



# PLANNING AND ECONOMIC DEVELOPMENT

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## CITY OF POULSBO ADDENDUM 2 TO PLANNING COMMISSION STAFF REPORT

**To:** Hearing Examiner  
**From:** Edie Berghoff, Senior Planner  
**Subject:** Plateau at Liberty Bay Planned Residential Development and Preliminary Plat  
Planning File No. P-12-06-22-02  
**Date:** May 1, 2024

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The Plateau at Liberty Bay staff report was distributed to the Planning Commission April 9, 2024. Staff Report Addendum 1 was provided to the Commission April 4, 2024. The Planning Commission Public Meeting was held April 9, 2024.

The following items occurred subsequent, at and after the Planning Commission meeting.

1. New Exhibit 36: The following staff report correction was noted by the Planning Commission during their review. Add underline text on page 12, first paragraph, second sentence:

The city peer review consultant noted “Wetland A receives hydrologic support from seeping groundwater along the side slopes” of Stream A. (Grette 1). Per Ecology Stormwater Management Manual for Western Washington (SWMWW) each lot abutting Wetland A/Stream A will include dispersion trench for roof water to maintain hydrology as reviewed in Storm Drainage Report. Wetland A/Stream A buffer is not proposed for modification.
2. New Exhibit 37: Planning Commission Findings of Fact, Conclusion and Recommendation.
3. New Exhibit 38: Planning Commission Draft Meeting Minutes.
4. New Exhibit 39: Public Meeting sign in sheet.
5. New Exhibit 40: Public comment received day of and/or at Planning Commission Meeting.
  - a. Comment provided by Craig Salt. Staff considered comments and does not recommend any changes to conditions.
  - b. Comment provided by Molly Lee. Staff considered comments and does not recommend any changes to conditions.
  - c. Comment provided by Jan Wold. Staff considered comments, which appear to be the same as previously provided, and do not recommend any changes to conditions.
6. New Exhibit 41: SEPA Mitigated Determination of Nonsignificance
  - a. Threshold Determination, mitigations
  - b. Environmental Checklist, commented
  - c. SEPA Notice – affidavits of mailing, publishing, and posting.
7. New Exhibit 42: Public Notice - Hearing Examiner public hearing, including affidavits of mailing, publishing, and posting.
8. New Exhibit 43: City of Poulsbo letter to Jan Wold dated April 24, 2024, rejecting her appeal of the SEPA Mitigated Determination of Nonsignificance. A SEPA appeal was attempted to be filed without payment on April 18, 2024.

**PLANNING COMMISSION**  
**FINDINGS OF FACT, CONCLUSION AND RECOMMENDATIONS**  
*PLANNED RESIDENTIAL DEVELOPMENT & PRELIMINARY PLAT APPROVAL*

Planning Commission Meeting Date:	April 9, 2024
Project Proposal Name and Number:	Plateau at Liberty Bay, P-12-06-22-02
Decision Maker:	Hearing Examiner

**CONSIDERATION (PMC 19.40.040.D):** The planning commission shall review all Type III applications at a public meeting and provide a recommendation to the review authority (Hearing Examiner). The planning commission may recommend that the review authority approve or approve with modifications the application if it complies with the applicable decision criteria. In all other cases, the planning commission shall recommend denial of the proposal.

The planning commission’s recommendation shall be in writing and shall contain the following: (1) the recommendation of the planning commission; (2) any conditions included as part of the planning commission recommendation; and (3) findings of fact upon which the recommendation was based, and the conclusions derived from those facts.

**FINDINGS:**

Per [19.40.040.D](#) in order to grant a planned residential development, the following findings must be made:

- A. The proposal, through its design and submitted supporting documents, has clearly demonstrated it meets the stated purposes of this chapter.
- B. The proposal complies with all of the applicable provisions of this title, except those provisions from which deviation has been allowed under this chapter.
- C. The proposal provides overall site design features through its conceptual architectural renderings for the entire project, and has included open space areas, pedestrian walkways and connections, recreational amenities, and outdoor features.
- D. The proposal would not impair the integrity and character of the zoning district in which it is to be located.
- E. The site is physically suited for the type and intensity of land use being proposed.
- F. The proposal would be compatible with existing and future land uses within the general area in which the proposal is to be located by providing screening or buffering between parcels and providing consistency between any existing single-family subdivisions and the proposal.
- G. The proposal would preserve natural features and critical areas and would preserve and incorporate existing significant stands of trees within the project design as much as possible.
- H. There are adequate provisions for water, sanitary sewer, and public utilities (electric, gas, phone) and services to ensure that the proposal would not be detrimental to public health and safety.
- I. There will be adequate provisions for public access to serve the subject proposal, as well as providing for neighborhood connectivity as appropriate and as required by the city.
- J. The proposal is consistent with the comprehensive plan and the city’s adopted development standards.
- K. There will not be significant unmitigated harmful effects upon environmental quality and natural resources.
- L. The proposed location, size and design of the proposal would not be detrimental to the public interests, health, safety or welfare of the city.



Per 17.60.040.A in order to grant a preliminary plat, the following findings must be made:

- A. The proposed preliminary subdivision conforms to the requirements of this title.
- B. The proposed preliminary subdivision conforms to the site requirements for the zoning district in which the property is located and/or other applicable zoning provisions.
- C. The proposed preliminary subdivision:
  - 1. Makes adequate provision for streets, roads, alleys, other public ways, and transit stops as required; and the proposed street system provides for the safe, orderly, and efficient circulation of traffic.
  - 2. Will be adequately served with water, sewer, storm drainage, and other utilities appropriate to the nature of the subdivision and meets all current and applicable standards.
  - 3. Makes adequate provision for parks, recreation, and playgrounds, as required.
  - 4. Makes adequate provision for schools and school grounds, as required.
  - 5. Makes adequate provisions for sidewalks and other planning features that provide safe walking conditions for students who walk to and from school.
  - 6. Makes adequate provisions for critical area protection pursuant to Chapter 16.20.
  - 7. Makes adequate provisions for fire and emergency access and protection.
  - 8. Serves the public interest and makes appropriate provisions for the public health, safety, and welfare.

**CONCLUSION:**

THE **PLANNING COMMISSION** has concluded that the proposed planned residential development (PRD) and preliminary plat is consistent with PMC 19.40.040.D and 17.60.040.A. Therefore, the Planning Commission respectfully recommends approval of Lincoln Cottages, Application No. P-12-06-22-02 to the Hearing Examiner per the recommendation below.

**RECOMMENDATION:**

The **PLANNING COMMISSION** recommends the Hearing Examiner:

- Approve the PRD and Preliminary Plat as conditioned in the staff report provided on April 2, 2024 and staff report addendum provided on April 4, 2024 by Staff.
- Approve with modification the PRD and Preliminary Plat with the following conditions:
  - A.
  - B.
  - C.
- Denial of the application.

Recorded Motion on:		4/9/24		
Planning Commission Record of Vote				
Commissioner	Support	Oppose	Absent	Abstain
Stevens	✓			
Kipps	M			
Taylor	S			
Schlachter	✓			
Strickon	✓			
Nunes	✓			
Block	✓			
Total:	7			

City of Poulsbo Planning Commission

Ray Stevens, Chairman

4/9/24  
Date

City of Poulsbo Planning and Economic Development

Planning Technician, Planning and Economic Development

4/9/24  
Date





**City of Poulsbo**  
**Planning Commission**  
 City Hall – 200 NE Moe Street



<b>Subject</b>	<b>Meeting Minutes</b>	<b>Date</b>	04/09/2024
<b>Recorder</b>	Tiffany Simmons	<b>Start Time</b>	6:00 pm
<b>Committee Chair</b>	Ray Stevens	<b>Est. End Time</b>	8:03 pm
<b>Committee Members</b>	Jerry Block, Mark Kipps, Kate Nunes, Ray Taylor, James Schlachter, David Strickon		
<b>Staff Present</b>	Heather Wright, Planning Director, Nikole Coleman, Senior Planner, Edie Berghoff, Senior Planner, Micheal Bateman, Transportation Engineer, Ashley Weller, Assistant Planner		

		Agenda	
Time	No.	Topic	Details
6 pm	1.	Call To Order	
6:00 pm	2.	Pledge of Allegiance	
6:01 pm	3	Modifications to the Agenda	None
6:02 pm	4.	Approval of Minutes: 03/26/2024	Commissioner RT motions, Commissioner JB seconded. Commissioner DS and Commissioner KN abstained. All other Aye's.
6:03 pm	5.	Comments from Citizens	<p>Guest Molly Lee spoke and provided documentation on some issues with the SEPA documentation and history regarding the property.</p> <p>Guest Ian Harkins, with KBA, spoke about the code changes for the SR305 corridor and some prospective benefits of the code updates.</p> <p>A resident of Poulsbo spoke about sharing access in and out of Viking Avenue and about flaws within the Traffic study for the project and suggested some changes.</p> <p>Guest Jan Wold spoke about the history of the property and the environmental cleaning that should be done before the SEPA goes further or to Hearing examiner and suggested some changes with paths forward instead.</p>
6:14 pm	6.	Presentation of Projects for Consideration	<p><b>Public Meeting and Project Review: The Plateau at Liberty Bay PRD and Pre-Plat –</b>                      EB and MB presented.                      JB shared a conflict between comments and packet materials. In addition, JB shared conflicts within the GMA and that the City needs to meet growth, but they can then be uncomfortably forced to make exceptions. JB asked why the access on the north cannot be used as the primary connection, MB responded. JB asked who bears the expense of fixing the roads on Liberty, MB responded. Commissioner JS asked if Liberty Road is public or private,</p> <p>Quasi-Judicial  <input type="checkbox"/> Y <input checked="" type="checkbox"/> N</p>

**Agenda**

Time	No.	Topic	Details
			<p>MB responded. JB asked why road G went through to a T end instead of continuing access all the way through, MB responded. JB asked for history about the culvert across Viking that almost flooded, MB responded. JB asked if the county had any additional feedback or would potentially provide any additional feedback, MB responded. JB asked about Ingress/egress on Viking and how the site distance is with the road island, MB responded. JB asked if the legal ownership of the southern property strip is confirmed, EB responded. JB asked if the phased approach is practical given that would have the construction vehicles access of Viking by doing the south phase first, MB responded. Commissioner RT asked about the potential lead contamination, EB and HW responded. Commissioner MK asked if any sampling has been done in or around the area, HW and the applicant, Geoff Sherwin, responded. Commissioner KN asked how this project compares with the trails plan and if there are any proposed trail connections on site, HW responded. KN asked if easements would be the same process, HW responded. JB shared that there used to be a tentative trail proposed over in that area, Chair RS, KN and HW responded. JB asked if there was history or information on the small commercial area near the Viking access point, EB responded. RS shared a note about the document, on page 12 within the first paragraph, shared that some language may be missing about dispersion trenches, EB noted this change. RS shared some thoughts and shared how traffic may be challenging then asked if the crosswalk will be raised, MB responded. MK shared some thoughts on the difficulties of this recommendation.</p> <p>Commissioner MK made a motion, Commissioner RT seconded. All Aye's.</p> <p><b>Discussion on proposed SR305 zoning changes</b>  NC presented.  RT asked why we stopped the area considered at Hostmark, NC responded. RT asked if there was consideration to take the height changes further down the SR305 corridor, NC responded. RS pointed out that the corridor south where the new project is proposed is currently allowed a height of 35ft – 45ft within current code, NC responded. JS asked if the storage was a new addition, NC responded. MK shared some feedback on fabrication/assembly in the area could be beneficial, NC responded. JB responded in support of the height limits in the area, RS also shared some feedback about the height,</p>



			Agenda	
Time	No.	Topic	Details	
				NC noted. RS asked what the side setback is in the zone and if we should consider changing the side to a zero-foot setback instead, NC responded. RS made a time extension for the meeting. Commissioner DS shared that we should not decrease parking below the Olhava code amendments, NC noted. JS shared that we should consider lightening up the definition of Fabrication and Assembly, NC noted.
8:01 pm	7.	Director's Report		HW presented recent council happenings, upcoming meetings and upcoming agenda items.
8:02 pm	8.	Commissioner Comments		JB asked about the fire department building proposed near the south of the proposed project, NC and AW responded.
8:03 pm	9.	<b>Adjournment at 8:03pm</b>		

**Summary:** Minutes were approved. Motion to recommend approval to the Hearing Examiner for the Plateau at Liberty Bay PRD and Pre-Plat was made.

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Ray Stevens, Planning Commission Chairman





# EXHIBIT 40

**From:** [Eddie Berghoff](#)  
**To:** [Tiffany Simmons](#)  
**Subject:** FW: Planning Commission, Re: Plateau At Liberty Bay  
**Date:** Thursday, April 11, 2024 3:50:41 PM

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Forwarding to you as Director requested.

## **Eddie Berghoff**

Senior Planner

City of Poulsbo | 200 NE Moe Street | Poulsbo

Direct: (360)3949732 | PED General Line: (360)3949748

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**From:** Craig Salt <nehruboy@msn.com>  
**Sent:** Tuesday, April 9, 2024 12:23 PM  
**To:** Eddie Berghoff <eberghoff@cityofpoulsbo.com>  
**Subject:** Planning Commission, Re: Plateau At Liberty Bay

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

May this please become part of the public record concerning this matter?

Poulsbo Planning Commission,

Being raised on the West Poulsbo family "farm", just as my parents, grandparents, and great-grandparents were, the beautiful Johnson Creek canyon/corridor has been the playground for me and generations of locals. From cutthroat fishing, a summer splash, and even a water source for a local water district, its importance has been well known by "the hill" community. I recall, that with the help of the tribe, fabled salmon runs were reestablished, once again becoming one of few salmon bearing streams on Liberty Bay. As development occurred here on the west side and Johnson Creek became nothing more than the scoured-out ditch it has become today, those salmon no longer spawn and many mourn what it once was. Yet we still find beauty and peace in the nature to still be found along its meanderings.

I write to urge the Planning Commission to use due diligence in protecting what is left of this stream in whatever means are at your disposal. I consider Johnson Creek to be on the brink, although there is always hope it may someday recover. I consider this corridor to be a treasure which if lost would truly be a travesty.

Others will further address issues concerning this property, which from personal knowledge I know to be factual. I will not readdress those here. I simply wish to have the laws and guidelines already established be used in the most prudent manor to ensure what is left of Johnson Creek survives into the future.

Sincere regards,

Craig W. Salt

19616 Johanna Vei Ln NW

Poulsbo



RECEIVED

APR 09 2024

PLANNING Department

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

Submitted by Molley Lee on April 09 2024 to Planning Commission

Item 1  
Page 3 of SEPA Environmental Checklist

2) Air

A. During construction -  
Dust from grading soil - not  
from equipment will occur.

This dust may or may not  
have a high probability of containing lead  
(Note: City of Poulso Mitigated  
Determination of Nonsignificance  
Environmental Health S1 and  
particularly S3) comments.  
Plus - the lead poisoning would  
be from many years of  
shooting with a gun - which

Molley Lee  
Planning April 14 2024

Page 2  
of 14

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

Item 2. Page 3 of SEPA Environmental  
Checklist.

3. WATER

3) filling 375 SF of  
Wetland

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

Natural wetlands contain  
specific pervious soils - that  
have over many many years  
obtained the ability to  
slowly & consistently  
absorb surface water.

Replacing it with surface  
dirt will completely  
decommission this pervious

multiple Planning April 2024 page 3 of 14

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

Where will the wetland water go?

Where's the mitigation plan? Will it be flooding other ~~features~~ properties?

Item 3, page 4 of Septa Environmental Checklist.

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

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

for removal and remediation.

This should be addressed in the

Septa Environmental Checklist.

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

Let there is no evaluation within the Septa Checklist as to potential lead poisoning and soil infiltrated with waste (In the old days people dug holes for sewage containment.)

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

Item 4. Page 5 of <sup>Septa</sup> Environmental Checklist.

4) Plants

a. ~~the~~ Pasture

- developer declared on

Page 2 B. Environmental Elements.

1. Earth

c. "The site is currently both forested and open pasture space..."

So, he should mark in Pasture box.

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

Item 5. Page 6 of <sup>Septa</sup> Environmental Checklist.

5. Animals <sup>Blue</sup>

a) ~~Bai~~ <sup>Blue</sup> herons are a ~~nest~~ threatened or endangered species + should be listed with ~~chum~~

~~Item 4~~ ~~Page 5~~ ~~Septa~~ Environmental Checklist.

Item 6. Page 6 of Septa Environmental Checklist.

c. Energy and Natural Resources

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

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

The current developer is an LLC - ~~which makes~~ LLC's are ghostlike -

capable of dissolving and removing itself from culpability in a heartbeat.



Wolny Lee  
Planning April 24, 2024 Page 7 of 14

This would include ~~hazard~~ <sup>TAKING</sup>  
no responsibility for lead  
contamination or health  
hazards or environmental  
contamination from human  
waste, or the jeopardy for  
residents when natural gas is  
Exp not Available. Not Addressed

Item 7. Page 3 of Section 3  
Environmental Checklist.

Edie Bergnot has a notation  
on bottom of page.

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

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

Wolny Lee  
Planning April 24, 2024 Page 8 of 14

Item 8. Page 7 of Section 3  
Environmental Checklist.

F) Environmental Health  
1.

2.

3.

and 5.

The City of Poulsbo has  
stated within their

"Mitigated Determination of  
Nonsignificance"

Environmental Health  
S2

and specifically S3 That

the potential for contaminated  
debris and specifically

lead debris are within

very specific areas of this  
development proposal.

And yet the City is moving

forward with the permitting  
process without seriously  
addressing these serious  
health hazards.

↳ Shooting ranges - which basically  
is what we are talking about -  
A property that was used by  
one or more people for several  
decades ~~for~~ for random shootings;  
should ~~for~~ have soils tested  
with ~~for~~ chemical sampling.

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

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

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

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

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

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

Based on City of Poughkeepsie's Acknowledging Potential Health Risks in their "Mitigated Determination of Nonsignificance" Dated April 4, 2024 - and no reference in the Applicants Sepa Environmental Checklist dated November 22, 2022 of any Environmental Health Risks on page 6 of said Sepa Environmental Checklist;

Why is the Planning Commission determining anything regarding this development.

This development should be allowed. Chemical sampling of the soils ~~for~~ for lead contamination, should be testing soils in reported debris area for possible contamination. <sup>historical or</sup> And should provide City with description of systems used for sewage from 4 homes on properties.

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

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

molylee  
Planning  
APR 09, 2024

Page 13 of 14

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

Also: Page 10 of Checklist

13. Historic & Cultural preservation  
b) Johnson Creek and associated  
land has always been  
declared as historic "Indian"  
use and occupation.

Page 11 of Checklist

14. Transportation

a) Viking Avenue will now  
take on 63 more homes, with  
no plans or money from developer  
for mitigating this heavy  
inflow of traffic on a well  
used (Already) North/South  
right of way.

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

molylee  
Planning  
APR 09, 2024

Page 14 of 14

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



Jan Wold  
P. O. Box 1340  
Poulsbo, WA 98370  
Email: [j.creek@hotmail.com](mailto:j.creek@hotmail.com)  
April 9, 2024

Planning Commission  
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)  
Poulsbo permit number P-12-06-22-02

**Attn:** Planning Commission

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

**Project Description:** According to the Notice:

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

## **Project Information:**

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

I own five acres of undeveloped, wooded property, the NE corner of which touches the SW corner of the proposed "Plateau at Liberty Bay" housing development. My property includes a portion of the Johnson Creek buffer. I owned and resided at a home at the mouth of Johnson Creek where it enters Liberty Bay for seven years, until 2013. This home is about a quarter of a mile downstream and southeast of this proposed housing development. Johnson Creek and its estuary were the north boundary of my property. Liberty Bay was the east boundary.

## **Planning Department and Planning Commission Decision on Development:**

I am requesting that the Planning Department and the Planning Commission put this development proposal on hold until corrections can be made to this proposed plan and the State Environmental Policy Act (SEPA) Mitigated Determination of Nonsignificance (MDNS), in particular to determine the extent and condition of the areas contaminated with lead from gun shooting over a span of 40-50 years as well as a garbage dump area used over the same time period that may also contain lead and other contaminants. This is a very sensitive area ecologically that has already been severely impacted. It is not appropriate to approve more damage, much less risk the safety of the public in these contaminated areas. I am sharing a great deal of history of this area to assist you in making your decision by attaching a letter I provided to the Washington Department of Ecology on December 13, 2023.

One option would be to move some of the proposed housing and the play area somewhat to the east to be located out of the contaminated areas.

This would avoid adding to the severe problems already existing in Johnson Creek to the salmon run and other stream dependent species. It would also avert adding to the already high potential of the loss of the Viking Way crossing of Johnson Creek downstream which would cut off a major road access to Poulsbo.

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

The City of Poulsbo needs to take responsibility to determine the condition of contaminants in this proposed housing development for families BEFORE approving the development, before making a SEPA determination and before sending this development to a hearing examiner for decision. The City needs to consult with the Environmental Protection Agency, the state of Washington and Kitsap County on these contaminated sites before making a decision on approving this development. The City needs to take responsibility for these determinations, not rely on the developer to take samples where the testing of the samples may lead to a loss of money for the developer.

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. Residents dumped all of their household garbage and garbage from their gun sales and repair business in this area near and over the canyon edge of Johnson Creek. Johnson Creek is a salmon stream that is designated "F", a Fish Stream.

I observed this dump site a few times a some years ago. There is a great deal of garbage that appeared to have car parts, appliance parts and all other household debris at the site. According to neighbors, the dump site was used by an earlier homeowner for all household debris for decades. There was also a gun repair business and shooting range operating at this property. There is likely debris tied to this gun repair business at the dump site that may include solvents, gun parts and highly toxic lead.

The private gun range located on this proposed development property was used for decades for practice, sighting in guns and entertainment by the property owner for personal use, use of his friends and use of those having guns that were serviced and sold by the property owner. This property

owner lived on the property from around 1950 until around 2000, so his activities on the property may have occurred for about 50 years. According to neighbors, they could frequently hear shooting. The shooting apparently was mostly done from the central area of the property toward the north and west areas of the property. These areas were no doubt riddled with lead and a number of other associated chemicals for many years. Disturbing these sites will bring lead and any associated contaminants to the surface. Any movement of dirt around this development will also have the potential to move the lead and other contamination around the property near the creek, numerous wetlands and closer to neighboring 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 developer JK Monarch to notify any prospective buyers of their houses in this proposed development of the potential for lead poisoning and other contaminants in their yards, landscaped areas, the proposed park or play location and any other areas of exposed soil.

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



The 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 and other associated 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.

### **History of Actions in the Johnson Creek Drainage:**

I am providing a copy of a letter to the Department of Ecology that I wrote in December of 2023 that documents some of the history of how the complete Johnson Creek coho salmon run was eliminated and how the chum salmon run has been impacted due to excessive and unwise development by the City of Poulsbo in this drainage. The home and acreage that I used to own next to 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 previous 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 still own five acres of land in timber and wildlife habitat that shares a northeast corner with the southwest corner of this proposed development. My property includes a portion of the Johnson Creek buffer and wildlife corridor.

A few years ago, a Washington Department of Fish and Wildlife (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 the Olhava development and 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. This culvert is about a mile upstream and north of this proposed Plateau development.

The eastern boundary of this proposed housing development is located about 700 feet from Liberty Bay. There are numerous wetlands on and adjacent to this development property.

Any decisions on stormwater systems, pipes, settling ponds, pervious pavements, rain gardens, landscaping and water from building gutters and other impervious surfaces need to be done with the greatest care and use of hydrologic and fisheries expertise to not further degrade Johnson Creek and lead to the elimination of what remains of the chum salmon run. The wetlands and their function in this area need to be carefully protected.

### **Johnson Creek Wildlife Corridor:**

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

This Johnson Creek wildlife 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 at the edge of this proposed development.

The corridor then passes through the heavily timbered 30-acre Viewside Water System property (with a community well system for about 50 families) 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 three forks of Johnson Creek and crosses over the overpass of 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 wildlife habitat on the north portion of the Bangor Navy base to the waters of Hood Canal. The shorelines of Hood Canal, Liberty Bay and Puget Sound all provide wildlife corridors and connections. 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 that are attached to the end of this document along with an aerial view of the wildlife corridor area.

The closest similar wildlife corridor is about 30 miles south near the southern end of Hood Canal near Belfair. Much of the 30 miles of Highway 3 combined with heavy development between these two corridors, acts as a major barrier to wildlife travel.

The "F" wetland and the other wetlands in this development also provide wildlife travel corridors down the wetlands to the attached wetlands connected to the travel corridor provided by the Liberty Bay shoreline. Johnson Creek has many sightings of bear, coyote, weasel, opossums, fox, river otter, deer, bobcat and cougar tracks. The area is heavily used by birds, including an eagle nest active for decades. The land where this development is proposed is about 1,300 feet from this active eagles' nest, providing an important hunting area for the eagles.

The area of the proposed Plateau development has some large timber supporting use by pileated woodpeckers. Pileated woodpeckers were 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 should 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. The owner or some of the neighbors cut the heron nest trees down at some point around 15-20 years ago. 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.

The need for, and effectiveness of, wildlife crossing bridges over busy highways is recognized as being effective at reducing collisions between wildlife and vehicles, preserving wildlife travel corridors and reducing fragmentation of habitats in human altered landscapes. Some well known examples are the Snoqualmie Pass wildlife bridge across I-90. There are statistics showing vehicles claim around a million terrestrial animals per day in the US. There is a tremendous loss connected to people injured or killed in collisions with animals and the cost of damaged and destroyed vehicles.

In Los Angeles a wildlife crossing bridge is being constructed over Highway 101 to enable mountain lions and other wildlife to move between two wilderness areas at a cost of \$85,000,000. We already have the crossings of Highway 3 near Poulsbo, but need to be very careful to not lose any of the effectiveness of these crossings and the connecting wildlife corridors.

This proposed development plans to build several houses next to the edge of the Johnson Creek wildlife corridor and buffer. The developer originally planned to build a settling pond on top of the toxic garbage dump area that was used for decades on the steep slopes above and into the Johnson Creek salmon stream/wildlife corridor. It appears that the plan for the settling pond has thankfully been abandoned. Unfortunately it appears that the replacement plan may now be suggesting releasing much of the runoff from each lot near the creek and wetland buffer edges into those wetlands and the creek buffer. These areas may also be contaminated with lead and other toxic materials. The development is in an area that was used for decades as a gun range with lead contamination best left undisturbed. The developer is proposing roads located in wetland buffers and setbacks that will cause further harm.

### **Olhava Commercial Development:**

See the documentation in my Department of Ecology letter dated December, 2023 for information on the ongoing impacts to Johnson Creek,

the wildlife corridor and the salmon by the Olhava Commercial Development and the other housing developments that have been approved in this drainage.

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 pond. Inasmuch as the pond is 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 cave 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. This has caused the mud, silt and gravel delta in Liberty Bay at the mouth of Johnson Creek to expand considerably.

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

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

This proposed Plateau at Liberty Bay development WILL have significant adverse environmental impacts. A SEPA decision on this property should need to conclude that there has already been so much loss of salmon and steelhead, a federally threatened 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 is needed to review the condition of Johnson Creek, its anadromous fish, and the toxic lead and chemicals in the development,

wetlands and creek buffer. It now appears that the developer is going to build three or four houses on top of or next to the potentially toxic garbage dump site in a location that was originally planned for a settling pond.

As I discussed in my letter to the Department of Ecology, 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. Mr. Boughner was absolutely correct.

Mr. Boughner predicated that the Olhava settling or infiltration ponds would not be expected to be successful in the Johnson Creek drainage. They have proven disastrous, especially for the salmon runs. 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.

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

Another environmental issue to be researched was the use of portions of this property to store or grow plants for a commercial plant nursery, Valley

Nursery. Records need to be requested from the property owner/plant nursery owner and reviewed to ascertain if any insecticides and herbicides have been used on plants, stored on the property or leached out of potted nursery stock into the soil over the last nearly two decades under that ownership.

Christy Christensen, an environmental consultant for another potential developer in the Johnson Creek drainage, reported these 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 photo of Johnson Creek at the end of this document also shows the excessive amount of sediment and rock piles along the channel. There has been another 15 years of development in the headwaters of Johnson Creek since this analysis with even greater damage.

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

The present situation now, 17 years later, is that many additional 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 fill 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 likely 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. This excessive runoff carries with it oil, grease, rubber and chemicals from tires that kill salmon and other contaminants that are then deposited in the salmon stream and in Liberty Bay.

These unnatural high flows and polluted waters damage not just private property, but also natural resources. 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. No coho 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 viable coho salmon run in Johnson Creek. Young coho salmon need to rear in Johnson Creek for about a year before migrating 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 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 only remain in Johnson Creek for a few months. The minute the young chum salmon emerge from the stream gravels they head to saltwater. The chum do not need to survive in Johnson Creek for the entire 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 during storms 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 if 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. I document this research in my letter to the Department of Ecology, dated December 2023.

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. 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. 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, Wendy's, Starbucks, numerous restaurants, First Security Bank, Big 5 Sporting Goods, Fairfield Inn and Suites and many, many others. All this bulldozing and hardening off of more and more drainage area 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 or the numerous wetlands in and around this proposed development. House lots and a road completely surround one wetland (C), cutting it off from the other wetlands, the creek and the wildlife corridor. It will also no longer be connected to the wetlands below it and those going into Liberty Bay. The new diagram of this development has added a road across most of the north side of this wetland.

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

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

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

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

### **Growth Management Act and Anadromous Fisheries:**

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

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 and later Comprehensive Plans and its Critical Areas Ordinances, 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 areas of Johnson Creek. This level of environmental damage cannot be mitigated. At a minimum an Environmental Impact Statement is needed for any additional development, including this proposed development.

The City of Poulsbo likes to share how much it cares about 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 decisions by the City of Poulsbo have eliminated the Johnson Creek coho salmon and steelhead runs and nearly eliminated the chum salmon runs. Earlier decisions have also filled and paved over many of the wetlands along Viking Way and the wetlands next to Liberty Bay.

### **Monitoring and Rehabilitation:**

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

It is my hope that the City of Poulsbo can admit that the present approach has failed miserably and is getting worse. 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 and Liberty Bay’s wetlands needs to be preserved. Large scale efforts are needed to begin rehabilitation of Johnson Creek. Any approaches to stormwater management and wetlands for this and any other proposed development in Johnson Creek cannot have any stormwater ponds or drainage of buildings, roads and other impervious surfaces delivering unnatural amounts of runoff water to Johnson Creek and its wetlands.

### **Naval Base Bangor:**

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



## **Conclusion:**

I am requesting that the Planning Department and the Planning Commission put this development proposal on hold until corrections can be made to the proposed plan, monitoring is completed to determine the extent and condition of the areas contaminated with lead from gun shooting over a span of 40-50 years as well as in the garbage dump area used over the same time period that may also contain lead and other contaminants, and postpone the State Environmental Policy Act (SEPA) Mitigated Determination of Nonsignificance (MDNS), until this data is available.

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

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

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

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 additional large commercial buildings that drain into Johnson Creek and are located in the Olhava Marketplace development upstream from this proposed development.

It is my hope that the City of Poulsbo can determine some appropriate approaches to sampling and determination of the areas with toxic contamination and any needed remediation prior to approving this development as well as more appropriate stormwater management and wetland protection in the Johnson Creek drainage and those wetlands near Liberty Bay. The City also needs to coordinate with EPA and the state of Washington.

Please provide me with copies of information and the decision on this Plateau development application. If I can add any additional information you may need, please contact me.

Thank you for the opportunity to comment,

Jan Wold



North Fork Johnson Creek



FISHERIES DEPARTMENT

Phone: (360) 394-8437/8438

Fax: (360) 598-4666

www.suquamish.nsn.us

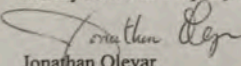
THE SUQUAMISH TRIBE

P.O. Box 498 Suquamish, Washington 98392

November 5, 2006

Johnson Creek Through The Eyes of a Surveyor

I have been surveying the Johnson Creek watershed along with 20-30 other East Kitsap streams for the Suquamish Tribe since 1998. During my work with the Tribe, I have become very intimate with many of the local streams I survey. Compared to many of the other streams I walk, in my opinion, the Johnson Creek watershed contains one of the most intact and high quality habitats left within the North Kitsap region. The stream is well-shaded and buffered from city and Highway noise. I have observed black bear, bear tracks, big cat tracks, river otter, red-tailed hawks, kingfishers, Great Blue Herons, skunks, opossums, coyote, and deer within the reach from the mouth of Johnson Creek to river mile 0.9 (just below Cedar Lane). Additionally, I have been told by long-time residents along the creek that mountain lion as well as bobcat have been seen to 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.

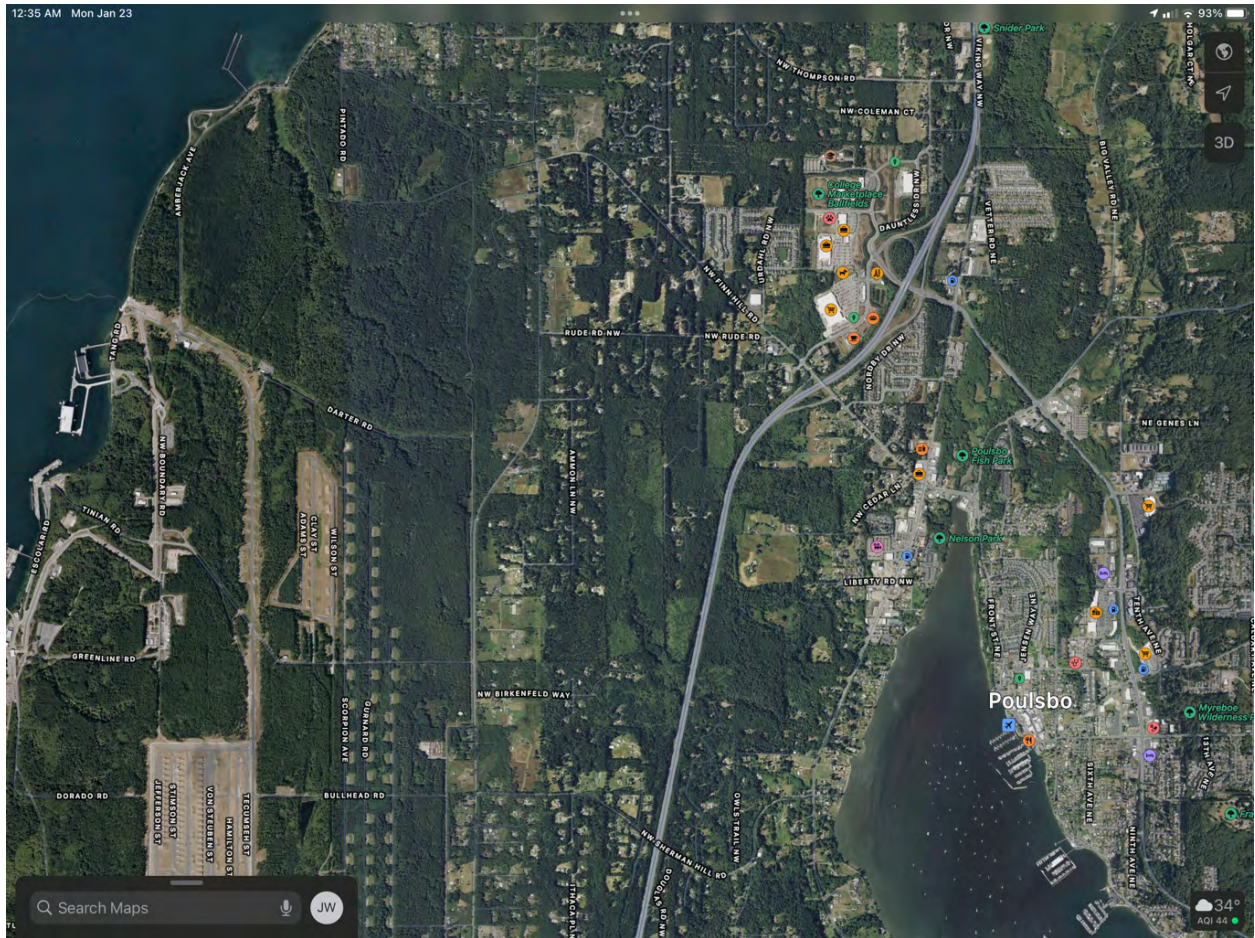
Hear my voice. My voice speaks for all of the creatures who live within the Johnson Creek Watershed, large and small, who we often cannot hear. They do have a voice, and it is mine. Hear us now. Our lives matter. Protect our home.

Thank you for listening.

Sincerely,

Jonathan Oleyar, Fish and Wildlife Biologist





Wildlife Corridor Location Liberty Bay to Hood Canal

Jan Wold  
P. O. Box 1340  
Poulsbo, WA 98370  
Email: [j.creek@hotmail.com](mailto:j.creek@hotmail.com)  
December 13, 2023

Department of Ecology  
SEA Program  
Federal Permit Unit  
P. O. Box 47696  
Olympia, Washington 98504-7696  
By email: [ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)

Cc: 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)  
Poulsbo permit number P-12-06-22-02

**Attn:** Federal Permit Unit, Aquatics ID: 142977

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

**Project Description:** According to the Notice:

Construct a 63-unit residential development on the subject property, with access via the east from Viking Ave NW. The development will include residential buildings, access roads, and associated utilities. The applicant proposes to impact 360 square feet of Wetland F to accommodate the access road into the development. Wetland

impacts will be mitigated for through (?) of wetland creation and wetland enhancement. Mitigation for buffer impacts will be provided through wetland/stream buffer enhancement.

### **Project Information:**

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

I own five acres of undeveloped, wooded property, the NE corner of which touches the SW corner of the proposed "Plateau at Liberty Bay" housing development. My property includes a portion of the Johnson Creek buffer. I owned and resided at a home at the mouth of Johnson Creek where it enters Liberty Bay for seven years, until 2013. This home is about a quarter of a mile downstream and southeast of this proposed housing development. Johnson Creek and its estuary were the north boundary of my property. Liberty Bay was the east boundary.

### **Department of Ecology Decision on Development:**

I am requesting that the Department of Ecology disapprove this developer proposal that will damage one or more of the wetlands in this proposed development. This is a very sensitive area ecologically that has already been severely impacted. It is not appropriate to approve more damage. I am sharing a great deal of history of this area to assist in making your decision.

### **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. Residents dumped all household garbage 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 Olhava's and 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. This culvert is about a mile upstream and north of this proposed development.

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 dump site was used by an earlier homeowner for all household debris for decades. There was also a gun repair business and shooting range operating at this property. There is likely debris tied to this gun repair business at the dump site that may include solvents, gun parts and highly toxic lead.

The private gun range located on this proposed development property was used for 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 that were serviced and sold 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. 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 neighboring 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 developer JK 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 proposes having a recreation area or park at the western development boundary along the central part of the development for residents and their children that likely has lead contamination. Lead contamination in areas where children, pets and adults are encouraged to play and have contact with the contaminated soil would not be safe. The lead has likely been leaching into these areas for decades. Children exposed to tiny amounts of lead can develop damage to the brain and nervous system, slowed growth and development, lower IQ, decreased ability to pay attention, underperformance at school and learning, behavior, hearing and speech problems.

The 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.

I will share some of the history of how the complete Johnson Creek coho salmon run was eliminated and how the chum salmon run has been impacted due to excessive and unwise development by the City of Poulsbo in this drainage. The home and acreage that I used to own next to 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 previous 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 still own five acres of property in timber and wildlife habitat that shares a northeast corner with the southwest corner of this proposed development. My property includes a portion of the Johnson Creek buffer and wildlife corridor.

The eastern boundary of this proposed housing development is located about 700 feet from Liberty Bay. There are numerous wetlands on and adjacent to this development property.

There have been numerous development decisions and actions taken by the City of Poulsbo over the years that have led to a partial destruction of Johnson Creek and the complete loss of its present coho salmon run. The chum salmon run is barely hanging on due to the ever-increasing destruction of the aquatic systems in this drainage.

Any decisions on stormwater systems, pipes, settling ponds, pervious pavements, rain gardens, landscaping and water from building gutters and other impervious surfaces need to be done with the greatest care and use of hydrologic and fisheries expertise to not further degrade Johnson Creek and lead to the elimination of what remains of the chum salmon run. The wetlands and their function in this area need to be carefully protected.

Further upstream, about 1.5 miles north of this proposed development is the Olhava commercial development. That development includes Wal-Mart, Home Depot, PetSmart, Fairfield Inn and Suites by Marriott, 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 previous home is located. The much smaller Middle and South Forks are located outside city limits, i.e., within unincorporated Kitsap County. The Middle Fork and South Fork

drainages are forested and have a few scattered homes on acreage. The North Fork of Johnson Creek borders this proposed Plateau development.

### **Johnson Creek Wildlife Corridor:**

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

This Johnson Creek wildlife 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 at the edge of this proposed development.

The corridor then passes through the heavily timbered 30-acre Viewside Water System property (with a community well system for about 50 families) 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 crosses over the overpass of 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 wildlife habitat on the north portion of the Bangor Navy base to the waters of 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 that are

attached to the end of this document along with an aerial view of the wildlife corridor area.

The closest similar wildlife corridor is about 30 miles south near the southern end of Hood Canal near Belfair. Much of the 30 miles of Highway 3 combined with heavy development between these two corridors, acts as a major barrier to wildlife travel.

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

Johnson Creek has many sightings of bear, coyote, weasel, opossums, fox, river otter, deer, bobcat and cougar tracks. The area is heavily used by birds, including an eagle nest active for decades. The land where this development is proposed is about 1,300 feet from this active eagles' nest, providing an important hunting area for the eagles.

The area of the proposed Plateau development has some large timber supporting use by pileated woodpeckers. Pileated woodpeckers were 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 should 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. The owner or some of the neighbors cut the heron nest trees down at some point around 15-20 years ago. 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.

The need for, and effectiveness of, wildlife crossing bridges over busy highways is recognized as being effective at reducing collisions between wildlife and vehicles, preserving wildlife travel corridors and reducing fragmentation of habitats in human altered landscapes. Some well known examples are the Snoqualmie Pass wildlife bridge across I-90. There are statistics showing vehicles claim around a million terrestrial animals per day in the US. There is a tremendous loss connected to people injured or

killed in collisions with animals and the cost of damaged and destroyed vehicles.

In Los Angeles a wildlife crossing bridge is being constructed over Highway 101 to enable mountain lions and other wildlife to move between two wilderness areas at a cost of \$85,000,000. We already have the crossings of Highway 3 near Poulsbo, but need to be very careful to not lose any of the effectiveness of these crossings and the connecting wildlife corridors.

The declining biological condition of Johnson Creek includes recent loss of the creek's coho salmon run due to expanding housing and business development in the drainage. The chum salmon run has also been impacted and is barely hanging on. It is critical to preserve the remaining functions of Johnson Creek for fish and wildlife in this corridor.

This proposed development plans to build several houses next to the edge of the Johnson Creek wildlife corridor and buffer. The developer originally planned to build a settling pond on top of the toxic garbage dump area that was used for decades on the steep slopes above and into the Johnson Creek salmon stream/wildlife corridor. It appears that the plan for the settling pond has thankfully been abandoned. Unfortunately it appears that the replaced plan may now be suggesting releasing much of the runoff from each lot near the creek and wetland buffer edges into those wetlands and the creek buffer. The development is in an area that was used for decades as a gun range with lead contamination best left undisturbed. The developer is proposing roads located in wetlands and their buffers that will cause further harm.

### **Olhava Commercial Development:**

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 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 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 ignored it 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 have now come true by 2011 at my home and property and my neighbor's properties and in the stream and estuary. The impacts continue to worsen with the addition of more and more impervious surfaces from a number of housing developments and the Olhava development beginning 1 1/2 miles upstream from this proposed development 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 pond. Inasmuch as the pond is 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 cave 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. This has caused the mud, silt and gravel delta in Liberty Bay at the mouth of Johnson Creek to expand considerably due to the unwise approaches used to construct housing developments and this Olhava commercial development.

### **Condition of Johnson Creek, Salmon Runs, Wetlands 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’s 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 its chum salmon run and its function as a wildlife corridor.

The Olhava development is in the headwaters of the largest tributary of Johnson Creek, the North Fork. 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.

The Olhava commercial development is located about 1.5 miles above the proposed "Plateau at Liberty Bay" subdivision. The Olhava development includes Wal-Mart, Home Depot, Office Max, Petco, Starbucks, a number of restaurants, numerous other businesses, and Olympic College.

This proposed Plateau at Liberty Bay 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 Threatened and Endangered (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 is needed.

As I discussed earlier, 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. Mr. Boughner was absolutely correct.

Mr. Boughner predicated that the Olhava settling or infiltration ponds would not be expected to be successful in the Johnson Creek drainage. They have proven disastrous, especially for the salmon runs. 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 or whatever the developer is now proposing to replace it with. Even if the additional volumes of water coming off the hardened surfaces in this development were itself not a problem, having suggested locating this pond 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 was 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 lead contamination areas. It now appears that the developer is going to build three or four houses on top of this toxic dump.

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

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

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 photo of Johnson Creek at the end of this document also shows the excessive amount of sediment and rock piles along the channel. There has been another 15 years of development in the headwaters of Johnson Creek since this analysis with even greater damage.

Johnson Creek is piped beneath Viking Way in a culvert one property above my previous home and below my wooded five-acre property and the proposed Plateau at Liberty Bay development. The culvert is

undersized for the presently excessive volumes of water, designed as it was during the “pre-Olhava” era. In a December 2007 storm the excess stormwater, bedload (e.g., rocks, stones, and mud) and vegetation was so voluminous that the culvert’s lack of capacity caused the Viking Way road fill to act as a dam. 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 and its estuary in Liberty Bay.

The present situation now, 17 years later, is that many additional 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 fill 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, western redcedar 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. This excessive runoff carries with it oil, grease, rubber and chemicals from tires and other contaminants that are deposited in the salmon stream and in Liberty Bay.

These unnatural high flows and polluted waters damage not just private property, but also natural resources. 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. No coho 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 viable coho salmon run in Johnson Creek. Young coho salmon need to rear in Johnson Creek for about a year before migrating 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 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 the entire 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. 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. 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, Wendy's, Starbucks, numerous restaurants, First Security Bank, Big 5 Sporting Goods and many, many others. All this bulldozing and hardening off of more and more 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 or the numerous wetlands in and around this proposed development. House lots and a road completely surround one wetland (C), cutting it off from the other wetlands, the creek and the wildlife corridor. It will also no longer be connected to the wetlands below it and those going into Liberty Bay. The new diagram of this development has added a road across most of the north side of this wetland.

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

Wetlands E, F and G have the main development access road in the middle of the wetlands and their buffers, cutting the three wetlands into two parts. Viking Way had already cut through the wetlands, separating them and their buffers and continuation of the wetlands on the eastern side of Viking Way down to Liberty Bay. The wildlife passage through these wetlands will also be eliminated. Much of this wetland area was filled in when the Viking Way commercial buildings and pavement were allowed to be built north of the proposed development access road in the past.

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

### **Growth Management Act and Anadromous Fisheries:**

The City is responsible for protecting the interests of all citizens, providing infrastructure, protecting the environment, and avoiding destruction of Johnson Creek and Liberty Bay. 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 and later Comprehensive Plans and its Critical Areas Ordinances, 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 areas of Johnson Creek. This level of environmental damage cannot be mitigated. At a minimum an Environmental Impact Statement is needed for any additional development, including this proposed development.

The City of Poulsbo likes to share how much it cares 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 runs. Earlier decisions have also filled and paved over many of the wetlands along Viking Way and the wetlands next to Liberty Bay.

### **Monitoring and Rehabilitation:**

Also 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 commercial fishing and the creek’s flora and fauna. I am a member of the class of property owners adversely affected by the City of Poulsbo’s irresponsible actions.

It is my hope that the City of Poulsbo, with help from the Department of Ecology, can admit that the present approach has failed miserably and is getting worse. The City now needs to make decisions that do not allow any further development that has impervious surfaces in the Johnson Creek drainage and Liberty Bay’s wetlands. What little is left of the Johnson Creek drainage and Liberty Bay’s wetlands needs to be preserved. Large scale efforts are needed to begin rehabilitation of Johnson Creek. Any approaches to stormwater management and wetlands for this and any other proposed development in Johnson Creek cannot have any stormwater ponds or drainage of buildings, roads and other impervious surfaces delivering unnatural amounts of runoff water to Johnson Creek and its wetlands.

### **Naval Base Bangor:**

Another concern is the proximity of this proposed development to the boundary of Naval Base Bangor and Strategic Weapons Facility Pacific.

The Navy is concerned about any increase in development near military bases. The Navy needs to be actively involved in whether or not this housing development should be approved about two miles east of the military base boundary.

### **Conclusion:**

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

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 additional large commercial buildings that drain into Johnson Creek and are located in the Olhava Marketplace upstream from this proposed development.

It is my hope that the Department of Ecology can determine some appropriate approaches to stormwater management and wetland protection for this and any other proposed development in the Johnson Creek drainage and its wetlands and those wetlands near Liberty Bay.

Please provide me with copies of information and the decision on this application. If I can add any additional information you may need, please contact me.

Thank you for the opportunity to comment,

Jan Wold



North Fork Johnson Creek



FISHERIES DEPARTMENT

Phone: (360) 394-8437/8438

Fax: (360) 598-4666

www.suquamish.nsn.us

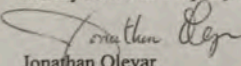
THE SUQUAMISH TRIBE

P.O. Box 498 Suquamish, Washington 98392

November 5, 2006

Johnson Creek Through The Eyes of a Surveyor

I have been surveying the Johnson Creek watershed along with 20-30 other East Kitsap streams for the Suquamish Tribe since 1998. During my work with the Tribe, I have become very intimate with many of the local streams I survey. Compared to many of the other streams I walk, in my opinion, the Johnson Creek watershed contains one of the most intact and high quality habitats left within the North Kitsap region. The stream is well-shaded and buffered from city and Highway noise. I have observed black bear, bear tracks, big cat tracks, river otter, red-tailed hawks, kingfishers, Great Blue Herons, skunks, opossums, coyote, and deer within the reach from the mouth of Johnson Creek to river mile 0.9 (just below Cedar Lane). Additionally, I have been told by long-time residents along the creek that mountain lion as well as bobcat have been seen to 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.

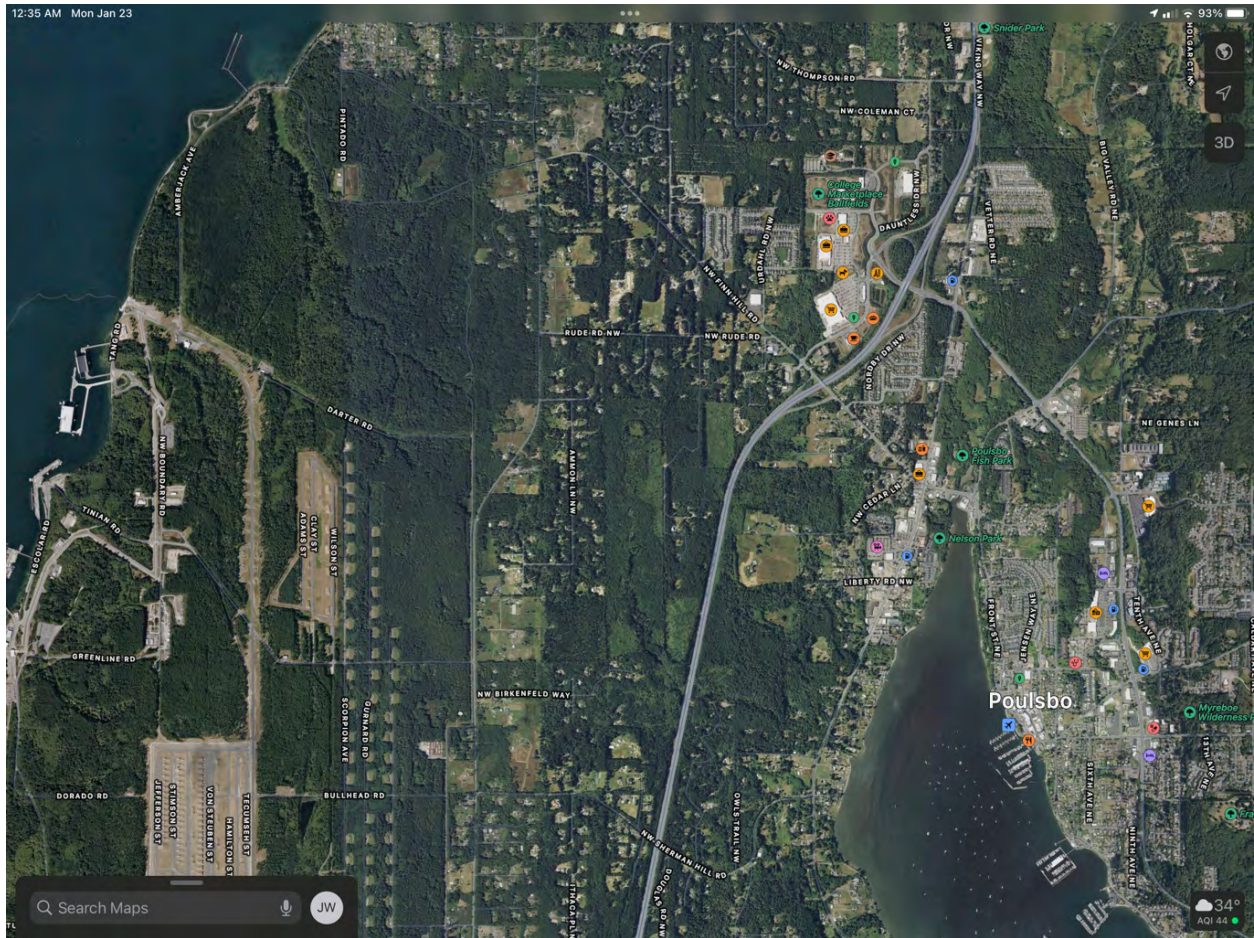
Habit loss is forever. Allow me to repeat this: habitat loss is forever. This 200 acre parcel is a valuable connection of life and a potentially rich recreational opportunity. It harbors the life line, the headwaters, for the Johnson Creek watershed and provides a critical linkage for this watershed 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



Wildlife Corridor Location Liberty Bay to Hood Canal





## MITIGATED DETERMINATION OF NONSIGNIFICANCE (DNS)

<b>Project Name:</b>	The Plateau at Liberty Bay
<b>Site Location:</b>	Project properties: 19313 Viking Avenue; 19521 Laurene Lane; 19179 Viking Avenue; 19321 Viking Avenue; Unaddressed property. Access improvement is proposed on the following properties: 1161 Liberty Road; 19431 Viking Avenue; Unaddressed properties;
<b>File No.:</b>	P-12-06-22-02
<b>Description of Proposal:</b>	<p>Project proposal is the subdivision of land for the construction of 63 single family lots with associated roadways, utilities, and open spaces. Four existing homes are planned to be demolished prior to final plat approval.</p> <p>The site is approximately 26 acres of which critical areas make up approximately 12.8 acres, and an additional approximately 0.42 acres are encumbered by limited development easement. Critical areas and their buffers make up almost half of the project area and will remain naturally vegetated with existing trees and mitigation plantings in grass areas. Critical areas accommodate tree retention requirement. Open space is provided in tracts E and G-M. Amenities located in open space tracts include: project park with big toy, benches and picnic tables, walking path and open play area; covered picnic benches and bar-b-ques near a soft surface trail; overlook with bench; and open play area with picnic tables and benches on the stormwater vault. Remaining open space tracts will be landscaped or remain in native vegetation.</p> <p>Access to the site is via Viking Avenue NW, with emergency only access connection to NW Liberty Road. No modification of access to property south of the project is proposed. Development will connect to city water and sanitary and storm sewers. Water will loop with mains connection in NW Liberty Road and Viking Avenue. Development includes an additional approximately 0.54 acres offsite for access and slopes creation.</p>
<b>Applicant:</b>	Entitle Fund Two, LLC   %o Geoffery Sherwin, PE   P.O. Box 188   Puyallup, WA 98371
<b>Tax Parcel:</b>	Project properties: 152601-3-023-2005; 152601-3-040-2004; 152601-3-033-2003; 152601-3-025-22003; 152601-3-090-2102. Access improvement properties: 152601-3-002-2000; 152601-3-027-2001; 152601-3-036-2000; 152601-3-055-2006
<b>Lead Agency:</b>	City of Poulsbo

The City of Poulsbo has determined that the above-described proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. The terms of the mitigation are established in the reviewed SEPA Environmental Checklist, SEPA Cover Memo from City of Poulsbo Engineering Department, project Staff Report issued 4/2/2024 and environmental documents listed in the SEPA Memo and Staff Report.

This MDNS is issued under WAC 197-11-340. Written comments concerning the MDNS may be submitted to the Poulsbo Planning and Economic Development Department, located at 200 NE Moe Street, Poulsbo, WA 98370, by 4:30 pm on April 18, 2024. Comment should discuss specific environmental issues associate with this proposal and identify how the MDNS does or does not address those issues.

**Responsible Official:** Heather Wright



**Position/Title:**

Planning and Economic Development Department Director  
200 NE Moe Street  
Poulsbo, WA 98370  
(360) 394-9748

**Date:** 4/4/2024

**Signature:** \_\_\_\_\_



DocuSigned by:  
*Heather Wright*  
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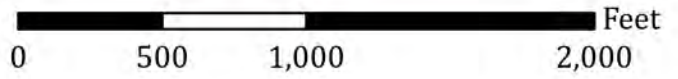
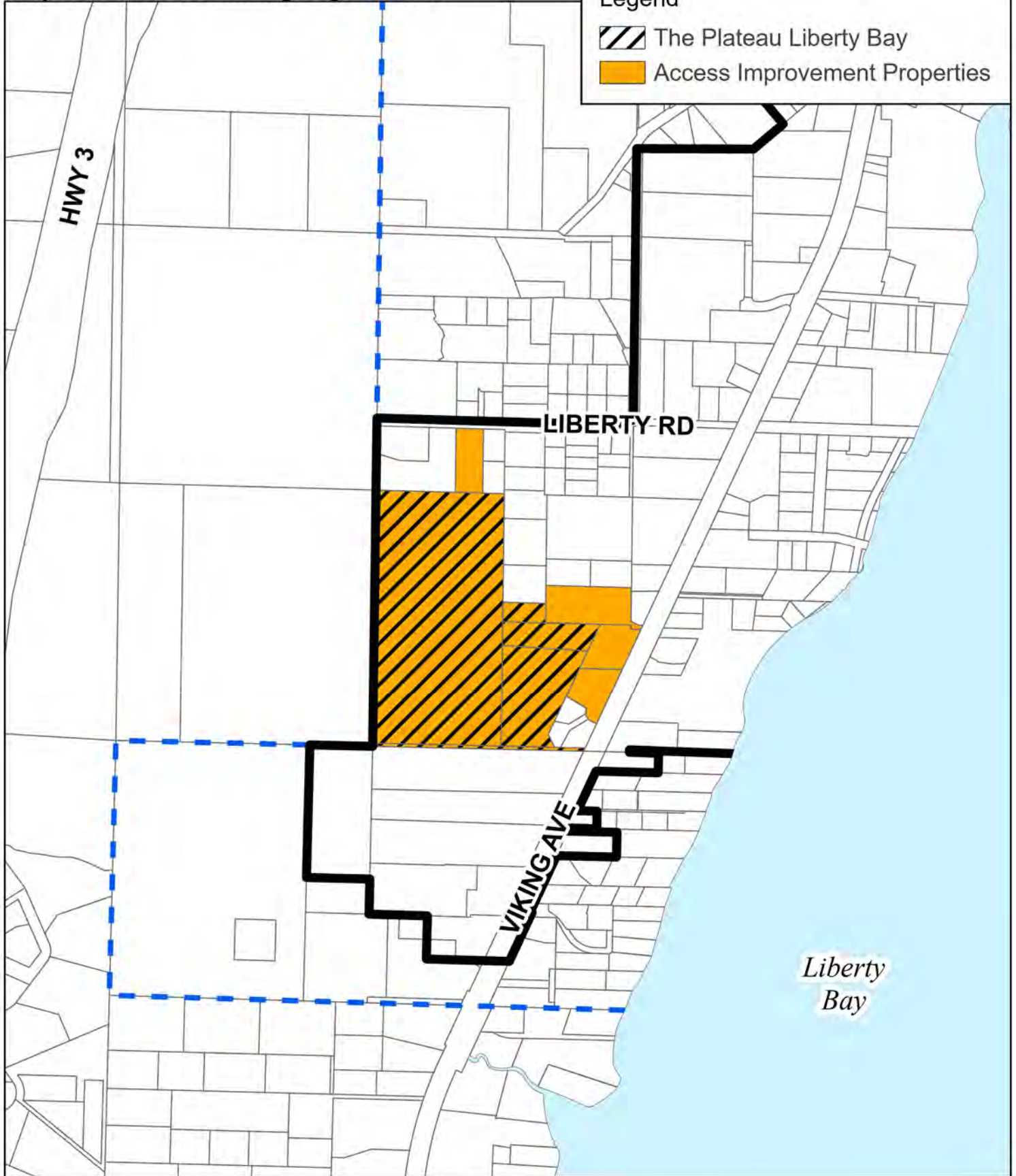
**APPEAL:** Any agency or person may appeal this SEPA determination by filing a written appeal to the responsible official no later than 10 working days from the date of this determination (PMC 16.04.250.B), or by 4:30 on Thursday, April 18, 2024. Contact the responsible official to read or ask about the procedure for SEPA appeals. All appeals shall contain the information required by Title 19, including, but not limited to, information on the specific aspect(s) of the SEPA decision or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error.

# Project Site Map

City of Poulsbo Planning Department

Legend

-  The Plateau Liberty Bay
-  Access Improvement Properties



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

**SEPA MITIGATION**

Animals.

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

Environmental Health.

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

Historic and Cultural Preservation

- S5. While there are no known archaeological resources on this site, in the event archaeological artifacts are uncovered during construction, activity shall be halted immediately, and the State Historic Preservation Office and Tribes will be contacted.
- S6. The applicant shall coordinate with city staff to provide a sign and/or plaque on-site and in the open space to commemorate the contributions of the Raab family to the City of Poulsbo. The sign and/or plaque shall be installed prior to final of the plat. The applicant is encouraged to coordinate with the Poulsbo Historical Society for preferred wording and/or images.

Traffic.

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

Public Services.

- S8. School mitigation fees are required for this project. Fees shall be paid prior to building permit issuance. The North Kitsap School District must be contacted directly for the amount and confirmation provided prior to building permit issuance for each structure.





# SEPA ENVIRONMENTAL CHECKLIST

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

A. BACKGROUND		
<b>Name of proposed project, if applicable:</b> Plateau at Liberty Bay Planned Residential Development		<b>Date Prepared:</b> 11/16/22
<b>Name of Applicant:</b> Entitle Fund Two, LLC	<b>Address:</b> P.O Box 188 Puyallup, WA 98371	<b>Phone Number:</b> 253-840-5660
<b>Contact:</b> Geoff Sherwin		<b>Agency Requesting Checklist:</b> City of Poulsbo Planning and Economic Development Department
<b>Proposed timing or schedule (including phasing, if applicable)</b> This project is anticipated to be divided into two phases, with Phase 1 construction occurring prior to Phase 2 construction. Construction is anticipated to begin in 2024.		
<b>Do you have any plans for future additions, expansions, or further activity related to or connected with this proposal? If yes, explain.</b> No plans for future additions are currently known.		
<b>List any environmental information you know about that has been prepared, directly related to this proposal.</b> Wetland Assessment and Modification Plan Tree Survey (Protection Plan) Preliminary Storm Drainage Report Geotechnical Report + Information PRD & Preliminary Plat Drawing Set Preliminary Landscape Plan Alternative Entry and Feasibility Plan Traffic Impact Analysis Critical Area and Mitigation Plan		
<b>Do you know whether applications are pending for governmental approvals or other proposals directly affecting the property covered by your proposal? If yes, explain.</b> None are currently known.		
<b>List any government approvals or permits that will be needed for your proposal, if known.</b> Preliminary Plat Approval (Poulsbo), Planned Residential Development Approval (Poulsbo), Grading and Construction Plan Approval (Poulsbo), NPDES Permit (Washington DOE), Jurisdictional Determination (Army Corp of Engineers), Final Plat Approval (Poulsbo) Building Permits (Poulsbo); Tree Cutting and Clearing Permit (Poulsbo)		
<b>Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.</b> The project proposes a planned residential development to subdivide approximately 26 acres of undeveloped land that is heavily encumbered by mapped critical areas and their buffers into 63 single-family residential lots with with associated roadways, utilities, and open space. Storm water will be managed using an infiltration pond and detention vault. Roadways will provide primary access to the development via Viking Avenue and secondary emergency vehicle access to Liberty Road. Additionally, roadways are stubbed to the north, west, and south for future extension per the City's transportation comprehensive plan. Provided open space includes active recreation, passive recreation, and vegetated open space, as well as protected critical areas and their buffers. Stormwater proposal has changed. Rooftop dispersion to onsite wetland buffers to retain hydrology and discharge detained stormwater to existing city system in Viking Avenue		

Please see SEPA and Environmental Analysis Memo (Engineering Department) and Staff Report for project for review and City evaluation to all SEPA checklist elements.

Commented by Edie Berghoff, Senior Planner, March 28, 2024



Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposed project is located at 19313 Viking Avenue NW in the City of Poulsbo, WA. The project includes five tax parcels (152601-3-023-2005, 152601-3-025-2003, 152601-3-033-2003, 152601-3-040-2004, 152601-3-090-2012) located in Township 26N, Range 1E, Section 15 in the site area. Additional ROW dedication is proposed on tax parcels 152601-3-055-2006, 152601-3-036-2000, and 152601-3-027-2001, and an emergency vehicle access easement is proposed across tax parcel 152301-3-002-2000.

B. ENVIRONMENTAL ELEMENTS	Agree	Disagree	Mitigate
<b>1. Earth</b>			
<p><b>a. General description of the site (check one):</b></p> <p><input type="checkbox"/> flat</p> <p><input type="checkbox"/> rolling</p> <p><input checked="" type="checkbox"/> hilly</p> <p><input checked="" type="checkbox"/> steep</p> <p><input type="checkbox"/> slopes</p> <p><input type="checkbox"/> mountainous</p> <p><input type="checkbox"/> other.</p> <p>The east side of the site slopes steeply up at approximately 15%-25% slope to a relatively flat plateau. There are steep slopes of approximately 50%-70% on the west side of the site adjacent to the on-site stream.</p>	✓		
<p><b>b. What is the steepest slope on the site (approximate percent slope)?</b></p> <p>Approximately 70% per available GIS contours for the site.</p>	✓	See Staff Report Critical Area Discussion	EB
<p><b>c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils</b></p> <p>According to the the 11/21/22 Geotech report, the soil classification is primarily glacial till-like soils with areas of relatively clean sand. The site is currently both forested and open pasture space and is not used for farming. The applicant is proposing to remove organic soils and excess soils during grading.</p>	✓		
<p><b>d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.</b></p> <p>None are known.</p>	✓		
<p><b>e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.</b></p> <p>The project is anticipated to require approximately 50,000 cubic yards of cut and 40,000 cubic yards of fill for general site and road grading. Fill will be on-site soils from cut areas.</p>	✓		
<p><b>f. Could erosion occur as a result of clearing, construction or use? If so, generally describe.</b></p> <p>Clearing and construction could result in erosion typical of similar development projects.</p>	✓		
<p><b>g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?</b></p> <p>Approximately 28% of the site will be covered in impervious surfaces after project construction.</p>	✓		

<p><b>h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.</b></p> <p>A Temporary Erosion and Sedimentation Control Plan (TESCP) will be submitted to the City of Poulsbo and a Stormwater Pollution Prevention Plan (SWPP) will be used along with best management practices to reduce and control erosion.</p>	✓		
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**2. Air**

<p><b>a. What types of emissions to the air would result from the proposal (i.e. dust, automobile, odors, industrial, wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.</b></p> <p>During construction, dust and other emissions could result from construction equipment. Upon project completion, vehicle emissions from additional vehicle traffic accessing the residential development is anticipated.</p>	✓		
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<p><b>b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.</b></p> <p>No off-site sources of emissions or odor that may affect this project are currently known.</p>	✓		
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<p><b>c. Proposed measures to reduce or control emissions or other impacts to air, if any.</b></p> <p>Best management practices will be used during construction to reduce or control emissions, and construction equipment will be well maintained and kept in working order.</p>	✓		
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**3. Water**

**a. Surface**

<p><b>1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.</b></p> <p>There is a mapped stream (identified as Johnson Creek or Stream A) on the west side of the property. The stream flows to Liberty Bay (Puget Sound). Additionally, there are multiple mapped wetlands on the project site.</p>	✓		
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<p><b>2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.</b></p> <p>All construction activities will occur outside of the stream buffer. Work within mapped wetland buffers and a mapped wetland at the road access for the project is proposed. A wetland modification report is provided showing all wetland and wetland buffer impacts.</p>	✓	See Staff Report Critical Area Discussion (23)	
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<p><b>3) Estimate the amount of fill and dredge that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.</b></p> <p>The project proposes to fill approximately 375 SF of low value wetland (Portion of Wetland F) that is adjacent to existing Viking Avenue and required for access. Fill will be on-site cut material. No dredging of wetlands is proposed.</p>	✓	See Staff Report Critical Area Discussion (25)	
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<p>4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities, if known.</p> <p>The proposal will not involve any withdrawals or diversions from surface waters.</p>	✓		
<p>5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.</p> <p>The proposal does not lie within a 100-year floodplain.</p>	✓		
<p>6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.</p> <p>No, the project does not involve the discharge of any waste to surface waters.</p>	✓		
<p><b>b. Wetlands</b></p>			
<p>1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.</p> <p>No groundwater will be withdrawn as a part of this project.</p>	✓		
<p>2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: domestic sewage; industrial, containing the following chemicals.; agricultural; etc...). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.</p> <p>No waste material will be discharged into the ground as a part of this project. The project is connecting to the City of Poulsbo public sanitary sewer, and no septic tanks will be used.</p>	✓	<p>See Staff Report Critical Area Discussion See Engineering Memo</p>	<p>EP</p>
<p><b>c. Water Runoff (including storm water)</b></p>			
<p>1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (including quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.</p> <p>Storm water runoff from roofs, public roads, driveways, lawns and landscaped areas will be collected in catch basins and conveyed in storm drains to the storm water infiltration pond or detention vault. The infiltration pond infiltrates the full 100-year storm (for contributing area). The detention vault discharges flows at the allowable rate to the existing City system in Viking Avenue. Water quality will be provided using modular wetlands and bio-retention.</p>	✓	<p>See Staff Report and Engineering Memo</p>	<p>EP</p>

<p>2) Could waste materials enter ground or surface waters? If so, generally describe.</p> <p>No waste materials are anticipated to enter the drainage system.</p>	✓		
<p>3) Does the proposal alter or otherwise affect drainage patterns near the site? If so, describe.</p> <p>No, the project does not otherwise impact the drainage patterns near the site.</p>	✓		
<p>d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:</p> <p>Storm water quantity will be reduced using the infiltration pond and detention vault. Water quality treatment will be provided using the modular wetland system (or similar proprietary system) and bio-retention.</p>	✓	See Staff Report 2/21 SEPA Memo	EB
<p><b>4. Plants</b></p>			
<p>a. Check types of vegetation found on the site:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Deciduous tree: alder, maple, aspen, other</li> <li><input checked="" type="checkbox"/> Evergreen tree: fir, cedar, pine, other</li> <li><input checked="" type="checkbox"/> Shrubs</li> <li><input checked="" type="checkbox"/> Grass</li> <li><input type="checkbox"/> Pasture</li> <li><input type="checkbox"/> Crop or grain</li> <li><input type="checkbox"/> Wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other</li> <li><input type="checkbox"/> Water plants: water lily, eelgrass, milfoil, other</li> <li><input type="checkbox"/> Other types of vegetation</li> </ul>	✓		
<p>b. What kind and amount of vegetation will be removed or altered?</p> <p>All vegetation will be removed from areas where construction of driveways, roads, building sites, storm infrastructure, and utilities is required.</p>	✓		
<p>c. List threatened or endangered species known to be on or near the site.</p> <p>No threatened or endangered species are known to be on or near the site.</p>	✓		
<p>d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.</p> <p>Street trees will be planted on lot frontages and landscaping will be done on lots around homes. Critical areas will be protected and where required their buffers will be enhanced with native plants.</p>	✓		
<p>e. List all noxious weeds and invasive species known to be on or near the site.</p> <p>Many of the on-site and adjacent wetland buffers have Himalayan Blackberries growing.</p>	✓		



5. Animals			
<p>a. Check any birds and animals which have been observed on or near the site or are known to be on or near the site:</p> <p><input checked="" type="checkbox"/> Birds: hawk, heron, eagle, songbirds, other:</p> <p><input checked="" type="checkbox"/> Mammals: deer, bear, elk, beaver, other:</p> <p><input checked="" type="checkbox"/> Fish: bass, salmon, trout, herring, shellfish, other: Cutthroat Trout, Coho Salmon, and Chum Salmon</p>	✓		
<p>b. List any threatened or endangered species known to be on or near site. The Hood Canal Summer-Run Chum Salmon is a threatened species according to NOAA Fisheries.</p>		See Mitigation and Staff Report	✓ (EB)
<p>c. Is the site part of a migration route? If so, explain. The proposed site is located within the Pacific Flyway, though the site itself is not known for being a prevalent stop for migrating birds.</p>	✓		
<p>d. Proposed measures to preserve or enhance wildlife, if any. The on-site stream (Johnson Creek) and associated buffer will be protected and enhanced to preserve and enhance wildlife. Other critical area buffers on site (wetland buffers) will either be protected, enhanced, or modified per the recommendations of the project wetland biologist (see wetland modification report).</p>	✓	North Fork Johnson Creek identified as Wildlife Corridor on*	
<p>e. List any invasive animal species known to be on or near the site. No invasive animal species are currently known to be on or near the site.</p>	✓		
6. Energy and Natural Resources			
<p>a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. Electricity and natural gas will be used in the completed homes.</p>	✓		
<p>b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. The project is not anticipated to affect the potential use of solar energy on adjacent properties.</p>	✓		
<p>c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any. Buildings will be constructed to meet the current Washington State Energy codes.</p>			
7. Environmental Health			
<p>a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. No environmental health hazards are anticipated to be a part of this project.</p>	✓		

\*Land Use Comprehensive Plan map 2036 Park System Acquisition & Improvements Plan, Figure PRO-2 (EB) Municipal Code and Comp Plan do not have any Standards for Wildlife Corridor.



<p>1) Describe any known or possible contamination at the site from present or past uses.</p> <p>There is no known contamination at the site from current or past uses.</p>			<p>✓</p>	<p>See Mitigation and Staff Report (EB)</p>
<p>2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.</p> <p>There are no known existing hazardous chemicals or hazardous conditions that might impact the design and development of this project.</p>	<p>✓</p>			
<p>3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.</p> <p>No toxic or hazardous chemicals are anticipated to be a part of this project throughout its life cycle.</p>	<p>✓</p>			
<p>4) Describe special emergency services that might be required.</p> <p>No special emergency services are anticipated beyond what would normally be required and provided for a residential development.</p>	<p>✓</p>			
<p>5) Proposed measures to reduce or control environmental health hazards, if any.</p> <p>None.</p>	<p>✓</p>			
<p><b>b. Noise</b></p>				
<p>1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?</p> <p>No known noise in the area is anticipated to impact the project.</p>	<p>✓</p>			
<p>2) What types of levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.</p> <p>Temporary construction noise is expected but will only occur during designated work hours. Following project completion, noise from the development will be that of a typical residential community.</p>	<p>✓</p>	<p>Demolition of existing structures will occur. (EB)</p>		
<p>3) Proposed measures to reduce or control noise impacts, if any.</p> <p>The project will meet all City requirements regarding construction. Construction will occur only during designated hours, and construction equipment will be properly maintained.</p>	<p>✓</p>			
<p><b>8. Land and Shoreline Use</b></p>				
<p>a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.</p> <p>Currently, the site is both forested land and grassy areas with four homes and a number outbuildings. There is a stream on the west side of the property and a number of wetlands and their associated buffers are both on and adjacent to the site. The proposal does not affect the current land uses.</p>	<p>✓</p>	<p>See Staff Report (EB)</p>		

<p><b>b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?</b></p> <p>No land on the project site has been known to have been used as working farmlands or working forest lands.</p>	✓		
<p><b>1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:</b></p> <p>No, the site is not surrounded by any working farm or forest land.</p>	✓		
<p><b>c. Describe any structures on the site.</b></p> <p>Existing structures include 4 single-family homes and a number of old outbuildings.</p>	✓	See Staff Report	Ⓟ
<p><b>d. Will any structures be demolished? If so, what?</b></p> <p>All existing structures will be demolished.</p>	✓		
<p><b>e. What is the current zoning classification of the site?</b></p> <p>The site is located in a Residential Low zone.</p>	✓		
<p><b>f. What is the current comprehensive plan designation of the site?</b></p> <p>The site is currently designated Residential Low (4 to 5 units per acre).</p>	✓		
<p><b>g. If applicable, what is the current shoreline master program designation of the site?</b></p> <p>Not applicable. The site is not in the shoreline master program.</p>	✓		
<p><b>h. Has any part of the site been classified as a critical area by the city or county? If so, specify</b></p> <p>Yes. There are multiple critical areas on the site including the stream (Johnson Creek) and a number of wetlands.</p>	✓	See SEPA Memo and Staff Report	Ⓟ
<p><b>i. Approximately how many people would reside or work in the completed project?</b></p> <p>Approximately 158 people will reside in the completed development (calculated with an average of 2.5 residents per lot).</p>	✓		
<p><b>j. Approximately how many people would the completed project displace?</b></p> <p>The project is anticipated to displace 10 people (calculated with an average of 2.5 residents per existing home).</p>	✓		
<p><b>k. Proposed measures to avoid or reduce displacement impacts, if any.</b></p> <p>The landowner will receive compensation for the purchase of the property. No additional mitigation is required.</p>	✓		
<p><b>l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.</b></p> <p>The proposed project includes a single family residential development that is consistent with surrounding land uses and aligns with the City of Poulsbo's current zoning regulations and the Comprehensive Plan.</p>	✓	See Staff Report	Ⓟ

<p>m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any.</p> <p>None.</p>	✓		
<b>9. Housing</b>			
<p>a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.</p> <p>Approximately 63 housing units will be provided that are anticipated to be middle income.</p>	✓		
<p>b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.</p> <p>Four housing units would be removed prior to construction.</p>	✓		
<p>c. Proposed measures to reduce or control housing impacts, if any.</p> <p>None are proposed.</p>	✓		
<b>10. Aesthetics</b>			
<p>a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?</p> <p>The tallest height of any of the project's proposed structures is 35 feet. The principal building materials proposed for the project is wood.</p>	✓		
<p>b. What views in the immediate vicinity would be altered or obstructed?</p> <p>No views in the immediate vicinity are anticipated to be significantly obstructed.</p>	✓		
<p>c. Proposed measures to reduce or control aesthetic impacts, if any.</p> <p>None.</p>	✓		
<b>11. Light and Glare</b>			
<p>a. What type of light or glare will the proposal produce? What time of day would it mainly occur?</p> <p>New street lights and lights from homes will be produced by this project. New light will be produced mostly in the evenings.</p>	✓		
<p>b. Could light or glare from the finished project be a safety hazard or interfere with views?</p> <p>The light from the finished project is not anticipated to be a safety hazard or to interfere with views.</p>	✓		
<p>c. What existing off-site sources of light or glare may affect your proposal?</p> <p>Existing off-site sources of light or glare are not anticipated to affect the proposal.</p>	✓		

<p>d. <b>Proposed measures to reduce or control light and glare impacts, if any.</b> Street lights would be full cutoff luminaires which shine downward.</p>	✓		
<p><b>12. Recreation</b></p>			
<p>a. <b>What designated and informal recreational opportunities are in the immediate vicinity?</b> The existing sidewalks on Viking Avenue provide informal opportunities for walking.</p>	✓	Unimproved City Shoreline Park 1/3 mile away and Nakhon and Fish Parks 2 1/2 mile away. (EB)	
<p>b. <b>Would the proposed project displace any existing recreational uses? If so, describe.</b> The project is not anticipated to displace any existing recreational uses.</p>	✓		
<p>c. <b>Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.</b> Open space to include a meandering wetland nature trail, multi family covered picnic area with barbeque's, scenic seating area, scenic picnic area, and playground are proposed withing the project limits.</p>	✓		
<p><b>13. Historic and Cultural Preservation</b></p>			
<p>a. <b>Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.</b> None are known.</p>	✓	See Staff Report (EB)	
<p>b. <b>Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.</b> None have been identified.</p>		See Mitigation (EB)	✓
<p>c. <b>Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc</b> Washington State's WISAARD system was consulted.</p>	✓		

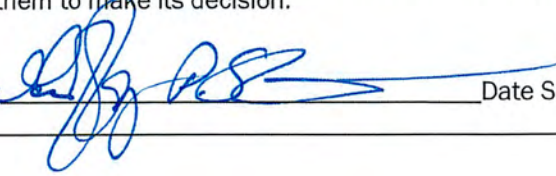
<p>d. Proposed measures to reduce or control impacts, if any.</p> <p>None.</p>			<p>✓</p> <p>See Mitigation (EB)</p>
<p><b>14. Transportation</b></p>			
<p>a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.</p> <p>The site is currently serviced by Viking Avenue. The development will connect in to existing Viking Avenue for a main point of access and will also provide an emergency vehicle access to Liberty Road (north). The project will provide 4 additional road stubs for future development per the City of Poulsbo's transportation comprehensive plan.</p>	<p>✓</p>		
<p>b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?</p> <p>The site is currently served by Kitsap Public Transit. The nearest stops are located approximately 350 feet north of the proposed site access road. Routes 332 and 333 service these stops.</p>	<p>✓</p>		
<p>c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?</p> <p>A minimum of two off-street parking spaces will be provided for each unit. There will be 33 on-street parking spaces provided. No existing parking will be eliminated.</p>	<p>✓</p>		
<p>d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).</p> <p>Yes. The proposal will require the construction of new public streets on the project site and improvements to Viking Avenue, the existing public street fronting the project.</p>			<p>✓</p> <p>See SEPA Memo and Staff Report (EB)</p> <p>See Mitigation</p>
<p>e. Will the project use (or occur in the immediate vicinity of) water, rail or air transportation? If so, generally describe.</p> <p>No, the project does not occur within the immediate vicinity of water, rail, or air transportation.</p>	<p>✓</p>		
<p>f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?</p> <p>The project is anticipated to generate 585 average weekday daily trips.</p>	<p>✓</p>		

<p><b>g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.</b></p> <p>No.</p>	✓		
<p><b>h. Proposed measures to reduce or control transportation impacts, if any.</b></p> <p>The project will meet traffic design standards and land use requirements for plan approval. Traffic Impact Fees will be paid at the time of building permits for the individual homes.</p>		See Mitigation ✓	EB
<p><b>15. Public Services</b></p>			
<p><b>a. Would the project result in an increased need for public service (for example fire protection, police protection, health care, schools, other)? If so, generally describe.</b></p> <p>The proposed project is anticipated to result in a minor increase in public services to support the development.</p>	✓		
<p><b>b. Proposed measures to reduce or control direct impacts on public services, if any.</b></p> <p>The development is designed to accommodate fire and emergency access. Additionally, all necessary impact fees will be paid.</p>		See Mitigation ✓	EB
<p><b>16. Utilities</b></p>			
<p><b>a. Check the utilities currently available at the site:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> electric</li> <li><input checked="" type="checkbox"/> natural gas</li> <li><input checked="" type="checkbox"/> water</li> <li><input checked="" type="checkbox"/> refuse service</li> <li><input checked="" type="checkbox"/> telephone,</li> <li><input checked="" type="checkbox"/> sanitary sewer</li> <li><input checked="" type="checkbox"/> septic system</li> <li><input type="checkbox"/> other.</li> </ul>	✓	Septic and wells onsite will be decommissioned according to Health District Requirements.	
<p><b>b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.</b></p> <p>Electricity will be provided by Puget Sound Energy Services. Natural gas will be provided by Cascade Natural Gas. Water, Sanitary Sewer, and Refuse Service will be provided by the City of Poulsbo. Telecommunications services is anticipated to be provided by Comcast.</p>	✓		



**C. SIGNATURE**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  Date Submitted: 11/22/2022

*Reviewed by Edie Berghoff  
Senior Planner, March 28, 2024*



**Affidavit of Public Notice**

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

Application No: P-12-06-22-02 Project Name: The Plateau @ Liberty way SEPA MONS

Tiffany Simmons, being first duly sworn, upon his/her oath deposes and says: That he/she is now, and at all times herein mentioned has been, a citizen of the United States and the State of Washington, over and above the age of twenty-one years and a resident of said County, that on April 4, 2024, a copy of the following City of Poulsbo public notices, and which is attached to this affidavit,

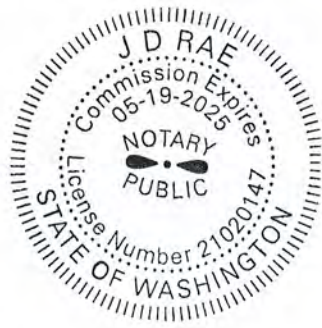
- Notice of Application
- SEPA Determination
- Notice of Public Meeting
- Notice of Public Hearing
- Notice of Decision

has been provided:

- Mailed to owners of property within 300' of the project site
- Provided to newspaper of general circulation
- Emailed to PED Department distribution lists and/or parties of record
- Posted at Library, City Hall, Poulsbo Post Office
- Posted to the City's website
- Posted at Site Address: \_\_\_\_\_

Signature: [Signature] Date: 4/5/24

Subscribed and sworn to before me this 5<sup>th</sup> day of April, 2024



[Signature]  
NOTARY PUBLIC in and for the State of Washington, residing at:

Bremerton  
My Commission expires on:

05/19/2025

# The Seattle Times

**AFFIDAVIT OF PUBLICATION**

Jess Rae  
City of Poulsbo  
200 NE Moe St  
Poulsbo WA 98370

**STATE OF WASHINGTON, COUNTIES OF KING AND SNOHOMISH**

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by orders of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

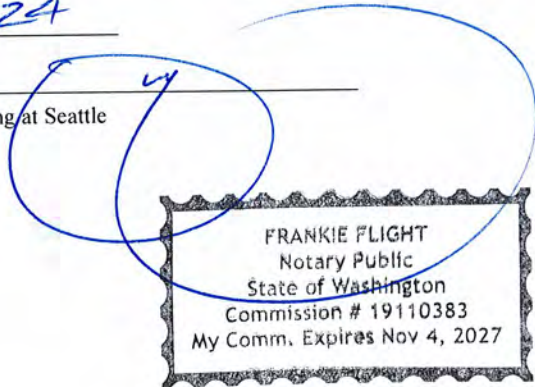
04/04/2024

Agent MAUREEN DUGGAN Signature Maureen Duggan

Subscribed and sworn to before me on 04/04/24

Frankie Flight  
(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle

Publication Cost: \$158.33  
Order No: 76124  
Customer No: 209  
PO #:



**CITY OF POULSBO  
Mitigated Determination of  
Nonsignificance (MDNS)**

**Project Name:** The Plateau at Liberty Bay

**File No:** P-12-06-22-02

**Location:** Project properties: 19313 Viking Avenue, 152601-3-023-2005, 19521 Laurene Lane, 152601-3-040-2004, 19179 Viking Avenue, 152601-3-033-2003, 19321 Viking Avenue, 152601-3-025-2003, and No address, 152601-3-090-2102. Access improvement is proposed on the following properties: 1161 Liberty Rd, 152601-3-002-2000, 19431 Viking Avenue, 152601-3-027-2001, No address, 152601-3-036-2000, and No address 152601-3-055-2006.

**Project Description:** Subdivision of land for the construction of 63 single family lots with associated roadways, utilities, and open spaces. Four existing homes are planned to be demolished prior to final plat approval.

**Applicant:** Entitle Fund Two, LLC, P.O. Box 188, Puyallup, WA 98371

**Lead Agency:** City of Poulsbo

**Date of Issuance:** April 4, 2024

The City of Poulsbo has determined that the above-described proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. The terms of the mitigation are available to the public on request.

This MDNS is issued under WAC 197-11-350. Written comments concerning the MDNS may be submitted to the Poulsbo Planning and Economic Development Department, located at 200 NE Moe Street, Poulsbo, WA 98370, by 4:30 pm on Thursday, April 18, 2024. Comment should discuss specific environmental issues associated with this proposal and identify how the MDNS does or does not address those issues.

**APPEAL:** Any agency or person may appeal this SEPA determination by filing a written appeal to the responsible official no later than 10 working days from the date of this determination (PMC 16.04.250.B), or by 4:30 pm on Thursday, April 18, 2024. Contact the responsible official to read or ask about the procedure for SEPA appeals. All appeals shall contain the information required by Title 19, including, but not limited to, information on the specific aspect(s) of the SEPA decision or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error.

Publication Cost: \$158.33

Order No: 76124

Customer No: 209

PO #:





**Affidavit of Public Notice**

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

Application No: P-12-06-22-02 Project Name: The Plateau at Liberty Bay HEPM

Jiffany Simmons, being first duly sworn, upon his/her oath deposes and says: That he/she is now, and at all times herein mentioned has been, a citizen of the United States and the State of Washington, over and above the age of twenty-one years and a resident of said County, that on April 25<sup>th</sup>, 2024, a copy of the following City of Poulsbo public notices, and which is attached to this affidavit,

- Notice of Application
- SEPA Determination
- Notice of Public Meeting
- Notice of Public Hearing HE
- Notice of Decision

has been provided:

- Mailed to owners of property within 300' of the project site
- Provided to newspaper of general circulation
- Emailed to PED Department distribution lists and/or parties of record
- Posted at Library, City Hall, Poulsbo Post Office
- Posted to the City's website
- Posted at Site Address: \_\_\_\_\_

Signature: [Signature] Date: 4-25-24

Subscribed and sworn to before me this 25<sup>th</sup> day of April, 2024



[Signature]  
NOTARY PUBLIC in and for the State of Washington, residing at:

Bremerton

My Commission expires on:  
05/19/2025



# NOTICE OF PUBLIC HEARING

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

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

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



**Public Comment Methods:**

The public hearing is scheduled for Thursday May 9<sup>th</sup>, 2024, at 10:30 AM or soon thereafter. public meetings are being held as a hybrid virtual/in-person meeting at the web address and call-in number noted below and at Poulsbo City Council Chambers, 200 NE Moe Street, Poulsbo, Washington. This call in number: 1 253 215 8782 and meeting id: 876 3492 0700 are provided for virtual attendance, in addition to this webinar link: <https://us06web.zoom.us/j/87634920700>.

**Staff Report:**

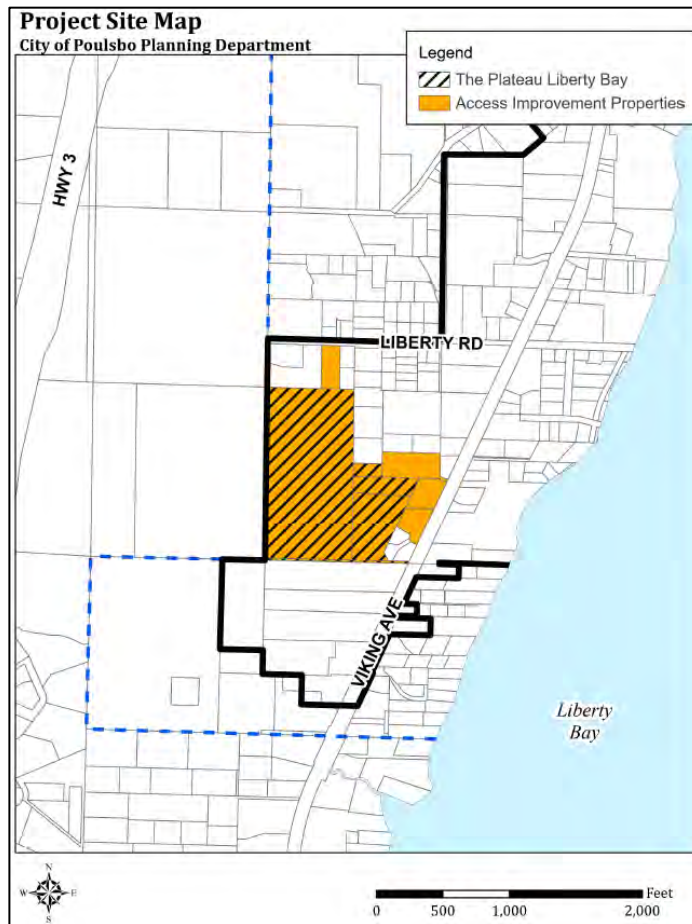
Written comments may be mailed, faxed, or e-mailed to the PED Staff Contact indicated below. To ensure consideration, all written comments must be received by the City prior to close of the public hearing. At the hearing, the public will have an opportunity to provide written and verbal testimony to the Hearing Examiner regarding the proposed project.

**Staff Contact:**

The staff report will be available for review at no cost at least 7 calendar days before the hearing and a copy will be provided at a reasonable cost.

Edie Berghoff, Senior Planner; eberghoff@cityofpoulsbo.com; (360) 394 -9748

**Site Map:**



The following procedural rules have been established for public hearings to allow a fair and orderly hearing:

1. The length of time given to individuals speaking for or against a proposal may be determined by the Hearing Examiner prior to the application being considered;
2. A speaker representing each side of the issue is encouraged.

**THE CITY OF POULSBO STRIVES TO PROVIDE ACCESSIBLE MEETINGS FOR PEOPLE WITH DISABILITIES. PLEASE CONTACT THE POULSBO PED DEPARTMENT AT 360-394-9748 AT LEAST 48 HOURS PRIOR TO THE MEETING IF ACCOMMODATIONS ARE NEEDED FOR THIS MEETING.**



# NOTICE OF PUBLIC MEETING

The Hearing Examiner will review the Plateau at Liberty Bay Planned Residential Development and Preliminary Plat application at a public hearing scheduled for **Thursday, May 9th, 2024, at 10:30 am or soon thereafter**. At this hearing, the public will have an opportunity to provide written and verbal testimony regarding the proposed project.

**Project Name:** Plateau at Liberty Bay PRD and Pre-Plat

**Permit No.:** P-12-06-22-02

**Review Authority:** Hearing Examiner

**Application(s) Under Review:** Planned Residential Development, Preliminary Plat, SEPA

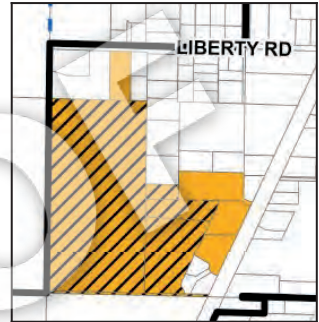
**Site Location:** 19521 Laurene LN, 19313, 19179, and 19321 Viking Avenue | No address (Kitsap County Parcel # 152601-3-090-2102) Poulsbo, WA 98370

**Project Description:** Project proposal is the subdivision of land for the construction of 63 single family lots with associated roadways, utilities, and open spaces. Four existing homes are planned to be demolished prior to final plat approval.

**Meeting Information:** Hearing Examiner Hearing on Thursday, May 9<sup>th</sup>, 2024 at 10:30 a, or soon thereafter | City Council Chambers | 200 NE Moe Street | Poulsbo OR Virtually at via zoom with meeting ID 876 3492 0700 and <https://us06web.zoom.us/j/87634920700>.

**Examination of File:** The application file may be examined online by going to <https://ci-poulsbo-wa.smartgovcommunity.com/Public/Home> > Applications > and search for permit # P-12-06-22-02. If you are unable to access the file, please call the staff contact for options.

**Staff Contact:** Edie Berghoff, Senior Planner; eberghoff@cityofpoulsbo.com; (360) 394 - 9748



**Planning and Economic Development**

200 NE Moe Street

Poulsbo, Washington 98370

ph (360) 394-9748 | fax (360) 697-8269

plan&econ@cityofpoulsbo.com



**PUBLIC HEARING NOTICE**

The City of Poulsbo has received a permit application that may be of interest to you. The public has the right to review contents of the official file for the proposal, provide written comments, participate in any public meetings or hearings, and request a copy of the final decision.

**Public Hearing: Thursday, May 9th, 2024**

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Planning Department

200 NE Moe St

Poulsbo, Washington 98370-7347

ANDERS INGRID A

19634 Patriot Ln NW

Poulsbo, WA 98370-8325

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C2M LLC  
22202

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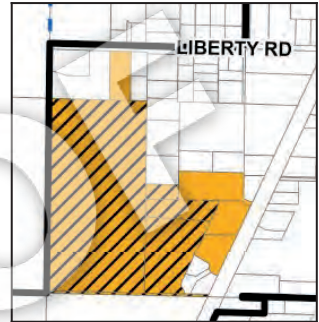
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Planning Department

200 NE Moe St

Poulsbo, Washington 98370-7347

KITSAP COUNTY

614 Division St

Port Orchard, WA 98366-4614

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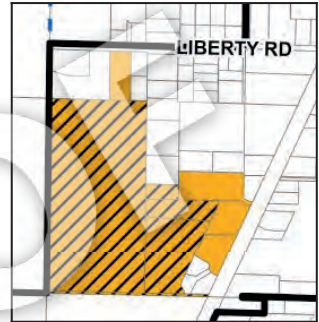
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Planning Department  
200 NE Moe St  
Poulsbo, Washington 98370-7347

YWCA OF KITSAP COUNTY  
PO Box 559  
Bremerton, WA 98337-0184

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# The Seattle Times

## AFFIDAVIT OF PUBLICATION

Jess Rae  
City of Poulsbo  
200 NE Moe St  
Poulsbo WA 98370

### STATE OF WASHINGTON, COUNTIES OF KING AND SNOHOMISH

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by orders of the Superior Court of King and Snohomish Counties.

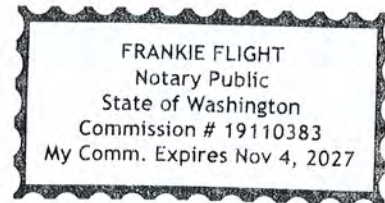
The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

04/25/2024

Agent MAURKEEN DUGGAN Signature Maur Duggan

Subscribed and sworn to before me on 04/25/24  
[Signature] **Frankie Flight**  
(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle

Publication Cost: \$158.33  
Order No: 77232  
Customer No: 209  
PO #:



**CITY OF POULSBO  
Notice of Hearing Examiner  
Public Hearing**

Publication Cost: \$158.33  
Order No: 77232  
Customer No: 209  
PO #:

**Public Hearing Date/Time:** Thursday, May 9, 2024, 10:30 a.m. or soon thereafter

**Hearing Location:** Poulsbo City Hall, Council Chambers, 200 NE Moe Street, Poulsbo, WA

**Project Name:** Plateau at Liberty Bay Planned Residential Development & Preliminary Plat

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**Public Comment:** The public hearing is scheduled for Thursday May 9th, 2024, at 10:30 AM or soon thereafter. public meetings are being held as a hybrid virtual/in-person meeting at the web address and call-in number noted below and at Poulsbo City Council Chambers, 200 NE Moe Street, Poulsbo, Washington. This call in number: 1 253 215 8782 and meeting id: 876 3492 0700 are provided for virtual attendance, in addition to this webinar link: <https://us06web.zoom.us/j/87634920700>. Written comments may be mailed, faxed, or e-mailed to the PED Staff Contact indicated below. To ensure consideration, all written comments must be received by the City prior to close of the public hearing. At the hearing, the public will have an opportunity to provide written and verbal testimony to the Review Authority regarding the proposed project.

**Complete Application:** The application file may be examined online by going to <https://ci-poulsbo-wa.smartgovcommunity.com/Public/Home> > Applications > and search for permit # P-12-06-22-02. If you are unable to access the file, please call the staff contact for options

**Staff Report:** The staff report will be available for review at no cost at least 7 calendar days before the hearing and a copy will be provided at a reasonable cost

**Staff Contact:** Edie Berghoff, Senior Planner, 360.394.9748  
[eberghoff@cityofpoulsbo.com](mailto:eberghoff@cityofpoulsbo.com)



# Affidavit of Public Notice | Site Posting

Planning and Economic Development Department  
200 NE Moe Street | Poulsbo, Washington 98370  
(360) 394-9748 | fax (360) 697-8269

[www.cityofpoulsbo.com](http://www.cityofpoulsbo.com) | [plan&econ@cityofpoulsbo.com](mailto:plan&econ@cityofpoulsbo.com)

The following MUST be attached to this affidavit:

Photo of the posting on site or map showing location where sign was posted

Application No. P12-06-22-02 Project Name: PLATEAU @ LIBERTY BAY

I, GEOFF SHERWIN, representative for the above-referenced project, do hereby verify that on APRIL 23, <sup>2024</sup>~~2022~~, I posted a sign at MULTIPLE LOCATIONS, relating to the above-referenced project at the site in a location that complies with the City of Poulsbo requirements.

Representative Name: GEOFF SHERWIN

Representative Signature: [Signature] (sign in front of notary)

Subscribed and sworn to before me this 23<sup>rd</sup> day of APRIL, <sup>2024</sup>~~2022~~



[Signature]

NOTARY PUBLIC in and for the State of Washington, residing at:

King County

My Commission expires on:

9-25-27





SPEED LIMIT  
35



Public Notice  
[Illegible text]





**Public Notice**  
The property described below is the subject of a  
**PUBLIC HEARING**  
DATE: 5/20/2024  
TIME: 9:00 AM  
LOCATION: 12345 67th Ave  
FROM: 12345 67th Ave  
TO: 12345 67th Ave  
FOR: 12345 67th Ave

BIKE LANE



**Public Notice**  
The property described below is the subject of a  
**PUBLIC HEARING**

DATE OF HEARING: 5/9 @ 10:30 AM  
At: Poulsoo City Hall - 200 NE Moe Street  
RE: PLATEAU AT LIBERTY BAY PRD AND PREPLAT  
Applicant: UK MONARCH

FOR FURTHER INFORMATION CONTACT THE CITY OF POULSOO PLANNING DEPARTMENT  
1950 1st St. SE Poulsoo, WA 98459  
914-5748

CITY OF POULSOO  
PLANNING DEPARTMENT  
NOTICE OF PUBLIC HEARING









**Public Notice**  
PUBLIC HEARING  
DATE OF HEARING: 5/20/10 10:30am  
LOCATION: PLATEAU LIBERTY PARK  
ADDRESS: 44 MONROE FIVE PLAZA  
FOR FURTHER INFORMATION CONTACT THE CITY OF FOLLOWS PLANNING DEPARTMENT  
501 7th St



# City of Poulsbo

*Planning & Economic Development*



April 24, 2024

VIA US MAIL AND EMAIL (j.creek@hotmail.com)

Jan Wold  
P.O. Box 1340  
Poulsbo, WA 98370

RE: Plateau at Liberty Bay, File No. P-12-06-22-02  
Appeal of SEPA Mitigated Determination of Nonsignificance

Dear Ms. Wold:

The City of Poulsbo is in receipt of your April 18, 2024, administrative appeal of the City's April 4, 2024, SEPA Mitigated Determination of Nonsignificance (MDNS) for the Plateau at Liberty Bay proposal (File No. P-12-06-022-02). Your appeal has been rejected for the reason set forth below.

Pursuant to Section 16.04.250(B) of the Poulsbo Municipal Code (PMC), all administrative appeals challenging a SEPA threshold determination, including a MDNS, must satisfy the applicable requirements of Title 19 PMC. PMC 19.70.010(B)(3) provides that a written appeal must be accompanied by the applicable appeal fee and deposit, which in turn are set forth in the Planning Fee Schedule that is adopted by reference under PMC 3.12.030(A). The Planning Fee Schedule establishes the pertinent SEPA appeal fee amount for this matter at \$590 and the corresponding Hearing Examiner deposit at \$4,000.

Your April 18, 2024, appeal statement correctly acknowledges the above requirements, but your appeal was nevertheless submitted without the requisite fee and deposit. Instead, your appeal statement requests, without any supporting authority, that the City waive or otherwise disregard these requirements.

The City respectfully declines this request, which contravenes the City's code. PMC 19.70.010(B)(3) requires that "[t]he planning director shall review a submitted appeal and reject an appeal which fails to meet all of the requirements of this section." Based on the plain language of this provision, and the undisputed fact that your April 18, 2024, appeal was not accompanied by the fee and deposit amounts required by the City's code, your administrative appeal of the Plateau at Liberty Bay MDNS is hereby rejected pursuant to PMC 19.70.010(B)(3).

Sincerely,

A handwritten signature in blue ink that reads "Heather Wright". The signature is written in a cursive, flowing style.

Heather Wright, AICP, Planning and Economic Development Director  
City of Poulsbo

**From:** Heather Wright  
**Sent:** Wednesday, April 24, 2024 4:31 PM  
**To:** J Creek <j.creek@hotmail.com>  
**Subject:** City response to Poulisbo Plateau at Liberty Bay, File Number P-12-06-22-02, SEPA MDNS Appeal Paperwork Submittal

Dear Mrs. Wold,

The attached letter is in response to your appeal paperwork submitted on 4/18/2024 and your request for the City to waive the fee.

The City rejects the appeal because it was not accompanied by the fee and deposit amounts.

The attached letter provides code references to substantiate this decision.

Sincerely,  
Heather