

April 20, 2016

**CITY OF POULSBO, WASHINGTON
HEARING EXAMINER**

REPORT AND DECISION

Project: Westwood Crossing Preliminary Plat

File number: 7-29-15-1

Proposal: Preliminary plat approval for 37 lots on 9.24 acres.

Location: The current address of the property is 21735 Urdahl Road NW. It is located on the west side of Urdahl Road.

Zoning: Residential Low

Decision summary: APPROVE the application as shown on the preliminary plat map dated January 26, 2016, subject to conditions.

GENERAL INFORMATION

Applicant Name and Address:

John Harkness
Copper Ridge LLC
PO Box 73790
Puyallup, WA 98373

Owner Name and Address:

Columbia State Bank
2228 S. 78th St, MS 6115
Tacoma, WA 98409

Consultant Name and Address:

Team 4 Engineering
5819 NE Minder Rd
Poulsbo, WA 98370

Legal Description: Kitsap County Auditor's Parcel Number 102601-2-005-2004.

Comprehensive Plan and Zoning Designation: Residential Low onsite and in surrounding area.

Existing Land Uses: Now vacant. The site is primarily covered in a mix of conifer and deciduous trees with a cleared area in the northwest quadrant of approximately 2 acres that was the former location of a single-family residence. Slopes vary from 3 to 15 percent, with the steepest being 16%. The site has no known critical areas. The site's soils are listed as Poulsbo Gravelly Sandy Loam.

FINDINGS OF FACT

Procedural background

1. A Preliminary Plat is a Type III application that requires a public hearing before the Hearing Examiner. A Neighborhood Meeting was held July 7, 2015. The application was received on July 29, 2016, and determined complete on July 30, 2016. A notice of application was published on August 7, 2015. The Planning Commission meeting held April 5, 2016, resulted in a recommendation for preliminary approval, and a public hearing was held before the Hearing Examiner on April 14, 2016. A Notice of Decision will be sent to the applicant, agencies with jurisdiction, and interested parties of record within seven days after the Hearing Examiner's decision.
2. A SEPA Mitigated Determination of Non-Significance (MDNS) was issued on January 29, 2016, with a two week comment period. Standard mitigations were included to address potential impacts to endangered species, historic and cultural preservation, and schools. No appeals of the SEPA determination were received.
3. The City Engineer has reviewed the project for consistency with Ch. 12.02, and supports approval of the preliminary plat application subject to the conditions of approval stated in the staff report.

Design requirements

4. The Low Density Residential District Development Standards stated at PMC Section 18.70 establish the lot size, density, setbacks, lot coverage and maximum structure height requirements for the zoning district. Setbacks, lot coverage and building height will be reviewed at the time of individual building permit applications for the future homes. Placement of homes on the lots within the Westwood Crossing Preliminary Plat will be required to meet the standards discussed below.
5. Per PMC 18.70.040, minimum and maximum density will be met with provision of the 37 single-family dwelling lots proposed as follows:
 - Minimum density calculation:
 $(6.37 \text{ net developable acres}) \times (4 \text{ dwelling units per acre}) = 25 \text{ dwelling minimum}$
 - Maximum density calculation:
 $(9.24 \text{ gross acre property}) \times (5 \text{ dwelling units per acre}) = 46 \text{ units maximum}$

6. The PMC 18.70.050 standards for lots and buildings are applicable to the Westwood Crossing proposal. The Westwood Crossing Preliminary Plat complies with the Residential Low use, density and development standards, subject to authorized amendments for lot averaging. Setbacks, lot coverage and building heights will be reviewed at the time of individual building permit applications for the future homes. Availability of off-street parking is to be verified with each building permit.

7. Modification of lot and building standards, as provided in PMC 18.70.050(C), Lot Averaging, has been requested for the proposal. Lot averaging is authorized in order to allow preservation of natural features, to address irregular site shape, and to provide a variety of housing sizes for subdivisions creating 9 or more lots within the Residential Low zoning district. This proposal meets Lot averaging requirements as follows:

- Average lot size: 7,500 square feet or more
The average lot size proposed is 7,505 square feet.
- Minimum lot size: 5,000 square feet
The smallest lot proposed is 6,300 square feet.
- Maximum lot size: 10,890 square feet
As proposed the maximum lot size is 10,315 square feet.
- No attached residential units are allowed
No attached residential units are proposed.
- No lot less than 7,500 square feet is located adjacent to previously developed lots which meet required minimum lot standards.
Adjacent development is located west (Vinland Pointe PUD) and east (Liberty Hill PUD) of the proposal. In Vinland Pointe PUD lot 027 and Liberty Hill PUD Lot 045 are greater than 7,500 square feet. Within the proposed plat, adjacent lots are also greater than 7,500 square feet.
- Minimum lot width: 50 feet at the midpoint of the lot
As proposed this requirement is met.
- Minimum lot depth: 80 feet
All lots proposed are greater than 80 feet deep.

8. Other development standards required within the Residential Low zone are the following:

- Maximum building coverage: 50%
- Front yard setback: 20 feet from main building façade and 25 feet from attached garage façade if front loaded and protrudes streetward from main building facade
- Rear yard setback: 10 feet
- Side yard setback: 5 feet one side with combined sides 15 feet
- Street corner setback: 10 feet or greater if necessary for site distance as determined by the City Engineer
- Maximum building height: 35 feet

9. PMC 18.70.070(S) requires all developments containing 12 or more dwelling units to either provide recreational vehicle storage facilities within the project site or, as provided within the development's conditions, covenants and restrictions (CCRs), to prohibit recreational vehicles from

locating on the plat's streets. The application recites that RV parking on-street will be prohibited in the development's CCRs.

10. Under PMC 18.70.080, single-family detached residential development requires two vehicle parking spaces per dwelling unit. Each plat lot will have a driveway and garage that will provide adequate off street parking. Twenty-two on-street parking spaces will be provided on internal plat roads for use by guests, service vehicles and deliveries.

11. Street trees are required to be planted for all new residential developments pursuant to PMC 18.130.090. Urdahl Road and proposed Road A are identified as collectors in the transportation section of the Land Use Comprehensive Plan and are required to include street trees spaced 30 feet on center. Street tree landscaping is addressed in the project conditions. Street trees are proposed along both sides of all streets within the subdivision. During construction drawing review, the applicant will provide a final landscape plan identifying the location of the required street trees.

12. The purpose of tree retention requirements is to preserve and retain clusters of existing trees that contribute to the City's community character. At least 25% of the existing trees 10" in diameter or greater at 4'6" above grade are required to be retained within new developments in the RL zoning district. Tree preservation priorities are identified in PMC 18.180.030(A). A tree retention plan and protection measures during and after construction are required.

13. The total number of trees onsite can be estimated either by counting all trees in plot areas, or by counting only healthy trees over the entire project area. Determining healthy trees entails excluding trees that meet the definition of "hazard tree" in PMC 18.40. The application includes a tree retention plan and narrative. There are now a total of 687 trees greater than 10-inches at 4-feet 6-inches above ground (DBH) on the subject property. One-hundred seventy-two trees are thus required to be preserved.

14. The project's Tree Retention Schedule, however, only identifies 90 trees 10-inches DBH and greater. This leaves a deficit of 82 trees measuring 10-inches or greater DBH, or a total of 820-inches DBH shortage. PMC 18.180.030(B)(2) allows trees less than 10-inches DBH to contribute toward the sum of the diameter of trees to be retained. The 141 trees identified in the Tree Retention Schedule less than 10-inches DBH equate to 891 inches or 89 10-inch tree equivalents. Retained trees are proposed to be located as a perimeter buffer along north and south project boundaries and between development lots. As proposed, the tree retention plan meets preservation priorities A.1 through 3, 6 and 8 identified in PMC 18.180.030.A. The applicant has prepared a tree retention plan and narrative that provides for preservation of at least 25% of the site's trees required to be retained.

15. Trees are proposed for preservation within easements that will be identified on the final plat. Their reservation and maintenance will be the responsibility of the future Homeowners' Association. Notes on the face of the plat will identify ownership and maintenance responsibilities, as supplemented by further information in the CC&Rs. The Planning Department will review the final plat application for compliance with PMC 18.180.070 and 080 requirements.

16. In addition, a 20 foot wide native vegetation buffer is being voluntarily offered for this proposal along its western property boundary. But most trees in this native vegetation buffer are identified as being in a weakened condition and will be susceptible to windthrow if left standing. Thus mostly native understory vegetation will be retained in the western buffer.

Support services and project impacts

The Hearing Examiner is required to determine that the preliminary plat application will provide necessary services and mitigate development impacts in accordance with the criteria stated at PMC 17.08.070.

17. **Open Space:** Open space is not required for a standard residential subdivision. Although open space tracts are not mandated, the applicant is required to retain existing trees pursuant to PMC Chapter 18.180. The existing trees that will be retained are proposed to be preserved in easements. The applicant is also volunteering retention of a natural vegetation buffer along the western property boundary.

18. **Drainage ways:** Stormwater quality and quantity facilities have been designed to mitigate the effects of the development in accordance with the 2005 Stormwater Manual for Western Washington issued by the Washington State Department of Ecology. A preliminary stormwater drainage report has been prepared to document how stormwater will be handled on the subject property. The stormwater report proposes two cell treatment including a wet pond for quality enhancement. This report includes a downstream analysis that identifies eventual flow discharge to Liberty Bay via Johnson Creek.

19. **Critical Areas:** No critical areas are depicted for this site on City maps and no critical areas have been identified through the development process.

20. **Streets and Roads:** The applicant will be required to provide street improvements consistent with the City of Poulsbo road standards, including improvements to the frontage of Urdahl Road, which is identified as a Residential Collector in the City's Transportation and Comprehensive Plans. The applicant will dedicate 12 feet of right-of-way along Urdahl and develop its frontage as a half-street improvement. Road A is identified as a future neighborhood collector. Collector streets require street trees 30 feet on center with a ground cover of sod or another approved material, pursuant to PMC section 18.130.090.A.

21. Project internal Roads B, C and D will each provide 40 feet of right-of-way, meeting the residential access standard, with sidewalks on one side of the road. The City's road standards require local access streets to provide on-street parking at a rate of ½ space per residential unit. Nineteen on-street parking spaces are required, with 22 spaces shown on the preliminary plans.

22. The City has enacted a Traffic Impact Fee Ordinance, which requires the project developer to mitigate the project's traffic impacts through payment of an impact fee. The traffic impact fee established by ordinance is estimated at \$283.50 per trip. Traffic impact fees are required to be paid prior to building permit issuance.

23. **Water and sewer:** Public Utility District #1 of Kitsap County (KPUD) will provide water service to the subdivision. As a condition of approval, the water supply facilities into the subdivision will be constructed by the developer to KPUD standards. The subdivision will be served by sanitary sewer from the City of Poulsbo and is subject to a sewer latecomer agreement (Auditor's File 201112290032). As a condition of approval, the sewer system is required to be constructed by the developer to City standards.

24. Parks and Recreation: Onsite recreational facilities are not required for a standard residential subdivision. The applicant is required to pay a park impact fee of \$1,195 per unit, for a total of \$44,215. This is included as a condition of approval.

25. Schools and School grounds, including sidewalks and other planning features that assure safe walking conditions for students: This site will be served by Vinland Elementary School, Poulsbo Middle School, and North Kitsap High School. The elementary school is located approximately 1 mile driving distance from the plat. A shorter safe pedestrian connection is provided via the Tract B trail from the north end of plat Road D, along Malbec Street, Claret Loop and a pedestrian trail to the Vinland Elementary property; this connection is approximately 800 feet (0.15 miles) from Road D to the school site. The middle and high schools are approximately 3.5 miles driving distance, and considering such distance, it is likely the North Kitsap School District will bus students. The North Kitsap School District will receive a school impact mitigation fee from the project developer.

Comprehensive Plan

26. The proposal, as conditioned, will comply with the Comprehensive Plan. The site is designated "Residential Low" in both the Comprehensive Plan and on the Zoning Map; it is being platted consistent with these designations. The lots and development pattern will be similar to and compatible with the nearby residential neighborhoods. The project promotes the Comprehensive Plan's goals of providing single-family housing to implement zoning densities established to enable the City to meet its population allocation under the Countywide Planning Policies and the Growth Management Act. The site is not located within the jurisdiction of the City's shoreline master program.

CONCLUSIONS

1. The Hearing Examiner has jurisdiction over this proceeding. A preliminary plat is a Type III application requiring a public hearing for which the Examiner makes the City's final decision. Public hearing notice requirements have been met.

2. The City's criteria for approving a preliminary plat application are stated at PMC 17.08.070. Subsection A tracks the public use and interest provisions of RCW 58.17.110. As documented by the findings above, the Westwood Crossing Preliminary Plat application makes appropriate provisions for the public health, safety and general welfare, including the specific items listed at PMC 17.08.070(A) and RCW 58.17.110.

3. Westwood Crossing is a rather straightforward preliminary plat application that raises few technical issues of any difficulty. Most of the discussion at the public hearing focused on the applicant's concerns over some of the conditions proposed by City staff. At the end of the conversation a single question remained unresolved concerning Planning Department proposed condition number 5, which reads,

"Development of the lots shall comply with PMC 18.70.050, or a subsequently amended, for setbacks, building lot coverage, and building height. A minimum 5 feet setback from easements is required."

4. Apparently the staff position is that a five-foot building setback must be maintained from the edge any tree protection tract. But there is nothing in either the tree protection ordinance (PMC Chapter 18.180) or the development standards for the RL zone (PMC 18.70.050) that creates such a

setback. PMC Chapter 18.180 talks about establishing tree retention or open space tracts or some “*other protective mechanism*” but imposes no mandatory setback from the tract edge. And the setback discussion within PMC 18.70.050 takes place entirely within the context of buildings, streets and lot lines – nothing is said about easements or tracts. So where did a claim of staff authority to impose a five-foot easement setback on a tree retention tract originate?

5. On November 3, 2014, the City's Planning Director issued an administrative interpretation pursuant to PMC 18.300.020 asserting the authority under PMC 18.150.030 to establish in residential zones a ten-foot setback separating structures from an access easement and a five-foot setback “from the boundary lines of all other easements.” Based on this interpretation, the staff views the Westwood Crossing tree retention tracts to be easements subject to a five-foot setback protection to be applied to its residential structures, and the second sentence of Planning Department proposed condition number 5 seeks to implement this understanding.

6. Within the municipal framework, administrators (such as, for example, the Planning Director or Hearing Examiner) possess no inherent authority to legislate. All legislative authority resides in the City Council. To a limited degree and subject to significant constraints, the City Council may delegate to administrators some authority to engage in rulemaking, a specialized form of legislative action. But PMC 18.300.020 does not undertake to confer a rulemaking authority; its scope is limited to empowering a process of code interpretation. Generally speaking, code interpretation is limited to clarifying the meaning and extent of existing grants of authority. Interpretation does not encompass the creation of new or expanded legal obligations and requirements.

7. PMC 18.150.030, the provision designated for construction in the November 3, 2014, Planning Director administrative interpretation, does not itself undertake to create or impose any setbacks. PMC Chapter 18.150 is exclusively focused on setting forth a technical process for measuring the setbacks and other dimensional requirements created by other code sections. And, as noted above, it seems clear that no other City code sections undertake to create setbacks from tree retention tracts. Simply put, such setbacks do not in fact legally exist, and any attempt to impose them through an administrative interpretation process constitutes an unauthorized and ineffective usurpation of legislative authority. The City currently has no legislatively adopted setback requirements applicable to tree retention tracts; the second sentence of Planning Department proposed condition number 5 is thus unsupported by valid regulatory authority and must be deleted as requested by the applicant.

8. In conformity with the PMC 17.08.070(B) through (E) criteria, the Westwood Crossing Preliminary Plat application complies with the City's Comprehensive Plan, raises no critical areas or environmental hazard issues that cannot be satisfactorily mitigated, and meets the development standards of PMC Chapter 12.02 and other applicable review requirements. The conditions, dedications and impact fees imposed by this preliminary approval mitigate the impacts of the plat proposal and are proportionate thereto.

DECISION

The Westwood Crossing Preliminary Plat subdivision application (File no. 7-29-15-1), as shown on the revised preliminary plat map dated January 26, 2016, is APPROVED, subject to the following conditions:

SEPA MITIGATION CONDITIONS

- **ANIMALS**

1. 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.

- **HISTORIC AND CULTURAL PRESERVATION**

2. 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.

- **PUBLIC SERVICES – Schools**

3. School mitigation fees are required for this project and shall be paid prior to final plat recording. The applicant and the North Kitsap School District will reach agreement on the mitigation fees, and the developer will present a receipt of payment of fees to the City.

PLANNING DEPARTMENT CONDITIONS

4. The development of the site shall be in conformance with the Preliminary Plat Drawing, Preliminary Construction drawings, and Preliminary Landscape Plan received February 4, 2016 attached as Exhibit 2, and the SEPA Mitigation Conditions, Conditions of Approval, and as approved by the Hearing Examiner.
5. Development of the lots shall comply with PMC 18.70.050, or as subsequently amended, for setbacks, building lot coverage, and building height.
6. Within five years following approval of the preliminary plat, or as otherwise stipulated in RCW 58.17.140, a final plat shall be submitted to the City for review and approval.
7. In lieu of the required RV storage, the applicant has opted to stipulate in the CC&Rs that recreational vehicles (boats, trailers, RVs, etc) shall not be parked on the streets or driving areas within the Westwood Crossing development.
8. The final CC&Rs shall be submitted with the final plat application, and shall be recorded prior to final plat approval. The CC&Rs are subject to the review and approval of the Planning

Department and City Attorney to ascertain if the documents are sufficient to assure compliance with the Conditions of Approval and SEPA Mitigations. At a minimum, the CC&Rs shall include provisions for repair, maintenance and performance guarantee of any tracts, landscaping, facilities, utilities or amenities which are private and commonly owned by the homeowners of the plat. Language shall also be included in the CC&Rs which requires notification to the City of Poulsbo Planning Director of any amendments to the CC&Rs, and that the City shall have the authority to object to any modification that is inconsistent with any condition lawfully placed upon the subdivision by the City of Poulsbo.

9. Tree retention easements shall be shown on all construction drawings and clearing and grading permit information. The construction/clearing and grading permit drawing set shall comply with the provisions of PMC 18.180.070 and is subject to review and approval by the City's Planning Department prior to initiation of earth-disturbing activities.
10. Tree retention easements shall be shown on the final plat drawing and shall comply with the requirements of PMC 18.180.080. The final plat drawings and CC&Rs shall be subject to review and approval of the City's Planning Department to determine compliance with the tree retention requirements.
11. The native understory buffer shall be shown on all construction drawings and clearing and grading permit information. The construction/clearing and grading permit drawing set is subject to review and approval of the City's Planning Department and city arborist. The arborist will review the natural vegetative buffer and provide recommendations for protection of vegetation to be retained, and may recommend planting native species in areas damaged during clearing and grading. Review by the city arborist will be at the applicant's expense.
12. The native understory buffer shall be shown on the final plat drawing. Inclusion of requirements for buffer maintenance in plat CC&Rs is the applicant/developers option.
13. A final landscape plan shall be submitted no later than the final plat application. This plan shall address required street trees, right-of-way landscaping, and any other areas in common ownership of the homeowners. Planting specifications shall be consistent with PMC 18.130, and are subject to the Planning Department's approval. The final landscape plan shall be suitable for contractor bid, as this will be the basis for calculating the required two-year landscape maintenance bond (the amount which is based on 150% of the cost of materials and installation). The final landscape plan is subject to review and approval by the City Planning Department and the Public Works Department, and the City may require the City's consulting arborist to review the plan at the applicant's expense. The plan shall be approved prior to plant installation and installation shall be completed and inspected or bonded prior to final plat recording.
14. Street trees are required along the Urdahl Road and Road A frontage and shall be provided 30 feet on center in a planting easement, tract, or within the right-of-way. In accordance with the preliminary landscape plan, street trees are to be provided along both sides of all public streets in the development. Street tree locations shall be identified on the final landscape plan.

15. The preferred location for street trees is a minimum 5-foot planting strip in the right-of-way between the roadway and the sidewalk. Where street trees are proposed within narrower planting strips (no less than 3 feet in width) or within the utility easement on each individual lot, the applicant shall utilize trees from the Master Public Tree Plan Street Tree List that are labeled for use in the "Narrow Planting Strip" category. The final landscape plan shall identify any specific standards for soil amendments, root confining techniques, or planting to ensure the trees remain healthy within the narrow planting area. Any utilities placed in areas with street trees should be placed a minimum of 2 feet from the surface to allow for normal root growth without impacting utilities.
16. When street trees are not installed in the preferred location street trees are to be located in the back 3' of the 10 feet utility easement fronting lots. Alternatively, street trees may be placed in an easement behind the 10 feet utility easement.
17. Landscape irrigation shall require a building permit.
18. Any onsite wells or septic waste disposal systems shall be removed/decommissioned in accordance with the requirements of the Kitsap Public Health District, prior to recording of the final plat.
19. The park impact fee for this development is \$1,195 per dwelling unit, for a total of \$44,215. Park impact fees shall be paid at the time of building permit issuance pursuant to the Park Impact Fee Ordinance.

PUBLIC WORKS – ENGINEERING

- **General**
1. 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.
 2. 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.
 3. 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). The construction plan submittal shall include a concept for construction traffic routing signage.

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. Construction drawings will be rejected, without review, if the following drafting requirements are not met:
 - a. Construction plan size shall not exceed 24"x36". The minimum drawing scale shall be

- 1:40 horizontal and 1:5 vertical. A larger scale may be required for legibility.
- b. Utilities shall be shown on plan/profile sheets. Each sheet shall have the corresponding plan/profiles on the same sheet with aligned stationing.
 - c. Labels from the various overlapping AutoCAD layer shall be legible.
 - d. All elements on the drawings shall be legible as determined by the City Engineer.
10. 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 in order to serve the division or allow it to function must be completed as well.
- **Clearing, Grading, and Erosion Control - Refer to Construction Standards**
11. A Clearing and/or 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 particular area or phase that can be cleared and graded at any one time or during any construction season. Additional restrictions may be placed on the permit in regard to seasonal weather conditions. At any time, the City Engineer may restrict activities or access to portions of the site which would be detrimental to maintaining erosion and sediment control.
- **STORMWATER**
12. All temporary and permanent storm system and erosion control measures shall be designed, constructed, maintained, and governed per the following, as adopted by the City of Poulsbo:
- a. All temporary and permanent storm system and erosion control measures shall be designed, constructed, maintained, and governed in accordance with PMC Chapter 13.17. Chapters 12.02.030 and 12.02.040 provide further guidance on design manual and threshold criteria within compliance of NPDES Phase II Permit.
 - b. City of Poulsbo standards and ordinances
 - c. All conditions of approval associated with any clearing and/or grading permits
 - d. Recommendations of the geo-technical engineer
13. Provision shall be made for the conveyance of any upstream off-site water that naturally drains across the applicant's site.
14. The design of the detention system shall include appropriate access for maintenance as determined by the Public Works Department.
15. 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.

16. The entire perimeter of the ponds shall be fenced with a minimum 6' high chain link fence. Gate locations and design shall conform to the requirements of the Public Works Department.
17. The city will require a maintenance easement for the portion of the slope, extending from the storm pond, onto lots 25 and 37.
18. A spill control type oil/water separator shall be installed in the stormwater system at the most downstream point of the site.
19. All secondary storm systems and easements shall be in compliance with the City standards and remain privately maintained.

- **SANITARY SEWER**

20. Refer to Public Works Department comments for sewer connection requirements and construction standards.
21. Ownership of any off-site sewer pipe and appurtenances shall be conveyed to the City prior to Final Plat approval. The applicant shall be responsible for satisfactory restoration of the easement(s), including permanent erosion control.

- **WATER**

22. Refer to KPUD comments for water construction standards, connection and looping requirements.

- **ALL UTILITIES**

23. 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.
24. The applicant shall be required to provide easements and utility stubs for city-owned utilities which are necessary to serve adjacent properties.
25. 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.
26. 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. Additional width is required in order to accommodate turning radii. 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.

27. 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.
28. 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 that are in compliance with current MUTCD standards shall be constructed at the road ends.

- **STREETS**

29. Unless otherwise approved by the City Council, street sections shall conform to adopted City standards (refer to Developer’s Guide – Section 2 – Street Standards).
30. The developer’s engineer shall certify that there is adequate entering sight distance at the intersection Road A and Urdahl Road NW, and Road C and Urdahl Road NW 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.
31. At time of construction plan submittal the applicant shall submit site distance and stopping report at all intersections which have K values which do not meet the standard.
32. GMA Transportation Impact Fee Ordinance (PMC 3.86) has been approved by City Council. This establishes a transportation impact fee assessment of \$283.50 per ADT payable at time of Building permit issuance. The application shall provide accurate occupancy information for each building to assign accurate ADTs. Average week day trips shall be determined using the latest version of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE) for the land use(s) that are the subject of the permit. 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 (9th edition identifies an ADT of 9.52) and multiplying the most current traffic impact fee established by PMC 3.86.090.
33. A city street shall be stubbed to the north to satisfy the future neighborhood collector connection which is identified in the transportation comprehensive plan. This connection is currently being provided by Road A and the right of way dedication.
34. To satisfy neighborhood connectivity requirements Road D is being stubbed to the north and the south.

35. Streetlights shall be installed per City of Poulsbo and Puget Sound Energy specifications. New streetlights shall be LED light fixtures.
36. The applicant's engineer shall obtain approval of the postmaster and the City Engineer for all mailbox installation locations.
37. As a condition of site plan development, the construction of frontage improvements is generally required. The applicant is responsible for minimum half width improvements to Urdahl Road. Specific cross section construction will require "half width" street standard as detailed in City Construction Standards or give description of vehicle lanes, parking, bike lanes, sidewalk and landscaping. Additional dedication of ROW as shown on the plat may be required to complete the require frontage improvements.
38. Street ends of proposed Roads *A and D* provide 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.
39. Rockeries/retaining walls constructed behind sidewalks shall be placed a minimum of two feet behind the back of any sidewalk. The ground shall be level behind the sidewalk.
40. A temporary truck route shall be established in accordance with PMC 10.24 for Urdahl Road and Finn Hill.

- **OTHER**

41. All bonds, conveyances, and easements dedicated to the City shall be on the City's forms.
42. A Public Property Construction Permit is required when connecting to City-owned utilities or performing other work within the City right-of-way or other public/City-owned property (PMC 12.08). The permittee shall be responsible for repair and/or restoration of any damage to City property (such as sidewalks, curbs, gutters, pavement, and utilities) that occurs as a result of his operations under this permit.
43. If the detention pond access road is over a private driveway, the face of the plat and the covenants shall state that maintenance of the driveway/access road shall be the responsibility of the property owners served by the driveway; except for damage or degradation resulting from detention pond maintenance activities, in which case the City shall be responsible for all costs associated with the repair of the road.
44. 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.

45. 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.
46. 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.
47. The covenants shall state that no fence shall be placed within two feet of the back of any sidewalk.
48. 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.
49. The applicant shall be responsible for obtaining all required easements and rights-of-way. Copies of all recorded easements shall be provided to the City Engineer.

PUBLIC WORKS - UTILITIES

- **Sewer:**
 1. Development of the plat requires installation of gravity sewer to serve all lots. Connection shall be to the sanitary sewer in Urdahl.
 2. Sewer stubs for extension of the gravity system shall be provided to adjacent properties where road connections are provided.
 3. 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.
 4. All side sewers shall enter public right-of-way as gravity flow.

5. Service connection and alterations to the City sewer system shall be the responsibility of the property owner.
6. All septic systems on the subject properties shall be decommissioned according to Health District regulations.
- **Solid Waste:**
7. Solid waste service shall be provided by the City of Poulsbo.
8. 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.
9. 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:**
10. 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.
11. Design and Development Standards: Design shall be subject to the following Standards:
 - City of Poulsbo Utility Comprehensive Plan;
 - City of Poulsbo Design, Development and Construction Standards;
 - City of Poulsbo Municipal Code;
 - Washington State Department of Health Design Standards;
 - Washington State Department of Ecology's Criteria for Sewage Works Design; and
 - American Public Works Association/Department of Transportation Standard Specifications.
12. In the event that there is a conflict between construction standards, the more restrictive standard shall apply as determined by the City Engineer.
13. No walls or structures shall be permitted in utility easements unless approved at time of construction review.
14. 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 Approvals**
15. The applicant shall be required to submit to the City for approval, the plans and specifications associated with the design and construction of utility system improvements.

16. 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.
 17. 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 current version of AutoCAD.
- **Connection Fees and Assessments**
18. Utility service for the noted property is subject to application and payment of the applicable fees and assessments.
 19. Utility connection fees are required paid at the time of building permit issuance and are based on the current fee schedule in effect at that time. Early payment and reservation of utility connection are not provided for in Poulsbo Municipal Code.

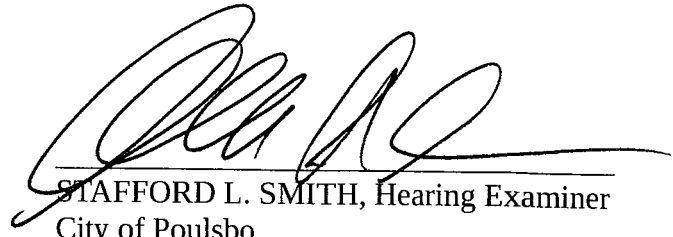
PUBLIC WORKS – UTILITIES

- **Water**
20. Water service is provided by Kitsap Public Utility District #1. All related construction shall meet standards and requirements set forth by KPUD.
 21. Applicant shall sign KPUD Developers Extension Agreement.
 22. Applicant shall pay KPUD fees at appropriate times.
 23. KPUD shall be invited to pre-construction meeting and reserves the right to have additional meeting with contractor at the office.

FINANCE DEPARTMENT

1. Water and sewer facility charges, inspections and meter cost will be assessed at the time building permits are submitted. Facility fees will be due prior to the building permit issuance.
2. Irrigation system facility charges are based on meter size. A separate building permit is required.
3. Property is subject to Latecomer Agreement #65.
4. Park and traffic mitigation fees are due before building permit issuance.

DATED April 20, 2016.



STAFFORD L. SMITH, Hearing Examiner
City of Poulsbo

EXHIBITS

The following exhibits were admitted to the record at the April 14, 2016, hearing:

1. Staff Report
2. Staff Report Exhibit 1 – Project Application and Narrative
3. Staff Report Exhibit 2 – Preliminary Drawing Set
4. Staff Report Exhibit 3 – SEPA Threshold Determination (MDNS), Mitigations, Environmental Checklist with annotation
5. Staff Report Exhibit 4 – Preliminary Storm Drainage Report
6. Staff Report Exhibit 5 – Tree Survey Report
7. Staff Report Exhibit 6 – Engineering Department Technical Memorandum
8. Staff Report Exhibit 7 – Public Noticing for Neighborhood Meeting, Notice of Application, SEPA, Public Hearing
9. Staff Report Exhibit 8 – Public Comment Received
10. Addendum 1 to the staff report
11. Addendum 2 to the staff report
12. Administrative Interpretation of PMC 18.150.030 – Measuring Required Setbacks

The Hearing Examiner's decision on the application for the Westwood Crossing Preliminary Plat may be appealed to the Poulsbo City Council pursuant to PMC 19.01.060.