation of a lack of dissolved oxygen in the water and how it would kill fish. He also covers the lack of any effort to remove oil from the stormwater coming from a thousand-car parking lot. At the time, the City Council listened to his expert testimony and asked questions but went ahead and approved the Olhava commercial development and its inadequate storm-water facilities, ignoring the expert testimony.

The dire predictions of the expert witness, Mr. Boughner, and others who testified to similar effect about the Olhava commercial development came true by 2011 at my home and property and my neighbor's properties. The impacts continued to worsen with the addition of more and more impervious surfaces from this development located about 1 1/2 miles upstream of my home and my separate five acre property.

The stormwater ponds, located in Olhava, are full, or nearly full, of water year around. When a storm occurs, the stormwater runs off the impervious surfaces such as buildings, sidewalks, roads, and extremely large parking lots directly into the stormwater ponds. Inasmuch as the ponds are usually full, the stormwater quickly enters the North Fork of Johnson Creek. The creek channel is not large enough to deal with these huge volumes of water, far greater than anything it

carried before development. As the creek “adjusts” (carved by ever higher peak volumes) to these higher flow volumes, the edges of the creek channel and the slopes above them begin caving in. Trees and other vegetation, soil and rocks are undermined and fall into the channel as well. This additional volume of mud, rock and vegetation must then also be carried downstream along with the higher volumes of water.

Christy Christensen, an environmental consultant for another potential developer in the Johnson Creek drainage, reported similar conditions close to my five acre wooded parcel: “Erosion of steep and unstable banks along both sides of the creek has resulted in numerous downed trees in the channel.” C3 Habitat Corp., Nathan’s Glen, Inc. Large Lot Subdivision (Feb. 23, 2009). The attached picture of Johnson Creek (Exhibit A) also shows the excessive amount of sediment and rock piles along the channel. There has been another 13 years of development in the headwaters of Johnson Creek since this analysis.

Johnson Creek is piped beneath Viking Way in a culvert one property above my previous home and below my wooded five acre property. 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. It began to dam up the excess water that could not get through the culvert. The first level of our upstream neighbor’s home, two properties above mine, but on the west side (upstream side) of Viking Way filled with backed up stormwater, as did their carport. A great deal of rock and mud piled up on my property, both in the creek and on the estuary.

The entire Viking Way road fill and culvert was nearly lost with county workers laboring feverishly to keep water moving through the culvert. Had this culvert and fill failed, it could have undermined the area below my neighbors’ properties and my garage and caused a great deal of damage to the mouth of Johnson Creek, its estuary and Liberty Bay.

The present situation now, 15 years later, is that far more large commercial buildings, parking lots, roads, sidewalks, and houses have been constructed in the upper part of the North Fork of the Johnson Creek drainage. The next time there is a very heavy rain event or worse yet, a rain on snow event, there is a high probability this Viking Way filled area crossing Johnson Creek will fail. If it fails, not only will it take out Viking Way, it will take out the fish ladder for salmon on the east side of Viking Way. It will once again flood the house west of Viking Way

and gut the creek bed including the most heavily used spawning beds down to Liberty Bay. The debris from the washout and the fill will be deposited in Liberty Bay. Liberty Bay already is suffering from a buildup of sediment limiting the size of boats that can float in the bay. It also leads to a need for destructive dredging.

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.

On November 19, 2009, at 10:00 P. M., we heard a loud crash. Undermined by the excessively high, unnatural Johnson Creek peak flows, a large, live, cedar tree at the edge of Johnson Creek on our neighbor's property north of us toppled into and across the creek. The tree hit a century-old alder tree, another cedar tree and two fir trees. Together the group of trees hit the power line, cable and telephone lines that crossed above my garage and then over the creek. The trees then hit the northeast corner of my garage. Sparks were flying from the downed power line lying on my garage roof amid the downed trees. It was fortunate that the weather was cool and rainy. Had it been dry, the garage and nearby house could have burned to the ground.

The power company spent several hours on overtime with heavy equipment cutting the branches and trees out of the power lines with the power, cable TV and phone shut off to us and some of our neighbors. We had a large deductible on our homeowner's insurance policy, so we had to pay \$1,140 to have the trees removed from the garage and another \$2,433 to have the garage repaired. The City's mismanagement had already cost us \$3,573 in repairs. Of course, this does not begin to cover the diminished value of our waterfront property due to the huge volumes of mud and silt being deposited on the beach in front of our home at the rate of several inches per year, nor does it address contaminants in the stormwater washing off of parking lots, streets and drives and carries with it oil, grease, rubber and chemicals from tires and other contaminants that are deposited in Liberty Bay.

These unnatural high flows and polluted waters damage not just private property, but natural resources, too. During all these higher-than-normal flows, 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.



In 2007, the increased stream flows from a single storm washed out virtually all salmon eggs from more than 1,500 spawning salmon for the entire 2007 spawning season. Only four adult coho salmon were seen in the creek following the washout. For the first time in recorded history, not a single adult coho salmon was observed spawning in Johnson Creek in the fall of 2008. During 2009 the total number of coho observed during a Suquamish Tribe's fishery survey by their fisheries biologist was nine dead coho and three live coho. None were observed in all the fish surveys done on Johnson Creek during 2010.

The fisheries situation has worsened since then. There is no longer any coho salmon run in Johnson Creek. Young coho salmon need to rear in Johnson Creek for about a year before going out to saltwater. They can no longer survive in Johnson Creek due to the much higher temperatures caused by the settling ponds, the pollutants and the erratic flows that do not mirror what was occurring naturally. I would suggest you consult with the Suquamish Tribal Fisheries section if you wish to gather more specific information on the fisheries situation in Johnson Creek. This data needs to be analyzed in an Environmental Impact Statement. A plan is needed to rehabilitate Johnson Creek in the hope of eventually having a coho and steelhead run again.

The chum salmon eggs need to remain in Johnson Creek for a few months but the minute the young chum emerge from the stream gravels they head to saltwater. The chum do not need to survive in Johnson Creek for a year. However, the stream flows have become so erratic that it is becoming very difficult for spawning adult chum salmon to swim up into the creek. All of the settling ponds and hard surfaces that don't allow slow infiltration of water lead to fall stream flows that are not adequate for chum movement up the creek and for spawning. Moreover, the high stormwater flows in the winter can wash out all the chum eggs.

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.

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 as aquifers are not fully recharged.

The damage we have witnessed is not unique. Unfortunately, it is the probable consequence of intense development in small drainages. Dr. Derek Booth has done a significant amount of research on Puget Sound and its tributaries. He concludes in his article, “Forest Cover, Impervious Surface Area, and the Mitigation of Urbanization Impacts in King County, Washington, 2000.” On page 3 he states as follows:

*Modifications of the land surface during urbanization produce changes in both the magnitude and the type of runoff processes. In the Pacific Northwest, the fundamental hydrologic effect of urban development is the loss of water storage in the soil column. This may occur because the soil is compacted or stripped during the course of development, or because impervious surfaces convert what was once subsurface runoff to Horton overland flow. In either situation, the precipitation over a small watershed reaches the stream channel with a typical delay of just a few minutes, instead of what had been a lag of hours, days or even weeks. The result is a dramatically changed pattern of flows in the downstream channel, with the largest flood peaks doubled or more and more frequent storm discharges increased by as much as ten-fold.*

Dr. Booth continues on page 16:

- *Land development that eliminates hydrologically mature forest cover and undisturbed soil can result in significant changes to urban stream hydrology and, in turn, to the physical stability of stream channels.*
- *Land development modifies streamflow patterns; even with stormwater detention ponds, it can produce seasonal and stormflow patterns that are substantially different from those to which native biota have adapted.*
- *Although factors other than hydrologic change can undoubtedly affect the magnitude of urban impacts, the breadth of the existing data suggest that improvements in these other factors (e.g., riparian buffers) cannot fully mitigate the hydrologic consequences of overly intense urban development. ... Even the largest detention ponds, however, have been recognized as limited in their ability to mitigate all aspects of hydrologic change.*
- *Twenty years of empirical data display a good correlation between readily observed damage to channels and modeled changes in hydrology that correspond to loss of about one-third of the forest cover in a “typical”*

*western Washington watershed. A similar degree of observed damage also correlates to a level of watershed effective imperviousness of about ten percent.*

The damage resulting from the Olhava development combines with impacts from the other existing and approved developments in the Johnson Creek drainage to cause additional cumulative damage. Since 2011, when I first documented this history, the City continues to allow more and more intense development of more land adjacent to and in the headwaters of Johnson Creek. The City has permitted a great deal of impervious surfaces, including numerous additional large commercial buildings and large parking lots that drain into Johnson Creek. These include the College Mercantile, Petco, First Security Bank, Big 5 Sporting Goods and many others.

By 2011, the City of Poulsbo had approved 161 new residences in the Johnson Creek drainage located nearer the headwater areas. The Liberty Hill subdivision (previously called Urdahl Meadows subdivision) has 71 homes and a huge settling pond; the Vinland Pointe subdivision (previously named Finn Hill Landing subdivision and named the Cook subdivision before that) has 90 homes and two huge settling ponds. There is another newly built Westwood Crossing subdivision with 37 homes and a settling pond between the previous two subdivisions. There is apparently another 19.56 acres in the process of being developed that is next to the north border of the Westwood Crossing subdivision at the end of Urdahl Road. All of this bulldozing and hardening off of more and more previously wooded drainage area will only add to Johnson Creek's hydrologic problems.

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. House lots and a road completely surround one wetland (C), cutting it off from the other wetlands, the creek and the wildlife corridor. 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, 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 is missing. The wetland buffer is also destroyed by the road location. Wetlands E, F and G have the main development access road in the middle of the wetland buffers, cutting the three wetlands into two parts. Viking Way already cuts through the wetlands and their buffers on the eastern sections. Any stormwater leaving this proposed development will need to cross under Viking Way, dumping

unnatural amounts of water into the wetlands on the east side of Viking Way and then into Liberty Bay creates even more environmental issues.

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. 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. The Growth Management Act, RCW 36.70A.172, requires that “counties and cities shall give special consideration or protection measures necessary to preserve or enhance anadromous fisheries.” Regardless of what the City of Poulsbo intended with its 1994 and 2009 Comprehensive Plans and its Critical Areas Ordinance, the anadromous fishery is not being preserved or enhanced, but is being destroyed very rapidly. In large part, this is due to the consequences of the City’s growth as currently planned, its failure to treat stormwater, its excessive impervious paving and its inadequate buffer protection for the headwaters and aquifer recharge area of Johnson Creek. This level of environmental damage cannot be mitigated. At a minimum an Environmental Impact Statement is required.

You can talk about how much you care about the salmon and the environment. You can quote the “protections” for the salmon stream such as SEPA checklists, planning regulations or best management practices. However, the salmon have spoken and they tell the real story. The irresponsible decisions by the City of Poulsbo have eliminated the Johnson Creek coho salmon and steelhead runs and nearly eliminated the chum salmon run.

Irresponsibly, the City has no monitoring plan or action plan in place to avoid further stream degradation or any plan 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. When these have proven grossly inadequate, as accurately predicted by the experts, the City simply dumps the problem into the laps of those living downstream, both inside and outside of the City, those depending on fishing and the creek’s flora and fauna. I am a member of the class of homeowners and property owners adversely affected by the City of Poulsbo’s irresponsible actions.

It is my hope that the City of Poulsbo can admit that the present approach has failed miserably. The City now needs to make decisions that do not allow any further development that has impervious surfaces in the Johnson Creek drainage.

What little is left of the Johnson Creek drainage needs to be preserved. Large scale efforts are needed to begin to rehabilitate Johnson Creek. Any approaches to stormwater management for this and any other proposed development in Johnson Creek can not have any stormwater ponds or drainage off buildings, roads and other impervious surfaces delivering water to Johnson Creek.

If this Plateau development proposes to deliver stormwater to Liberty Bay, it would also be a poor choice, but better than into a dying salmon stream. There are wetlands all along the area on the eastern portion of this proposed development. There are more wetlands on the east side of Viking Way. Dumping stormwater into these wetlands is also not tenable.

Another concern is the close proximity of this proposed development to the boundary of the Bangor Military Base. 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**

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. Unfortunately, the City of Poulsbo has at this point turned what was a very healthy, productive salmon stream into a stormwater “drainage pipe.” The stormwater “drainage pipe” then dumps large, unnatural amounts of sediment, and debris into Liberty Bay.

Jan Wold

Exhibit A





FISHERIES DEPARTMENT

Phone: (360) 394-8437/8438

Fax: (360) 598-4666

www.suquamish.nsn.us

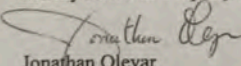
THE SUQUAMISH TRIBE

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 warder 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



Mary "Rita"



Mary Hagwell  
PO Box 1141  
Poulsbo, WA 98370-0076

April 15, 2023

To City of Poulsbo  
Planning Dept  
Poulsbo, WA 98370

L. Hagwell #2  
38 pages

From: Mary "Rita" Hagwell ← mail

PO Box 1141

Poulsbo WA 98370

← home  
address

19301 Viking Way

Poulsbo, WA 98370

Rita Hagwell pioneered

her over five acres in 1971.

We brought in water, well, newer  
power pole, asphalt, house over  
(3) three or fewer years. This was  
a piece of property that was  
clear cut. Rita and her husband  
were settled in! This changed in  
about 2005 when certain people  
decided they could use techniques  
to get the Hagwell out of this land

Enclosed are papers to show how we paid for all improvements! Our neighbors Frank Raab and Ulmers were pleased with our improvements. Our asphalt saved them from a muddy road and a messy road. Mr Raab became Mayor for a time when June Atack could not do her job as Mayor. He formally named our lane to MARELANE Lane. Papers were stolen or disappeared from his office after he died! This was never investigated! Thus began the discrimination against the Hagwells.

The Hagwell's encouraged the "baby" trees to grow beautiful and free. They are magnificent in

2023. They send clean air into Poulso. They (trees) became a subject of envy.

3

Mary "Rita"



Mary Hagwell  
PO Box 1141  
Poulsbo, WA 98370-0076

April 15, 2023

People began to visit us  
and insult us.

1. You don't belong here - Jimi Groh
2. "I know the assessor! Go with us  
on sewer or you will be taxed  
out of your House" Linda Berry  
Marant
3. We are putting a trail on your  
land because it is natural  
Parks & Rec Mary Director  
She also wanted to do Eminent Domain  
I have her search for a way to do  
this, This is illegal for a city employee  
to be involved in Eminent Domain
4. City said I have to pay 1800 to 2000  
to be considered for meeting to get  
my land off as trail. This did not  
mean it would happen. This was a  
shakedown for money and I would  
not accomplish my goal

5 Mayor Erickson said I had a gun (4)  
and put a threat on Construction  
Crew

6. ~~Police~~ Officer ZEMAN concluded  
this was not true.

7. City Through Mayor would not  
look Pastor Patty up at night. People  
were smoking these and drinking  
I wanted it out of my driveway (port  
potty)  
and put across the street! The  
Construction Crew moved it across  
Viking to a safe place! Mayor  
began upset and decided to make  
false charges. I put sign up  
and held it up! People called city  
to find out what was going on!

8 My husband was at home and near  
death. Linda Berry Marant come  
and measured our lane. This upset  
my husband! I made a joke so he  
went to Heaven with positive attitude

5

Mary "Peta"



Mary Hagwell  
PO Box 1141  
Poulsbo, WA 98370-0076

I am now a retired teacher!  
Gilbert retired from Keyport  
(NUWES) we kept our land  
rep! The city was acting in  
a "Jim Crow" manner. I am  
only including some planning people etc  
The city has some wonderful employees  
I taught in New York City and other  
New York places. I learned that  
that hatred is not unusual in  
some circles

What I want!

- ① give  $\downarrow$  I want Johnson Creek to not  
~~get~~ water for 63 houses use city  
Poulsbo Water
- ② I want fences to separate my  
pristine land from development
- ③ I am ADA and cannot take all this  
moment and upset!

4) I want to clearly stated The open (67)  
space belonging to Hagwell's is private  
Home Buyers cannot come on land  
and disrupt Hagwell's life!

I want Home Buyers to respect  
my oxygen I may need now and future

I will go onto this in future  
I want building to be finished  
without ~~the~~ noise that does  
not help my Health. I hoping for  
some justice but these people

think they own land and America  
I want Gilbert Hagwell to  
rest in peace! My Irish Heritage  
knows discrimination but I will  
fight for my life under Bill of  
Rights and American Constitution

Rita Hagwell  
most people know no as Rita

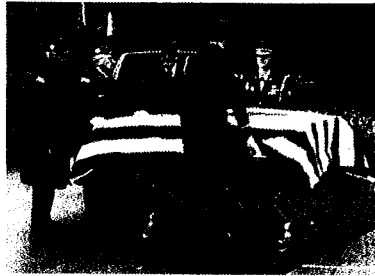
Mrs. Rita Hagwell chose not to put an obituary in the paper because of harassment of the Hagwell's and their paid up land and taxes where they lived for 46 years. This was done by some Pousbo city officials and developers past and present.

Now a tribute to Gilbert Hagwell from his daughter at Tahoma National Cemetery:

## Gilbert R. Hagwell

Dec. 28, 2013

Korean War Hero/Veteran Retired NUES/Keyport



Gilbert was the best father a person could have. He was humble and hard working. He was friendly and kind. He was a gentle man who would only fight when he had to stand up for himself or for something or someone he loved, but make no mistake, Gilbert was a survivor. He survived hard winters in Michigan. He survived the Korean War. He survived for three years after a

terrible bicycle accident that would have killed most people.

My dad was quietly spiritual, quietly broadminded, quietly passionate. He did not make a big fuss about anything. That was not his style.

Gil could fix anything. He had a brilliant mind for the mechanical and could solve the problem of any broken car, television, radio, engine, and so on. You name it, he could fix it. So it was fitting that his job was to be in electronics at NUWES, Keyport.

He loved fishing. I cannot tell you how many times I woke up at 5 a.m. to fish with my dad. We would sit out there quietly for hours just relaxing and waiting for the fish to bite.

Gilbert loved the Mariners. He rarely missed listening to, or watching, a game. When I was a kid, we would go watch the Mariners in the Kingdome several times each season. Some of my best memories of my dad are watching the Mariners with him.

My dad taught me many things. He taught me to ride a bike. He taught me to play basketball and softball. He taught me to change my oil and fix a flat tire. More importantly, he taught me the importance of self-sufficiency and hard work. He taught me how to mend a mistake. He taught me loyalty and he taught me how to love. And for these lessons I could never begin to repay him.

Marelaine Hagwell, daughter

*Law Office of Hayes Gori, PLLC*

271 Wyatt Way NE, Suite 112  
Bainbridge Island, WA 98110

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Phone (206) 842-6462  
Fax (206) 842-8238  
*hayes@hayesthelawyer.com*

May 10, 2016

*Via U.S. Mail and e-mail*

City of Poulsbo  
Attn: Mike Lund, Public Works Superintendent  
200 NE Moe Street  
Poulsbo, WA 98370  
*publicworks@cityofpoulsbo.com*  
*mlund@cityofpoulsbo.com*

*Re: 19301 Viking Way NW, Poulsbo, WA – On-Site Septic System*

Dear Mr. Lund.

I represent Mary Rita Hagwell, owner of the above-referenced property. This letter responds to the City's February 1, 2011 letter to my client's deceased husband, Gilbert R. Hagwell, concerning a wastewater connection penalty regarding the above-referenced property.

According to the City's letter, residences or facilities within 200 feet of the City's sewer system are required to either hook up to the sewer system or pay a monthly fee. However, the monthly fee will be waived if the property owner has the on-site septic system (OSS) evaluated at least once every three years by a certified professional and submits the evaluation report to the City.

The City's letter assumes that my client is subject to the wastewater connection penalty by virtue of 200-foot proximity to the City's sewer system. This assumption is incorrect. My client's residence and OSS facilities are not within 200 feet of the City's sewer system.

PMC 13.70.610(F) clarifies how the 200-foot distance is measured (emphasis mine):

Wastewater Connection Penalty. Failure to physically hook up to the city's wastewater system when service is available within two hundred feet of the property owner's residence or facility as measured along the public rights-of-way or dedicated utility easements shall result in a monthly penalty as set forth in the utility fee and rate schedule established in Section 3.12.100(E)(4) for wastewater service.



Thus, the 200-foot distance is not measured "as the crow flies," but rather along public rights-of-way or utility easements.

According to a 2014 survey by Aspen Land Surveying LLC (recorded under Auditor's File No. 201408250134), the "as the crow flies" distance from my client's residence to the City's sewer system is more than 225 feet. Factoring in public rights-of-way or easements, the distance for purposes of PMC 13.70.610(F) would likely be greater than 225 feet.

Because the City's sewer system is not within 200 feet of my client's residence and OSS facilities, PMC 13.70.610(F) is not applicable to my client's property.

I hereby demand that the City retract its February 1, 2011 letter and confirm by way of a return letter that PMC 13.70.610(F) is not applicable to my client's property, that my client is not subject to a wastewater connection penalty, and that she is not obligated to provide OSS evaluation reports to the City.

I look forward to the City's timely response. Please contact me should you wish to discuss this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Hayes Gori". The signature is written in dark ink and is positioned above the printed name.

Hayes Gori

cc: Kitsap Public Health District, Attn: Eric Evans (via U.S. Mail and e-mail)

Watts are Hagwell's neighbors!

Hope this will work for



# Poulsbo Fire Department

Kitsap County Fire District #18  
911 N.E. Liberty Rd. Poulsbo WA 98370  
James S. Gillard, Fire Chief

360-779-3997 Fax 360-779-4699 www.poulsbofire.org

Monarch. They need to follow rules next Viking / Hagwell's

Deputy Chief  
Bruce Peterson <sup>is an</sup>  
honest man plus a  
knowledge filled fireman

### Watts Subdivision

P-10-05-20-01

11-03-2020

Watts and his group change things to get their illegal ideas. They want to see what they can get away with

This review is based on limited information, additional requirements and/or revisions are likely as the project progresses.

Please share with developers Monarch

- Planned residential projects over 30 units are required to provide two points of ingress/egress
- Developments with road grades over 12% will require residential sprinklers in each home.
- Developments over 30 units without a second access point will be required to have residential fire sprinklers installed in each home.
- Dead end roads over 150 feet are required to have an approved cul-de sac or hammerhead. Fire lane no parking markings/signs will be required as needed.
- Temporary secondary access roads may require an Opticom controlled automatic gate. Contact the fire department for more information.
- Fire hydrant location will be reviewed by the fire department before final approval of the civil plan

Linda Berry

Monarch sold her land on Viking to Fire Dept! She used stimulus money to get sewer / water to her land

Deputy Chief Bruce Peterson  
Poulsbo Fire Department  
911 Ne Liberty Road  
Poulsbo WA, 98370  
(360) 697-8283

Watts Subdivision also in charge of Hartman's tapes

John Johnson (was or is) a silent and partner. He said he improved / owned

Mareluene Lane. This is great for a teenager! How old was he in 1971 / 1973

Why do I have all the receipts? are they the "annual" "no nothings"

Watts wanted Mareluene Lane to become sewer for development. They ignore my property. This is silent taking. They are "in groups"



*P. 1a*

## Commissioner Steve Bauer Meeting Agenda

**Issue: real estate developer John Johnson's request for site specific rezoning of his 40 acres to "Poulsbo Urban Reserve"**

**July 8, 2009**

*same conditions apply*

### I. Negative effects of redesignation to Urban Reserve:

*John Johnson tries*

#### A. Process Issues:

*to get his way. County would not let him. City bothers*

1. Untimely application. Kitsap County Department of Community Development stamped "Received May 11, 2009" on developer Johnson's letter of application. *law abiding Hagwells but ignores J. Johnson tricks*

2. The county and city would be giving preferential financial opportunities to one individual. Redesignation would wrongly place this parcel ahead of other parcels in the county that border urban growth areas (UGA), but do not have the Urban Reserve designation, yet are equally, or more, deserving.

3. Developer Johnson's request for Urban Reserve designation conflicts with his recent subdivision application for six five-acre parcels. Urban Reserve maintains a 10-acre minimum lot size.

4. The City of Poulsbo has not supported or requested the redesignation. The city's letter to Mr. Eric Baker, dated June 15, 2009, stated, "would not oppose." Poulsbo is still updating its Comp Plan, due for City Council discussion and approval in September 2009. City of Poulsbo officials have been stating at public meetings that the city will not consider changes in urban growth areas until the Comp Plan has been finished. They have also stated that the city will follow the normal county procedure, which is slated for 2012.

5. "Redesignation" is misleading and deceptive inasmuch as the change suggests a deliberative review and evaluation process. In fact, the proposed change is driven solely by the owner's request in his strong financial interest. The deliberative review is not scheduled to occur until 2012. ✓

6. The county process for all citizens to consider the location and amount of urban growth areas occurs in 2012. All other citizens are following this process and timeline.

*This is land of Johnson / Monarch work together in 2023. Dr. Johnson is a slick guy. City loves him. He's in!*

culverts, crossings, construction and impervious surfaces are contemplated in this drainage.

4. The only proposed access road off Viking Way is too steep for emergency vehicle access. *Hagwell part of lane is fence. The other section is a "mess" dangerous. I had to*

5. There are 100+ residents on the Viewside Water System who obtain their drinking water from a well in the Johnson Creek drainage. Numerous private wells in the area produce very low volumes of water now. Many are very close to salt water. If ever-increased demands are placed on the Johnson Creek aquifer, great harm could be visited on the capacity, quality and safety of adjacent landowners' wells and wells downstream. *put in "red lights" on my land but not my asphalt*

6. The Department of Ecology (DOE) observed that they were aware of developer Johnson's LLC name changes and his signing over of various properties to fellow developer Brad Watts. Developer Johnson may have done this in an effort to avoid DOE requirements. For example, water rights must be acquired for developments larger than five lots in size. However, DOE has stated that developer Johnson cannot avoid obtaining water rights because DOE still considers these various name and owner changes to constitute one development. *City wouldn't ask developers to repair Sam ADA*

*The third developer is Hartman West Poulsbo LLC*

D. Redesignation would change the entire rural character of the neighborhood. *City will not cooperate with Hagwell's*

1. The 40-acre parcel is currently designated Open Space Timber. *Gilbert was*

2. The adjacent parcels are DNR timberland. The Port of Poulsbo is attempting to obtain these parcels to protect water quality and prevent siltation in Liberty Bay. *ADA also City ignores federal law*

3. An adjacent 40-acre parcel to the north is Open Space Agriculture. *Americans*

4. The Viewside watershed lies a short distance downstream from the proposed development. A community well from this watershed provides domestic water for 100+ people. *with Disability act*

5. More than 50 property owners in the area surrounding the Johnson property have applied for removal from the UGA.

E. Resource Issues:

1. Johnson Creek is a Type F salmon-bearing stream.

2. The City of Poulsbo has approved an excessive amount of buildings and impervious parking areas in the Johnson Creek drainage. This has led to much higher storm flows, sedimentation and stream bedload. The large amount

# Wildlife Travelway

of impervious area also leads to lower summer flows, lower dissolved oxygen and higher water temperatures. Considerable stream biota, including coho salmon, cannot survive the drastic changes to the stream environment.

3. **RCW 36.70A.172(1)** states that counties and cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries. The county and city are in violation of this code in the Johnson Creek drainage inasmuch as there has been a loss or a taking of anadromous fish, both coho and chum salmon. Again, this renders the county vulnerable to legal action.

4. Kitsap County Ordinance 403-2007 (11/19/2007) states the following: "The County and Cities shall preserve, protect and where possible, restore the functions of natural habitat to support Endangered Species Act listed species." Both the threatened Puget Sound Chinook salmon and Puget Sound steelhead trout have been recorded in Johnson Creek. Both the city and the county are in violation of this ordinance with respect to the Johnson Creek drainage making them vulnerable to legal action.

5. The increased stream flows in a single storm event, eighteen months ago, washed out virtually all coho and chum salmon eggs from more than 1,500 spawning salmon for the 2007 season. Only four adult coho salmon were seen following the washout. For the first time in recorded history, not a single adult coho salmon entered the stream to spawn in the fall of 2008.

6. This is the only continuous wildlife travelway left in the area. The Johnson 40 acres are one of the most critical links from Johnson Creek, Liberty Bay and the DNR property.

7. Johnson Creek at Liberty Bay is important as part of the Pacific flyway. It provides fresh drinking water, fresh water for cleaning waterfowl feathers and a place to rest and feed in rich estuary waters. ✓

8. The ever-increasing sediment fan far out into Liberty Bay at the mouth of Johnson Creek is now four feet deeper in places since the December 2007 storm. It is becoming an ever-greater navigation hazard for boaters. It also nullifies the impact of the Nature Conservancy project that annually deposits oyster shells into Liberty Bay just south of Johnson Creek. These shells provide substrate for shellfish, but are being covered by excessive amounts of Johnson Creek sediment.

## II. Positive effects of redesignation:

A. Developer Johnson has spoken of the value of these 40 acres as \$5,000,000 when he obtains the necessary approvals. He purchased the property for approximately \$670,000, the relatively modest price reflective of its location outside of the UGA.

*I call it Corridor but it  
is wildlife travelway. This is a  
more accurate description - The Raabs, Wilens  
and Hagwell's used 5 informal words about travelway*

analysis in the Draft Comp Plan based on population and housing numbers, such as infrastructure and UGA's have been low by about 10%. This must be corrected and factored into a lessened need for corresponding acreage in the Poulsbo UGA.

8. The greatest drop in property values occurred in Hansville, Poulsbo and Kingston. This may also reflect the oversized UGA's and consequent rapid overbuilding in Poulsbo.

9. The GMA states that critical areas must be taken out of consideration for development first. This was not done in the Johnson Creek drainage. The UGA boundary line was, in fact, run right up the center of Johnson Creek. This needs correction at the next UGA update in 2012.

10. There are supposed to be urban separators or open space between the cities and county. There will be none on Johnson Creek if Urban Reserve is approved.

#### C. Infrastructure and Public Safety Issues:

1. The property at issue is not suitable for a large development. To wit:

a. There are no public access roads to the site.

b. There appear to be no recorded easements to the proposed site from Viking Way. *Johnson got President to get 'old man' to sign paper stating Marcelani belonged to him. This is*

c. The site requires two access roads for the safety of the 400+ residents who would eventually live there.

*He (Johnson) takes advantage of impaired old man!*

2. The existing Johnson Creek culvert under Viking Way, a county road, is inadequate for Johnson Creek flow now. It required alterations in the fall of 2007, and again in 2008, to permit anadromous fish to enter the culvert during periods of low streamflow. *It is still inadequate even with stimulus 1 million dollars in 2010*

3. During the floods of December 2007, the Viking Way culvert on the North Fork of Johnson Creek proved grossly inadequate at handling the amount of water flowing down Johnson Creek. The water backed up and flooded a home and garage on the west side of Viking Way. There was, and still is, a potential to lose this entire road and road fill due to additional future flooding. This home and garage will remain extremely vulnerable to flooding. There are several additional homes and buildings at risk below this crossing. There is a high public safety concern with a potential for injury or loss of life if this problem is not corrected. There is also the potential to destroy all anadromous fish downstream to Liberty Bay. To our knowledge, Kitsap County has taken no action to replace this culvert. These issues must be addressed before any additional development with

*Hagwell's trees (125 year old) protected by Viking Way. Bottom of road owned by West Poulsbo LLC is also a safety concern*

Apparently, he is endeavoring to reap a financial windfall through manipulation of a process not being made available to any other citizens.

John Johnson did not seem to have paper work and ideas in good shape according to Commissioner Bauer (Steve?) Study John Johnson's law suits. He will build apartment houses on Fawn Hill!!!

Mary Rito



Mary Hagwell  
PO Box 1141  
Poulsbo, WA 98370-0076

The people who have input on my land are associated with Central Kitsap. They make rules for Poulsbo. Is this a group or cult? or what is it?

RECEIVED

OCT 07 2022

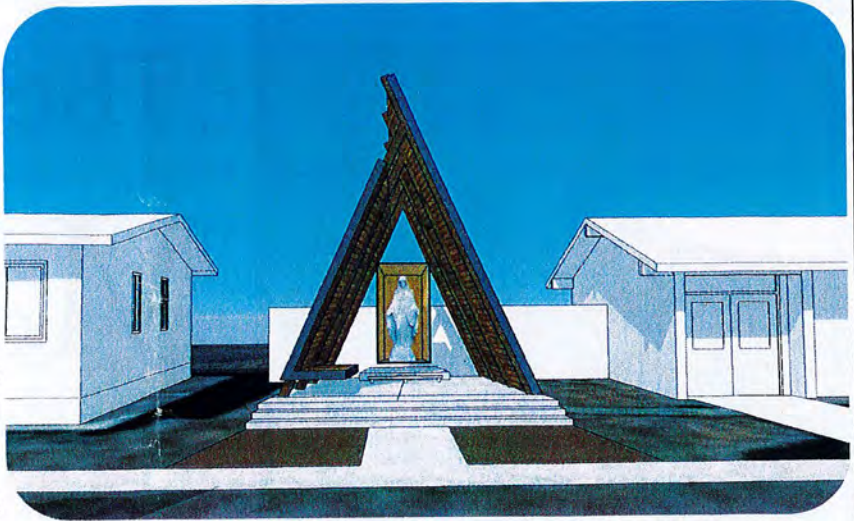
*Stole chimes bells  
a few years ago new ones*

## PED Department

## CAMPUS UPDATES

### Blessed Mary Shrine

Due to the unfortunate acts of vandalism against our Blessed Mary statue we have decided to establish a new shrine closer to the church building. A local architectural firm has helped us create a design, shown in the photo, that offers a new perspective and some fresh contributions to our sacred spaces and lands. Some poster boards with further information about the significance of the design are over by the Café. Please stop by for a look.



© Coates Design, 2022

The existing shrine, as we know, is a beautiful setting. And, we have discovered how well it provides for the celebration of the Sacrament of Reconciliation. So, going forward, it will become our “Reconciliation Chapel”.

### New Roof on Children’s Building

The building across the parking lot from the church entrance will be receiving the blessing of a new roof pretty soon. This building houses our ministries for elementary and middle school youth Faith Formation, as well the setting for the ministry of St. Vincent de Paul.

### Parish Grounds

Did you know that we have 18 acres of land on our campus? Woodlands, meadows, a creek, flower gardens, a cutting garden (for decorating the church), and more. Continuing to build our beautiful, peaceful, and ecologically healthy landscape is a ministry into which we invite any who might enjoy this work and have a desire to learn of our vision for native vegetation restoration. Please contact [joy.erickson@stolafschurch.org](mailto:joy.erickson@stolafschurch.org) (360-779-4291) to learn more.

### The Café

Please know that we are working on ways to keep our Café open as the cooler weather arrives.

### Belltower

For those who might not know, our bell was stolen a number of years ago. We now look forward to locating a new, more secure belltower over by our existing statue of Saint Olaf. Please see the poster boards out by the Café for some details for how the tower might appear, and for an explanation of its design features.



# Parish Happenings

October 1/2, 2022

## RCIA & RENEWAL

Anyone seeking to probe deeper into the teachings of our Christian heritage is invited to our 'Renewal' class on Wednesday evenings, beginning October 12th, at 6:30pm. We meet in the upstairs of the Gallagher Center (the building at the end of the parking lot).

We also invite to this class any experiencing the desire of entering into full communion in the Catholic Church through Baptism, Confirmation and Eucharist. The invitation extends as well to those who have been baptized in another Christian denomination.

### A Few Items Looking Ahead

No Mass or Confessions on Thursday, October 13th, because of the annual staff retreat.

All Saint's Day is celebrated each year on November 1st, which this year falls on a Tuesday. We will have Mass in Saint Olaf Church at 7:00pm.

All Soul's Day is celebrated on the following day, November 2nd. Our All Soul's Day Mass will be at Saint Peter Mission on Wednesday, November 2nd at 5:00pm.

## Daily Mass Schedule

Wednesdays at 5:00pm (St. Peter Mission)

Thursdays at 5:00pm (Saint Olaf)

Fridays at 11:00am (Saint Peter Mission)

Beginning this coming week, our Thursday daily Mass will be celebrated in Spanish.

When needed, we will change to bi-lingual Spanish & English.

## Liturgical Changes

We are currently researching options for a new Mass setting, for both our English and Spanish liturgies. Or perhaps a setting with bilingual possibilities. Please stay tuned for further information . . .

Related to this is switching to a different "memorial acclamation" for singing during the Eucharistic Prayer. For several years now we have been singing:

"We proclaim your Death, O Lord, and profess your Resurrection until you come again."

Soon, we will be switching to:

"Save us, Savior of the world, for by your Cross and Resurrection you have set us free."

The reason for this change is rooted in the invitation it presents for us to explore in greater depth the relation between the cross of Jesus and the life of grace. I've learned a bit about this topic over the last year, and I'm discovering some wonderfully affirming ways we have to grow in appreciation of its deep spirituality.

*Fr. David*

LAW OFFICES OF

JANE RYAN KOLER

5801 Soundview Drive, Suite 258 • Gig Harbor, Washington 98335  
Tel. (253) 853-1806 • Fax (253) 851-6225 • [www.jkolerlaw.com](http://www.jkolerlaw.com)  
Jane Ryan Koler

A Professional Limited Liability Company

zoning

land use

real property

environmental

SENT VIA FACSIMILE AND U.S. MAIL

March 4, 2010

CLIENT COPY

Washington State Boundary Review Board  
For Kitsap County  
Ms. Katherine Morgan  
Mr. John Szymanski  
Ms. Alta Shigeta  
Ms. Anne Montgomery  
614 Division Street MS-7  
Port Orchard, WA 98366-4676

*He was on*

*Board of Equalization. I appeared before him. He did not agree with me*

*John Szymanski  
what chance did I have?*

Re: Gaines Annexation  
My Client: Rita Hagwell

Dear Members of the Boundary Review Board:

I represent Mr. and Mrs. Hagwell who own a portion of the property which is subject to the Gaines Annexation. The property owned by Mr. and Mrs. Hagwell is a portion of the alleged flag pole property erroneously alleged in the Notice of Intent to be owned by Nathan's Glen. It is described in the "note regarding the partial property". The statement of intent erroneously states that Nathan's Glen owns the pole portion of the flag property described in the note regarding the partial property. In fact, Mr. and Mrs. Hagwell own the portion of that property which abuts their Poulsbo property. Their ownership of that property is the subject of a Kitsap County lawsuit, *Hagwell v. Nathan's Glen*, Kitsap County Cause No. 09-2-02256-1. Clearly, individuals such as Mr. and Mrs. Hagwell whose property is directly affected by the Gaines Annexation should have the opportunity to make comments on the Notice of Intent. Due process principles dictate that such individuals should be given a full and fair opportunity to comment on the Gaines Annexation Notice of Intent. Unfortunately, Mr. and Mrs. Hagwell had been totally deprived of any viable opportunity to make a comment on the Notice of Intent. After the City of Poulsbo submitted the Notice of Intent to the Boundary Review Board on February 16, 2010, the City revised the Notice of Intent on March 3, 2010. The Hagwells have not seen the revised Notice of Intent, much less been given the opportunity to comment on it. All of the deadlines in this case must be revised because of the City's recent revision of

***Law Office of Hayes Gori, PLLC***

271 Wyatt Way NE, Suite 112  
Bainbridge Island, WA 98110

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Phone (206) 842-6462  
Fax (206) 842-8238  
*hayes@hayesthelawyer.com*

December 20, 2017

*Via U.S. Mail and e-mail*

**CLIENT COPY**

City of Poulsbo  
Attn: Becky Erickson, Mayor  
Attn: Mike Lund, Public Works Superintendent  
Attn: Karla Boughton, Planning & Economic Development Director  
200 NE Moe Street  
Poulsbo, WA 98370  
*berickson@cityofpoulsbo.com*  
*mlund@cityofpoulsbo.com*  
*kboughton@cityofpoulsbo.com*

Re: *19301 Viking Way NW, Poulsbo, WA*

Dear Mayor Erickson, Mr. Lund and Ms. Boughton,

I represent Mary Rita Hagwell, owner of the above-referenced property. I have three issues to discuss. If other City staff members should be included in the discussion, I trust you will forward this letter to them.

First issue: My client understands that there is a 400-foot buffer around Johnson Creek on her property. Is this buffer established anywhere in writing? If yes, please provide the writing. If no, what's the basis of the buffer's existence? If the buffer exists, what are its dimensions, and what are the limitations it imposes?

Second issue: The sign for the road on which my client's property is located, Marelaine Lane, is in the wrong location. The location of the sign indicates that Marelaine Lane goes to the adjacent property to the north. But it does not. My client would like to meet with a City official at the property so she can point out the location of Marelaine Lane and discuss appropriate locations for the sign to avoid confusion.

Third issue: The Urban Paths of Poulsbo Conceptual Map printed on May 16, 2012 shows an off-street trail across my client's property. I understand that this map is conceptual and that whether a given trail comes to fruition depends on the cooperation of property owners and other factors. My client will never agree to such a trail on her property. Accordingly, I request that the City remove this trail from the next iteration of the map.

Thank you for your consideration, and I look forward to the City's timely response. Please contact me should you wish to discuss this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hayes Gori'. The signature is fluid and cursive, with a large loop at the end.

Hayes Gori

J Johnson got injured  
Lillesvens to swear he lived  
on Marelaine Lane  
Trace who allowed this!

Marelaine Lane  
Marelaine Lane

Lillesvens  
never lived  
on Marelaine  
Lane

The  
Lillesvens  
lived  
on  
Cedar  
Lane

2 Since the time that my husband and I purchased our home in 1971, the  
3 Lillesvens and Fairfields had access to their home to the north from Cedar Lane. In  
4 fact, their address was on Cedar Lane. They traveled from Cedar Lane to Finn Hill  
5 Road. Their home was not accessible from Marelaine Lane. The wooden logging  
6 bridge over the creek had weakened and collapsed in the 1940's or 1950's. Thus, it  
7 was impossible to cross the creek to reach the Lillesven or Fairfield home from  
8 Marelaine Lane. *City wants to do away with Cedar Lane*

9 3. No road has existed on any of what the Marmon declaration calls "road  
10 segment A" during the time that I have owned my home.

11 4. My husband Gilbert and I assumed exclusive responsibility for developing  
12 and maintaining our segment of Marelaine Lane (the western portion of road segment  
13 B). It was a primitive dirt road when we bought our property. We assumed sole  
14 responsibility for paying for the asphalt; we paid \$1,575 for the asphalt, which was a lot  
15 of money in 1974. We installed underground utilities and on January 23, 1973, we paid  
16 more than \$1,000 to remove the old power pole that was weak and was too close to the  
17 center of Marelaine Lane. We replaced it with a new power pole (#995240) and  
transformer in a location on our property away from the road.

*Council  
woman  
PSC  
on  
31  
pole  
called  
Linda  
Berry  
Marmon*

18 5. There was an old logging road that led north to Liberty Road from Brown's  
19 home that they or their visitors used periodically. I allowed Browns to use my western  
20 portion of segment B of Marelaine Lane, which I paved and was maintaining exclusively,  
21 as a matter of neighborly accommodation.

*Why is it Linda B Marmon  
business to call up Energy Co  
about  
pole?*

Mary Hagwell  
PO Box 1141  
Poulsbo, WA 98370-0076

Mary Rita



DECLARATION OF RITA HAGWELL IN SUPPORT  
OF REPLY TO WEST POULSBO, LLC RESPONSE -2

LAW OFFICE OF JANE RYAN KOLER, PLLC  
P.O. Box 2509  
5801 Soundview Drive, Suite 258  
P.O. Box 2509 - Gig Harbor, WA 98335  
Office (253) 853-1806 - Fax (253) 851-6225

*about  
pole?  
42*

OCR  
C419- 354 643

DECLARATION OF WELL COVENANT

Rita and Gilbert Hagwell, owners of the five acre parcel described with particularity in Exhibit 1 which is incorporated by reference herein declare that they have a well on their property. The location of the well is described with particularity in Exhibit 2 which is incorporated herein by this reference. Washington law, to preserve the purity of the waters in the well, demands that no structures or property uses occur within a 100 foot radius surrounding the well. The area within the 100 foot radius is reserved for the exclusive purpose of ensuring the integrity and purity of the well and its waters.

NOW, therefore, to obtain these objectives imposed by Washington law, Mr. and Mrs. Hagwell declare that nothing can be built or placed within the 100 foot well radius and no farming activities or any other type of activities can be pursued within that area. It is a buffer area which shall remain undeveloped and unused for any purpose.

This covenant shall run with the property and be binding on successors in interest.

We had to protect our well because city said they could run sewer on Marlene Lane

They said we didn't belong here!  
Jim Crow I called him Jim Crow  
(City engineering Paula In City)

Page 1  
Page 1  
Page 1

now returned  
Jim Crow

EXHIBIT 1

THE SOUTH ONE ROD OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 26 NORTH, RANGE 1 EAST, W.M., LYING WEST OF STATE HIGHWAY NO. 3;

SITUATED IN THE COUNTY OF KITSAP, STATE OF WASHINGTON.

Exhibit 2  
Description of Well Location

287 Feet from the NE Corner of Section 22 Being Within the North two-thirds of Government Lot 2, Section 22, Township 26 North, Range 1 East. W.M., lying Westerly of the Westerly right-of-way of "Viking Way";

Situated in Kitsap County, State of Washington.

Page 7

Page 8

Pink

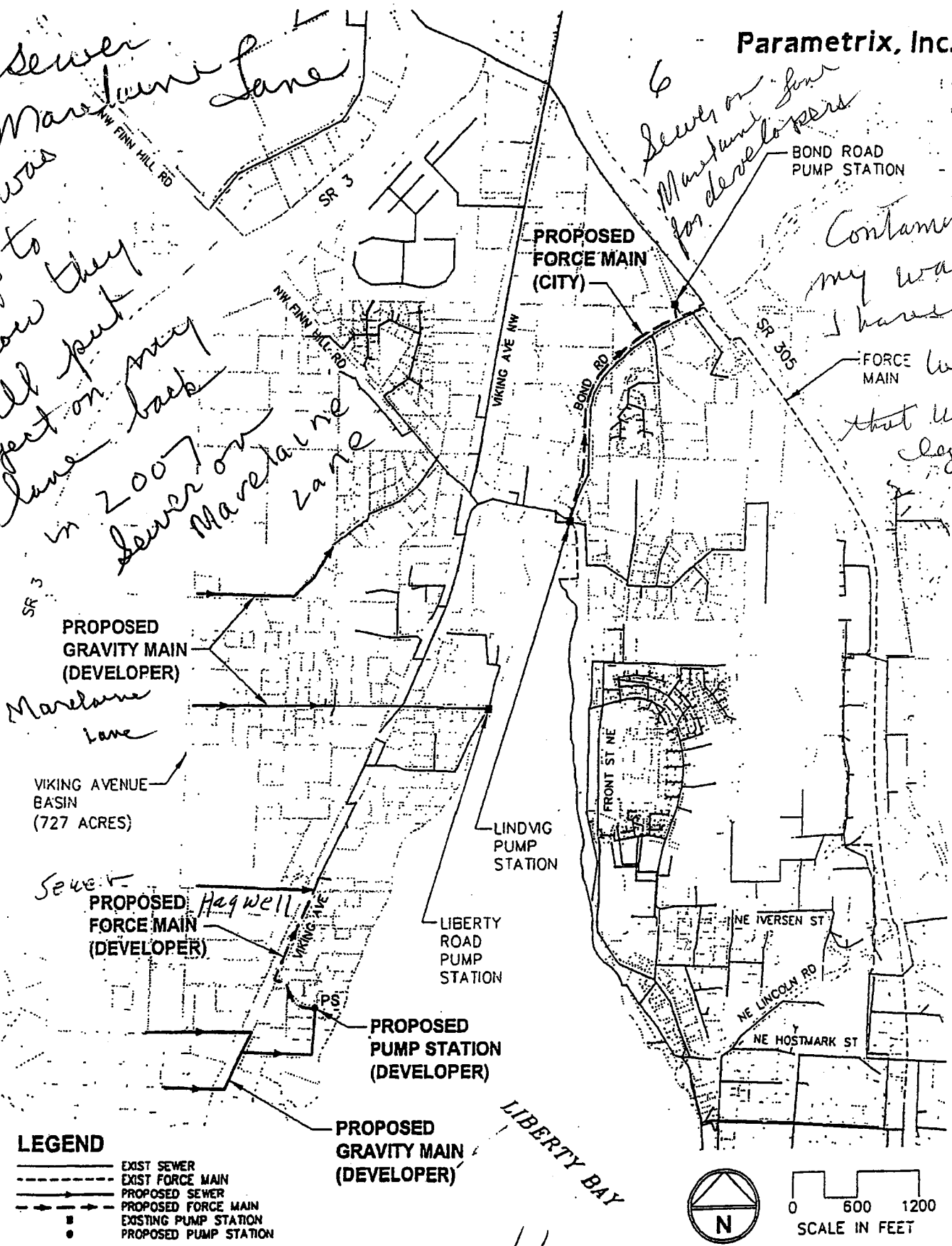


*This was sewer map to show they will put project on my lane back in 2007 sewer on Marelaine Lane*

*6 Sewer on Marelaine for developers*

BOND ROAD PUMP STATION

*Contaminated my water I have a well that wasn't legal*



FILE: 851217028/0101F-03  
DATE: Mar 23, 2007 - 12:07pm  
PLOTTED BY: mchc/mas  
SHEETS: 18R2237-01 (18R2237-01) - 18R2237-02

**LEGEND**

- EXIST SEWER
- - - EXIST FORCE MAIN
- PROPOSED SEWER
- - - PROPOSED FORCE MAIN
- EXISTING PUMP STATION
- PROPOSED PUMP STATION



0 600 1200  
SCALE IN FEET



**CITY of POULSBO  
COMPREHENSIVE SEWER PLAN**



Mr. Gilbert Hagwell  
PO Box 1141  
Poulsbo WA 98370-0076

Avenue Basin

**FIGURE  
41**

*Plans for sewer on MARELAINE LANE*



Kitsap County Auditor - Recording Dept  
614 Division Street  
Port Orchard, WA 98366  
360-337-4835

3

Receipt: 091013

Product	Name	Extended
COVEN	Covenants	\$67.00
Document # 200909030083, Document		
Info: GILBERT & MARY RITA HAGWELL #		
Pages 6		
Total		\$67.00
Tender (Check)		\$67.00
Check# 9399. Paid by gilbert & mary hagwell.		
Phone Number 360-779-2342		

Dated this 3<sup>rd</sup> day of September, 2009.

Mary Rita Hagwell

Mary Rita Hagwell

Thank You - Have a Nice Day

Tue Sep 03 12:59:08 PDT 2009 mlucwa

STATE OF WASHINGTON )

) Poulsbo : Sept. 3, 2009

COUNTY OF KITSAP )

I certify that I know or have satisfactory evidence that RITA HAGWELL is the person (s) who appeared before me, and said person(s) acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: September 3, 2009

[Signature]

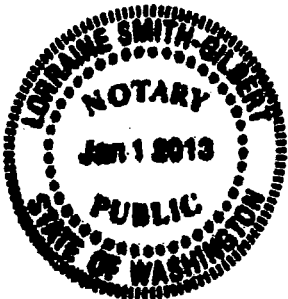
Recording 100 ft  
Protection of Hagwell's  
water, water rights, well  
asphalt, power  
pole

LORRAINE SMITH-GILBERT

Notary Public in and for the State of Washington,

Residing at Poulsbo, WA

My commission expires: JANUARY 1, 2013



RECEIVED

SEP 09 2009

KITSAP COUNTY  
HEALTH DISTRICT



Gilbert R. Hagwell  
PO Box 1141  
Poulsbo, WA 98370-0076



# WATER RIGHT CLAIM

1. NAME GILBERT R MAGWELL <sup>1971 Same place</sup>  
 ADDRESS RT 2 Box 81 <sup>old address</sup> TAG# 17  
POULSBRO ZIP CODE 95370 BPC 637

2. SOURCE FROM WHICH THE RIGHT TO TAKE AND MAKE USE OF WATER IS CLAIMED: GROUND WATER  
 (SURFACE OR GROUND WATER)

A. IF GROUND WATER, THE SOURCE IS WELL W.P.I.A. 15 (LEAVE BLANK)  
106 FT DEEP

B. IF SURFACE WATER, THE SOURCE IS \_\_\_\_\_

3. THE QUANTITIES OF WATER AND TIMES OF USE CLAIMED:

A. QUANTITY OF WATER CLAIMED 12 EARLY MORNING PRESENTLY USED \_\_\_\_\_  
 (CUBIC FEET OR GALLONS PER MINUTE)

B. ANNUAL QUANTITY CLAIMED \_\_\_\_\_ PRESENTLY USED \_\_\_\_\_  
 (ACRE FEET PER YEAR)

C. IF FOR IRRIGATION, ACRES CLAIMED \_\_\_\_\_ PRESENTLY IRRIGATED \_\_\_\_\_

D. TIME(S) DURING EACH YEAR WHEN WATER IS USED: ALL

4. DATE OF FIRST PUTTING WATER TO USE: MONTH 11-71 YEAR 71

5. LOCATION OF THE POINT(S) OF DIVERSION, WITHDRAWAL: \_\_\_\_\_ FEET \_\_\_\_\_ AND \_\_\_\_\_

FEET 280 FROM THE NE CORNER OF SECTION 22

BEING WITHIN 1/2 OF SECTION 22 T. 26 N., R. 1E (E.O.R.W.) W.M.

IF THIS IS WITHIN THE LIMITS OF A RECORDED PLATTED PROPERTY, LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ OF \_\_\_\_\_

(GIVE NAME OF PLAT OR ADDITION)

6. LEGAL DESCRIPTION OF LANDS ON WHICH THE WATER IS USED: THE NORTH HALF OF THE NORTH  
HALF OF THE NORTH TWO THIRDS OF GOVERNMENT LOT 2, SECTION  
22, TOWNSHIP 26 NORTH, RANGE 1 EAST, WINDMILL WEST OF  
STATE HIGHWAY NO. 21 SITUATE IN KITSAP COUNTY, WASH.

COUNTY KITSAP

7. PURPOSE(S) FOR WHICH WATER IS USED: D W FILING, DRINKING ETC

8. THE LEGAL DOCTRINE(S) UPON WHICH THE RIGHT OF CLAIM IS BASED: Appropriation

*Page 3*

THE FILING OF A STATEMENT OF CLAIM DOES NOT CONSTITUTE AN ADJUDICATION OF ANY CLAIM TO THE RIGHT TO USE OF WATERS AS BETWEEN THE WATER USE CLAIMANT AND THE STATE OR AS BETWEEN ONE OR MORE WATER USE CLAIMANTS AND ANOTHER OR OTHERS. THIS ACKNOWLEDGEMENT CONSTITUTES RECEIPT FOR THE FILING FEE.  
 DATE RETURNED THIS HAS BEEN ASSIGNED

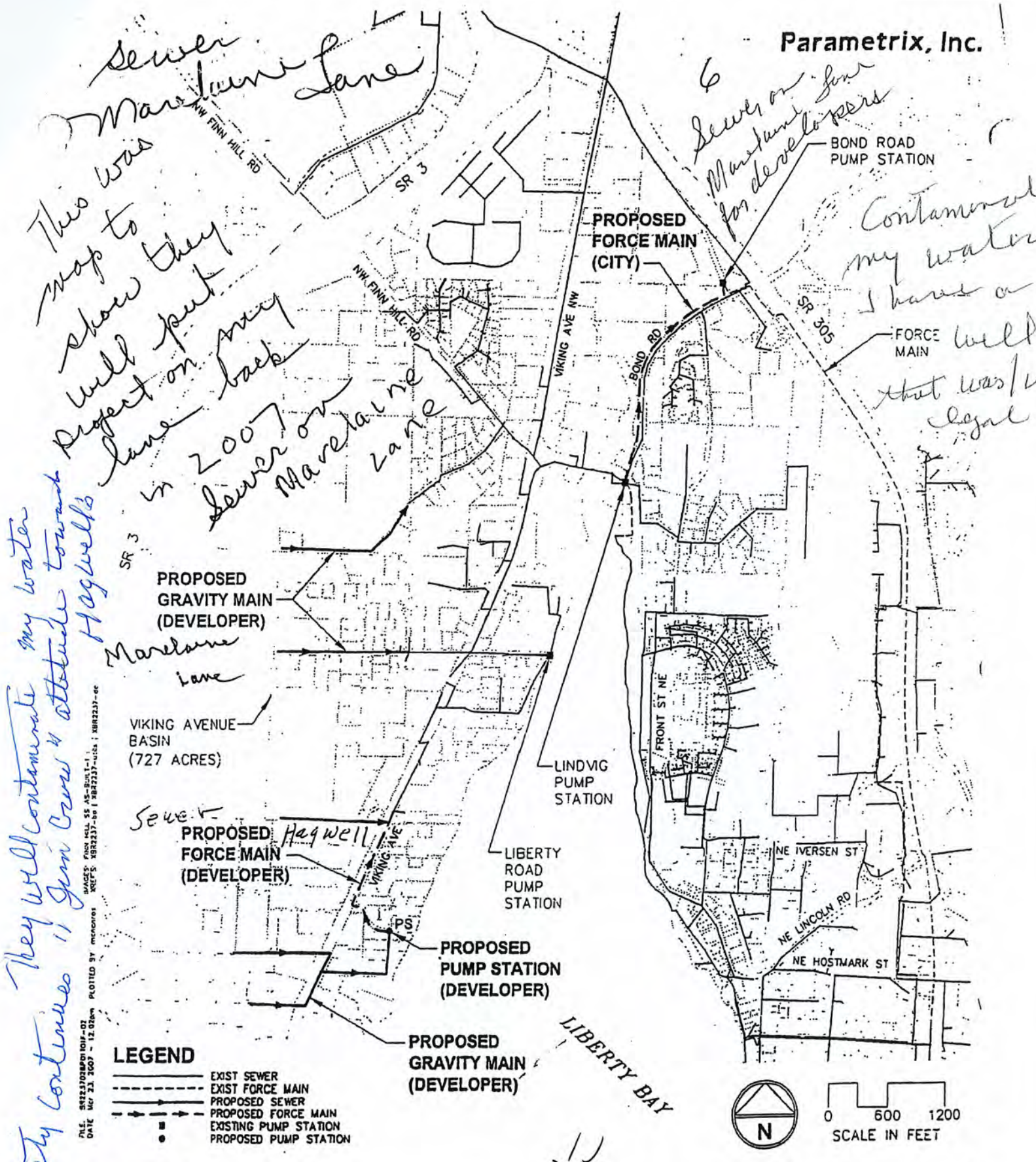
I HEREBY SWEAR THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
 X Gilbert R Magwell  
 DATE March 29 1973

City continues "Joni Crews" attitude towards Hagwells  
They will contaminate my water

This was map to show they will put sewer on my back lane in 2007  
Sewer on Marelaine Lane  
Marelaine Lane

6  
Sewer on Marelaine Lane for developers

Contaminated my water I have a well that was legal



FILE: 9832302829101F-07  
DATE: Mar 23 2007 - 12:02pm  
PLOTED BY: mcmorrey  
SCALE: 1"=100'  
PROJECT: 9832302829101F-07  
SHEET: 41 OF 41



**CITY of POULSBO**  
COMPREHENSIVE SEWER PLAN



Mr Gilbert Hagwell  
PO Box 1141  
Poulsbo WA 98370-0076

Avenue Basin

FIGURE 41

Plans for sewer on MARELAINE LANE

# WATER RIGHT CLAIM

1. NAME GILBERT R MAGWILL <sup>1971 same place</sup>  
 ADDRESS RT 2 Box 81 <sup>old address</sup> TAG# 17  
POULSBRO ZIP CODE 95370 BPC 637

2. SOURCE FROM WHICH THE RIGHT TO TAKE AND MAKE USE OF WATER IS CLAIMED: GROUND WATER  
 (SURFACE OR GROUND WATER)

A. IF GROUND WATER, THE SOURCE IS WELL W.P.A. 15 (LEAVE BLANK)  
106 FT DEEP  
 B. IF SURFACE WATER, THE SOURCE IS \_\_\_\_\_

3. THE QUANTITIES OF WATER AND TIMES OF USE CLAIMED:  
 A. QUANTITY OF WATER CLAIMED 12 BARRELS PER MINUTE PRESENTLY USED \_\_\_\_\_  
 B. ANNUAL QUANTITY CLAIMED \_\_\_\_\_ PRESENTLY USED \_\_\_\_\_  
 (ACRE FEET PER YEAR)  
 C. IF FOR IRRIGATION, ACRES CLAIMED \_\_\_\_\_ PRESENTLY IRRIGATED \_\_\_\_\_  
 D. TIME(S) DURING EACH YEAR WHEN WATER IS USED: ALL

4. DATE OF FIRST PUTTING WATER TO USE: MONTH 10-71 YEAR 71

5. LOCATION OF THE POINT(S) OF DIVERSION/WITHDRAWAL: \_\_\_\_\_ FEET \_\_\_\_\_ AND \_\_\_\_\_  
 FEET 280 FROM THE NE CORNER OF SECTION 22  
 BEING WITHIN 1/4 OF SECTION 22 T. 26 N. R. 1E (E.C.R.W.) W.M.  
 IF THIS IS WITHIN THE LIMITS OF A RECORDED PLATTED PROPERTY, LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ OF \_\_\_\_\_

(GIVE NAME OF PLAT OR ADDITION)  
 6. LEGAL DESCRIPTION OF LANDS ON WHICH THE WATER IS USED: THE NORTH HALF OF THE NORTH HALF OF THE NORTH TWO THIRDS OF GOVERNMENT LOT 2 SECTION 22, TOWNSHIP 26 NORTH, RANGE 1 EAST, WINDY WEST OF STATE HIGHWAY NO. 21 SITUATE IN KITSAP COUNTY, WASH.

7. PURPOSE(S) FOR WHICH WATER IS USED: D W FILING, DRINKING, ETC COUNTY KITSAP

8. THE LEGAL DOCTRINE(S) UPON WHICH THE RIGHT OF CLAIM IS BASED: Appropriation

*Page 3*

THE FILING OF A STATEMENT OF CLAIM DOES NOT CONSTITUTE AN ADJUDICATION OF ANY CLAIM TO THE RIGHT TO USE OF WATERS AS BETWEEN THE WATER USE CLAIMANT AND THE STATE OR AS BETWEEN ONE OR MORE WATER USE CLAIMANTS AND ANOTHER OR OTHERS. THIS ACKNOWLEDGEMENT CONSTITUTES RECEIPT FOR THE FILING FEE.  
 DATE RETURNED THIS HAS BEEN ASSIGNED

I HEREBY SWEAR THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
 X Gilbert R Magwill  
 DATE March 29 1973

LAW OFFICES OF

# JANE RYAN KOLER

5801 Soundview Drive, Suite 258 • Gig Harbor, Washington 98335  
Tel. (253) 853-1806 • Fax (253) 851-6225 • [www.jkolerlaw.com](http://www.jkolerlaw.com)  
Jane Ryan Koler

A Professional Limited Liability Company

zoning

land use

real property

environmental

SENT VIA FACSIMILE AND U.S. MAIL

March 4, 2010

Washington State Boundary Review Board  
For Kitsap County  
Ms. Katherine Morgan  
Mr. John Szymanski  
Ms. Alta Shigeta  
Ms. Anne Montgomery  
614 Division Street MS-7  
Port Orchard, WA 98366-4676

Re: Gaines Annexation  
My Client: Rita Hagwell

Dear Members of the Boundary Review Board:

I represent Mr. and Mrs. Hagwell who own a portion of the property which is subject to the Gaines Annexation. The property owned by Mr. and Mrs. Hagwell is a portion of the alleged flag pole property erroneously alleged in the Notice of Intent to be owned by Nathan's Glen. It is described in the "note regarding the partial property". The statement of intent erroneously states that Nathan's Glen owns the pole portion of the flag property described in the note regarding the partial property. In fact, Mr. and Mrs. Hagwell own the portion of that property which abuts their Poulsbo property. Their ownership of that property is the subject of a Kitsap County lawsuit, *Hagwell v. Nathan's Glen*, Kitsap County Cause No. 09-2-02256-1. Clearly, individuals such as Mr. and Mrs. Hagwell whose property is directly affected by the Gaines Annexation should have the opportunity to make comments on the Notice of Intent. Due process principles dictate that such individuals should be given a full and fair opportunity to comment on the Gaines Annexation Notice of Intent. Unfortunately, Mr. and Mrs. Hagwell had been totally deprived of any viable opportunity to make a comment on the Notice of Intent. After the City of Poulsbo submitted the Notice of Intent to the Boundary Review Board on February 16, 2010, the City revised the Notice of Intent on March 3, 2010. The Hagwells have not seen the revised Notice of Intent, much less been given the opportunity to comment on it. All of the deadlines in this case must be revised because of the City's recent revision of

*He decides tax (property) for Kitsap; He is also on Boundary Review Board*

*I'd like to see one man can determine taxes boundary*

**CLIENT COPY**

*Board*

*He was on*

*(taxes)*

*Board of Equalization; I appeared before him; He did not agree with me*

*John Szymanski  
what chance did I have?*

9

50 per month 1971 to 1973 Deposit paid  
10/21/71 450  
every month to balance

Paid 7/01/73 month to \$ 35/1974  
7 paid DC R 12/21/73  
C 19354643 12/21/73  
ES-7-11-73

Contractor  
Contacted  
my water  
which is  
all over  
both poles  
and  
Rediform  
7H724

INVOICE

OUR NUMBER	9844
DATE	10/12/73
CUSTOMER'S ORDER	Paul Phell post
SALESMAN	Cook
TERMS	07/01/73
F.O.B.	Final payment
	954.00
	47.70
	1001.70
	450.00
	551.70
	501.70
	661.80
	1133.70

Shipped To: Paulsboro

Address: Drill 106 ft. well at 9 per ft. tax

Well depth 106 ft. tax

Static water level 106 ft.

Bailer test 106 ft.

Draw-down 106 ft.

190 ft. Bal at 50 per month

100 ft. Bal at 551.70

50.00

501.70

10/12/73  
Paul Phell post  
Cook  
07/01/73  
Final payment

over

(360) 779-9323  
Eco

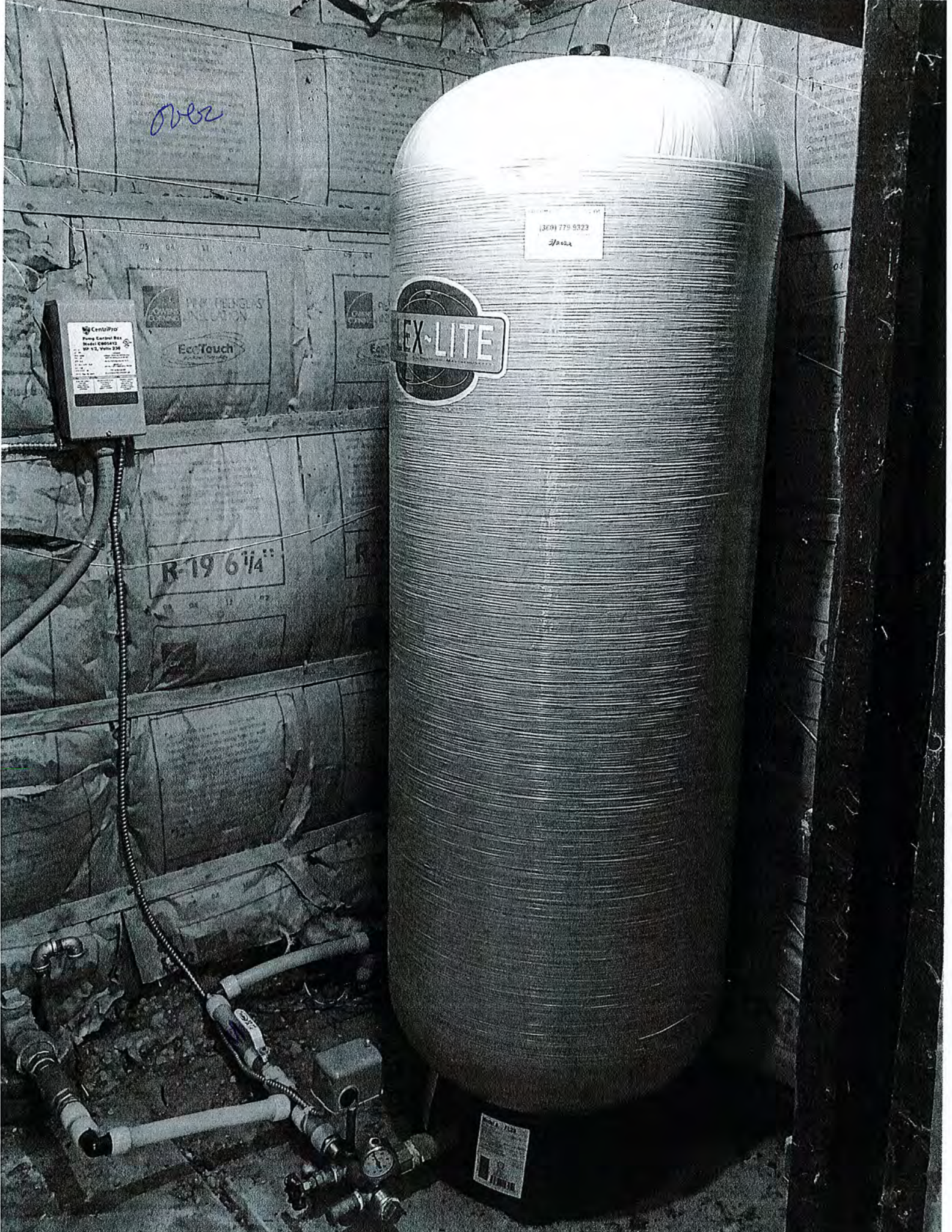
EX-LITE

CentiPro  
Pump Control Box  
Model C600412  
HP 1/2, Volts 230

ECO TOUCH  
EcoTouch

R-19 6 1/4"

Model 7100  
Eco



Mary "Rita" "



Mary Hagwell  
PO Box 1141  
Poulsbo, WA 98370-0076

Hagwell's pioneered land  
starting 1971

April 15, 2023

City of Poulsbo, WA

Well drilled 1971

Planning Dept

Water rights 1973

Dear Sir, Ms:

Please be aware of the well  
house that belongs to the Hagwell  
family. Please note the latest insulation  
the covers the well. This was  
expensive but it is the latest

way to protect well! The heater is  
also a "today" improvement

Ecology sent us a tag to put on  
well. Please note when a well  
driller put it on April 2023. The  
cost was \$245.00 Fish and Wildlife  
are also aware. The state always  
recorded our water rights (1973) <sup>attached</sup> paper  
Now they have a tag to check. How  
many Poulsbo people have this? The city  
cannot endanger our water!

Mary "Rita" Hagwell



PO Box 1141  
Poulsbo WA 98370 Marelaine Lane

15



Named by Marelaine  
Frank Ruabkane  
when he was  
Camp Mays  
about  
1930  
as  
Mays

asphalt middle lane  
and more  
Hagwell's asphalt Hagwell owns all of this &c

Zoom to Location >

Identify Results

Taxpayer  
 Account No  
 Account ID  
 Site Address  
 Mail Address  
 Tax Statement  
 Parcel Details  
 Land & Location  
 Receipts  
 Splits & Merges  
 Sales History

WEST POULSBO LLC  
 152601-3-090-2102  
 2529774  
 NO ADDRESS FOUND  
 336 CAJON TERRACE  
 LAGUNA BEACH CA 92651  
 Photos & Sketches  
 Tax & Levy Assessments  
 Building & Improvements  
 Value & Tax History  
 Voting Districts  
 DCD Permit Info



Hagwell is house to north of Lane

city will not connect MARCEL lane

Marcelaine fence in wrong place

→ Hagwell's house Marcelaine fence not to Hagwell's house

Yes

NO

Lane



# CHAIN OF TITLE TIMELINE FOR MARELAINE

*This was from Commissioner Bolder's research*

Sole conveyance of the 16.5 foot strip (road now known as Marelaine Ln.) occurred when Anderson conveyed the road to Gronning in 1900. Gronning retained ownership of the 16.5 foot strip and never conveyed title to another individual.



On July 13, 1990, Fairfield sold to Priddis and included the 16.5 foot strip in the legal description. It is unclear why the deed conveying land to Priddis included the east segment of Marelaine Ln., since neither Gronning nor his successors had ever deeded that property to anyone, according to the chain of title.



Priddis sold to Nathan's Glenn (now called West Poulsbo's LLC) in 2006. The statutory warranty deed provided by the title company contained two exceptions. The first exception states that the property is subject to the interest of the heirs of Gronning as described in the 1900 Anderson to Gronning deed. The second exception states that there is no guarantee of access to a public road.



In 2009, is when the Hagwells sued Nathan's Glen due to Nathan's Glen attempt to get a prescriptive easement and quiet title on the 16.5 foot strip.

## SUMMARY:

- The chain of title shows that although the Farfield to Priddus deed and the 2006 Priddis to Nathan's Glen statutory warranty deed includes the east segment of Marelaine Ln., no one has ever conveyed that land to either Priddis or to Nathan's Glen. Although Nathan's Glen claims that it "owns" the east segment of Marelaine Ln., its ownership is subject to the interest of Gronning's heirs as exhibited in the 1900 Anderson to Gronning deed

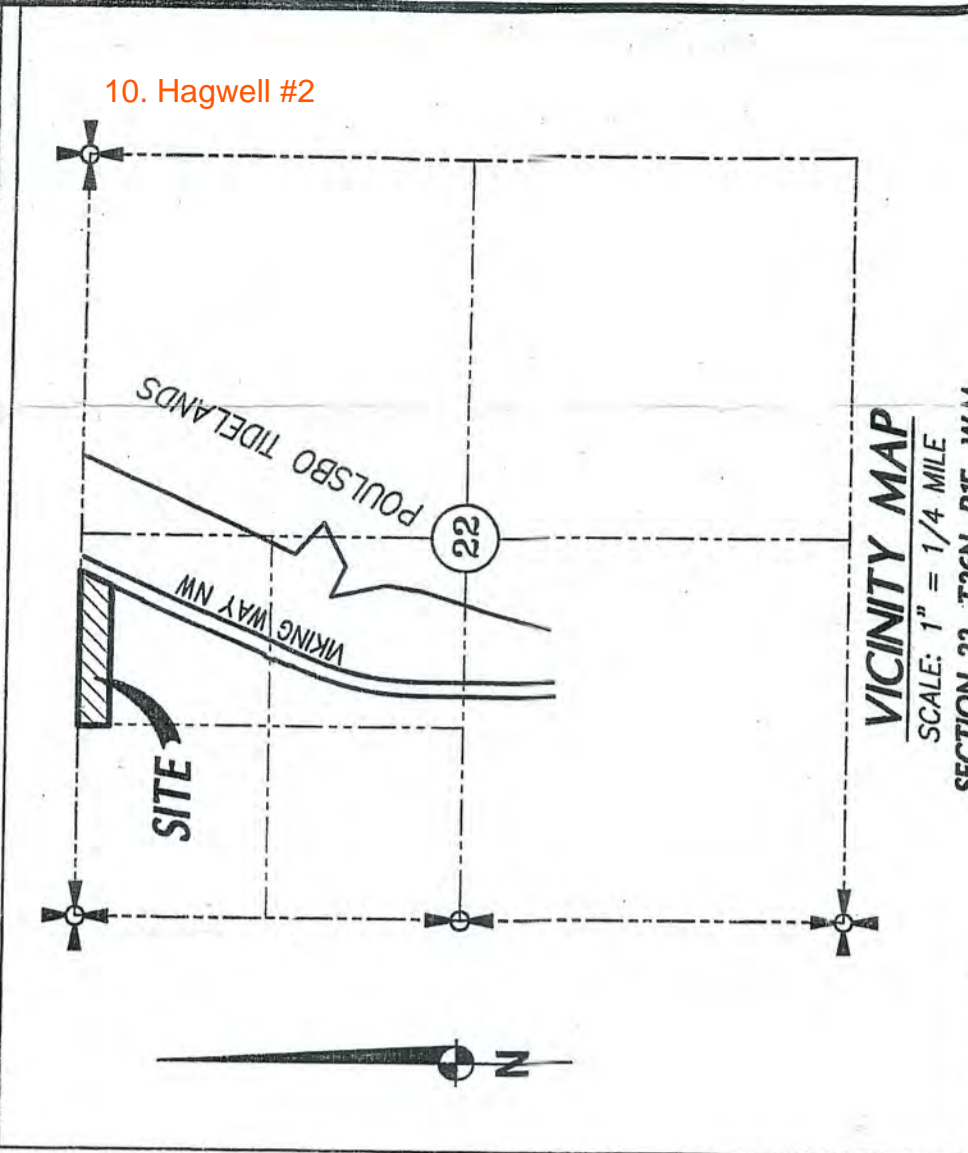
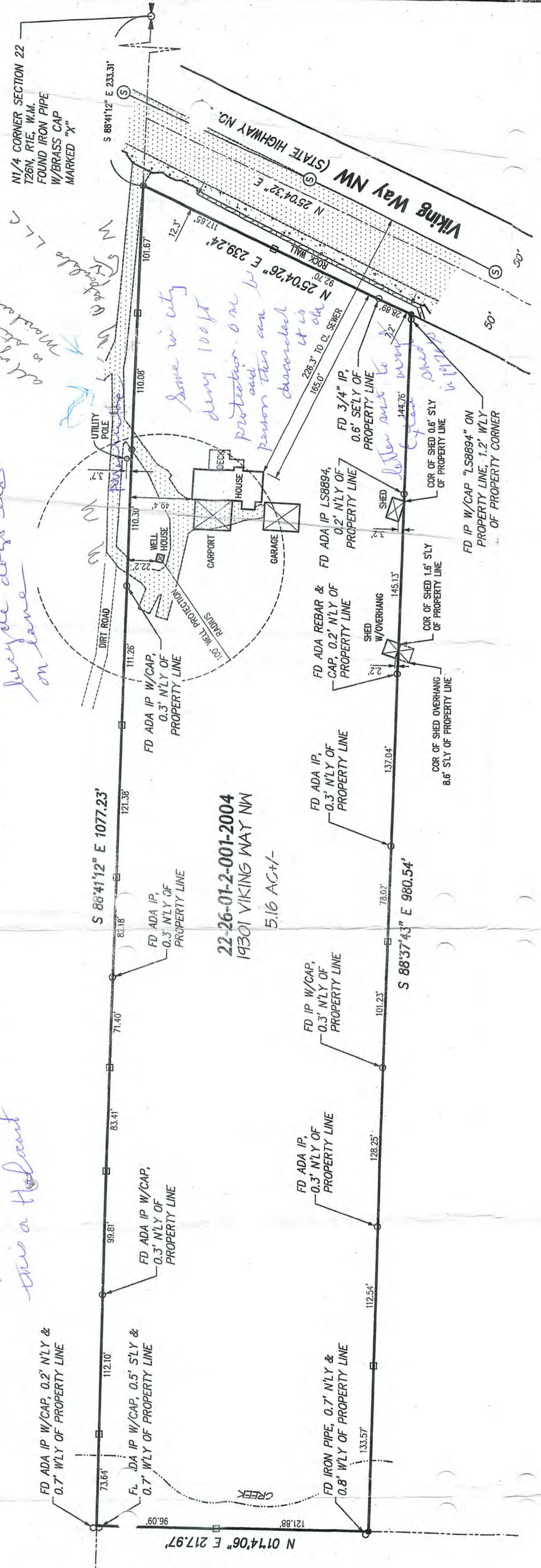
*Poulsbo LLC*  
*John Johnson - Priddis went to assess and started paying taxes on Marelaine Lane. They used a property scam*

# RECORD OF SURVEY

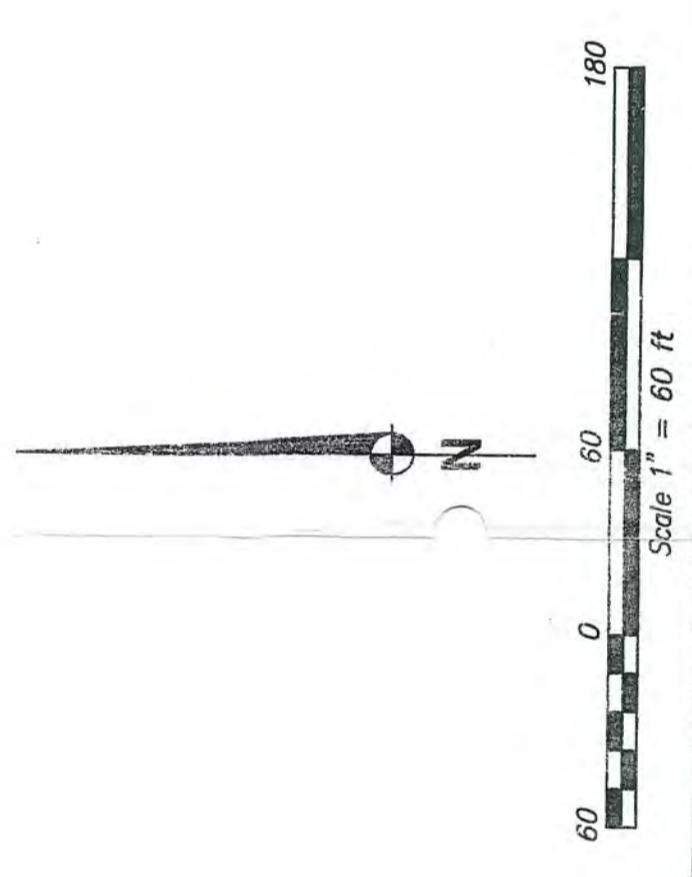
## KITSAP COUNTY, WASHINGTON

RECEIVED  
 5/27/08  
 PED Department

*papers from 1970's are too old how about people of the seventies is this a Hologram*



- LEGEND**
- FOUND MONUMENT AS NOTED
  - SET 5/8" RE-BAR & CAP
  - SET SPIKE
  - SET HUB & TACK
  - ▤ ROCK WALL
  - ▥ ASPHALT PAVEMENT
  - ▧ CONCRETE
  - Ⓢ SEWER MANHOLE



**LEGAL DESCRIPTION**

THE NORTH HALF OF THE NORTH HALF OF THE NORTH TWO-THIRDS OF GOVERNMENT LOT 2, SECTION 22, TOWNSHIP 26 NORTH, RANGE 1 EAST, W.M., WEST OF STATE HIGHWAY NO. 21, SITUATE IN KITSAP COUNTY, WASHINGTON.

REFERENCES: RECORD OF SURVEY NO. 2226012104 UNDER KITSAP COUNTY AUDITOR'S FILE NO. 9203080154 IN VOLUME 36, PAGE 106.

BASIS OF BEARING: STATE PLANE COORDINATE SYSTEM, WASHINGTON NORTH ZONE

- NOTES**
1. THIS SURVEY COMPLIES WITH ALL STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT", CHAPTER 58.09 RCW AND 352-130-090 WAC.
  2. THIS SURVEY WAS ACCOMPLISHED USING FIELD TRAVERSE PROCEDURES.
  3. A TRIMBLE MODEL DR-200, 3-SECOND TOTAL STATION AND LEICA RX-1250 GPS RECEIVER WERE USED FOR THIS SURVEY.

**AUDITOR'S CERTIFICATE**

FILED FOR RECORD THIS 25th DAY OF August, 2014 AT 2:24 P.M.  
 UNDER AUDITOR'S FILE NO. 201408250134, Vol. 74, P. 192  
 AT THE REQUEST OF Aspen Land Surveying LLC. RECORDING FEE \$138.00

DEPUTY \_\_\_\_\_  
 COUNTY AUDITOR Walter Washington

---

**SURVEYOR'S CERTIFICATE**

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF

*Daniel B. Johnson*  
 8/22/2014

MRS. MARY RITA HAGWELL  
 DANIEL B. JOHNSON, PLS #28408

---

**Aspen Land Surveying LLC**  
 at The Landing in Key Center  
 15510 92nd Street KPN  
 Gig Harbor, WA 98329  
 P.O. Box 124, Vaughn, WA 98394-0124  
 (253) 303-0270 FAX (253) 303-0273

A PORTION OF THE NE 1/4 OF THE NW 1/4 OF SEC. 22, T26N, R1E, W.M., KITSAP COUNTY, WASHINGTON

DRAWING NO. 4588A.DWG DRAWN BY: MLP DATE: 8/14/14

I've city doesn't want Marjaine same as part of city because they want to ~~buy~~ <sup>miss</sup> it

# City of Poulsbo

It's bad to mess with a city other for sewer etc



Barry Berezowsky, Planning Director/Building Official

July 14, 2008

Ms. Mary Rita Hagwell  
P.O. Box 1141  
Poulsbo, WA 98370

They wanted Marjaine Lane in 2007-2008 or before!

Dear Ms. Hagwell:

Thank you for your cards dated July 7, 2008. This letter constitutes the City's response to your concerns. City said they won't recognize Marjaine

First, you stated that you are concerned that Marjaine Lane might be annexed into the City of Poulsbo and therefore, deny you of any further rights to access your property.

*[Handwritten mark]*

While Marjaine Lane will likely be part of a future annexation petition, your right to access your property from this access drive now, and in the future, regardless of whether the property is annexed into the City, is granted via an access easement. We assume you have such an easement and therefore, you should not be concerned about being prevented from travelling on this "road". They acknowledge Marjaine is the Long

Lane near my well and drive way to Viking Avenue. This change caused you concern because of the potential need to change legal documents etc. As we discussed, I believe this matter has been resolved and your address will remain Viking Way. I am Viking way - they tried to change

Second, you stated a concern that your address had been changed from Viking Way to Viking Avenue. This change caused you concern because of the potential need to change legal documents etc. As we discussed, I believe this matter has been resolved and your address will remain Viking Way. I am Viking way - they tried to change

Third, you clarified that your property was annexed into the City in 2005, and not in 2000, as you may believe Mr. Rudolph publicly stated. We note this correction. address your ~~concern~~ <sup>informing</sup> me

Thank you for writing the City to express your concerns and provide clarification. Please write of call if we can be of any further assistance.

Regards,

*[Handwritten signature]*  
Barry Berezowsky  
Planning Director  
more documents in

c: Mayor Kathryn H. Quade

The coming weeks!  
We had a big meeting last week  
about G. Johnson's name was never

written  
as mentioned

19050 Jensen Way NE ♦ Post Office Box 98 ♦ Poulsbo, Washington 98370-0098  
(360) 779-3006 ♦ fax (360) 697-8269  
[www.cityofpoulsbo.com](http://www.cityofpoulsbo.com) ♦ [bberezowsky@cityofpoulsbo.com](mailto:bberezowsky@cityofpoulsbo.com)

M. Ecology - Environmental  
Report Tracking System  
6 psges

**From:** [Steve Brown](#)  
**To:** [Edie Berghoff](#)  
**Cc:** [Grant Holdcroft](#); [John Kiess](#)  
**Subject:** FW: ERTS #728095 has been referred to your Agency  
**Date:** Thursday, January 18, 2024 4:01:30 PM  
**Attachments:** [image001.png](#)

---

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

Hi Edie,

Just an FYI that Jan Wold left a voicemail with the Dept of Ecology regarding a development project in Poulsbo that you may be interested in. See below for the transcript of her voicemail to Ecology. I spoke with Ms. Wold this afternoon and she seemed disappointed that KPHD was not going to place requirements or restrictions on this project based on her anecdotal information. I asked if she had voiced her concerns to the City of Poulsbo regarding this property and she said she had, so I assume this is not the first you are hearing of this.

Happy to talk more about it if you'd like, just let me know.

**Steven J Brown, RS**

Program Manager, Solid & Hazardous Waste Program  
360-728-2277 office|360-633-9231 cell | 360-728-2235 main  
[steve.brown@kitsappublichealth.org](mailto:steve.brown@kitsappublichealth.org) | [website](#) | [social media](#)



---

**From:** John Kiess <[John.Kiess@kitsappublichealth.org](mailto:John.Kiess@kitsappublichealth.org)>  
**Sent:** Thursday, January 18, 2024 10:49 AM  
**To:** Grant Holdcroft <[Grant.Holdcroft@kitsappublichealth.org](mailto:Grant.Holdcroft@kitsappublichealth.org)>; Steve Brown <[Steve.Brown@kitsappublichealth.org](mailto:Steve.Brown@kitsappublichealth.org)>  
**Subject:** RE: ERTS #728095 has been referred to your Agency

This is located in the City of Poulsbo, I suggest we refer this to their agency as well as part of their planning department review of this plat.

Steve, have your team call this guy and get more information, and then whatever you find out can be sent to:

Edie Berghoff, senior planner - [eberghoff@cityofpoulsbo.com](mailto:eberghoff@cityofpoulsbo.com)

The project name is Plateau at Liberty Bay P-12-06-22-02.

**John Kiess, RS**

Environmental Health Director  
360-728-2290 office| 360-620-0538 cell | 360-728-2235 main  
[john.kiess@kitsappublichealth.org](mailto:john.kiess@kitsappublichealth.org) | [website](#) | [social media](#)



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**From:** Grant Holdcroft <[Grant.Holdcroft@kitsappublichealth.org](mailto:Grant.Holdcroft@kitsappublichealth.org)>  
**Sent:** Thursday, January 18, 2024 10:35 AM  
**To:** John Kiess <[John.Kiess@kitsappublichealth.org](mailto:John.Kiess@kitsappublichealth.org)>; Steve Brown <[Steve.Brown@kitsappublichealth.org](mailto:Steve.Brown@kitsappublichealth.org)>  
**Subject:** Fw: ERTS #728095 has been referred to your Agency

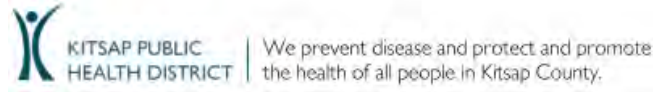
FYI

**Grant Holdcroft, RS** (he/him)

Program Manager, Water Pollution Identification & Correction Program

360-728-2228 office | 360-633-9023 cell | 360-728-2235 main

[grant.holdcroft@kitsappublichealth.org](mailto:grant.holdcroft@kitsappublichealth.org) | [website](#) | [social media](#)



**From:** [nwroerts@ecy.wa.gov](mailto:nwroerts@ecy.wa.gov) <[nwroerts@ecy.wa.gov](mailto:nwroerts@ecy.wa.gov)> on behalf of [KESH461@ecy.wa.gov](mailto:KESH461@ecy.wa.gov) <[KESH461@ecy.wa.gov](mailto:KESH461@ecy.wa.gov)>

**Sent:** Thursday, January 18, 2024 10:17 AM

**To:** Grant Holdcroft <[Grant.Holdcroft@kitsappublichealth.org](mailto:Grant.Holdcroft@kitsappublichealth.org)>; [help@kitsap1.com](mailto:help@kitsap1.com) <[help@kitsap1.com](mailto:help@kitsap1.com)>; [rbowen@cityofpoulsbo.com](mailto:rbowen@cityofpoulsbo.com) <[rbowen@cityofpoulsbo.com](mailto:rbowen@cityofpoulsbo.com)>

**Subject:** ERTS #728095 has been referred to your Agency

**[WARNING]: Were you expecting this email?** It originated from outside the Health District and contains a link or attachment. **Do not click links or open attachments** unless you have been waiting to receive this email. If you are unsure please contact IT.

The attached ERTS report was received by the Department of Ecology.

We are referring this report to your office(s) as we believe you may be the agency(ies) with jurisdiction, or may have an interest in this report. If this is incorrect, or you feel another agency or department within your agency should receive this report, please let us know.

Thank you for your assistance.

## ERTS Incident #728095

Environmental Report Tracking - *Generated 1/18/2024, 10:17 AM*

### Primary Initial Report - Reported: 01/18/24 09:45

Reference ID - 218994

#### Where did it happen?

Location name:

Plateau at Liberty Bay

Physical address:

19313 Viking Way NW

Poulsbo WA 98370

US

County:

Kitsap

Ecology region:

NWRO

Lat, long:

47.738092 , -122.662863

Directions/Landmarks:

Also 19321 Viking Ave NW, Poulsbo, WA 98370



## What happened?

Incident date:  
Activity:  
Underway or in motion  
Cause:  
Medium:  
Ground - Soil  
Source:  
Private property - Other-Private property  
Substance:  
Chemical - Lead  
Substance amount:

## Who might be responsible?

Name:  
Organization:  
Email:  
Phone number(s):  
Mailing address:

## How was it reported?

Intake type:  
Voice mail  
Reported date:  
01/18/24 09:45  
Entered by:  
Kelli Price  
Entered at:  
01/18/24 10:09

## Who reported it?

Do they want this to be confidential? No

Reporter type:  
Citizen  
Name:  
Jan Wold  
Organization:  
Email:  
Phone number(s):  
(775) 772-2569  
Mailing address:  
Are they anonymous? No  
Are they self-reporting? No  
External reference number:

## Comments/notes

Voicemail report: "this is Jan Wold and I'm calling about two toxic sites on one piece of property in Poulsbo on Viking Way. And I doubt you know about them. One of them is an old gun range and the other is a garbage dump that includes probably some of the gun range stuff. If you could give me a call at 775-772-2569 and the best time to catch me is like middle of the afternoon or later. I'd like to talk to you about that. It's on the edge of a salmon stream and the buffer. And it also is now being proposed as a housing development. So anyway, give me a call. I would appreciate whatever help you can give me. Thank you."

Additional voicemail: "this is Jan Wold again. I just left a voice message about two toxic sites on a piece of property in

Poulsbo and I do have some more information. The Aquatics ID number is 142977 and that's in regards to a application for the developer to put a road through the wetland, but it also has my input I think dated around December 13th explaining the toxic sites. And the address there is 19313 Viking Ave NW, Poulsbo. Anyway, thank you.

## Incident details

Life cycle status:  
Follow-up(s) email not sent  
Incident Date:  
Was it self-reported?:  
No  
Show to public?:  
No

## Program owners

- NWRO - Hazardous Waste & Toxics Reduction  
Comments:
- NWRO - Toxics Cleanup  
Comments:
- **Kelli Price (Primary)**  
NWRO - External  
Comments:

## Location

Location name:  
Plateau at Liberty Bay  
Physical Address:  
19313 Viking Way NW  
Poulsbo WA 98370  
US  
County:  
Kitsap  
Lat, long:  
47.738092 , -122.662863

## Who might be responsible?

Name:  
Organization:  
Email:  
Phone number(s):  
Mailing address:

## Follow-ups

Program: External - Subject: Debris and Litter

Reference ID - 230549

### What happened?

Primary activity  
Activity:

Underway or in motion

### Action history

Status	Action	Date
Email not sent	Follow-up owner email not sent	01/18/2024 10:17:41
Email not sent	Follow-up owner email not sent	01/18/2024 10:16:47

### Comments

Stand alone comment 01/18/2024 10:17:30

Created By: Kelli Price

Poulsbo is the correct referral as the location is within city limits.

### Follow-up owners

Status	Organization	First name	Last name	Is external?	Email	Phone number	Comments
Email not sent	Kitsap County Planning & Code Enforcement			Y	<a href="mailto:help@kitsap1.com">help@kitsap1.com</a>		
Email not sent	Poulsbo City of	Rachel	Bowen	Y	<a href="mailto:rbowen@cityofpoulsbo.com">rbowen@cityofpoulsbo.com</a>	(360) 779-3006	

## Program: External - Subject: Other

Reference ID - 230548

### What happened?

Primary activity

Activity:  
Underway or in motion

Primary detail

Medium:  
Ground - Soil  
Source:  
Private property - Other-Private property  
Substance:  
Chemical - Lead  
Substance amount:

### Additional details

Medium:  
Ground - Soil  
Source:  
Private property - Other-Private property  
Substance:  
Debris - Debris/Garbage  
Substance amount:

### Action history

Status	Action	Date
Email not sent	Follow-up owner email not sent	01/18/2024 10:16:32

### Follow-up owners

Status	Organization	First name	Last name	Is external?	Email	Phone number	Comments
Email not sent	Kitsap County Public Health	Grant	Holdcroft	Y	<a href="mailto:grant.holdcroft@kitsappublichealth.org">grant.holdcroft@kitsappublichealth.org</a>		

### Incident attachments

Contact Ecology if you would like a copy of any of these attachments

File name	File description	Section/Reference ID	Date uploaded
voicemail-10771831936.m4a	Additional voicemail	Initial report - 218994	01/18/2024
voicemail-10772420128.m4a	Voicemail report	Initial report - 218994	01/18/2024

From: Kelli Price  
 Email: [KESH461@ecy.wa.gov](mailto:KESH461@ecy.wa.gov)  
 Phone number: (206) 594-0014