



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

**FINDINGS, CONCLUSIONS AND DECISION
APPROVING
“NOLL POINTE”
PLANNED RESIDENTIAL DEVELOPMENT AND
PRELIMINARY PLAT APPLICATIONS**

APPLICANT: ENTITLE FUND FIVE, LLC
GEOFF SHERWIN, PE
612 HARRISON STREET, SUITE 100
SUMNER, WA 98390

OWNERS: LEROY CHRISTIANSEN, FRANK COLACURCIO, JR., AND PAT COLACURCIO

AGENT: KPFF CONSULTING ENGINEERS, ELISE CALLAHAN, PE
601 FIFTH AVENUE, SUITE 1600
SEATTLE, WA 98101

LOCATION/TAX PARCEL NUMBER: THE PROPOSED PLAT WILL BE LOCATED ON VACANT PROPERTY BETWEEN NE LINCOLN ROAD AND NOLL ROAD NE, KITSAP COUNTY PARCEL NO. 132601-1-018-2008.

APPLICATIONS: PLANNED RESIDENTIAL DEVELOPMENT AND PRELIMINARY SUBDIVISION, DIVIDING A 15+ACRE PROPERTY INTO 69 LOTS FOR DETACHED SINGLE-FAMILY RESIDENCES, WITH PUBLIC STREETS, SIDEWALKS, WATER AND SEWER FACILITIES, STORMWATER IMPROVEMENTS, COMMON OPEN SPACE, PUBLIC PEDESTRIAN CONNECTIONS, RECREATION AMENITIES, AND TREE PROTECTION AND REPLACEMENT. APPLICATIONS FOR PLANNED RESIDENTIAL DEVELOPMENT AND PRELIMINARY PLAT ARE REVIEWED UNDER APPLICABLE CITY CODES, INCLUDING WITHOUT LIMITATION CH. 18.260 PMC (FOR PLANNED RESIDENTIAL DEVELOPMENT), TITLE 17 PMC (FOR PRELIMINARY PLAT), AND ZONING PROVISIONS IN TITLE 18 PMC.

SUMMARY OF DECISION: *APPROVED*, SUBJECT TO CONDITIONS

DATE OF DECISION: OCTOBER 16, 2026

I. CONTENTS OF RECORD

Exhibits entered into evidence as part of the record, and an audio recording of the public hearing, are maintained by the City of Poulsbo, in accord with applicable law.

Exhibits:

The City of Poulsbo Staff Report and recommendation of approval for the Noll Pointe Planned Residential Development and Preliminary Subdivision, dated June 16, 2026 (Ex. 1), together with Staff Report Addendum No. 1, dated July 6, 2026 (Ex. 1A), the Planning Commission materials, and the subsequently admitted supplemental exhibits, are included in the record as listed below.

[For the reader's convenience, the following chart, prepared by Staff, lists most, if not all, Exhibits entered into the record for this matter, including post-hearing materials authorized by the Examiner in the Order reopening the record].

Exhibit	Description
1	Staff Report, dated June 16, 2026
1A	Staff Report, Addendum No. 1, issued prior to public hearing before the Hearing Examiner, with additional exhibits as numbered and described in the packet, dated July 6, 2026 [<i>*Assigned an Exhibit number by the Examiner for consistency, clarity, and ease of reference in reading this Decision</i>]
2	Planned Residential Development and Preliminary Subdivision Application
3	Application Narrative
4	Planned Residential Development and Preliminary Subdivision Civil Drawing
5	Open Space Plan
6	Landscaping Information
7	Preliminary Landscape Plan
8	12' Wood Gazebo
9	Play Structure
10	In Ground Slides
11	Wood Fence Detail
12	Amenity Information
13	Color Palette and Designs
14	Amenity Design
15	'Lot Fit' Sample
16	Wetland and Stream Determination Report

17	Peer Review
18	Preliminary Tree Protection Plan
19	Peer Review
20	Geotechnical Engineering Study
21	Drainage Report
22	Traffic
23	Traffic Concurrency
24	Traffic Impact Analysis
25	Interlocal Agreement with Kitsap County for Poulsbo Urban Growth Area
26	Neighborhood Meeting Packet
27	Comment 1: Lockhart
28	Comment 2: Float
29	Comment 3: The Suquamish Tribe
30	Applicant Response to Comment 1 and 2
31	Applicant Response to Comment 3
32	Notice of Application and noticing materials
33	SEPA Threshold Determination
34	Commented Checklist
35	Kitsap County Request for Roadway Improvements
36	Driveway Relocation Private Agreement
37	Poulsbo Engineering SEPA Review Memo
38	Planning Commission Public Meeting Notice and noticing materials
39	Planning Commission Draft Meeting Minutes
40	Planning Commission Findings of Fact, Conclusion and Recommendation
41	SEPA Mitigated Determination of Nonsignificance
42	Commented Checklist
43	Kitsap County Request for Roadway Improvements
44	Driveway Relocation Private Agreement
45	Poulsbo Engineering SEPA Review Memo
46	Affidavit of Public Notice
47	Confirmation SEPA Record Published
48	Hearing Examiner Public Hearing Notice and noticing materials
49	Hearing Presentation
	<i>EXHIBITS provided following public hearing, related to the Examiner's Order Reopening Record (Ex. 51, below)</i>
50	Staff Report Addendum No. 2 dated September 3, 2026
51	Order Reopening Record and Directing Limited Supplemental Submissions dated August 26, 2026
52	Tree Retention/Replanting Staff Interpretation (and Attachments) dated September 1, 2026
53	Washington Forestry Consultants, Inc. – City Comment Response dated September 1, 2026

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54	Comments Received Following Hearing Examiner Public Hearing
55	City Response to Public Comment Received Following Supplemental Public Comment
56	Applicant Response to Public Comment Received Following Supplemental Public Comment

Testimony/Comments:

During the duly noticed public hearing held in Council Chambers at Poulsbo City Hall on July 16, 2026, with some participants appearing or observing via an online hearing platform coordinated by staff, all witnesses were sworn in by the Examiner and provided testimony under oath, including the following City Staff members, applicant representatives, and members of the public:

1. Ms. Edie Berghoff, Senior Planner for the City of Poulsbo, presented the application, the staff recommendation, relevant review materials, and proposed conditions, and responded to questions concerning the project and public comments.
2. Mr. Geoff Sherwin, PE, representing the applicant, addressed the proposed residential development and responded to questions concerning the project, its environmental review, proposed tree retention and replacement, and development obligations.
3. Mr. Jeffrey Flood, a member of the public, lives adjacent to the proposed development, questioned the proposed removal and retention of trees, the basis for determining which trees would remain, and potential effects of clearing and development upon surrounding property. The Examiner considered those questions in conjunction with the submitted tree reports and independent arborist reviews.
4. Ms. Donna Malone, a member of the public, raised questions about access rights, easements, and whether trees affected by development would be replaced. Those questions are addressed by the proposed access plans, easement materials, and tree-retention conditions.

The Examiner considered the public testimony and the written comments separately submitted by Mr. Dana Lockhart, Mr. Jeff Float and Ms. Jan Float, together with the applicant's responses (*Exs. 27–31*) and the supplemental comments and responses (*Exs. 54–56*).

The City's engineering, planning, and consulting professionals supplied the technical reviews and conditions summarized in the Staff Report, Addendum No. 1, and

project exhibits. This Decision attributes technical determinations to their documented reports rather than assuming that each consultant testified at the hearing.

The Examiner conducted site visits to the project location and surrounding area, both before and after the hearing.

The hearing and subsequent review of the separate Cedar View at Glennwood PRD and preliminary subdivision brought a common question of code interpretation into focus: the relationship between the diameter-based tree-retention requirements and the alternative retention provisions in PMC 18.180.040. The projects have materially different forest conditions and proposed mitigation. The existence of the separate case supplied context for coordinating supplemental schedules, but the merits of this Noll Pointe application are determined only on the evidence admitted into its own record. (*Ex. 51*).

On August 26, 2026, the Examiner reopened the record for limited supplemental submissions concerning PMC 18.180.030(B), PMC 18.180.040(A), and PMC 18.180.060(A)(1), specifically tree-retention quantities, equivalent diameter inches, credits for smaller trees, and the basis for replacement planting. (*Ex. 51*). The City submitted its interpretation and supporting arboricultural review (*Ex. 52*); the applicant's arborists submitted a response (*Ex. 53*); interested neighbors submitted written comments (*Ex. 54*); and the City and applicant responded to such comments. (*Exs. 55–56*). Following receipt and consideration of written materials submitted in accord with the Order, the record for this matter is now closed and this Decision is in order.

Differences of opinion between the applicant team, Staff, and members of the public are addressed in this Decision, with Conditions of Approval clarified to resolve such disagreements. Any party of record that disagrees with this Decision or any condition is free to pursue an appeal, in accord with applicable law.

II. APPLICABLE LAW

Jurisdiction.

There is no dispute that relevant provisions of the Poulsbo Municipal Code expressly provide the hearing examiner with jurisdiction and authority to review most Type III land use matters, which includes Preliminary Plat and Planned Residential Development applications. See PMC 19.20.010(C) and Table 19.20.020.

Criteria for Approval of the pending Preliminary Plat Application.

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

Findings required to approve Planned Residential Development.

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

Burden of Proof.

The applicant bears the burden of proof to establish by a preponderance of the evidence that their preliminary plat application is consistent with state law, city codes and standards. *Rule 3.9, HEx Rules of Procedure*. Any decision to approve or deny a Preliminary Plat must be supported by evidence that is substantial when viewed in light of the whole record. *See RCW 36.70C.130(1)(c)*.

III. ISSUE PRESENTED

Whether a preponderance of evidence demonstrates that the applicant has satisfied its burden of proof to satisfy the criteria for Planned Residential Development and Preliminary Plat approval?

Short Answer: Yes, subject to conditions of approval, including the additional tree replacement feasibility requirements stated below.

IV. FINDINGS OF FACT

Upon consideration of all the evidence, testimony, codes, policies, regulations, and other information contained in the file, the undersigned Examiner issues the following findings, conclusions and Decision approving the Noll Pointe planned residential development and preliminary plat as set forth below.

1. Any statements in previous or following sections of this document that are deemed findings of fact are hereby adopted as such and incorporated by this reference.
2. This matter is a consolidated Type III application seeking approval of a proposed Planned Residential Development (PRD) and Preliminary Subdivision, assigned Planning File No. P-09-

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10-25-01. The PED Staff Report, prepared by Senior Planner Edie Berghoff and dated June 16, 2026, recommends approval subject to SEPA mitigation and conditions. (*Ex. 1, at 1, 6*).

3. The Staff Report identifies Entitle Fund Five, LLC as Applicant, Geoff Sherwin, PE, as its representative, KPFF Consulting Engineers and Elise Callahan, PE as the agent, and Leroy Christiansen, Frank Colacurcio, Jr., and Pat Colacurcio as owners. (*Ex. 1, at 6*).

4. The property at issue is a single vacant, forested parcel between NE Lincoln Road on the west and Noll Road NE on the east, assigned Kitsap County tax parcel number 132601-1-018-2008. The Staff Report describes the site as approximately 15.12 acres; the April 23, 2026 WFCI forest inventory uses 15.05 acres. The two acreage figures are attributed to their respective records rather than assumed to be interchangeable, the difference is not a material issue preventing review and reaching a final decision on this matter. (*Ex. 1, at 6; Ex. 18, at 1–4; Ex. 52, Attachment 1*).

5. The property was included in the City’s “Noll Road Annexation,” which was effective on or about December 30, 1996. A prior subdivision application was submitted for this same property at some point in 2009, which was abandoned in 2019. An overhead Puget Sound Energy high-voltage line and easement cross a western portion of the property; a separate access easement crosses the northeast corner to serve property to the north. (*Ex. 1, at 6*).

6. The proposed subdivision contains 69 detached single-family lots with associated streets, sidewalks, stormwater controls, water and wastewater improvements, open space, recreational facilities, and landscape/tree protections. Staff identifies approximately 2.27 acres of open space. (*Ex. 1, at 6; Exs. 4–15*).

7. The site is assigned the Residential Low (RL) comprehensive-plan and zoning designation. Neighboring developed residential lands are located to the north, south and west; Noll Road and county-designated rural residential land lie to the east. Staff confirms that the proposed detached single-family use is expressly permitted in the RL zoning district. (*Ex. 1, at 6, 14–16*).

8. The PRD process authorizes specified flexibility in lot configuration and development standards while requiring appropriate open space, amenities, circulation, buffering, preservation, and compliance with applicable approval criteria. Staff reviewed the lot dimensions, density, coverage, setbacks, and other RL/PRD standards in its analysis. Actual building setbacks, height and lot coverage remain subject to building permit review. (*Ex. 1, at 16–25; proposed Conditions P4, P50–P53*).

9. The Staff Report addresses preliminary-subdivision approval criteria under PMC 17.60.040, including land-division conformance and adequate provision for drainage, roads, utilities, public health, parks, schools, sidewalks, critical areas and emergency access. The City Engineer supports approval subject to conditions. These criteria remain governing requirements

and are not displaced by PRD design flexibility. (*Ex. 1, at 10–13; Engineering Conditions E1–E49*).

10. The record includes a 2009 wetland assessment for the project site that identified a small Category III wetland and seasonal drainage feature. More recent investigations by Wetland Resources, Inc., revised October 29, 2025, evaluated those mapped resources using present delineation methods and reported no jurisdictional wetlands, streams, or fish and wildlife habitat conservation areas on the site. The applicant submitted further explanation on May 26, 2026 in response to public comments. (*Ex. 1, at 8–9; Exs. 16, 17, 30*).

11. The City retained Grette Associates, a division of Farallon Consulting, for independent critical-areas peer review. Grette reviewed the materials and field conditions, agreed that the formerly mapped wetland did not presently meet wetland criteria, and concluded that no qualifying stream conditions occurred on site or within 300 feet. Staff relied on the technical report and peer review to find compliance with PMC Chapter 16.20. (*Ex. 1, at 9; Exs. 16–17*).

12. The site is in identified municipal-well time-of-travel zones and an aquifer recharge area of concern. Staff concluded that the proposed single-family residential use does not itself trigger the hydrogeologic-report requirement for the uses described in PMC 16.20.515, and that stormwater measures will remain governed by applicable design standards. (*Ex. 1, at 9–10; Exs. 20–21*).

13. The geotechnical investigation for the project site describes dense to very dense glacial till and generally negligible infiltration potential. The Staff Report explains that the stormwater system is consequently designed to convey and detain water rather than assume substantial infiltration. Final engineering and drainage reports and construction-phase erosion controls are subject to Engineering Department review and approval. (*Ex. 1, at 11; Exs. 20–21; Conditions E11–E20*).

14. Engineering conditions require an approved stormwater system, temporary erosion controls, a state construction stormwater permit where applicable, and maintenance of the detention system by the developer for the minimum period set out in Condition E17 before the City assumes responsibility upon acceptance. These are material protections against construction and post-construction drainage impacts. (*Conditions E11–E20*).

15. Water and sanitary sewer service will be provided by City systems. The water system includes a Lincoln Road primary connection and proposed loop connection to Noll Road; a gravity sewer connection is proposed to the existing Noll Road main. Construction, offsite extensions, phasing and final engineering details remain subject to the conditions. (*Ex. 1, at 11, 25; Conditions PW1–PW18, E21–E28*).

16. The subdivision provides roadway access westward to Lincoln Road and eastward to Noll Road. Staff identified two access/egress points for emergency access, interior streets designed to City standards, and fire hydrant spacing. The proposed Road C will extend to the northern boundary to allow future connectivity. (*Ex. 1, at 12, 25; Conditions E29–E40*).

17. The project requires improvements along the Noll Road frontage, and the SEPA conditions require coordination with Kitsap County regarding frontage and driveway work within County right-of-way. The record includes the interlocal agreement with Kitsap County and transportation studies and concurrency materials. (*Exs. 23–25, 35, 37, 43, 45; SEPA Conditions S2–S4; Engineering Conditions E24, E37*).

18. Traffic and pedestrian safety were addressed by the applicant’s traffic-concurrency and impact analyses and City Engineering review. Conditions provide for sight-distance certifications, ADA-compliant intersections and pedestrian facilities, street lighting, intersection treatments, transportation impact fees, and roadway signage. (*Exs. 22–24, 37; Conditions E31–E40*).

19. The proposed PRD includes an approximately 6,373-square-foot park in Tract F, with playground structures, two in-ground slides, a gazebo, accessible picnic table, seating, landscaping, and interpretive features. The amenity and landscape materials illustrate the intended facilities; applicable conditions require commercial-grade improvements and appropriate playground-safety and ADA standards. (*Ex. 1, at 11–12; Exs. 5–15; Conditions P41–P49*).

20. Tract H provides a mid-block pedestrian connection between Roads A and D over a stormwater-pipe corridor. An approximately 800-foot gravel-surface trail in Tracts B and C connects toward the City shared-use path along Lincoln Road and a potential future northern connection. Public-access designation is required on the final plat, with HOA maintenance responsibilities. (*Ex. 1, at 12, 21; Conditions P41, P47–P48, P58*).

21. The Staff Report states that North Kitsap School District received notice and had not requested site-specific facilities or mitigation. Sidewalk and bus-stop considerations remain subject to City and district requirements. School proximity and safe walking conditions are discussed under the preliminary-subdivision criteria. (*Ex. 1, at 12*).

22. The proposal includes a home design package and sample lot-fit materials. The conditions require substantial conformity with proposed architectural designs, variety between adjacent homes, and later review of building permits, including the treatment of side and rear façades facing streets. (*Exs. 13–15; Conditions P50–P53*).

23. PMC 18.260.070(B) addresses perimeter screening adjacent to single-family residential property and authorizes measures such as a six-foot sight-obscuring fence or vegetated buffer. Staff evaluated the project perimeter and recommended fencing and retained vegetation in

different locations, including the south boundary adjoining existing homes. (*Ex. 1, at 19–20; Conditions P54–P56*).

24. On the south side, Staff identified sight-obscuring fencing along the rear property lines of Lots 41–51 and retention areas in Tracts C and E. Staff noted that the adjoining subdivision’s lot sizes, widths, depths and two-story housing forms are generally similar to the corresponding Noll Pointe lots. (*Ex. 1, at 19–20*).

25. The Planning Commission conducted its meeting for purposes of generating a recommendation for consideration by the Hearing Examiner on June 23, 2026. Its findings, conclusions and recommendation are included in the record as Exhibit 40 and include modifications to proposed Conditions P1, P38 and P40. Those modifications and the subsequent proposed conditions must be read together; the Examiner adopts only the final conditions attached to this Decision. (*Exs. 38–40; proposed Conditions of Approval*).

26. The City’s SEPA Responsible Official issued a Mitigated Determination of Nonsignificance. The applicable mitigation concerns protected species and coordinated roadway improvements on and off the east side of the property. The imposed measures are carried into the Conditions of Approval as Conditions S1–S4. (*Exs. 41–47; proposed SEPA Conditions S1–S4*).

27. The July 16, 2026 public hearing provided an opportunity for staff, the applicant team and interested residents to present evidence or comments. Interested members of the public raised questions and concerns involving vegetation, alleged wetland or drainage features, tree cutting and retention, wind effects and adjoining property issues, roadway/access matters and screening. (*Exs. 48–49; Testimony from local residents*).

28. Mr. Jeffrey Flood questioned which mature trees would be removed or retained, the effects of removing surrounding trees upon those left standing, and related effects on adjoining homes. These concerns are relevant to the wind exposure, tree-risk assessments, root-protection procedures, and post-clearing arborist inspections required in this Decision. The qualified arborist reports and the City’s independent peer reviews, not assumptions about the outcome of clearing, provide the technical basis for the associated conditions. (*Public hearing testimony; Exs. 18–19, 48–49, 52*).

29. Ms. Donna Malone asked about access and easement arrangements and whether trees removed during development would be replaced. Mr. Sherwin and City representatives addressed development arrangements and applicable requirements. The Examiner considered those concerns together with the access and roadway drawings, easement documents, tree mitigation requirements, and conditions governing modifications to approved plans. Mr. Lockhart, Mr. Float, and Ms. Float also provided written comments, addressed by the applicant and staff in the exhibits. (*Public hearing testimony; Exs. 4, 25–31, 36, 48–49, 54–56*).

30. The Examiner has considered the concerns of neighboring property owners. Their observations about site conditions, loss of screening, construction impacts, and tree exposure warrant careful attention and conditions; however, the public comments in the record do not include a competing professional arboricultural, geotechnical, or wetland delineation report that affirmatively rebuts the principal site-specific determinations of the applicant's licensed or qualified technical consultants and the City's peer reviewers. This finding addresses the technical proof provided, not the sincerity or relevance of neighbors' observations. (*Exs. 16–21, 26–31, 54–56*).

31. The original Tree Protection Plan prepared by Washington Forestry Consultants, Inc., dated April 23, 2026, projected approximately 2,631 significant trees, of which 1,991 were classified healthy. It identified a twenty-five-percent baseline of 498 qualifying significant trees, proposed retention of 268 significant trees, and 87 smaller retained trees totaling 304 diameter inches, with a resulting numerical shortfall of 230 significant trees. (*Ex. 18, at 3–6; Ex. 52, Attachment 1, at 3–6*).

32. The original plan proposed replacement with 230 trees consisting of two-inch-caliper deciduous or six-foot-tall evergreen stock. The original landscape concept contemplated supplemental planting within retained forest areas. The City Arborist raised concerns that adding trees to healthy mature forest stands could compromise long-term viability. (*Ex. 1, at 15–16; Exs. 18–19; Condition P20*).

33. Site soils in the WFCI report include Poulsbo gravelly sandy loam and Kapowsin gravelly ashy loam. The report identifies shallow effective rooting depths in portions of the site, seasonally perched water tables, and a moderate windthrow potential under normal conditions, with additional winter windthrow risk under saturated soil conditions. (*Ex. 18, at 2–3; Ex. 52, Attachment 1, at 2–3*).

34. The Tree Protection Plan explains that removal of surrounding vegetation can increase wind exposure of remaining trees and that retained groups may be more viable than scattered individual specimens. Protection methods include fencing outside root protection zones, restrictions on excavation and heavy equipment, coordination with a certified arborist, and follow-up assessment after clearing. (*Ex. 18, at 4–6; Conditions P22–P31*).

35. The City obtained multiple independent tree-retention reviews, including Sound Urban Forestry and Peninsula Environmental Group, culminating in Peninsula Environmental's September 2, 2026 supplemental memorandum. Staff describes this record as iterative technical review of retention quantities, replacement sites, survival, stocking density and site constraints. (*Ex. 19; Ex. 52, Attachments 2–5*).

36. The Examiner's August 26th Order reopened the record because the original tree count did not provide a complete calculation of the diameter inches required, retained, credited from smaller trees, and replaced under PMC 18.180.030(B) and .040(A). The Order requested both City and applicant explanations of code meaning and the proposal's compliance. (*Ex. 51, at 2–5*).

37. The City, through Senior Planner Berghoff, responded that PMC 18.180.040(C) may be applied as a separate alternative to the equivalent-diameter approach under subsection (A), provided proposed replacement vegetation is appropriate to site conditions and supported by the required landscaping and maintenance program. The applicant's arborists advanced a similar interpretation. Neither submission presented an independent memorandum from legal counsel in the supplied supplemental exhibits. (*Exs. 52–53*).

38. The introductory phrase in PMC 18.180.040 permits the review authority to approve an alternative where the proposal satisfies one of the listed alternatives. This language supports considering subsection (C) as a potentially distinct approach; it does not, however, establish a right to replace mature qualifying trees with newly planted trees at a universal numerical ratio. Subsections (A) and (B) expressly refer to equivalent diameter inches, and subsection (C) does not supply a substitute numerical formula. (*PMC 18.180.030(B); PMC 18.180.040(A)–(D); Exs. 51–53*).

39. Staff's interpretation is that the 230-tree figure reflects professional evaluation of this specific proposal, not an automatic rule that one new tree equals one retained tree. Staff expressly disclaims a generally applicable one-for-one standard. This Decision accepts the site-specific alternative on the evidence presented and does not adopt the broader administrative interpretation that diameter becomes irrelevant whenever an applicant invokes subsection (C). (*Ex. 52, at 4–5*).

39A. In interpreting the local land-use provisions, the Examiner recognizes that Washington courts accord appropriate weight to reasonable interpretations of ambiguous ordinances by officials responsible for their administration, while independently examining ordinance text and legislative purpose. *See Milestone Homes, Inc. v. City of Bonney Lake*, 145 Wn. App. 118, 127–30, 186 P.3d 357 (2008); *Ellensburg Cement Products, Inc. v. Kittitas County*, 179 Wn.2d 737, 743–44, 317 P.3d 1037 (2014); *RCW 36.70C.130(1)(b)*. The Examiner has independently reviewed PMC 18.180.030 and .040, and gives appropriate weight to staff's reasonable code analysis and the City Arborist's specific professional judgments, without finding an established mandatory one-for-one replacement formula or allowing administrative practice to override express code language. The adequacy of this proposal remains dependent on the evidence in this record and strict compliance with its conditions.

40. The September 2nd City Arborist memorandum evaluates the amount of suitable land necessary to establish replacement vegetation. Staff reports that approximately 1.7 acres of suitable growing space would be needed for the proposed 230 replacement trees at the reviewed density,

whereas an equivalent-diameter replacement calculation could require approximately 1,122 trees and about eight acres. The arborist cautions against crowding and excessive competition for light, water and nutrients. (*Ex. 52, at 3–5 and Attachment 5*).

41. The City Arborist concluded that replacement plantings should be located outside the existing healthy retained forest because interplanting in healthy native stands could reduce rather than improve ecological function. Staff accepted that recommendation and would require five years of establishment and maintenance assurance. (*Ex. 52, at 3–5 and Attachment 5*).

42. Staff's revised position consequently differs materially from an unqualified endorsement of the initial plan to interplant 230 replacement trees within retained forest areas. The record now conditions acceptability upon suitable separate planting locations, adequate growing space, survival and maintenance measures, and City Arborist review. (*Ex. 1, at 15–16; Ex. 52, at 3–5; proposed Condition P20*).

43. Mr. Dana Lockhart submitted a supplemental written comment questioning where approximately 1.7 acres of suitable replacement-tree growing area could be located, and whether accommodating that space could affect proposed residential lots. Mr. Lockhart suggested consideration of a vegetated buffer in the vicinity of Lots 41–51 to provide additional planting space and separation from neighboring homes. The Examiner does not assume his suggested layout has been established as feasible, but the concern highlights the need for a complete, dimensioned plan prior to land disturbance. (*Ex. 54, Mr. Lockhart comment; Ex. 55*).

44. Mr. Jeff Float and Ms. Jan Float submitted supplemental comments regarding removal of mature trees near their property, wind exposure following clearing, the adequacy of a six-foot screening fence, and new evergreen planting along the southern perimeter. The record includes their concern about an approximately 800-foot shared boundary near Avondale Glen and the removal of mature trees near Lots 41–51. Their observations are relevant to screening and risk assessment, although a privacy fence is not a windthrow mitigation measure. (*Ex. 54, Mr. and Ms. Float comments; Exs. 55–56*).

45. Staff responded that the City had not approved final locations for all 230 replacement trees; appropriate areas might be redistributed among tracts or elsewhere on the property, and future changes to project configuration might be necessary. Staff declined to mandate a continuous 25-foot vegetated buffer solely on the basis of the supplemental comments, but acknowledged that perimeter areas might be feasible planting sites. (*Ex. 55, at 1–3, 5*).

46. Staff acknowledged that a six-foot screening fence does not function as windthrow mitigation. Staff concluded that the arboricultural reports and protective conditions, rather than a fence, govern the windthrow issue. Staff also explained that no general requirement had been

established to preserve each on-site tree near a boundary solely to protect off-site trees from increased wind exposure. (*Ex. 55, at 2–3*).

47. The observations of Mr. and Ms. Float concerning wind exposure and adjoining trees, and Mr. Lockhart’s proposal for additional buffering, merit consideration in final design. Exhibit 54 does not include a contrary professional replacement-tree stocking analysis or a site engineering plan establishing the feasibility of a particular buffer. The City and applicant submitted written responses. The Examiner therefore requires additional plan-level proof and independent review rather than treating the neighbors’ proposals or the original generalized replacement proposal as an approved final design. (*Exs. 52–56*).

48. The record contains no competing analysis from qualified professionals establishing that strict retention of every qualifying tree, or use of the equivalent-diameter-inch formula without consideration of planting conditions, would yield a superior outcome on this property. The applicant’s report and the City’s independent reviews instead support retaining viable groups, protecting root areas, and limiting stock density to preserve long-term survival. This is a comparison of technical evidence, not a finding that lay participants are barred from contributing pertinent observations. (*Exs. 18–19, 52–56*).

49. The preponderance of competent evidence supports the City’s exercise of discretionary authority under PMC 18.180.040(C) to approve this particular combination of significant-tree retention and replacement planting, notwithstanding the difference between the number of mature trees removed and the number of young replacement trees installed. That determination depends upon site-specific studies and recommendations, not on an automatic numerical equivalency. (*Exs. 18–19, 52–53*).

50. The detailed evidence in this case is essential. Subsection (C) uses general language; it does not relieve future applicants from providing precise site-specific information concerning existing tree dimensions, condition, root and soil conditions, wind exposure, viable retention groups, mitigation areas, growing space, stock densities, and long-term maintenance. A bare assertion of one-for-one replacement, unsupported by qualified professional evidence, is insufficient to establish compliance and should not be approved without curing the deficiency. (*PMC 18.180.030, .040, .060; Exs. 51–53*).

51. This Decision does not establish or endorse one-for-one replacement as a general construction of PMC 18.180.040(C). Each application stands on its own record, and existing tree diameter remains relevant to application of the chapter. Staff and future applicants should not cite this approval as an administrative shortcut around the express diameter-related standards. The City Council may choose to amend or clarify the broadly worded alternative-retention provisions to specify quantitative or evidentiary requirements and improve uniform application. (*PMC 18.180.030(B), .040(A)–(D)*).

52. The evidence does not yet establish the specific planting locations for all 230 replacement trees or demonstrate in a final plan how all required growing space will be made available without materially changing the preliminary configuration. Approval must therefore be accompanied by an enforceable, pre-clearing requirement for a revised planting/retention plan showing sufficient suitable land outside healthy retained stands, with City Arborist verification and appropriate land-use review if material preliminary-plat revisions are necessary. (*Exs. 52, 54–55; Conditions P7, P19–P20*).

53. A development condition requiring actual demonstration of feasible replacement-tree placement before tree cutting, clearing and grading is essential to this decision. The condition must not permit administrative reduction in the 230-tree obligation or planting inside healthy retained forests merely because final design is inconvenient. Any major changes in lots, tracts, roads or other approved elements shall undergo the applicable modification process. (*Ex. 52, at 4–5; PMC 17.60.070; Conditions P7, P19–P20*).

54. The final plat and CC&Rs must identify and maintain common open-space and amenity tracts, tree-retention responsibilities, public-access trail obligations, recreation facilities, screening, and other shared facilities. The conditions preserving obligations notwithstanding amendment or dissolution of an HOA or its covenants are binding land-use conditions. (*Conditions P57–P65 and Examiner Condition H*).

55. Conditions of approval require compliance with state and federal permits, completion of infrastructure, protective fencing, erosion controls, recreational amenities, final engineering, landscaping and tree establishment security, and verification before final plat. The Examiner finds these conditions necessary to support the approval criteria; they are not a substitute for demonstrating feasibility of the specific replacement-tree obligation before clearing. (*Conditions S1–S4, P1–P65, E1–E49, PW1–PW31; Examiner-added condition below*).

56. Except as expressly addressed or modified in this Decision, the Staff Report provides a detailed evaluation of the project under the City’s preliminary-subdivision and PRD standards. The Examiner adopts its supported substantive findings regarding use, density, circulation, utilities, critical areas, open space, amenities and applicable mitigation, insofar as consistent with these findings and conditions. (*Ex. 1, at 8–26; Exs. 16–25, 38–40*).

57. The application, as conditioned, makes adequate provision for the public health, safety and welfare and for the infrastructure, parks and recreation, pedestrian connections, emergency access, school-related circulation, and environmental protections required by PMC 17.60.040 and PMC 18.260.140. The applicant has carried its burden by a preponderance of the evidence, subject to strict compliance with all conditions, including the planting feasibility condition. (*Ex. 1, Staff Report; Exs. 20–25, 38–40, 52–56*).

58. The Examiner finds that the conditions imposed by this Decision establish enforceable requirements for determining whether the proposed replacement-tree mitigation can be implemented consistently with the preliminary subdivision approval. The professional evidence supports the proposed mitigation approach, but does not establish that the final planting configuration has already been demonstrated. No tree cutting, clearing, grading, or other site disturbance may proceed until the supplemental reports and plans required by Examiner Conditions F through J have been approved and any necessary preliminary subdivision modification proceedings have been completed. This Decision does not authorize the City to approve a materially different subdivision through administrative review of final engineering or landscaping plans. (*Exs. 18–19, 52, 54–55; PMC 17.60.070*).

58A. A significant limitation of the original application is that neither the initial arborist report nor the original proposed landscape plan fully demonstrated the location, acreage, soil conditions, spacing, and long-term growing space for all 230 replacement trees outside healthy retained forest. The City Arborist’s subsequent September 2, 2026 review supplies a credible ecological explanation for the recommended planting quantity and the approximate 1.7-acre requirement, but expressly leaves the final layout to later permit submittals. This limitation is material and warrants the strict pre-disturbance approval conditions imposed below. (*Exs. 18–19, 52, Attachment 5; Ex. 55*).

58B. The record does not establish that the replacement planting areas can be obtained without changing the approved layout. Accordingly, the final plan shall not be approved merely because an arborist endorses the general alternative methodology. Before issuing land-disturbing permits, the City must obtain a complete project-arborist report and plan-level demonstration addressing tree locations, species, size, stocking and mature growing space, constraints from grading, drainage, utilities and easements, impacts on retained trees, maintenance and establishment, and the feasibility of the full 230-tree commitment. Independent City Arborist review shall be documented in writing. Any resulting change to the preliminary plat is subject to the classification and procedures in PMC 17.60.070, not merely staff acceptance of altered engineering or landscaping sheets. (*Exs. 52, 54–55; PMC 17.60.070*).

59. Except as expressly modified by these findings and the conditions attached to this Decision, the Staff Report, Addendum No. 1, and supplemental staff submissions provide additional supported findings regarding applicable development requirements. Their incorporation does not displace any more specific determination of the Examiner in this Decision. (*Exs. 1, 1A, 50, 52, 55*).

60. Upon consideration of all the evidence in this Noll Pointe record, the undersigned Examiner finds that the conditioned development makes appropriate provision for the considerations required by applicable law and that public use and interest will be served by the preliminary subdivision and associated improvements.

61. The conditions, including the pre-disturbance demonstration of tree-replacement feasibility and required land-use modification review, are necessary components of approval; the replacement-tree alternative is not approved free of those requirements.

V. CONCLUSIONS OF LAW

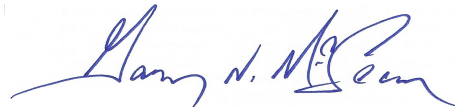
1. Based on the Findings as summarized above, the undersigned examiner concludes that the proposed Noll Pointe Planned Residential Development and Preliminary Plat, as conditioned below, conforms to all applicable zoning and land use requirements and appropriately mitigates potential adverse environmental impacts. Upon reaching such findings and conclusions as noted above, the application meets the standards necessary to obtain approval by the City.

2. Any Finding or other statements in previous or following sections of this document that are deemed Conclusions of Law are hereby adopted as such and incorporate herein by reference.

VI. DECISION

Based upon the preceding Findings of Fact and Conclusions of Law, evidence presented through the course of the open record hearing, all materials contained in the contents of the record, and site visits to the affected area, the undersigned Examiner APPROVES the Noll Pointe Planned Residential Development and Preliminary Plat, Planning File No. P-09-10-25-01, subject to the attached Conditions of Approval.

Decision issued: October 16, 2026.



Gary N. McLean
Hearing Examiner for the City of Poulsbo

CONDITIONS OF APPROVAL

Noll Pointe Planned Residential Development and Preliminary Plat

File No. P-09-10-25-01

[NOTE: For convenience of the parties, these conditions are generally organized and numbered as they were presented with the Staff Report. The use of captions, numbering, or sections has no substantive effect regarding the full scope or applicability of any condition to various aspects of the project, wherever they might be located].

General Conditions added by the Examiner.

- A. Approval of the preliminary plat and planned residential development is expressly conditioned upon compliance with all applicable Conditions of Approval. Failure to satisfy a condition may prevent issuance of subsequent permits or final plat approval and may subject the development to enforcement or other remedies authorized by applicable law.
- B. No construction or site development activities related to the plat may be undertaken until required land-use and engineering approvals become effective, and the City and other regulatory authorities with jurisdiction issue applicable permits.
- C. The applicant shall comply with all professional report conclusions and recommendations submitted in connection with the preliminary plat and engineering reviews, as approved and or amended by the City.
- D. Applicant shall be responsible for consulting with state and federal agencies, and tribal entities with jurisdiction (if any) for applicable permit or other regulatory requirements. Approval of a preliminary plat does not limit the applicant's responsibility to obtain any required permit, license or approval from a state, federal, or other regulatory body. Any conditions of regulatory agency permits/licenses/approvals shall be considered conditions for this project.
- E. The final engineering plans and submittals necessary to obtain final approval of the plat shall conform to all applicable provisions of the Poulsbo Municipal Code and the Conditions of Approval herein.
- F. Before issuance of a Tree Cutting and Clearing Permit, Grading Permit, or any other permit authorizing removal of trees, clearing or site disturbance, the Applicant shall provide a revised, coordinated Tree Protection Plan, full professional arborist supplemental report, and dimensioned Final Landscape Plan for City review and written approval. The submittals shall identify the exact proposed locations of all 230 replacement trees outside healthy retained forest stands, their species and planting sizes, spacing, available soil and

rooting volumes, long-term canopy and growing-space assumptions, irrigation and establishment methods, mortality replacement, and the approximate 1.7 acres of suitable planting area identified by the City Arborist, or a professionally supported alternative showing equally adequate space. The plans shall be overlaid on lot lines, roads, grading, retaining walls, drainage facilities, underground and overhead utilities, easements, open space and other approved development features. A conceptual assertion that adequate area can be found later does not satisfy this condition. The City Arborist shall independently review the complete submittal and provide a written determination addressing feasibility, tree health and long-term survival before any land-disturbing permit issues. (Ex. 52, Attachment 5).

- G. The City shall not administratively reduce the minimum 230 replacement-tree requirement, place those trees inside healthy retained forests, or authorize development inconsistent with the approved Tree Protection Plan. Before approval of revised permit drawings, the PED Director shall make a written classification of any changes to lots, tracts, access, streets, utility corridors, open space or amenities under PMC 17.60.070. A qualifying minor modification shall receive the applicable Type II review and notice; a major modification shall undergo Type III review by the original approval authority, including the required public hearing; and changes requiring a new preliminary subdivision application under PMC 17.60.070 shall not proceed as a staff-level plan revision. Required public notice and opportunity for participation shall not be bypassed by treating a substantive plat redesign as landscaping or engineering implementation. The five-year establishment and maintenance assurance required by Ex. 52 and Condition P20 remains mandatory.
- H. The conditions imposed in this Decision, including tree-retention, replacement, open-space, amenity, public access, and maintenance obligations, shall remain binding conditions of this land use approval and shall not be extinguished by amendment, expiration, dissolution, or termination of any homeowners association or CC&Rs, absent a later land use approval lawfully modifying the obligation.
- I. The Applicant's ISA-certified project arborist shall prepare a supplemental written report, with supporting plan sheets and quantified calculations, documenting existing forest conditions and the feasibility of the complete retention-and-replacement proposal. At minimum, it shall evaluate the retained stand boundaries and critical root zones, anticipated post-clearing wind exposure and risk to neighboring residences, grading and utility conflicts, areas suitable for replacement, mature growing-space requirements, planting species and stock, spacing, soil and drainage characteristics, and any proposed changes to lot or tract configurations. The report shall reconcile the proposed planting plan with the September 2, 2026 City Arborist recommendations and identify each material difference from the preliminary plan. The City's independent arborist shall review and either approve with written findings or identify specific deficiencies requiring correction before site disturbance.
- J. Before issuance of any land-disturbing permit, the PED Director shall document that the required replacement planting, retained-tree protection, public-access paths, stormwater

facilities, perimeter screening and PRD open-space/amenity requirements remain achievable together, and that any required plat-modification process has been completed. Final plans shall not transfer the planting obligation to public right-of-way street trees, already-stocked retained forest, or offsite property without a separately authorized lawful approval. Final plat and recorded HOA instruments shall provide for continuing protection, monitoring, replacement of failed mitigation trees, and the full five-year maintenance assurance. Nothing in this condition authorizes the City to waive substantive development standards or conduct a major subdivision modification without public review.

**Conditions based on those proposed by Staff, as modified by the Examiner
based on facts and evidence included as part of the record.**

SEPA Mitigation measures imposed by the City's SEPA Responsible Official:

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.

Transportation

- S2. Frontage improvements per City and Kitsap County standards shall be constructed along the project's Eastern property line. These improvements shall continue South off-site to connect with the existing nonmotorized improvements constructed by the adjacent Avondale Glen (Noll Valley Loop) subdivision. Frontage improvements shall include curb, gutter & sidewalks, city required landscaping adjacent to the right-of-way, and bike lane, these improvements shall be coordinated with and permitted through Kitsap County.
- S3. The driveway approach North of the north property line shall be permitted and constructed as an Urban Driveway Approach (Type 1) per Kitsap County requirement.
- S4. Frontage and driveway improvements shall be shown on grading permit drawings submitted to the city. Permits necessary for improvements and work in County right-of-way shall be received from Kitsap County prior to city Grading Permit issuance. Improvements must be inspected and accepted by Kitsap County prior to final plat application submittal.

Planning and Economic Development Departments Conditions of Approval:

General

*Findings, Conclusions and Decision Approving
Noll Pointe PRD and Preliminary Plat Applications –
File No. P-09-10-25-01*

- P1. Development of the site shall be in conformance with the plan set and associated documents identified in Exhibits C through E, stamped approved in Planning File No. P-09-10-25-01 and subject to the conditions of approval contained herein.
- P2. Development of the site shall also be in conformance with the reports and peer review documents identified in Exhibits C.
- P3. Lots cannot be created, sold, or marketed for sale until final plat approval is granted and the plat map is recorded with the Kitsap County Auditor. Final plat approval is a separate process from the preliminary subdivision approval process.
- P4. Setbacks, building lot coverage, and building height shall be reviewed at time of building permit submittal. Setbacks shall be measured from property lines. Garages are to be setback 20 feet providing driveway parking without overhang on road or access tract as identified in application documents.
- P5. Park impact fee is required with this project. Fee is determined at the time of building permit issuance according to the current code requirement.
- P6. Site lighting is to be oriented and shielded to avoid direct glare onto adjacent properties and critical area buffer, while providing adequate safety, including along off-street walking paths.
- P7. Modifications to preliminary subdivisions are reviewed under PMC 17.60.070 as currently adopted. Where significant deviation from the approved plan is proposed, the revision will be considered a major modification under the initial approval review authority.
- P8. Within 5 years following the approval of the preliminary subdivision, or as otherwise stipulated in RCW, a final plat shall be submitted to the city for review and approval, or preliminary subdivision becomes void.
- P9. Prior to issuance of any permits related to the construction of the retaining walls, appropriate property rights, including temporary construction easements and permanent wall maintenance easements on impacted adjacent properties, must be obtained authorizing the construction of the boundary walls.
- P10. 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.
- P11. It shall be the responsibility of the developer/property owner to coordinate with and receive any necessary permits of other agencies, including Washington State Department of Ecology, Washington State Department of Fish and Wildlife, US Army Corps of Engineers, US Environmental Protection Agency, prior to commencing work requiring said permits.

Tree Cutting and Clearing (TCC) Permit

- P12. A TCC permit application shall be submitted and reviewed concurrently with the Grading application. The application form and associated fees are available on the PED Department website.
- P13. Construction notes on TCC and Grading permits shall clearly state tree protection fencing shall be installed prior to site grading.
- P14. Construction notes on TCC and Grading permits shall clearly state tree retention areas shall have native understory vegetation maintained and invasive species may be removed using hand or small mechanical equipment following methods recommended by the project arborist. Where vegetation must be removed planting native species or 4-inches or greater depth mulching is required. Inspection by City Arborist may be required and will be at developer expense.
- P15. A detailed work phasing plan shall be submitted with the TCC permit.
- P16. The TCC and grading permits shall be “closed-out” prior to submittal of the final plat application.

Tree Retention

- P17. A final tree retention plan shall be submitted with and shown on the TCC and Grading permits and reviewed by the City Arborist, at the cost of the applicant.
- P18. Pricing details for replacement trees shall be shown in TPP or Landscape Plans, per PMC 18.180.040. This includes tree species, quantity, size, price per tree, and installation labor.
- P19. Tree retention is a combination of retained trees 6-inches and greater measured 4 ½ feet above ground (DBH), smaller trees measuring in equivalent inches, and replanting trees. A minimum of 230 replanting trees are required. Replanting trees may be a combination of 6-foot tall evergreen or 2-inch caliper deciduous trees similar to the makeup of the existing site forest. Street trees do not contribute to tree retention requirements
- P20. Replacement Tree Planting and Maintenance. The Applicant shall provide a minimum of 230 replacement trees, in addition to the existing significant trees required for retention. All required replacement trees shall be planted outside the designated healthy retained forest stands and within suitable growing areas identified in a revised Tree Protection Plan and Final Landscape Plan approved by the City following independent review by the City Arborist. Planting locations, species, sizes, spacing, available growing space, establishment irrigation, monitoring, and replacement of unsuccessful plantings shall comply with Examiner Conditions F through J and the professional recommendations identified in Exhibit 52, including the September 2, 2026 supplemental City Arborist memorandum. No planting of required replacement trees within the healthy retained forest stands is authorized by this Decision. Street trees shall not be credited toward the minimum 230-tree replacement requirement. A maintenance assurance device covering a minimum five-year establishment and maintenance period shall be required in accordance with PMC 18.180.040(D) and applicable City requirements.
- P21. The PED Director may select a third arborist to review tree retention in the event the project arborist and City Arborist cannot agree on tree retention.

- P22. Trees and tree retention fencing shall be shown on tree cutting and clearing plans, construction civil plans and landscape plans.
- P23. Tree protection measures and arborist identified order of development found in final arborist report as approved by the City Arborist shall be included on grading and tree cutting and clearing permit drawings.
- P24. Tree Protective Fencing.
- a. Details on tree protection fencing shall be included in drawings submitted with the TCC and Grading permits.
 - b. No site work shall take place on the site until tree protective fencing is installed.
 - c. Tree marking and installation of protective fencing shall be under supervision of ISA certified project arborist, and inspected by City Arborist, at the cost of the applicant.
 - d. Tree protection fencing shall be installed 5 feet outside the dripline of trees to be retained.
 - e. No mechanical equipment or work shall be permitted inside protective fencing.
 - f. No storage, equipment, or vehicular traffic shall be permitted inside protective fencing.
 - g. Tree protective fencing shall be shown on all submitted materials including construction and landscape drawings.
 - h. Protective fencing shall not be moved or removed without consultation with the City Arborist.
- P25. The recommendations of the April 23, 2026 Tree Protection Plan prepared by Washington Forestry Consultants, Inc. (Ex. 18), the City Arborist peer reviews (Ex. 19 and Ex. 52, Attachments 2–5), and any subsequently approved supplemental tree protection and planting plans required by Examiner Conditions F through J shall be followed, except where expressly modified by this Decision. Applicable recommendations shall be incorporated into the TCC and Grading permit plans and field practices.
- P26. The ISA certified project arborist shall be on site to observe and direct tree protection measures to ensure all recommendations of the arborist report and City Arborist peer review are followed.
- P27. Tree marking and protection fencing shall be under the supervision of project arborist and when completed, the city is notified for inspection by the City Arborist, at the cost of the applicant.
- P28. The project arborist and their contact information shall be identified at the preconstruction meeting.

- P29. Prior to work commencing on the site the project contractor, developers project arborist, city inspector and City Arborist are to meet on site for a preconstruction meeting to review the clearing limits and tree protection measures at the expense of the applicant. The developer may also attend the meeting.
- P30. A follow-up risk assessment of the proposed retention tree areas shall be conducted by the project arborist once the tree cutting, clearing and grading has occurred, and submitted to the city for peer review. If needed, the tree retention numbers shall be amended to reflect any necessary removals and additional plantings, and an arborist report shall be provided to the City prior to close-out of the TCC permit and shall be peer reviewed by the City Arborist. The arborist report shall verify the tree retention plan and project conditions are met. The report shall also identify maintenance recommendations for a period of 5 years or reaffirm maintenance recommendations of prior report. Additional assessment may be required if deemed necessary by the PED Director in consultation with the City Arborist. Reports and reviews are at the cost of the applicant.
- P31. The City shall be notified of any impact or pruning of significant tree roots prior to close-out of the TCC permit. The city may require peer review by the City Arborist, at the cost of the applicant.

Landscaping

- P32. The Final Landscape Plan shall be submitted with and shown on the TCC and Grading permits and reviewed by the City Arborist at the expense of the applicant. Pricing details for replacement trees shall be shown in TPP or Landscape Plans, per PMC 18.180.040. This includes tree species, quantity, size, price per tree, and installation labor.
- P33. Street trees shall be consistent with the Conceptual Landscape Plan in Exhibit E, are required along all roadways designated arterial or collector and shall be included on the Final Landscape Plan submitted with the TCC and Grading permits. Root barriers shall be used to protect sidewalks, roadways, and infrastructure from root heave.
- P34. Tracts J and K adjacent to Noll Road will be improved with street trees, shrubs and groundcover or with retention plantings including 6 feet tall evergreen, 2-inch caliper deciduous, and native ground cover. Street trees for Noll Rd shall be shown on Landscape Plans and be incorporated into the 2-year maintenance bond. Tree Retention installed along Noll Road shall be shown on Landscape Plans and be incorporated into a 5-year maintenance bond.
- P35. All street trees shall be provided an irrigation system or a readily available water supply with at least one outlet located within fifty feet unless xeriscape and/or drought-tolerant species are utilized and an alternative irrigation plan is approved by the PED Director in consultation with the City Arborist.
- P36. Irrigation and maintenance of street trees shall be addressed in the Covenants, Conditions and Restrictions (CCRs). Performance and/or maintenance bonding for street trees and associated groundcover, in addition to the submittal of an “as-built” landscape plan, is required prior to close-out of TCC permit.

- P37. Maintenance bonding for all other landscaping shall be required prior to close-out of the TCC permit. Estimates or bid for landscaping work and materials, including irrigation, shall be provided. Estimates shall match the “as-built” drawing and identify plant name, common name, size at planting, and number each that was planted. Performance bonding for installation of landscaping (except for street trees) will not be considered.
- P38. Landscaping materials shall be those which best serve the intended function and shall be appropriate for the soil and other environmental conditions of the site. Drought-tolerant, low water plant materials shall be encouraged. The Poulsbo city council is reviewing their Water Comprehensive Plan and has a goal to reduce water consumption by 5% over 6 years. Additionally, the Department of Ecology declared a Statewide Emergency Drought Declaration in April 2026. Therefore, the importance of water conservation when it comes to irrigation for landscaping is a focus to reduce water consumption/demands. When designing your landscape plan please consider minimizing the amount of grass or turf, increasing the number of native drought tolerant plantings, installing an irrigation controller with a “rain sense” feature, and planting in the fall to reduce irrigation demand. The City is currently in process of modifying the irrigation code and new regulations are anticipated to be adopted later this year. Therefore, it is recommended you connect with planning staff before finalizing your landscape plans to see if any changes have been adopted.
- P39. The development monument sign(s) shall be shown on the Final Landscape Plan. Alternatively, a single sign at the Noll Road and Langaunet Lane corner may be proposed. A separate building permit is required for construction of the monument sign(s).
- P40. A final ‘as-built’ drawing landscaping plan, landscape declaration and irrigation plan (if applicable) shall be provided to the city prior to close-out of the TCC permit. The plans shall address street trees, right-of-way landscaping, supplemental tree retention plantings, and any other areas in common ownership of the homeowners.

Open Space and Amenities

- P41. Tracts B, C, D, E, F, H, J and K shall be used for open space. The final plat shall indicate which tracts include recreation in addition to identifying ownership and maintenance responsibilities. Amenities include:

A park in Tract F with a big toy, two inground slides, accessible picnic table, two benches and edible plant garden connect via stepping stone trail through to area with 12-foot hexagonal gazebo with cement pad, benches and native vegetation interpretive sign. Tract F is approximately 6,373 square feet in size

A mid-block pedestrian path linking Roads A and D in Tract H. The gravel path is located over a stormwater pipe. Tract H is approximately 3,000 square feet.

An approximately 800-foot (0.15 mile) off-street gravel surface trail extends through open space Tracts B and C linking to the city’s shared use path along Lincoln Road at the south end and

continuing off-site to the north. The path segment will be formalized as public access through project open space

- P42. Details on recreational amenities shall be included with the TCC permit.
- P43. Amenities are required to be commercial grade.
- P44. Modification of amenities planned shall be reviewed and approved by the city. (Sheet L2 note).
- P45. Landscaping plans for recreational areas, including irrigation, shall be submitted with the TCC permit.
- P46. A children's playground shall be installed that complies with CPSC (Consumer Product Safety Commission) and ADA (Americans with Disabilities Act) standards for equipment and safety surfacing. Playground equipment shall include a mix of structures suitable for different age groups.
- P47. Trail surfaces and signage shall be included with the TCC permit. The trail surface shall be designed to withstand expected pedestrian and/or bicycle use with low maintenance requirements. The HOA shall be responsible for maintaining all trail surfaces in a safe and usable condition. A public access easement is required over the powerline path allowing for community access. Trail surfaces shall be gravel or better as determined by the city.
- P48. Maintenance of all recreational amenities, including playgrounds, trails, and community gathering areas, shall be the responsibility of the HOA. Maintenance responsibilities must be clearly outlined in the CC&Rs.
- P49. All recreational amenities must be completed and inspected prior to close-out of the TCC permit.

Individual Home Identity

- P50. A project wide home design packet addressing PMC 18.260.060.E is required to be with the first home building permit. The PED Department will review each building permit submitted to determine compliance with PMC 18.260.060.E and ensure substantial compliance with the architectural renderings submitted.
- P51. Side and rear facades facing public or private roadways in or adjacent to the project shall include façade treatments similar to the front facade.
- P52. The applicant shall submit a streetscape plan with the first home building permit application showing plot plans, elevations, and unit types for the adjacent properties. The plan shall ensure architectural variety is provided in accordance with PMC 18.260.060.E.2.e and E.3.
- P53. Building footprint and exterior design on adjacent lots is to be varied and will be reviewed with each building permit. Reverse building plans or left/right “flip” of the footprint are considered the same footprint. Homes with the same elevation shall be separated by at least three intervening homes with different elevations on the same block.

Fences

- P54. Perimeter fencing 6 feet high and sight obscuring shall be required along the north (side) property line of lots 11 and 12, between Tract J and K and lots 1 – 11 and 41, along the south (rear) property line of lots 41 – 51, along the side and rear lines of lot 56, and south property line of lot 57.
- P55. Fencing details shall be provided with TCC and grading permit drawings, including landscaping plans.

- P56. The City Arborist shall review, at the cost of the applicant, the location of fencing in relation to tree retention at the time of tree cutting and clearing permit. The City Arborist will evaluate the impact of fencing on the long-term health of the proposed retention trees and provide, if necessary, recommendations for optimal success of tree retention. Recommendation may include alternative location of fencing, removal of trees, and/or supplemental plantings.

Final Plat

- P57. The face of the final plat shall include the following statement(s):

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

Trees located in Tracts B, C, and E, and any additional tract created for tree retention purpose, shall be the responsibility of the HOA to maintain. Alterations, including tree removal and pruning, shall require review and approval by the Planning and Economic Development Director and City Arborist.

Open space and/or amenity Tracts B, C, D, E, F, H, J, and K are for the benefit of project owners and residents. The HOA is responsible for management and maintenance of tracts.

No rockeries/retaining walls may be constructed within the ten-foot (10') wide utility easement fronting all lots or within any other utility easement. No permanent structures of any kind are allowed within any utility easement. If construction, maintenance, repair, or reconstruction of any utility is required, the property owner shall be responsible for the removal and relocation of any permanent structure and plantings that were removed. Such relocation shall not be in conflict with City codes.

Open space areas not proposed to be improved with recreational amenities or purposes shall remain as natural vegetation or appropriately landscaped. Removal of preserved and approved open space in natural vegetation shall only be permitted for public safety reasons and upon review and approval of the Planning Director and City Arborist. Enhancement of critical area buffer vegetation shall be as allowed and prescribed in PMC 16.20, Critical Areas.

- P58. Path in Tract B and C shall be dedicated to public use, shown on final plat drawing as public use and a statement on the face of the plat indicating public use are required.

Covenants, Conditions and Restrictions (CCRs)

- P59. The CC&Rs document shall be provided with the final plat submittal. The City's review of the CC&Rs document does not mean the City will assume any responsibility for enforcing private covenants between the lot owners nor maintaining any roads or other amenities not specifically dedicated to the City on the public's behalf.

- P60. CCRs shall include provisions that the HOA will own, maintain and enforce all open space, tree retention, landscaping, and amenity tracts (Tracts B, C, D, E, F, H, J and K).

- P61. CCRs shall include provisions of how the HOA will manage street tree maintenance, including irrigation.
- P62. CCRs shall include a provision that addresses recreational vehicle parking, which shall be reviewed by the PED department and City Attorney prior to final plat approval and recording of plat documents.
- P63. The City of Poulsbo will not join the HOA as enforcers of the project's CCRs. This shall be stated in the CCRs.
- P64. The projects CCRs shall include the following statement:

Open space areas not proposed to be improved with recreational amenities or purposes shall remain as natural vegetation or appropriately landscaped. Removal of preserved and approved open space in natural vegetation shall only be permitted for public safety reasons and upon review and approval of the Planning Director and City Arborist. Enhancement of critical area buffer vegetation shall be as allowed and prescribed in PMC 16.20, Critical Areas.

- P65. A final draft of covenants, conditions and restrictions (CCRs) shall include provisions that the project's homeowners' association will own, maintain and enforce all open space tracts, perimeter buffers, fences, recreational amenities, and all other applicable project condition(s) regarding ownership, maintenance and enforcement of all commonly owned elements. Further, the face of the final plat or final development plan shall include statement(s) that the project's homeowners' association will own, maintain and enforce all open space tracts, perimeter buffers, fences, recreational amenities, and all other commonly owned elements. The city will not join the homeowners' association as enforcers of the project's CCRs.
- P66. The requirements of this decision, including but not limited to conditions related to open space, tree retention and replacement, landscaping, fencing, recreational amenities, public access easements, trail maintenance, and other improvements required as part of this approval, shall remain binding upon the property regardless of any future amendment, termination, expiration, or dissolution of the homeowners' association or any modification to the project's Covenants, Conditions, and Restrictions (CC&Rs). No amendment to the CC&Rs shall eliminate, reduce, or conflict with the obligations established through this approval unless otherwise authorized by the City through a subsequent land use approval process.

Engineering Conditions of Approval:

General

- E1. All water, wastewater, and stormwater facilities and streets shall be designed by a professional civil engineer licensed in the State of Washington. The applicant is responsible for the design and installation of the facilities. In the event that there is a conflict between standards, the more restrictive standard shall apply as determined by the City Engineer.
- E2. Land use permit approval shall not waive any requirements for the applicant to (a) obtain all appropriate permits; (b) pay all required fees and deposits; and (c) provide the City with adequate construction plans for approval which conform to City codes and standards. Any utility plans, details, and drawing notes associated with the approved preliminary plat drawing are approved in

concept only and are not considered approved for construction. Approval of the preliminary plat does not constitute approval of any construction drawings submitted with the preliminary plat approval documents. Civil construction drawings must be submitted directly to the Engineering Department. For site plans, it is not acceptable to submit the civil drawings with the building plans to the Building Department.

- E3. Construction plans for the following shall be reviewed and approved by the Engineering Department and Public Works Department: storm drainage and street improvements (including signage and pavement markings), sanitary sewer, water, and interim and permanent on-site erosion control systems. Prior to final plat approval the applicant shall: construct the required improvements per City standards and submit "as-built" drawings on mylar, paper, and electronically (compatible with the AutoCAD version utilized by the City at the time of submittal), dedicate easements, convey utility ownership as determined by the City, and post a maintenance bond(s).
- E4. All plan review and project inspection and administration expenses shall be paid for at the developer's expense consistent with the fee and deposit schedule adopted by City ordinance in effect at the time of construction. Plan review fees shall apply to the original drawing submittal and one re-submittal. Subsequent submittals will require payment of hourly charges. Fees are non-refundable. Deposits are required for payment of actual expenses incurred by Engineering Department staff for project administration and inspection. If the City Engineer determines that the magnitude or complexity of the project requires full or part-time on-site inspection in addition to the inspection by City staff, he may contract with a duly qualified inspector or hire additional personnel to provide inspection, testing, or other professional services for the City in connection with the construction. Deposits for Engineering Department services or outside professional services shall be paid in advance. The deposits are estimates and may require replenishment. Deposits may be required at the time of, or after, payment of any fees. Unused deposits are refundable.
- E5. At any point in the process of application approval, construction plan review, or construction, the City Engineer may hire an independent consultant to review and comment on any, or all, utilities or sitework (for example, storm sewer, sanitary sewer, water, roads/streets, retaining walls, slopes) proposed by the applicant. The applicant shall make a cash deposit which will be used to pay for any independent review required by the City Engineer. If additional funds are required, the applicant shall immediately deposit the requested amount. Any unused funds will be refunded. Acceptance of the proposal and consultant comments shall be at the discretion of the City Engineer.
- E6. The applicant shall adhere to all recommendations of the applicant's geo-technical engineer and the City's consultants as determined by the City Engineer.
- E7. City of Poulsbo Construction Standards and Specifications are published on the City website within the Public Works/Engineering Department page. Unless specified otherwise within Conditions of Approval these standards shall be followed.
- E8. The civil construction drawings shall include plans for: grading, water, sewer, storm, streets, dry utilities, street lighting, signage/stripping, and composite wet utilities. Other plans may be required depending on site-specific conditions. Profiles and details for the wet utilities shall also be provided.
- E9. Construction drawings will be rejected, without review, if the following drafting requirements are not met:

Construction plan size shall not exceed 24"x36", plan size 22"x34" is preferred. The minimum drawing scale shall be 1:40 horizontal and 1:5 vertical. A larger scale may be required for legibility.

Utilities shall be shown on plan/profile sheets. Each sheet shall have the corresponding plan/profiles on the same sheet with aligned stationing.

Labels from the various overlapping AutoCAD layer shall be legible.

All elements on the drawings shall be legible as determined by the City Engineer.

- E10. All infrastructure must be installed before Final Plat approval. If the applicant wishes to construct the project in phases, those phases must be defined as divisions in the preliminary plat approval. At the time of Final Plat approval for each division, that division shall be "stand alone". A division shall be considered "stand alone" if it contains complete utilities and access for the future residents of that division and is not dependent on other as yet un-built divisions for this purpose. Any infrastructure outside of the plat that is necessary to serve the division or allow it to function must be completed as well. Reference Public Works Department Conditions of Approval for water main looping requirements related to project phasing.

Clearing, Grading, and Erosion Control

- E11. A Clearing and Grading Permit is required prior to any land-disturbing activity on the site (PMC 15.35). The permit may include restrictions as to the limits of any area or phase that can be cleared and graded at any one time or during any construction season. Additional restrictions may be placed on the permit for seasonal weather conditions. At any time, the City Engineer may restrict activities or access to portions of the site which would be detrimental to maintaining erosion and sediment control. A final geotechnical report shall be submitted with the construction drawings to provide recommendations for site grading and compaction. The report shall include a section with recommendations for wet season construction methods.

Stormwater

- E12. All temporary and permanent storm system and erosion control measures shall be designed, constructed, maintained, and governed per the following, as adopted by the City of Poulsbo:
- a. All temporary and permanent storm system and erosion control measures shall be designed, constructed, maintained, and governed in accordance with PMC Chapters 12.02 and 13.17.
 - b. City of Poulsbo standards and ordinances.
 - c. All conditions of approval associated with any clearing and/or grading permits.
 - d. Recommendations of the geo-technical engineer.

- E13. Provision shall be made for the conveyance of any upstream off-site water that naturally drains across the applicant's site.
- E14. The design of the detention system shall include appropriate access for maintenance as determined by the Public Works Department.
- E15. A final drainage report, TESC plan and final geotechnical report shall be submitted with the construction drawings to support the stormwater system design and provide guidance on construction and erosion control during construction. The final drainage report and TESC plan shall include provisions for erosion control compliance during wet season construction activities.
- E16. A Construction General Stormwater Permit will be required from the Washington State Department of Ecology. The permit shall be approved by the Department of Ecology and in hand prior to issuance of grading permit and commencement of site grading.
- E17. The developer shall be responsible for providing regular and adequate maintenance and supportive maintenance records for the stormwater detention system for a minimum of two-years or until 80% of the residences have been completed, whichever is longer. At the end of this time, the City will inspect the system and, if acceptable, the City will take over maintenance and operation of the system.
- E18. The entire perimeter of the ponds shall be fenced per City Public Works Department requirements. Gate locations and design shall conform to the requirements of the Public Works Department.
- E19. A spill control type oil/water separator shall be installed in the stormwater system at the most downstream point of the site. Enhanced water quality treatment must be provided for the stormwater runoff.
- E20. All secondary storm systems and easements shall be in compliance with City standards and remain privately maintained.

Sanitary Sewer

- E21. Refer to Public Works Department comments for sewer connection requirements and construction standards.

Water

- E22. Refer to Public Works Department comments for water construction standards, connection and looping requirements.

All Utilities

- E23. For utilities not within City right-of-way, the Public Works Director will determine if the City will assume ownership and maintenance of the utility.
- E24. Per Kitsap County requirements 16.04.080 and City of Poulsbo PMC Title 13, frontage utility improvements on Noll Rd. shall extend from the north property line to the south development, Avondale Glen where current stubs for water and sanitary sewer are located.
- E25. All water mains and all primary sanitary sewer and storm drainage mains shall be within public right-of-way or within easements dedicated to the City which meet the City's criteria for dimensions and access. All water, sewer, and storm service laterals and all secondary sanitary sewer and storm drainage lines located within easements or private property shall remain privately owned and maintained by the Homeowner's Association or applicable lot owners.

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- E26. Easements for access and maintenance of utilities determined to be City-owned shall be legally described and dedicated to the City on the Final Plat drawings. Easements shall be fifteen feet (15') wide minimum and comply with all City requirements. Additional width is required to accommodate turning radii, more than one utility or deep utilities. The City Engineer may require an all-weather surface, conforming to City standards, to be constructed over the easement to provide vehicular access for maintenance. Ownership of the pipe and appurtenances shall be conveyed to the City on the Final Plat drawings. The easements shall be shown on the construction drawings, "as-built" drawings, and Final Plat drawings.
- E27. When private storm or sewer pipe is located in an easement that is adjacent and parallel with the property line between two lots/parcels, the easement shall be located entirely on one property and not split between the adjacent properties OR the utilities shall be off-set from the property line a minimum of 2 feet due to the high potential for fence posts to be placed on the property line.
- E28. All street ends with the possibility for extension must have utilities stubbed out of the paved area a minimum of six feet or as directed by the City Engineer. Pavement and sidewalks shall be extended to within six feet of the property line at the end of the road. Appropriate barricades in compliance with current MUTCD standards shall be constructed at the road ends. See City Construction Standards for recommendations.

Streets

- E29. Unless otherwise approved by the City Council, street sections shall conform to adopted City standards (refer to Developer's Guide – Section 2 – Street Standards).
- E30. Road C shall extend to the north property line per PMC 17.80.050 Street Connectivity.
- E31. The developer's engineer shall certify that there is adequate entering sight distance at the intersection Lincoln Rd. at construction plan submittal. Such certification shall note the minimum required sight distance, the actual sight distance provided, and a sight distance diagram showing the intersection geometry drawn to scale, topographic and landscaping features, and the sight triangle. The certification shall also note necessary measures to correct and maintain the minimum sight triangle.
- E32. At time of construction plan submittal, the applicant shall submit sight distance and stopping report at all intersections which have K values which do not meet the standard as stated in Section 2 of the City's current Construction Standards. Sight distance certification for all intersections shall be provided with construction plans and shall consider proposed landscaping features and plantings in sight distance calculations. Street trees shall not be located in required sight distance triangles. Sight distance triangles that intrude on lots in the development shall be shown on the plat drawings and the drawings shall include provisions for protection of the sight distance triangles.
- E33. All intersections, crosswalks at intersections, sidewalks and driveway drops shall meet current ADA standards. Construction drawings shall include sufficient intersection grade and slope details and sidewalk curb ramp details to determine ADA compliance. Individual curb ramp details for each curb ramp sufficient to show compliance and provide sufficient details for construction shall be provided.
- E34. GMA Transportation Impact Fee Ordinance (PMC 3.86) has been approved by City Council. This establishes a transportation impact fee assessment per ADT payable at time of Building permit issuance as of the date of this memo. The impact fee is due at the time of each single-family home building permit and shall be calculated using the most current ADT for a single-family home

- identified in the ITE manual (12th edition identifies an ADT of 9.09) and multiplying the most current traffic impact fee established by PMC 3.86.090.
- E35. Streetlights shall be installed per City of Poulsbo and Puget Sound Energy specifications. New streetlights shall be LED light fixtures. Lighting design for the project shall be submitted with the construction drawings for the project. Lighting design shall be per the requirements of Illuminating Engineering Society of North America standard RP-8. Lighting design shall consider proposed street trees and landscaping to ensure landscaping and street trees will not interfere with street lighting. Proposed street trees shall be shown on lighting design submittal.
- E36. The applicant's engineer shall obtain approval of the postmaster and the City Engineer for all mailbox installation locations.
- E37. As a condition of site plan development, the construction of frontage improvements is generally required in accordance with PMC section 17. The applicant is responsible for frontage improvements to the project's east Noll Rd. NE consistent with City construction standards. Existing frontage improvements on NE Lincoln Rd. shall be evaluated during construction drawing development and shall be brought into full compliance with current City and ADA standards.
- E38. Street end of proposed Road C provides future access to adjacent properties. The street ends shall be marked following either MUTCD Section 3C.04 (OM4 series signs) or MUTCD Section 3F.01 (Type III Barricade). Incorporated into the MUTCD installations shall be an information sign with white background and black lettering that reads; "FUTURE STREET EXTENSION". All of the above elements shall appear as details on the site construction plans subject to Public Works Department approval..
- E39. A temporary truck route has been established in accordance with PMC 10.24. The project's construction truck traffic shall use NE Lincoln Rd. to the West via HWY. 305 and/or Noll Rd. NE via NE Lincoln Rd. via SR305 to the SW.
- E40. Existing pedestrian facilities along the frontage shall be reviewed for ADA compliance. Any area not meeting ADA requirements shall be reconstructed to meet ADA.

Other

- E41. All bonds, conveyances, and easements dedicated to the City shall be on the City's forms.
- E42. A Public Property Construction Permit is required when connecting to City-owned utilities or performing other work within the City right-of-way or other public/City-owned property (PMC 12.08). The permittee shall be responsible for repair and/or restoration of any damage to City property (such as sidewalks, curbs, gutters, pavement, and utilities) that occurs as a result of operations under this permit.
- E43. Shared driveways shall be dedicated easements or tracts benefiting the property owners served by the driveway. The face of the plat and the covenants shall state that the responsibility for maintenance of any shared driveway shall be the responsibility of the property owners served by the driveway.
- E44. No rockeries/retaining walls may be constructed within the ten-foot (10') wide utility easement fronting all lots or within any other utility easement. No permanent structures of any kind are allowed within any utility easement. If construction, maintenance, repair, or reconstruction of any utility is required, the property owner shall be responsible for the removal and relocation of any permanent structure and plantings that were removed. Such relocation shall not be in conflict with City codes. The face of the plat shall state this requirement.

- E45. Any agreements made between the applicant and another property owner related to utilities, easements, right-of-ways, or ingress and egress shall not be in conflict with City codes or ordinances. No agreements between the applicant and the property owner shall exempt either party from obtaining proper City approval for land use activities regulated under the Poulsbo Municipal Code.
- E46. The covenants shall state that no fence shall be placed within two feet of the back of any sidewalk or within any sight distance triangle.
- E47. All public utilities shall be provided within the plat and shall include power, telephone, natural gas, and cable television. All utilities shall be placed underground (PMC 17.08.140). A ten-foot easement fronting all lots shall be dedicated for public utilities. The developer shall provide and install a minimum of one additional empty four-inch conduit trunk line with road crossings, in parallel with the aforementioned utilities, with appropriate termination points within junction boxes, for future telecommunications use (PMC 12.02.015). Ownership of the conduit shall be conveyed to the City on the Final Plat drawings. All existing and new utilities shall be underground. A plan sheet titled Dry Utilities shall be included with Construction Plan submittal and include all above mentioned utilities.
- E48. The applicant shall be responsible for obtaining all required offsite easements and rights-of-way. Copies of all recorded easements shall be provided to the City Engineer.
- E49. The project applicant shall completely close-out the grading permit prior to applying for Final Plat. Early final plat applications will not be accepted by the City.

Public Works Department's Conditions of Approval:

Water

- PW1. All lots shall be connected to city water.
- PW2. Service connection to the City water system shall be the responsibility of the property owner and shall comply with state and local design and development standards.
- PW3. Water main looping shall be in compliance with City and Department of Health water design standards. The Noll Pointe PRD project will be required to connect to the existing 8" water main in NE Lincoln Rd. for the primary connection and to the existing 8" water main in Noll Rd. NE at the south property line for the loop connection. Per PMC 17.60 and City Construction Standards Appendix B (9) all project phases/divisions must stand on their own. Project drawings shall show how utilities will be constructed with each phase. Completion of project water looping is required. If water looping connection is proposed to remain incomplete with the first project division, the project applicant shall demonstrate that all standards including fire flow, water pressure and water quality will be met with the water utility design for Division 1. Bonding for future water looping completion will be required.
- PW4. Locate meters in a single bank when possible.
- PW5. All water systems shall be publicly owned up to and through the water meter. All water mains and fire hydrants shall be located in public right-of-way or easements dedicated to the City of Poulsbo. Dedicated water lines shall be centered in an easement of 15 feet in width minimum.
- PW6. Domestic and fire flow may share the same water line. The domestic service must exit the water line before the fire service.

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- PW7. Meters for all lots shall be located adjacent to public right-of-way.
- PW8. Existing on-site well(s) shall be decommissioned per Department of Health requirements prior to commencement of site grading.
- PW9. Individual PRV is required on the property owner side of the meter when pressure exceeds 80 psi.

Irrigation

- PW10. Irrigation water shall come from a separate connection. Please show irrigation connection(s) on the utility drawing(s).
- PW11. A double check valve assembly shall be installed within 18-inches of the downstream side of the water meter.
- PW12. Double check valve assemblies shall be tested by a “city approved” state certified tester upon installation. A copy of the test report must be sent to the Public Works and Engineering Departments.

Sewer

- PW13. Development of the plat requires installation of gravity sewer to serve all lots. Connection shall be to the existing 8” sanitary sewer main in Noll Rd. NE.
- PW14. Sewer stubs for extension of the gravity system shall be provided to adjacent properties where road connections are provided.
- PW15. Sanitary sewer manholes shall not be located in roadway curb and gutter, sidewalk or landscaping strip adjacent to roadway. Sewer mains shall not be located generally parallel to and under road curb and gutter, sidewalk, or landscaping strip adjacent to the roadway.
- PW16. All side sewers shall enter public right-of-way as gravity flow.
- PW17. Service connection and alterations to the City sewer system shall be the responsibility of the property owner.
- PW18. All existing septic systems on the subject properties shall be decommissioned according to Health District regulations prior to commencement of site grading.

Solid Waste

- PW19. Solid waste service shall be provided by the City of Poulsbo.
- PW20. Garbage and recycle cans shall be placed curbside on the ‘no parking’ side of the road. The requirement shall be stated in the CC&R's prior to final plat approval.
- PW21. Lots accessed by private easement will be required to place solid waste containers curbside on public right-of-way. The requirement shall be stated in the CC&R's prior to final plat approval.

General Conditions

- PW22. Design: All water, wastewater, stormwater system facilities and streets shall be designed by a professional engineer registered in the State of Washington. Design and installation of the improvements shall be the property owner’s responsibility.
- PW23. Design and Development Standards: Design shall be subject to the following Standards:

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- a. City of Poulsbo Utility Comprehensive Plan
- b. City of Poulsbo Design, Development and Construction Standards
- c. City of Poulsbo Municipal Code
- d. Washington State Department of Health Design Standards
- e. Washington State Department of Ecology's Criteria for Sewage Works Design
- f. American Public Works Association/Department of Transportation Standard Specifications

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

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

PW26. Placement of landscape plantings and/or street trees shall not interfere with utilities. Required landscape vegetation may need to be relocated in the final landscape plan. Landscape vegetation not required by city code may need to be relocated or removed from the final landscape plan.

Submittal and Approval

PW27. The applicant shall be required to submit to the City for approval, the plans and specifications associated with design and construction of utility system improvements.

PW28. Utility systems include, but are not limited to, distribution and collection mains, pumping facilities, storage reservoirs, detention/retention facilities or any improvements to be dedicated to the city under a deed of conveyance.

PW29. Upon completion of the project, the developer shall supply the Public Works Department with a copy of drawings of record; these drawings shall be in hard copy form and in electronic form compatible with the most recent version of AutoCAD.

Connection Fees and Assessments

PW30. Utility service for the noted property is subject to application and payment of the applicable fees and assessments.

PW31. Utility General Facility Charges (connection fees) are required paid at the time of building permit issuance and are based on the current fee schedule in effect at that time. Early payment and reservation of utility connection are not provided for in Poulsbo Mu

**End of Conditions.*

In the event of a need for clarification regarding the application or interpretation of any term or condition of approval set forth above, either the applicant or the city can invoke the jurisdiction of the Hearing Examiner to issue a written clarification of a particular term or condition, through a written request detailing the matter, and the basis for such request. Such request shall be made as a Request for Reconsideration.

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NOTICE OF RIGHTS TO REQUEST RECONSIDERATION OR APPEAL THIS DECISION

Reconsideration –

As provided in PMC 19.40.040.F.5 (captioned “Request for Reconsideration”), any party of record may file a written request with the hearing examiner for reconsideration within seven calendar days of the date of the written decision. The request shall explicitly set forth alleged errors of procedure, law, or fact. No new evidence may be submitted in support of or in opposition to a request for reconsideration.

Appeal –

PMC 19.70.020 explains that the action of the hearing examiner on a Type III application is the city’s final decision and may be appealed as provided under the Land Use Petition Act, Chapter 36.70C RCW. Any such petition for review must be filed with Kitsap County superior court within twenty-one days of the date the decision is issued, as provided in RCW 36.70C.040, and the petition must meet all requirements set forth in said statute.

NOTE: The Notice provided on this page is only a short summary, and is not a complete explanation of fees, deadlines, and other filing requirements applicable reconsideration or appeals. Individuals should confer with advisors of their choosing and review all relevant codes, including without limitation the city code provisions referenced above and the Land Use Petition Act (Chapter 36.70C RCW) for additional information and details that may apply.