BEFORE THE HEARING EXAMINER
FOR THE
CITY OF POULSBO

FINDINGS, CONCLUSIONS AND DECISION APPROVING *"CEDAR VIEW AT GLENNWOOD"* PLANNED RESIDENTIAL DEVELOPMENT AND PRELIMINARY PLAT APPLICATIONS

APPLICANT: ENTITLE FUND FIVE, LLC

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

LOCATION/TAX PARCEL NUMBER: THE PROPOSED PLAT WILL BE LOCATED ON VACANT HEAVILY FORESTED PROPERTY EAST OF GLENNWOOD AND WEST OF OLYMPIC COLLEGE, ON KITSAP COUNTY PARCEL NOS. 102601-2-017-2000 AND 102601-2-018-2009.

APPLICATIONS: PLANNED RESIDENTIAL DEVELOPMENT AND PRELIMINARY SUBDIVISION, DIVIDING APPROXIMATELY 4.92 ACRES INTO 22 LOTS FOR DETACHED SINGLE-FAMILY RESIDENCES. 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 29, 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.

The record consists of the Staff Report dated July 21, 2026 (Ex. 1); application, plans, expert reports, public comments and associated materials (Exs. 2–23); A September 18, 2026 Staff Report Addendum No. 2, corrected conditions and supplemental submissions (Exs. 24–28); and supplemental comments and responses authorized by the Examiner during the public hearing (Exs. 29–31). The City retains the official hearing recording. This decision relies on the Cedar View record, and does not treat evidence submitted solely in the separate Noll Pointe proceeding as evidence of Cedar View compliance.

At the August 12, 2026 open-record hearing, the Examiner received sworn testimony and evidence from Staff, the applicant team, local residents and members of the public. The Examiner raised several legal questions, focused on the City's tree retention code language. To allow full and appropriate responses to those questions and other issues raised during the public hearing, the record remained open for narrowly directed supplemental submissions on tree retention, access, and other matters. The City and Applicant submitted Exhibits 24–28; local residents who commented at the hearing were permitted to submit written responses through September 14, 2026; and the City and Applicant thereafter submitted Exhibits 30 and 31. *(Exs. 24, 29–31).* Specific issues, public comments, and testimony are addressed in findings provided below.

Exhibits 1–31 are identified in the Updated Exhibit List, prepared by Staff, which is incorporated here for reference. The corrected conditions proposed in Ex. 25 are attached below as modified by the Examiner; where inconsistent, the Examiner-specific conditions control. The following index reproduces the numbered entries in that list; where an exhibit carries an original lettered Staff Report attachment, the numbered exhibit reference is used in citations provided in this Decision. The Examiner has added a new Exhibit 32, an Order issued in another matter with overlapping issues and procedural timelines that are relevant to this matter.

Exhibit	Description
1	Staff Report, July 21, 2026
2	PRD and Preliminary Subdivision Application
3	Project Narrative
4	Site Plan Drawing
5	Landscaping and Open Space Plan
6	Lighting Plan
7	Home Siting Plan
8	Home Designs and Design Narrative
9	Wetland Resources Review
10	KPFF Drainage Report

11	Earth Solutions Geotechnical Investigation
12	Heath and Associates Trip Generation Assessment
13	Tree Replanting Plan
14	Neighborhood Meeting Packet
15	Public Comment Letters
16	Notice of Application
17	SEPA Checklist and Determination
18	Engineering Staff Memorandum
19	Staff Report Addendum No. 1, August 4, 2026
20	Planning Commission Recommendation
21	Planning Commission Minutes
22	Hearing Notice and Affidavits
23	City Arborist Peer Review
24	Staff Report Addendum No. 2, September 18, 2026
25	Staff Clarifications and Corrected Conditions, September 1, 2026
26	Tree Retention Interpretation and Arborist Attachments
27	WFCI Arborist Response
28	Gordon Thomas Honeywell Easement Review
29	Supplemental Public Comments
30	City Response to Supplemental Comments
31	Applicant Response to Supplemental Comments
*32	*Exhibit 32 — *Hearing Examiner's August 26, 2026 Order Reopening Record and Directing Limited supplemental materials in the Noll Pointe PRD and Preliminary Subdivision, Planning File No. P-09-10-25-01 (five pages), documenting the overlapping tree-retention issues, and procedural timelines for this project and the related matter, which were all satisfied. (Added to the record by the Examiner).*

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

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 and PRD applications are 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).*

Tree Retention, Alternative Mitigation, and Plat Modifications.

Tree retention and alternative mitigation are governed by PMC 18.180.010, .030, .040, and .060. Modifications to an approved preliminary subdivision are governed by PMC 17.60.070.

Code Interpretation.

Washington courts give appropriate weight to reasonable municipal interpretations of ambiguous ordinances administered by local officials, while reserving independent interpretation of ordinance language to the reviewing decisionmaker. 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).

III. ISSUE PRESENTED

Whether the applicant has demonstrated, by a preponderance of the evidence, that the criteria for Planned Residential Development and Preliminary Plat approval have been satisfied?

Short Answer: Yes, subject to the specific conditions of approval imposed by this Decision.

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 Cedar View at Glennwood 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-11-04-25-02. The PED Staff Report, prepared by Assistant Planner Ashley Weller and dated July 21, 2026, recommends approval subject to SEPA mitigation and conditions. *(Ex. 1, at 1, 5).*

3. The Staff Report identifies KPFF Consulting Engineers as Applicant, and Mary and Robert Figgus as owners. *(Ex. 1, at 5).* However, other materials in the record identify an entity known as Entitle Fund Five, LLC as the applicant/owner. Staff should verify current ownership of the property and ensure notices related to this Decision are transmitted to the proper parties.

4. The property at issue consists of two vacant, forested parcels located east of the existing Glennwood subdivision and west of Olympic College, assigned Kitsap County tax parcel numbers 102601-2-017-2000 and 102601-2-018-2009. The Staff Report describes the site as approximately 4.92 acres of undeveloped second-growth conifer forest. The western portion of the site contains moderate slopes, while the majority of the property is relatively level. *(Ex. 1, at 5; Ex. 26, Attachment 1).*

5. The property consists of Lots A and B of Short Plat 5587, recorded under Kitsap County Auditor's File No. 9104290195. The recorded legal descriptions identify access and utility easements involving a twenty-foot-wide strip. The Staff Report identifies access to the site from Finn Hill Road, north on Urdahl Road through the existing Glennwood subdivision, with the proposed development accessed through an extension of NW Swenson Court. *(Ex. 1, at 5; Ex. 28).*

6. The proposed subdivision contains 22 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 34,718 square feet of proposed open space, including landscaped open space tracts, a stormwater tract, pedestrian walking paths, and passive recreational amenities. *(Ex. 1, at 5, 8–9, 18–19; Exs. 4–8).*

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; the existing Glennwood subdivision lies to the west, while Olympic College is located to the east. The property to the north is outside the City limits and urban growth area. Staff confirms that the proposed detached single-family use is expressly permitted in the RL zoning district. *(Ex. 1, at 5, 10–11, 14).*

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 11, 14–20; proposed Conditions P4, P41–P44; Ex. 25).*

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 7–10; Ex. 18; Engineering Conditions E1–E49).*

10. The project proposal is known as Cedar View at Glennwood. The Staff Report recommends approval with conditions, and the September 18th addendum transmits proposed changes to earlier recommended conditions and supplemental evidence, all based on issues and questions raised during the public hearing. *(Exs. 1, 24–25).*

11. The City's supplemental staff clarification corrects density calculations and modifies specific fencing, sewer, engineering and other conditions. The final conditions attached to this Decision, including the September 1 corrected conditions in Ex. 25 as expressly modified herein, govern over superseded staff proposals. *(Exs. 24–25).*

12. The application includes a March 2025 Wetland Resources review, June 2026 drainage report by KPFF, June 2025 geotechnical investigations by Earth Solutions, and October 2025 trip generation assessment by Heath and Associates. These documents, together with staff and Engineering reviews and conditions, inform findings on critical areas, drainage, construction and access. *(Exs. 9–12, 18).*

13. The Planning Commission considered the proposal and made recommendations in the record; the Examiner independently considers the application under PMC 17.60.040 and 18.260.140 *(Exs. 19–22).*

14. Although Cedar View involves only 22 proposed residential lots on approximately 4.92 acres, its relatively modest size does not accurately reflect the complexity of the application or the magnitude of the proposed physical transformation. This is not a conventional subdivision of previously cleared, relatively level vacant land. The site contains an extensive, densely stocked second-growth conifer forest, including approximately 1,784 significant trees, of which 1,291 were classified as healthy. The proposal contemplates removal of essentially the entire existing forest canopy. Such a substantial alteration of established site conditions raises important questions concerning public safety, environmental functions, neighborhood character, privacy, construction impacts, and the feasibility of effective long-term mitigation. The Examiner finds that the unusual characteristics of this particular development warrant a correspondingly thorough and individualized evaluation. *(Exs. 2–5, 9–13, 15; Ex. 26, pp. 2–6).*

15. The difficulties presented by Cedar View cannot reasonably be evaluated as isolated questions of minimum lot dimensions, permitted density, engineering compliance, or the numerical replacement of removed trees. The consequences of clearing and grading for remaining vegetation, altered wind exposure, protection of adjoining properties, construction access over private easements, drainage, landscaping, screening, and the long-term viability of replacement vegetation are interrelated. A solution addressing one concern may materially affect another. In particular, the removal of existing vegetation eliminates established visual screening long before newly installed landscaping can provide comparable benefits. These circumstances require careful coordination of development plans, professional evaluations, engineering requirements, environmental safeguards, and conditions protecting adjoining properties. *(Exs. 9–13, 18, 25, 28–31; Ex. 26, Attachment 3, pp. 1–4).*

16. The Examiner emphasizes that unusual or challenging site conditions do not excuse compliance with applicable development regulations, nor does the desirability of achieving a particular residential lot yield justify otherwise impermissible environmental impacts. Rather, the unusual conditions presented here require greater scrutiny of the evidence supporting the proposed development and its mitigation measures. The Examiner has considered the substantial technical record, the independent evaluations obtained by the City, the concerns expressed by neighboring property owners, and the supplemental evidence submitted following the public hearing. Approval is warranted only upon the specific evidence presented and subject to the enforceable conditions imposed by this Decision. This determination should not be construed as establishing that wholesale forest removal, accompanied by a numerical replacement commitment, will ordinarily satisfy the City's tree-retention requirements in other subdivisions. *(Exs. 23–31).*

17. The unusual circumstances presented by this application warrant pause, reflection, and particularly careful deliberation. The substantial environmental changes proposed, the legitimate concerns of adjoining property owners, the competing professional and legal considerations, and the potential long-term consequences of approval demand thoughtful and thorough evaluation. The issues presented are substantial, frequently interrelated, and require consideration both

individually and collectively. The Examiner's review has involved the examination and reexamination of an extensive evidentiary record, consideration of supplemental professional evaluations and responsive submissions, assessment of competing considerations, and the thoughtful development, drafting, revision, and refinement of findings, conclusions, and conditions of approval. As the record developed and additional information became available, further consideration was warranted to ensure that the ultimate decision appropriately addressed the issues presented. Such deliberation reflects the care, diligence, and sound judgment essential to responsible quasi-judicial decision-making. The Examiner finds that the nature, complexity, and potential consequences of this particular application warranted an especially thorough and measured evaluation.

Issues Identified During the Cedar View Hearing.

18. During the August 12, 2026 public hearing, the Examiner identified significant questions concerning the interpretation and application of the City's tree-retention requirements, particularly the relationship between the numerical retention requirement in PMC 18.180.030(B) and the alternative tree-retention provisions of PMC 18.180.040. The Cedar View proposal contemplated the removal of essentially all existing significant trees and replacement planting calculated by reference to twenty-five percent of the existing healthy significant-tree population. The Examiner questioned whether the proposed numerical replacement approach adequately addressed the language concerning equivalent diameter inches and whether the professional and legal evidence sufficiently established compliance with the Code. The record remained open to permit additional consideration and written submissions concerning these and other matters identified during the hearing. *(Exs. 1, 26–27, 30, 32; Public hearing, questions raised on the record by the Examiner).*

19. The Examiner's inquiry arose from the distinct requirements and terminology used in PMC Chapter 18.180. PMC 18.180.030(B)(1) establishes a baseline requirement for retention of at least twenty-five percent of qualifying existing significant trees, while subsection (B)(2) expressly permits certain smaller retained trees to contribute toward the required sum of diameter inches. PMC 18.180.040(A) addresses replacement in equivalent diameter inches, and subsection (B) addresses retention of other trees and natural vegetation in equivalent diameter inches. Subsection (C), in contrast, separately addresses supplemental or replacement plantings in lieu of retention and requires appropriate plant materials and a landscape plan. These distinctions raised questions concerning whether a replacement calculation based solely upon the number of trees satisfied the applicable provisions, whether the different alternatives established different methods of compliance, and what additional professional justification was necessary to demonstrate an appropriate alternative. The Examiner sought a reasoned explanation grounded in the language and purposes of the Code rather than reliance upon a numerical replacement assumption. (Exs. 26–27, 32).

20. During the Cedar View hearing, City staff indicated that Cedar View and Noll Pointe were among the first applications in which the particular tree-retention and alternative-replacement provisions at issue had been applied. As subsequently memorialized in the Examiner's August 26, 2026 order concerning Noll Pointe, the hearing discussion revealed that the equivalent-diameter-inch language had not previously received the same focused consideration as the numerical retention and replacement calculations. The Examiner regarded this circumstance as warranting particular attention to the actual language of the ordinance, its relationship to the City's identified tree-retention objectives, and the potential implications of the interpretation for future applications. The Examiner considered it appropriate to obtain additional written analysis before determining whether the requested alternative was authorized and adequately supported by the Cedar View record. *(Exs. 26, 32, pp. 1–3).*

21. At the time of the Cedar View proceedings, the Examiner was also considering the Noll Pointe Planned Residential Development and Preliminary Subdivision, assigned Planning File No. P-09-10-25-01. Both proceedings presented significant questions concerning the application of PMC Chapter 18.180, although the developments involved materially different site conditions, tree-retention configurations, and replacement proposals. The Examiner's August 26th order explains that KPFF Consulting Engineers participated on the applicant team in both proceedings. The Noll Pointe Staff Report identified KPFF as the applicant's agent and engineering consultant, while the Cedar View Staff Report identified KPFF as the applicant and the firm served as a principal applicant team consultant. Different individual representatives appeared at the respective hearings. The common involvement of KPFF provided a practical basis for coordinating the examination of overlapping code issues, while recognizing that the two applications remained separate proceedings with independent records and evidentiary requirements. The Examiner made no presumption that individual representatives appearing in one proceeding had participated in or possessed actual knowledge of the other proceeding. *(Ex. 32, pp. 1–2).*

22. The Examiner's consideration of the Cedar View application also brought into sharper focus related questions in the Noll Pointe proceeding. As detailed in the August 26 order, the Noll Pointe materials proposed retention of 268 significant trees toward a baseline requirement of 498, credited 87 smaller retained trees with 304 diameter inches, and proposed 230 replacement trees to address the resulting numerical shortfall. The materials did not display a complete equivalent-diameter-inch calculation demonstrating how those components satisfied the identified requirements. The Examiner consequently requested clarification concerning the aggregate diameter inches required for compliance; the contribution of retained significant trees and smaller trees; the remaining replacement obligation; the treatment of two-inch-caliper deciduous trees and six-foot-tall evergreen trees; and the need for supporting calculations, professional explanations, or revisions to the submitted plans and conditions. The significance of these questions extended beyond the particular Noll Pointe calculations because the same ordinance provisions were implicated by Cedar View's substantially different proposal to remove essentially its entire existing significant-tree population. *(Ex. 32, pp. 2–4).*

23. Following the August 12 Cedar View hearing, the Examiner directed that the record remain open for additional information concerning tree retention, interpretation of the applicable Code provisions, and other identified development issues. The schedule for supplemental submissions was subsequently addressed through communications with the Examiner's designated clerk for distribution to the participants. On August 26, 2026, the Examiner issued a separate written order reopening the Noll Pointe record for limited additional submissions addressing substantially similar tree-retention and equivalent-diameter-inch questions. That order expressly identified this Cedar View proceeding and explained that the supplemental filing schedules were being coordinated to promote consistent consideration of overlapping legal issues and efficient participation by City staff, professional consultants, applicants, and interested parties. The coordination concerned procedural scheduling and examination of common Code provisions; each application remained subject to independent review and decision upon its own evidentiary record. *(Exs. 24, 30, 32, pp. 3–5).*

24. The additional Cedar View submissions provided substantially greater explanation of the proposed tree-retention alternative and the professional considerations underlying it. In particular, the City's September 1, 2026 memorandum addressed the relationship among PMC 18.180.030(B) and the alternatives authorized by PMC 18.180.040, expressly distinguished alternatives based upon equivalent diameter inches from the supplemental or replacement planting approach described in subsection (C), and explained the City's proposed application of those provisions to Cedar View. The submissions addressed the earlier calculation of 969 replacement trees based upon minimum qualifying tree diameters, the professional limitations of that methodology, the potential consequences of excessive replacement-tree stocking, the recommendation for 323 replacement trees, and the importance of long-term establishment and maintenance assurances. The applicant's forestry consultants and the City's independent arborist provided additional project-specific analysis. These submissions enabled the Examiner to evaluate the proposed alternative upon an expanded technical and legal record and to determine what conditions were necessary to support any approval. *(Exs. 24, 26–27).*

25. The additional review also provided an opportunity for persons who had commented during the Cedar View public hearing to address the supplemental materials and related concerns. The record includes additional comments concerning construction access, easement rights, tree protection, grading, drainage, privacy, screening, and other neighborhood impacts, followed by written responses from the City and Applicant. The Examiner considered these submissions together with the original hearing record and the additional professional evidence. The August 26 Noll Pointe order expressly reserved determination of the proper interpretation of the applicable tree-retention provisions and whether either application satisfied them. The Examiner likewise undertook an independent evaluation of Cedar View upon the evidence submitted in this proceeding. The relationship between the two proceedings informed the identification and examination of common legal questions, while the determination of Cedar View's compliance with

applicable codes rests upon its own record and the specific findings and conditions set forth in this Decision. *(Exs. 24–32).*

26. As highlighted above, this application proposes removal of essentially all existing significant trees from the 4.92-acre site, instead of preserving the minimum existing stand contemplated by the usual tree-retention standard. Washington Forestry Consultants, Inc. (WFCI), the applicant's professional forestry consultant, inventoried an estimated 1,784 significant trees measuring six inches or more in diameter, of which 1,291 were classified as healthy and 493 as unhealthy. Twenty-five percent of the healthy significant-tree population, rounded to a whole tree, is 323 trees; the approved alternative proposes 323 replacement trees and no retention of existing significant trees. *(Ex. 26, pp. 2–3; Ex. 26, Attachment 1, pp. 3–5).*

27. The proposed removal of virtually the entire existing forest canopy is an unusually consequential element of this application. During the undersigned Examiner's tenure considering subdivision and planned residential development applications in Poulsbo, proposals have ordinarily included the preservation of some existing significant trees or forested areas. By contrast, Cedar View proposes to rely upon replacement planting to perform functions formerly served by its existing canopy. That approach requires especially careful scrutiny of the professional justification for removal and, if approved, a restoration plan with definite, enforceable, and measurable requirements for successful establishment, not merely the planting of an initial number of trees. *(Ex. 26, pp. 1, 3–5; Ex. 26, Attachment 1, p. 5).*

28. The applicant's tree consultant, WFCI, identifies the existing forest as a very dense, native, second-growth conifer stand, predominantly Douglas-fir, with western hemlock, western redcedar and western white pine. Its inventory reports tree diameters ranging from approximately 7 to 22 inches, tree conditions extending from dead to good, numerous occurrences of red ring rot and brown crumbly rot, and 493 unhealthy significant trees. These characteristics support careful consideration of long-term tree health, but the Examiner does not find that the existing forest is devoid of ecological or neighborhood value: WFCI expressly describes a very dense native shrub understory, including evergreen huckleberry, salal and rhododendron. *(Ex. 26, Attachment 1, pp. 3–4).*

29. The independent City Arborist, John Bornsworth of Peninsula Environmental Group, explains that this stand likely developed at high stocking density after a prior logging event and did not receive the precommercial thinning ordinarily used in managed stands to reduce competition and improve the development of remaining trees. According to the City Arborist, sustained overcrowding is associated with reduced individual growth, more disease and mortality, high height-to-diameter ratios, and limited crown development. These are professional findings about the particular forest structure on this parcel, not an assumption that all second-growth forests are of insufficient quality for retention. *(Ex. 26, Attachment 3, p. 1).*

30. WFCI evaluated possible retention in proposed Tracts A and B and found that potential perimeter retention areas approximately 20 feet wide would be inadequate to protect the root systems of trees developed within this dense stand. The consultant describes the candidate trees as closely spaced, unusually tall and slender in relation to their diameters, and possessing small live crowns. It concluded that exposing such trees by interior clearing and grading would materially increase the likelihood of tree failure, with both future residences and existing off-site residences potentially within the fall zone. *(Ex. 26, Attachment 1, p. 4).*

31. The City Arborist independently concurs that the existing stand structure, the narrow proposed retention areas, and the development configuration make meaningful selective retention unsuitable. His August 27 memorandum explains the short-term consequences of suddenly exposing previously sheltered trees to greater wind loading and the longer-term effects of altered sunlight, forest-edge and soil conditions. The resulting risks of windthrow, decline and structural failure bear directly upon the tree-retention priorities in PMC 18.180.030(A), including survival after development and protection of persons and property. *(Ex. 26, Attachment 3, pp. 1–2).*

32. The foregoing findings concerning density, tree condition, root protection, wind exposure, and long-term viability rest upon the professional analyses of WFCI and the City's independent arborist. The Examiner's site visits afforded an opportunity to observe physical conditions described in those reports and were consistent with the professional descriptions, but the visits do not serve as an independent arboricultural assessment or substitute for expert evidence. The professional reports, rather than the Examiner's personal observations, provide the evidentiary basis for determining whether existing trees should be retained. *(Ex. 26, Attachment 1, pp. 3–5; Ex. 26, Attachment 3, pp. 1–2).*

33. On this record, requiring preservation of isolated trees or thin remnants of the existing stand simply to meet a numerical retention count could expose future residents and neighboring owners to identifiable risks without reliably producing a healthy, sustainable retained forest. That determination does not deny the immediate canopy, screening, stormwater and ecological functions currently supplied by existing vegetation. Indeed, the applicant's arborists estimate that reestablishment of a canopy comparable to the existing canopy under natural conditions could require 30 to 40 years, potentially less with irrigation and regular maintenance. The immediate effects of clearing therefore remain real and warrant effective landscaping, boundary screening, establishment and construction-impact conditions. *(Ex. 26, pp. 5–6; Ex. 26, Attachment 1, pp. 3–4; Ex. 27, p. 2).*

34. The City secured independent professional peer reviews by Peninsula Environmental Group, including reviews of the tree inventory and proposed planting plan and a supplemental August 27, 2026 memorandum. The City Arborist recommended the alternative approach only in light of the particular stand, the development configuration, available planting areas, the need to protect planting soils, and an extended maintenance assurance. The City Planning Department

expressly relies upon those evaluations, rather than upon a general presumption favoring tree removal over retention. *(Ex. 26, pp. 4–5; Ex. 26, Attachment 2, June 1, 2026 memorandum, pp. 1–2; Ex. 26, Attachment 3, pp. 1–4).*

35. PMC 18.180.030(B)(1) establishes a quantitative baseline requiring retention of at least 25 percent of qualifying existing significant trees, considered in light of the retention priorities identified in subsection (A). The requirement is not merely a count of stems divorced from the character and value of the trees to be retained. Chapter 18.180 identifies important purposes including retention of healthy groups and stands, community character, visual buffering, property values, land stability and stormwater benefits. Any exception or alternative must be evaluated consistently with those purposes and priorities. *(PMC 18.180.010 and 18.180.030; Ex. 26, pp. 1–2).*

36. The review of this Cedar View application also exposed an important distinction within the alternative-retention language of PMC 18.180.040. Subsection (A) expressly addresses replacement in equivalent diameter inches, while subsection (B) expressly addresses retention of other trees and natural vegetation in equivalent diameter inches. Subsection (C), by contrast, addresses supplemental or replacement plantings in lieu of retention, requires materials suited to the natural character and physical conditions of the site, and requires a landscape plan, without expressly repeating the equivalent-diameter-inch calculation. Where replacement trees are proposed, subsection (D) further requires an appropriate maintenance assurance device. These different provisions must each be given meaning; the diameter-inch language in (A) and (B) cannot simply be ignored, and the omission of that express measurement from (C) cannot properly be converted into an automatic right to substitute one small tree for each mature tree. *(PMC 18.180.030–.040; Ex. 26, pp. 2–3).*

37. An earlier replacement calculation demonstrates the practical significance of the distinction. Applying only the minimum six-inch diameter to each of the 323 qualifying trees otherwise required for retention yields 1,938 diameter inches; division by the proposed two-inch replacement-tree size yields 969 replacement stems. The City Arborist describes this as a limited calculation, not a true equivalent-diameter accounting, because actual inventoried tree diameters exceed the six-inch qualifying threshold in many instances. A calculation using actual diameter inches could produce a substantially larger number than 969 trees. Thus, the proposed 323-tree replacement program is not, and should not be described as, equivalent-diameter-inch mitigation under PMC 18.180.040(A) or (B). *(Ex. 26, p. 3; Ex. 26, Attachment 3, p. 2; Ex. 26, Attachment 1, pp. 3–4).*

38. The City Arborist further explains why imposing 969 or more new trees on the available planting areas would not necessarily improve mitigation on this site. That stocking level would reproduce the competition for light, soil volume, water and canopy space already associated with the present overcrowded stand, potentially producing poor establishment, stagnation and mortality

over decades. The professional objective is the establishment of an ecologically sustainable post-development tree population, rather than the maximum number of newly installed stems regardless of available growing space. *(Ex. 26, Attachment 3, pp. 2–3).*

39. On the particular facts of Cedar View, the City Arborist recommends 323 new replacement trees, corresponding numerically to 25 percent of the 1,291 healthy significant trees, because that number can achieve appropriate stocking in the proposed planting areas when accompanied by suitable species, spacing, rooting conditions and sustained maintenance. The City's September 1st memorandum adopts this recommendation as a site-specific exercise of its alternative-retention interpretation, and the applicant's forestry consultants expressly seek approval under PMC 18.180.040(C) rather than the separate equivalent-diameter approaches in subsections (A) or (B). *(Ex. 26, pp. 3–5; Ex. 26, Attachment 3, pp. 2–4; Ex. 27, p. 1).*

40. The Examiner accepts the Department's interpretation of subsection (C) as permitting consideration of a genuinely site-specific alternative where the evidence establishes why conventional retention and diameter-equivalent replacement would be inappropriate or counterproductive. That is an exercise of review authority based upon the whole Chapter and the actual professional record; it is not a finding that the Code prescribes or generally approves one-for-one replacement. In particular, the use of 323 replacement trees here reflects a professional site-stocking recommendation, not a universal formula and not the independent satisfaction of subsection (C) merely because the number matches 25 percent of existing healthy trees. *(PMC 18.180.030–.040; Ex. 26, pp. 3–5; Ex. 26, Attachment 3, pp. 2–4).*

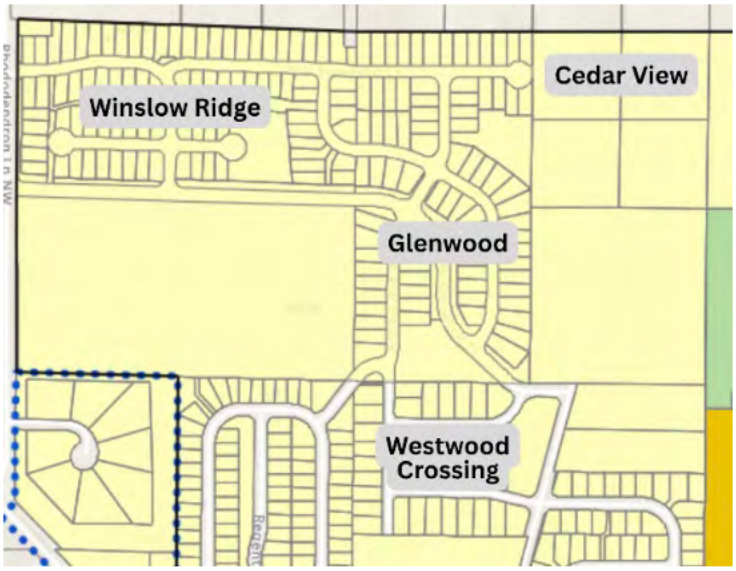
41. This distinction is unusually important in Cedar View because the proposal would remove essentially the entire existing tree canopy. The Examiner would not necessarily approve a similar proposal involving a healthy, structurally sound, more diverse or otherwise viable forest capable of being retained in functional groups or substantial stands. The fact that a particular forest includes valuable mature trees, good growing conditions and meaningful opportunities for long-term retention would weigh differently under the same ordinance. The applicant bears the burden in each case to demonstrate through competent, site-specific evidence that the requested alternative satisfies the applicable provisions and purposes of PMC Chapter 18.180. A conclusory preference for development convenience, greater lot yield, or an unsupported one-for-one mitigation ratio would not suffice. *(PMC 18.180.010, 18.180.030–.040 and 18.180.060; Ex. 26, pp. 4–6).*

42. The Department's interpretation of the City's tree retention code options expressly disclaims any general rule that replacement of 25 percent of qualifying trees on a stem-for-stem basis will suffice in future cases. The Examiner agrees. The City Department administering the ordinance remains free in future matters to adopt a different reasonable interpretation of the existing Code, consistent with governing law, and the Poulsbo City Council remains free to clarify or amend the Code to establish more express, uniform and consistently applied standards, calculations, evidentiary thresholds and performance criteria for alternative tree retention. The

present Decision neither legislates those standards nor binds the City to approve a comparable alternative on materially different facts. *(Ex. 26, p. 5).*

43. The Department's reasoning is well explained and supported by experiences on-the-ground, here in the City of Poulsbo, where subdivision projects have been developed in heavily treed areas, where stands of trees were retained, but their sustainability and long-term vitality or environmental benefits have been questionable, or even harmful in some events. A particularly credible and effective passage from Staff's supplemental materials is republished below:

> For Cedar View, the Alternative C approach consists of replacement and establishment of 323 trees, corresponding to the number of healthy significant trees that otherwise would be required to be retained under PMC 18.180.030(B)(1). The alternative also includes the approved landscape plan, plant materials appropriate to the natural character and environmental conditions of the site, tree protection measures, irrigation and establishment requirements, and replacement of unsuccessful plantings. In addition, consistent with PMC 18.180.040(D), the project will provide a five-year maintenance assurance bond, exceeding the City's typical two-year maintenance assurance period and providing additional assurance of successful establishment of the replacement trees.
>
> This determination is site-specific. It does not establish that removal and replacement is preferable to retention generally, nor does it establish that replacement of 25% of qualifying significant trees on a tree-for-tree basis is the required or appropriate methodology for future Alternative C proposals. The 323-tree replacement quantity for Cedar View is supported by the specific conditions of this site and the technical review and recommendation of the City Arborist. Future requests for alternative tree retention must be evaluated based upon the applicable provisions of PMC Chapter 18.180, existing forest and site conditions, development configuration, long-term viability and safety of retained trees, appropriate replacement-tree stocking and establishment, and, where applicable, review and recommendation of the City Arborist.
>
> **Additional Context – Tree Retention and Stand Stability in the Surrounding Area**
>
> The City's experience with previously developed residential communities in this portion of Poulsbo provides additional context for the Cedar View determination, although it is not the primary basis for approval of the Cedar View alternative tree retention plan. The Westwood Crossing, Winslow Ridge, and Glenwood communities *(see [map below])* contain areas where existing forest trees were retained as development occurred around them.



> Following development, these communities have experienced continuing issues involving windfall, declining trees, hazardous-tree removals, and mortality within or adjacent to retained tree areas. These experiences demonstrate an important distinction between preserving an existing tree at the time of development and successfully retaining a healthy and structurally stable tree over the long term.
>
> Tree stands develop collectively. Trees growing within dense stands may have different crown structures, root characteristics, and exposure to prevailing winds than trees that develop along an established forest edge or in an open landscape. Removal of surrounding trees during development can substantially alter those conditions. A tree that is healthy before clearing therefore is not necessarily a tree that has a reasonable likelihood of remaining healthy and structurally stable after the surrounding stand is removed.
>
> This local experience reinforces the importance of the priorities already contained in PMC 18.180.030(A), including retaining healthy groups and stands rather than isolated trees, considering whether trees have a reasonable chance of survival after development, and avoiding retention of trees that may pose a future threat to persons or property.
>
> The Cedar View determination should therefore not be characterized as a preference for tree removal. Rather, it reflects a long-term tree retention strategy: where professional arborist analysis demonstrates that preservation of portions of an existing stand is unlikely to result in safe, healthy, sustainable trees following development, PMC 18.180.040 provides a mechanism for the City to consider an alternative that establishes a new, appropriately located and maintained tree population.
>
> In this case, the project-specific arborist analysis and independent City Arborist peer review provide the technical basis for the Cedar View determination. The City's experience managing retained tree stands in nearby residential developments provides additional context and reinforces the importance of considering long-term tree health, stability, and survivability rather than retention solely to achieve a numerical percentage at the time of development.

(Combined post-hearing exhibits, .pdf pages 20-21; Ex. 26, Sept. 1, 2026 Staff explanation of code interpretation addressing tree retention options under current city codes).

44. For this application, approval depends upon more than accepting a proposed planting count. Conditions imposed by this Decision require, before clearing or grading, a coordinated and independently reviewed final Tree Protection and Replacement Plan and landscape plan identifying the location, species, size, mature spacing and rooting area for each of at least 323 replacement trees, exclusive of street trees, together with protection of planting soils, irrigation, and any necessary reconciliation with approved tracts, utilities, grading and fencing. The final design must demonstrate that the replacement program is physically feasible, that planting areas are protected, and that significant preliminary-plat changes undergo the review required by PMC 17.60.070. *(Ex. 25, Conditions P12–P24 and P30–P47; Ex. 26, pp. 4–5; Ex. 26, Attachment 3, pp. 2–3).*

45. The City Arborist expressly recommends an extended five-year maintenance assurance under PMC 18.180.040(D), rather than the ordinary two-year period, because newly planted trees cannot be regarded as successful mitigation merely upon installation. The required maintenance and monitoring must permit verification of actual surviving, established trees, replacement of unsuccessful plants, adequate watering and growing conditions, and correction of deficiencies, backed by enforceable financial security. The Examiner's conditions therefore make successful establishment of at least 323 replacement trees a measurable performance obligation, not an aspirational statement or authorization to remove all existing trees before the City approves a feasible implementation plan. *(Ex. 26, pp. 4–5; Ex. 26, Attachment 3, pp. 3–4).*

46. The existing Cedar View canopy and native shrub understory currently afford real neighborhood and ecological benefits, notwithstanding the documented risks of preserving isolated or narrow remnants after development. Because the applicant's removal proposal would dramatically change the visual character of the site and could require decades for comparable canopy recovery, the replacement program, required perimeter treatments and construction-phase protections must be implemented as independent and complementary obligations. The approval of the alternative tree approach does not excuse compliance with screening, drainage, open-space, erosion-control, access or other conditions established elsewhere in this Decision. *(Ex. 26, Attachment 1, pp. 3–5; Ex. 27, p. 2; Ex. 25, Conditions P45–P47).*

47. The Examiner also considers the timing and intensity of the impacts upon neighboring residences during development. In a subdivision where significant existing tree stands are preserved, retained vegetation may continue to provide immediate visual separation while grading, road construction and homebuilding proceed. Here, the proposed removal of essentially all existing significant trees, potentially during a concentrated clearing phase, will eliminate the existing visual buffer before the replacement trees can provide comparable screening. Residents adjoining the development may therefore experience substantially more direct views of felling, heavy equipment, exposed soils, grading, construction activities and temporary disturbance than would occur if viable forested stands were retained. The record does not establish that every tree will be removed at precisely the same time, and the Examiner makes no such assumption. The concern is the abrupt and extensive loss of existing screening during the construction period, regardless of the particular approved phasing of tree removal. *(Ex. 26, Attachment 1, pp. 3–5; Ex. 25, Conditions P15, P19 and P45–P47).*

48. This unusually extensive loss of existing vegetation makes the neighbors' requests for construction-period screening and fencing particularly compelling. Ms. Phillips requested a six-foot solid boundary fence rather than relying on split-rail fencing and landscaping that will take time to establish; the City explained its reasons for declining to recommend a continuous permanent solid fence along the City/County boundary. However, the need for reasonably effective screening during active clearing and construction is distinct from the sufficiency of the eventual permanent landscape design. The City's requirement for five-year establishment of replacement trees does not itself provide immediate visual protection for adjoining residents. Giving appropriate weight to those circumstances and the compatibility and screening considerations in PMC 18.260.070(B), where applicable, and PMC 18.260.140(F), the Examiner finds it reasonable to require targeted, temporary, opaque construction screening along the affected residential frontage, particularly where the Cedar View property adjoins Ms. Phillips's property. That requirement need not extend a permanent solid fence along the entire development boundary, and installation must be coordinated with safe tree removal, protected planting areas and approved construction access. *(Ex. 29, Ms. Phillips' September 11, 2026 letter, p. 13; Ex. 30, pp. 4–5; Ex. 25, Conditions P45–P47; Ex. 26, Attachment 3, p. 3).*

49. Information about prior experiences with retained stands of trees in new developments in the City of Poulsbo is useful context regarding the possible effects of opening a previously sheltered stand, but it is not relied upon as proof that all retained forest areas are hazardous or that wholesale clearing is ordinarily appropriate. The determination here rests instead upon the Cedar View site-specific professional analyses and independent peer review. *(Ex. 26, pp. 5–6; Ex. 26, Attachment 1, p. 4; Ex. 26, Attachment 3, pp. 1–2).*

50. The Examiner's reading of PMC 18.180.040(C) is consistent with the legal distinction recognized in the separate Noll Pointe decision, but the merits of Cedar View are determined solely from the evidence admitted in this record. Here, unlike a subdivision retaining substantial existing stands, the independently supported technical judgment is that this particular dense, high-competition forest cannot be safely and sustainably retained in the narrow remnants left by the proposed design. No result reached in either proceeding creates a blanket one-for-one replacement policy or relieves a future applicant of the burden of establishing compliance from its own record. *(Exs. 26–27).*

51. Neighbors participating at the hearing and in written comments raised legitimate questions about legal construction access over private easements, traffic intensity and route suitability, tree retention near neighboring property, grading, drainage, privacy, fencing, and public involvement. These observations merit a response and appropriate conditions even when they do not overcome independent professional conclusions. *(Exs. 15, 29–31).*

52. Ms. Karen Champ questioned whether the applicant established a continuous lawful route from Urdahl Road, distinguished the 1964 road reservation and 1990 easement, questioned easement width and use by construction trucks, and requested better documents, surveying and protection for adjacent tree retention areas. *(Exs. 29–30).*

53. Mr. Greg Newhouse questioned the legal and practical adequacy of the easement for logging, clearing, earthmoving and construction traffic, including route width, physical modifications, duration and resulting impacts. The applicant's September 15 response includes a commitment to repair the road surface and disturbances to the existing 18-foot easement road attributable to project construction. *(Ex. 29, Mr. Newhouse's comments; Ex. 31, Mr. Sherwin's September 15, 2026 response, p. 4; Ex. 30, p. 2).*

54. Ms. Tami Phillips, the adjoining owner at the City/County boundary, objected to reliance on landscaping or split-rail fencing in lieu of a solid sight-obscuring fence and expressed concerns involving privacy, security, pets, trespass and a public pathway. The City explained its screening recommendation and declined to mandate an additional continuous solid six-foot boundary fence beyond adopted requirements. *(Exs. 29–30; Ex. 25, Condition P45).*

55. Ms. Champ requested that the name "Glennwood" be removed from the application because the project is separate from the established Glennwood subdivision. Staff explained that the name is an administrative identifier and does not establish legal or HOA affiliation. The project naming issue does not determine compliance with substantive approval criteria, and the Examiner sees no basis in fact or law to mandate any change of name for this project. *(Ex. 30, item 11).*

56. On August 19, 2026, the applicant's attorney, Bill Lynn of Gordon Thomas Honeywell, concluded that the recorded easement provides access to Cedar View's constituent Lots A and B, referring to the 1991 short plat and recorded corrective deed. His August 19 letter did not separately adjudicate all questions concerning construction intensity, physical improvements, or the rights of servient owners. *(Ex. 28).*

57. Mr. Lynn submitted a further September 17th response contending that construction traffic is within the reasonable uses of the established ingress/egress easement and that the nearby Glennwood tree-retention easement does not encumber the Cedar View parcel. The Examiner recognizes these as legal positions advanced by the applicant, not a final adjudication of private easement rights. *(Ex. 31).*

58. Staff correctly distinguishes legal access to the property for subdivision purposes from authorization to use a particular construction haul route. Condition E48 requires production of the necessary recorded easements and property rights before grading permits; Condition E49 requires a detailed construction traffic plan and City acceptance of the route. *(Exs. 25, 30).*

59. The Examiner does not adjudicate the breadth of private easement rights, compel participation by nonparties, authorize access beyond established rights, or grant permission to widen, remove trees, grade or disturb land belonging to others. City review under Conditions E48–E49 must precede use of the proposed construction route. *(Exs. 28, 30–31).*

60. Construction activity adjacent to the existing Glennwood Tree Retention Easement requires particular protection against damage to critical root zones, compaction, grading and physical encroachment. The updated Tree Protection Plan and preconstruction survey must distinguish the legally available access corridor from adjacent protected vegetation, with independent City Arborist review. *(Exs. 29–31).*

61. The City's September 18th response addresses construction haul route, width, temporary impacts, erosion and drainage, alternatives, privacy, fence design and the procedural scope of post-hearing submissions. It confirms that the limited comment period was extended to individuals who commented at the public hearing, not reopened generally. *(Ex. 30).* Those supplemental public comments are addressed above.

62. The revised screening Condition P45 requires six-foot sight-obscuring fences at identified lots, with split-rail fencing along the north boundary and between Tracts A and E to the south. Given the extensive removal of existing vegetation and resulting loss of screening during construction, the Examiner imposes an additional requirement for temporary six-foot opaque construction screening along the affected residential frontage adjoining Ms. Phillips's property, as provided in Examiner Condition F. This requirement does not mandate a continuous permanent solid fence along the development boundary or otherwise modify the permanent fencing and landscaping requirements of Conditions P45–P47. *(Ex. 25, P45–P47; Exs. 29–30).*

63. The project must satisfy the engineering, stormwater, utility, construction access, traffic, open-space, landscape, maintenance and other standards specified in the revised September 1 conditions. As conditioned herein, the record provides the basis for a finding of adequate provision under PMC 17.60.040 and relevant PRD provisions. *(Exs. 1, 18, 24–25).*

64. The Examiner gives appropriate weight to the City Planning Department and its independent Arborist's interpretation and site-specific professional judgments, while independently determining that this particular record supports a limited alternative under PMC 18.180.040(C) and associated maintenance security under subsection (D). *(Exs. 23, 26–27).*

65. The approval is inseparable from the Examiner's additional conditions requiring a written determination by the PED Director concerning the feasibility of the 323-tree replacement plan before clearing or grading, five-year tree establishment monitoring, appropriate review of material plat modifications, protection of adjoining trees, restoration of construction-related roadway damage, and temporary construction-period screening. *(See Examiner Conditions A–F).* The separate requirements for documentation of easement and property rights and City review of construction traffic routes remain governed by Engineering Conditions E48–E49. *(Exs. 25–31).*

66. Based on the evidence, substantial professional review and conditions imposed as part of this Decision, the Applicant has demonstrated that the development can meet applicable PRD and preliminary subdivision approval criteria. This is a site-specific determination; it does not waive applicable code provisions or authorize a construction route before the applicant proves the necessary rights and obtains necessary permits.

V. CONCLUSIONS OF LAW

1. Based on the Findings as summarized above, the undersigned examiner concludes that the proposed Cedar View at Glennwood 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 Cedar View at Glennwood Planned Residential Development and Preliminary Plat, Planning File No. P-11-04-25-02, subject to the attached Conditions of Approval. No approval of private easement rights, specific construction haul routes, or departures from preliminary plat modification requirements is conferred by this Decision.

Decision issued: October 29, 2026.



Gary N. McLean
Hearing Examiner for the City of Poulsbo

CONDITIONS OF APPROVAL

Cedar View at Glennwood
Planned Residential Development and
Preliminary Plat

File No. P-11-04-25-02

[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.

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.

A. Tree Planting Feasibility. Before issuance of any permit authorizing tree removal, clearing or grading, the Applicant shall demonstrate, to the satisfaction of the Planning and Economic Development (PED) Director, that all 323 required replacement trees can be successfully established within suitable planting areas, consistent with the approved grading, utilities, easements, stormwater facilities, open space, pedestrian pathways and fencing. The City Arborist shall independently review the final plans and provide a written recommendation addressing feasibility, tree health and long-term survival. The PED Director shall make the final written determination approving or rejecting the proposed planting plan. No clearing or grading permit shall issue without such written approval. A conceptual assertion that adequate area can be found later does not satisfy this condition.

B. During the required five-year tree establishment period, the Applicant shall provide the Director with annual reports documenting tree survival, maintenance, replacement of unsuccessful plantings and any deficiencies requiring correction. The five-year maintenance assurance shall not be released until the City Arborist verifies compliance with the applicable establishment obligations, including successful establishment of not fewer than 323 replacement trees.

C. Before approval of revised permit drawings involving material changes to lots, tracts, access, streets, utilities, open space or amenities, the PED Director shall determine in writing whether the proposed changes require further review under PMC 17.60.070. Required public notice and opportunity for participation shall not be bypassed by treating a substantive plat redesign as landscaping or engineering implementation.

D. Before clearing or construction affecting the proposed construction access corridor, the Applicant's ISA-certified arborist shall document existing trees within or adjacent to the corridor, including the Glennwood Tree Retention Easement, and identify necessary protection of critical root zones and adjoining

vegetation. The City Arborist shall review and approve the protective measures before site disturbance. No construction activity shall encroach upon adjoining tree-retention areas without legal authorization and all required approvals.

E. The Applicant shall document the preconstruction condition of the existing access roadway and repair any construction-caused damage and disturbance consistent with the Applicant's commitments in Exhibit 31 and applicable City permit requirements.

F. Construction-Period Perimeter Screening. Before issuance of any Tree Cutting and Clearing or Grading Permit, the Applicant shall submit for review and written approval by the Director, in consultation with the City Arborist and City Engineer, a plan for temporary six-foot-high opaque sight-obscuring construction fencing or screening along the affected northern residential frontage adjoining Ms. Phillips's property. Screening shall be installed before removal of trees presently screening the affected boundary, wherever feasible and safe. Where tree-felling hazards make prior installation impracticable, screening shall be installed promptly following the hazardous tree-removal operation and before mass grading adjacent to the affected frontage. Screening shall be maintained during active adjacent construction until permanent fencing or landscaping has been installed. The Director may approve an effective alternative where installation is technically infeasible. Installation shall respect property boundaries, protected vegetation, drainage, utilities and safe construction access. This temporary construction measure is in addition to the permanent fencing and landscaping required by Conditions P45–P47.

G. 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.

H. 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.

Conditions based on those proposed by Staff, as modified by the Examiner based on facts and evidence included as part of the record. These Conditions are derived from the revised conditions proposed by staff in Exhibit 25.

P1. Development of the site shall be in conformance with the plan set and associated documents identified in Exhibit C, stamped approved in Planning File No. P-11-04-25-02 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 Exhibit C. Approval of the preliminary subdivision does not relieve the applicant from obtaining all other required permits and approvals. Compliance with these Conditions of Approval shall be

demonstrated during subsequent permit review, including but not limited to grading, tree cutting and clearing, civil construction, building permits, and final plat approval.

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 submittal according to the current code requirement and due at Certificate of Occupancy.

P6. Fire Department impact fee is required with this project. Fee is determined at the time of building permit submittal according to the current code requirement and due at Certificate of Occupancy.

P7. 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.

P8. 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.

P9. 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.

P10. 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.

P11. 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.

P12. 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.

P13. 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.

P14. Construction notes on TCC and Grading permits shall clearly state tree protection fencing shall be installed prior to site grading.

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.

P17. A final Tree Protection Plan and Tree Replanting Plan shall be submitted with and shown on the TCC and Grading permits for review and approval 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. Supplemental irrigation shall be provided for all replacement tree plantings for the duration of the required establishment period, unless otherwise approved by the City Arborist.

P19. A minimum of 323 replanting trees are required. Replanting trees may be a combination of 6-feet 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. A minimum 5-year maintenance bond for replacement trees shall be required. Replacement trees and street trees shall be mutually exclusive.

P21. Tree protection fencing limits, replacement tree locations, and preserved tree areas shall be consistently shown on the Tree Protection Plan, Civil Plans, Grading Plans, and Landscape Plans.

P22. Tree protection measures and arborist identified order of development found in final arborist report as approved by the City Arborist (Exhibit L) shall be included on grading and tree cutting and clearing permit drawings.

P23. Tree Protective Fencing shall be included on drawings submitted with the TCC and Grading Permits.

P24. A follow-up assessment of the proposed replanted trees 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 replanting numbers shall be amended to reflect any necessary 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 replanting 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.

P25. 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.

P26. Street trees shall be consistent with the Conceptual Landscape Plan in Exhibit D, 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.

P27. All street trees and replacement tree 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.

P28. 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.

P29. 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.

P30. 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.

P31. The development monument sign(s) shall be shown on the Final Landscape Plan. A separate building permit is required for construction of the monument sign(s).

P32. 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

P33. Tracts A, B, C, and D 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 • Tract D shall have landscaping around the storm pond in order to conform to open space requirements • An approximately 450-foot (0.10 mile) off-street trail extends through open space Tracts A, B, and C.

P34. Details on recreational amenities shall be included with the TCC permit.

P35. Amenities are required to be commercial grade.

P36. Modification of amenities planned shall be reviewed and approved by the city.

P37. Landscaping plans for recreational areas, including irrigation, shall be submitted with the TCC permit.

P38. 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.

P39. Maintenance of all recreational amenities, including benches, trails, and community gathering areas, shall be the responsibility of the HOA. Maintenance responsibilities must be clearly outlined in the CC&Rs.

P40. All recreational amenities must be completed and inspected prior to close-out of the TCC permit.

Individual Home Identity

P41. 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.

P42. Side and rear facades facing public or private roadways in or adjacent to the project shall include façade treatments similar to the front facade.

P43. 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.

P44. 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

P45. A 6-foot-high sight obscuring fence shall be installed along all new lots 1 through 10 as well as lots 11, 16, 17, 20, 21, and 22. A split rail fence shall be installed along the north property line of the project and between Tract A and Tract E to the south.

P46. Fencing details shall be provided with TCC and grading permit drawings, including landscaping plans.

P47. The City Arborist shall review, at the cost of the applicant, the location of fencing in relation to tree protection area. The City Arborist will evaluate the impact of fencing on the long-term health of the

proposed replanted trees and provide, if necessary, recommendations for optimal success of newly planted trees.

Final Plat

P48. The face of the final plat shall include the following statement(s):

a. The project's HOA will own, maintain, and enforce all open space, tree retention, and amenity tracts.
b. Trees located in Tracts A, B, and D, 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.
c. Open space and/or amenity Tracts A, B, C, and D are for the benefit of project owners and residents. The HOA is responsible for management and maintenance of tracts.
d. No rockeries/retaining walls may be constructed withing 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.
e. 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.

Covenants, Conditions and Restrictions (CCRs)

P49. 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.

P50. CCRs shall include provisions that the HOA will own, maintain and enforce all open space, tree retention, landscaping, and amenity tracts (Tracts A, B, C, and D).

P51. CCRs shall include provisions of how the HOA will manage street tree maintenance, including irrigation.

P52. 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.

P53. The City of Poulsbo will not join the HOA as enforcers of the project's CCRs. This shall be stated in the CCRs.

P54. 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.

P55. 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.

P56. 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 Department's Conditions of Approval:

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 site plan drawing are approved in concept only and are not considered approved for construction. Approval of the site plan does not constitute approval of any construction drawings submitted with the site plan 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 project construction approval the applicant shall: construct the required improvements per City standards, and submit "as-built" drawings on 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, they 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. Applicant shall provide material testing and provide results to city as outlined in SEPA.

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, wetlands) 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, biologist, and the City's consultants.

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/striping, 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 with crossings shown in the profiles. Drawing sets that require multiple drawings to cover large areas shall have a large-scale overall drawing for each subject, logical cut lines and a key map in the upper right to show individual drawing location in the set. An overall composite utility map and an overall composite grading/TESC map shall be provided in PDF form as well for City inspection team use.

E9. Construction drawings will be rejected, without review, if the following drafting requirements are not met: a. Construction plan size shall not exceed 24"x36"(22" x34" preferred). 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.

Clearing, Grading, and Erosion Control

E10. A Clearing and/or Grading Permit is required prior to any land-disturbing activity on the site (PMC 15.35, 15.40). 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. 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 weather and wet season construction methods.

E11. Applicant shall provide detailed staging plan for each phase of proposed clearing, grading, and construction sequencing plan.

E12. The Department of Ecology requires project owners to obtain a Construction Stormwater General Permit for certain projects. Construction site operators must apply for the permit 60 days prior to discharging stormwater.

E13. The developer's engineer shall submit a completed NPDES Permit Appendix 7 Worksheet with the construction plan submittal along with other required stormwater application documents.

Stormwater

E14. 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 permit. d. Recommendations of the geo-technical engineer.

E15. The design of detention and treatment systems shall include appropriate access for maintenance as determined by the Public Works Department.

E16. A final geotechnical report shall be submitted with the grading permit submittal to support site design and provide guidance on site construction.

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. Provision shall be made for the conveyance of any upstream off-site water that naturally drains across the applicant's site.

E19. All secondary storm systems and easements shall be in compliance with the City standards and remain privately maintained.

E20. Unless otherwise approved by the City Engineer maximum catch basin depth to invert is 15'.

E21. Stormwater General Facility connection charge per PMC 3.12 is required for the project and payable with each building permit. The connection charge is based on Impervious Surface Units (ISU) where 1 ISU = 3,000 sf of impervious surface per PMC 13.70.

Sanitary Sewer and Water

E22. Refer to Public Works Department conditions of approval for sanitary sewer construction standards and requirements.

E23. Sewer General Facility connection charge per PMC 3.12 is required for the project and payable with each building permit. The connection charge is based on equivalent residential units (ERUs) and is comprised of City portion of the connection fee and County portion of the charge.

E24. The applicant shall be responsible for providing specific Force Main Sewer covenants for the lots being connected to the force main setup. Satisfactory covenants shall be submitted to the City prior to construction plan approval. Covenants shall address private ownership and maintenance agreement among lots on each main.

Water

E25. Refer to Public Works Department comments for water construction standards, connection and looping requirements.

E26. Water General Facility connection charge per Developer Agreement with Kitsap Public Utility District is required for the project and payable with each building permit.

All Utilities

E27. 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.

E28. 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.

E29. 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.

E30. 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.

E31. Applicant and contractor or contractors shall have a utility specific pre-construction meeting with City staff, consultants, and/or inspectors for each utility prior to work beginning on that specific utility. This meeting will outline construction, inspection, acceptance requirements and expectations.

E32. 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. Appropriate barricades shall be constructed at the road ends.

Streets

E33. Unless otherwise approved by the City Council, street sections shall conform to adopted City standards. (refer to Developer's Guide – Section 2 – Street Standards, revised available online; http://www.cityofpoulsbo.com/publicworks/ConstructionStandards.htm)

E34. All materials used for public roadway construction shall conform to WSDOT specifications for roadway construction. Material testing showing compliance with standards shall be submitted to the City inspector prior to material usage. A plan for material control and testing shall be submitted to the Engineering Department with the grading permit submittal for review and approval.

E35. The developer's engineer shall certify that there is adequate entering sight distance at all intersections. 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.

E36. All intersections, crosswalks at intersections, sidewalks and driveway drops shall meet current ADA standards. Construction drawings shall include sufficient intersection grade and slope details to confirm ADA compliance.

E37. GMA Transportation Impact Fee Ordinance (PMC 3.86) has been approved by City Council. This establishes a transportation impact fee assessment per Average Daily Trip (ADT) payable at time of Building permit issuance. Average weekday trips are 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. ITE 12th Edition Trip Generation manual indicates single family homes generate 9.09 ADT/unit. Traffic Impact Fees are payable at the time of building permit issuance. ~~for each apartment building~~.

E38. Street lighting shall be installed per City of Poulsbo and Puget Sound Energy (Intolight) specifications on public roadways. Lighting installed shall meet the requirements of IES RP-8 per City of Poulsbo requirements. Lighting plans shall coordinated with Puget Sound Energy/Intolight and shall be submitted to the Engineering Department for review. New streetlights shall be LED fixtures.

E39. The applicant's engineer shall obtain approval of the postmaster and the City Engineer for all mailbox installation locations.

Other

E40. A spill prevention plan shall be submitted with grading permit submittal materials.

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 his 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 along all public roadways or within any other utility easement. No rockeries shall be constructed within City right of way. No permanent structures of any kind are allowed within any utility easement.

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.

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 permits, easements, property rights and rights- of-way prior to grading permit issuance. Copies of all recorded easements, agreements and right of way dedications shall be provided to the City Engineer.

E49. The applicant shall submit a detailed construction traffic plan with the Grading Permit application for the project. The route for construction traffic shall be reviewed by the City prior to Grading Permit approval.

Public Works Department's Conditions of Approval:

Service Availability

PW1. The City of Poulsbo has determined that, as of the date of this development approval, the City has sufficient water supply to serve the development. This determination is not, however, a guarantee that sufficient supply will exist at the time of connection to the City's water system is applied for and the City expressly disclaims any such guarantee. The City allows connections to its water system on a first-come, first-served basis and the City may or may not have an adequate supply of water available to serve the development at the time connection is applied for. Pursuant to RCW 19.27.097, verification that an adequate water supply exists to serve the development will be required at the time a building permit is applied for and issuance of a certificate of water availability by the City at the time will be necessary before the ability to connect to the City's water system is assured.

PW2. Sewer conveyance and treatment demand to serve the City's growth is anticipated in the City's Comprehensive Sewer Plan, the Poulsbo sanitary sewer Capital Improvement Plan (CIP) and the Kitsap County Capital Improvement Plan. The City's CIP identifies improvements to serve the projected growth of the City based on historic growth rates, and adequately provides for the development of the Cedar View at Glennwood project. This determination is not, however a guarantee that sufficient capacity will exist at the time connection to the City's sewer system is applied for and the City expressly disclaims any such guarantee. The City allows connections to its sewer system on a first-come, first-served basis and the City may or may not have adequate sewer capacity to serve the development at the time connection is applied for. Verification of available sewer capacity will be required prior to issuance of building permits.

Water

PW3. [NOTE: Condition PW1 addresses possible City water service for the new plat, so in the event such service should be approved for the new plat, these "Water" / KPUD-related conditions (PW3-PW10) will be subject to modification by the Public Works Director in accord with applicable codes and policies addressing utility connections serving new plats]. Unless served by the City's water utility, all lots shall be connected to Kitsap Public Utility District (KPUD) water. Water connection shall be to Winslow Ridge Plat at all stubbed connection points and looped per requirements of KPUD through separate application. Water will be required to be stubbed to the adjacent south sites.

PW4. Service connection to the KPUD water system shall be the responsibility of the property owner and shall comply with state and local design and development standards.

PW5. Water main looping shall be in compliance with KPUD and Department of Health water design standards.

PW6. Locate meters in a single bank when possible.

PW7. 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 KPUD. Dedicated water lines shall be centered in an easement of 20 feet in width minimum.

PW8. Meters for all lots shall be located within the public right of way, adjacent to the property line.

PW9. Existing on-site well(s) shall be decommissioned per Department of Health requirements prior to commencement of site grading.

PW10. Individual PRV is required on the property owner side of the meter when pressure exceeds 80 psi. (KPUD provides PRV if needed).

Irrigation

PW11. Irrigation water shall come from a separate connection. Please show irrigation connection(s) on the utility drawing(s).

PW12. A double check valve assembly shall be installed within 18-inches of the downstream side of the water meter. The type of backflow assembly must be per KPUD and State Standards.

PW13. The double check valve assembly 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, as well as KPUD.

Sewer

PW14. Development of the plat requires the installation of a combination of gravity and pressurized sewer to serve all of the lots. Connection shall be to the sanitary sewer system installed in the Glennwood subdivision west at available stubs.

PW15. Sewer stubs for extension of the gravity system shall be provided to adjacent properties where road connections are provided, and a gravity sewer extension is topographically viable.

PW16. 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.

PW17. All side sewers shall enter public right-of-way as gravity flow.

PW18. Service connection and alterations to the City sewer system shall be the responsibility of the property owner.

PW19. Force mains shall not connect to a gravity system in public right of way.

PW20. Force main installation shall occur during construction prior to final plat.

PW21. Force main(s) and pump(s) and pipe sizing shall be depicted on construction drawings and elevation plans. Engineering calculations for the system must be submitted with the construction drawings. A deposit for consultant review of the force main system will be required.

PW22. All sewer stubs must extend beyond the 10 feet easement fronting all lots.

PW23. Maintenance of the force mains shall be the responsibility of the property owner(s). This shall be outlined in covenants for the plat.

PW24. A plumbing permit shall be required to alter the sewer connection from force main to gravity line.

Solid Waste

PW25. Solid waste service shall be provided by the City of Poulsbo.

PW26. 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.

General Conditions

PW27. 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.

PW28. 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 • American Public Works Association/Department of Transportation Standard Specifications • KPUD Standard Details, current version

PW29. In the event that there is a conflict between construction standards, the more restrictive standard shall apply as determined by the City Engineer.

PW30. No walls or structures shall be permitted in utility easements unless approved at time of construction review.

PW31. 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 my need to be relocated or removed from the final landscape plan.

PW32. A 10' dry utility easement shall be provided behind public roadway sidewalks. No permanent structures or rockeries shall be permitted in utility easements or within the 10' dry utility easement.

Submittal and Approval

PW33. 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.

PW34. 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. Water utility systems shall be dedicated to KPUD.

PW35. Upon completion of the project, the developer shall supply the Public Works Department and KPUD 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.

Facilities Ownership

PW36. Ownership and maintenance of the onsite utility systems not conveyed to the City of Poulsbo shall remain the responsibility of the property owner.

PW37. Stormwater Pond tracts shall be fenced to the requirements of the Public Works Department. Connection Fees and Assessments

PW38. Utility service for the noted property is subject to application and payment of the applicable fees and assessments.

PW39. 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. KPUD required payment of fees at the time of binding water letter issuance.

**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.

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.