

Jefferson County
Board of Commissioners
Agenda Request

To: Board of Commissioners
Mark McCauley, County Administrator

From: Monte Reinders, Public Works Director 

Agenda Date: May 5, 2025

Subject: Authorization for Opening of Right-of-Way – Foster Street from SR19
(Rhody Drive)

Statement of Issue:

The Board is asked to approve a resolution granting permission for the applicant to open a portion of platted Foster Street right-of-way, extending approximately 250 feet easterly from its intersection with SR19, also known as Rhody Drive. This action is necessary in order for property owner, Bernetta Ferguson, to gain access to her parcel. A resolution authorizing the right-of-way opening is attached for the Board's consideration.

Analysis/Strategic Goals/Pro's & Con's:

The proposed area of right-of-way is located within the Plat of Seventh Avenue Acre Tracts. This road is not proposed to be a County road; therefore, the County will not be responsible for maintenance should this request be approved.

Per RCW 36.80.030, the supervision of the right-of-way, including the development of road standards is under the review of the County Engineer, acting under the supervision and authority of the Board of County Commissioners. The County Engineer has prepared standards for opening County right-of-way at this location as outlined in the attached Engineer's Report.

No known drawbacks are associated with this request, assuming all conditions and construction requirements are met.

Fiscal Impact/Cost Benefit Analysis:

There are no anticipated costs to the County. All permitting and inspection fees are the responsibility of the applicant. There will be no cost to the County for maintenance or construction should this right-of-way be opened.

Recommendation:

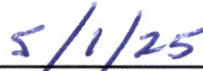
Jefferson County Public Works recommends approval of this application to open a portion of platted Foster St. for approximately 250 feet as outlined in the attached Engineer's Report. The Board is asked to sign the Resolution and return to Public Works.

Department Contact: Laura Pollina, Public Works Permit Tech I x159

Reviewed By:



Mark McCauley, County Administrator



Date

**STATE OF WASHINGTON
County of Jefferson**

**In the Matter of a Resolution to Construct a
Road on a Portion of Public Right-of-Way
Known as Foster St.**

RESOLUTION NO. _____

WHEREAS, an application to construct roads and utilities on public right-of-way has been submitted by Bernetta Ferguson for the purpose of providing access to their property, and

WHEREAS, said development will require opening approximately 250 feet of platted Foster St., and

WHEREAS, the Revised Code of Washington (RCW) 36.75 and 36.80 places the supervision of right of way, including the development of road standards, under purview of the County Engineer, acting under the supervision and authority of the Board of County Commissioners, and

WHEREAS, the applicant has proposed to construct roads to a standard less than what would be required for public roads, and

WHEREAS, the County Engineer has examined the right-of-way and the existing road system and the potential for future development and recommends that this request be approved provided the standards described in the County Engineer's report dated 04/25/2025 are followed, and

WHEREAS, the applicant will be responsible for the maintenance of this section of roadway and it is understood that the County will not be responsible for maintenance of this section of roadway and that it will not be added to the official County Road log until such time as the road is improved to public road standards and added to the County Road Log through Board action, and

WHEREAS, in lieu of requiring the road to be constructed to full public road standards at this time, the applicant will be required to sign a no protest agreement waiving rights, except as to the method of assessment, to protest formation of a pro-rata cost sharing arrangement such as a Road Improvement District (RID) should it become necessary in the future to upgrade this road, whether proposed by petition or a resolution of the Board of County Commissioners,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, STATE OF WASHINGTON:

Section 1. Whereas Clauses Adopted as Findings of Fact. The Jefferson County Board of Commissioners hereby adopts the above "Whereas" clauses as Findings of Fact.

Section 2. Authorization for Right-of-Way Opening and Construction Subject to County

Standards and Permitting. The Resolution:

1. Grants the applicant permission to open the Foster St. right-of-way from its intersection with SR19, also known as Rhody Drive, extending easterly for approximately 250 feet.
2. Requires that the road construction be completed in general conformance with the standards recommended in the County's Engineer's report dated 04/25/2025.
3. Directs the applicant to obtain all necessary permits prior to beginning construction, including a permit from the Department of Public Works, which shall specify any required conditions as set by the County Engineer to ensure compliance with said standards.
4. Requires the applicant to pay any inspection costs incurred by the Department of Public Works to confirm that construction meets the applicable standards.

Section 3. Severability. If any section, subsection, sentence, clause, phrase of this resolution or its application to any person or circumstance is held invalid, the remainder of this resolution or its application to other persons or circumstances shall be fully valid and shall not be affected.

Section 4. Effective Date. This resolution is effective upon adoption.

Section 5. SEPA Categorical Exemption. This resolution is categorically exempt from the State Environmental Policy Act under WAC 197-11-800(19).

APPROVED and ADOPTED this _____ day of April, 2025.

SEAL:

JEFFERSON COUNTY BOARD OF
COUNTY COMMISSIONERS

Heidi Eisenhour, Chair

Greg Brotherton, Member

Heather Dudley-Nollette, Member

ATTEST:

Carolyn Gallaway, CMC Date
Clerk of the Board

**Jefferson County Public Works Department
County Engineer's Report
Open Right-of-Way Portion of Platted Foster St., Seventh Avenue Acre Tracts**

This Report is in response to an Open Right-of-Way Permit application (Exhibit A) submitted by Bernetta Ferguson. The intent of the County Engineer's Report is to evaluate and provide preliminary design parameters/criteria to facilitate the appropriate design of the project. After agency approval of all documents required by this report the applicant shall be issued a permit by the Public Works Department.

PROJECT DESCRIPTION

Plat name: Seventh Avenue Acre Tracts

Road / Street Name: Platted Foster St.

Adjacent to: Assessor Parcel #994200005

Distance: Approximately 250 feet

Sections 3, Township 29 North, Range 1 W

The road is not proposed to be a County Road (Exhibit B = Site Plan).

EXISTING CONDITONS

This Permit would officially open a segment of platted Foster St. right-of-way (subject ROW) to provide access to the Applicant's parcel #994200005.

The access to this segment of Foster St. is easterly of SR19, aka Rhody Dr., at mile post 11.32 right. The subject ROW extends to the boundaries of Chimacum Creek, approximately 325 feet beyond the area to be opened, and, as such, the subject ROW cannot become a through road.

This segment of right-of-way is adjacent to five parcels: three with two existing homes that have access off of SR19 (Rhody Dr.), one vacant parcel owned by Jefferson Land Trust, and the Applicant's parcel.

DESIGN STANDARDS

Roads shall be constructed to the County's adopted County Road design standards:

- American Association of State Highway and Transportation Officials (AASHTO) *Policy on Geometric Design of Highways and Streets (most current version)*,
- Washington Department of Transportation (WSDOT) *Design Manual and Standard Specifications for Road, Bridge and Municipal Construction*,
- Jefferson County Unified Development Code JCC 18.30.060 Grading, JCC 18.30.070 Stormwater, and JCC 18.30.080 Roads.

Based on proposed use, potentially serving more than 4 residences, and no potential for through traffic, the typical section required will be for a "Local Service Road" with a minimum 14 foot wide traveled way with 3 foot shoulders and 20 foot unobstructed width.

RIGHT-OF-WAY

Platted right-of-way width: Sixty feet is the AASHTO recommended ROW width in rural county areas. The current ROW width as platted is 50 feet. This width appears adequate in this case.

Right-of-way centerline location

Roadways shall be constructed on the right-of-way centerline unless this is not feasible due to topography, environmental conditions (e.g., wetlands, water bodies, unstable slopes), or transitions to existing roads.

Prior to construction, the right-of-way centerline shall be staked by a licensed professional land surveyor or located in the field based on existing monuments or property corners set by a licensed professional land surveyor.

DESIGN SPEED**Speed limit may be less than 25**

This is a privately maintained dead-end road on public right-of-way, and no posted speed limit is required.

DESIGN TRAFFIC VOLUME

There appears to be five parcels that could use the subject ROW: two existing residents on three adjoining parcels, one parcel that is owned by Jefferson Land Trust, and the applicant's parcel. The projected Average Daily Traffic (ADT) per residence is between 6 - 10 trips per day.

SIGHT DISTANCE

Adequate sight distance for the road approach to the newly opened segment of Foster St. must be met based on the criteria within the WSDOT design manual, Chapter 1340 and/or the AASHTO design manual. The applicant's engineer shall work with WSDOT to ensure adequate sight distance requirements at the proposed location of platted Foster St. and SR19 (aka Rhody Dr.).

ROADWAY CONSTRUCTION PLANS

The proponent shall construct the roadway to the minimum standards depicted on the Typical Section shown in Exhibit C.

The proponent shall submit road construction plans prepared by a licensed civil engineer to the Public Works Department for review prior to commencing construction.

Road Construction Plan general requirements

Road plans shall meet the following general requirements:

- Be prepared by a licensed Washington state civil engineer;
- Include a plan view and a profile view;
- A scale of 1 inch = 50 feet or less;

- Depict the typical section;
- Depict project limits;
- Depict right-of-way centerline;
- The design shall accommodate both existing and future lot access and utility service.

Plan View

The plan view shall at a minimum depict:

- Horizontal alignment of the proposed centerline at 50 feet stations;
- Horizontal curve data;
- Cut and/or fill slopes;
- Intersection design;
- Drainage facilities: Existing and proposed, including culvert size, length, and material; centerline station and elevation; slope, and skew angle;
- Stormwater management facilities;
- Utilities: Existing and proposed, both above and below ground; and
- Any existing or proposed features that would be affected by the proposed road construction, whether in or outside of the right-of-way.

Profile View

The profile view shall at a minimum depict:

- Existing elevations and proposed finished grades at 50 feet stations;
- Vertical curve data; and
- Drainage facilities.

MINIMUM STRUCTURAL SECTION

Privately-maintained roads: The typical minimum cross-section consists of 4 inches compacted gravel base, 4 inches crushed surfacing base, and 2 inches compacted crushed surfacing. A thicker structural section may be required by Public Works based on roadway function or site soils. An alternative structural section may be proposed based on analysis by a licensed civil engineer.

All materials used in the construction of the structural section shall meet the requirements of the *WSDOT Standard Specifications for Road, Bridge and Municipal Construction*.

SURFACING

Privately-maintained roads: An improved roadway surface (asphalt or bituminous surface treatment) is not required.

MATERIALS TESTING

Privately-maintained roads: The applicant shall be responsible for ensuring that materials and construction methods conform to *WSDOT Standard Specifications*. At its discretion, the Public Works Department may direct replacement of materials that clearly do not meet specifications or require testing of materials that appear not to meet specifications.

CROSS SLOPES

Local Service Roads and Rural Access Roads shall either be crowned at the centerline with -2% cross slopes or have a continuous -2% cross slope from shoulder to shoulder. Stormwater design must be taken into consideration when determining appropriate cross slope.

ROAD GRADE

Privately-maintained roads:

- Road grades shall not exceed 12% or require review without prior approval by the appropriate Fire District.
- Roads grades exceeding 12% may require an improved roadway surface, either hot mix asphalt (HMA) or bituminous surface treatment (BST).
- Road grades shall not exceed 15%.

INTERSECTION DESIGN

- Washington State Department of Transportation (WSDOT) has control of this intersection of platted Foster St. with SR19/Rhody Dr. Applicant shall obtain a permit from WSDOT. All conditions required by WSDOT must be met. Permits can be obtained by contacting Andy Larson at (360)900-9541, or at Andrew.Larson@wsdot.wa.gov.
- The road approach from the applicant's parcel to the newly opened segment of Foster St. shall be designed so that the centerlines intersect as close to 90 degrees as practicable and in all cases between 75 and 105 degrees.
- The road plans shall show the radii of the edge of the surfacing at the intersection of the applicant's parcel and the road approach.
- The road plans shall show any features that are pertinent to the design of the intersection of the road approach and Foster St.
- Intersection design shall provide for adequate drainage.
- The design and construction must assure that minimum sight distance requirements are met.

EMERGENCY TURNAROUNDS

Turnaround area(s) are required and shall conform to the Public Works Department's adopted design standards. See Exhibit C.

HORIZONTAL CLEARANCE TO OBSTRUCTIONS

For roads with a posted speed limit of 25 MPH or less, a 10 feet wide clear zone shall be maintained between the edge of traveled way and any obstructions.

UTILITIES

Utility installations shall meet the requirements of the Jefferson County Code, Chapter 13.56 Utilities. Any utilities installed within the right-of-way require review and approval for installation and location within the right-of-way as determined through the utility permit process.

STREET LIGHTING

No street lighting is required. If the Applicant desires to install a street light, all costs associated with the installation and maintenance are the responsibility of the Applicant and shall be coordinated with the Jefferson County PUD#1.

ROAD APPROACHES

Road plans shall depict proposed road approaches (Exhibit D) to the private residences to be served. Approaches shall be an integral part of the roadway and constructed at locations acceptable to the parcel owner(s). An access permit must be secured from WSDOT for the approach off SR19/Rhody Dr.

GATES

This road will not be maintained at public expense. The Applicant will be required to maintain the roadway. Installation of gates, barriers, or signs that block the public's use of this right-of-way after the road is constructed are NOT allowed.

DRAINAGE, EROSION CONTROL, AND STORMWATER MANAGEMENT

The Jefferson County Unified Development Code, Section 18.30.070 Stormwater Management Standards adopts the standards of the Washington Department of Ecology *Stormwater Management Manual for Western Washington (most current version)*.

A Stormwater Management Permit is required for projects that exceed 2,000 square feet of impervious surface or 7,000 square feet of land-disturbing activity. See Exhibit E for comments from the Department of Community Development. The proponent shall contact the Jefferson County Department of Community Development to discuss permit requirements and application procedures:

Jefferson County Department of Community Development
612 Sheridan Street
Port Townsend, WA 98368
(360) 379 - 4450

MAINTENANCE AND NO PROTEST AGREEMENT

A Road & Stormwater Facility Maintenance and No Protest Agreement is required for this facility on a public right-of-way.

Any privately maintained road and stormwater facility on public right-of-way shall be maintained at the owners' expense and as outlined in the Road & Stormwater Facility Maintenance and No Protest Agreement. A No Protest Agreement is required for any privately maintained road on public right-of-way. The applicant has applied for a permit to construct a privately-maintained gravel roadway on public right-of-way. The County Engineer has recommended that this request be approved. It is recognized that this private road does not meet current County road standards for a public roadway which would require a wider roadway with an asphalt paved or bituminous surface. In consideration of the County agreeing to waive the requirements to construct to full public road standards, the Grantor must also enter into an

agreement with the County not to protest the formation of a Road Improvement District (RID) or other pro rata cost sharing mechanism to improve the roadway in the future should improvements become necessary whether proposed by petition or by resolution of the Board of County Commissioners or by both petition and resolution. The Grantor(s) further agree to join in any proposed petition for such road improvements. See Exhibit F for this Agreement.

ROADWAY CONSTRUCTION DOCUMENTATION, CERTIFICATION, AND MONUMENTATION

Construction Documentation

The applicant shall provide the Public Works Department with complete road plans in electronic format to scale on 11x17 inch paper. Following completion of roadway construction, the proponent shall submit to Public Works complete "As-Built" or "As Constructed" record drawings. The drawings shall reflect any changes made to the original design. The proponent or designee shall keep detailed records of the as constructed locations of all surface and subsurface facilities to be included on the record As-Built or As-Constructed drawings.

Construction Certification

Certain items will need to be inspected during construction of these roadways. These requirements will be identified once complete plans have been submitted to Public Works for review.

Following completion of roadway construction the proponent shall submit to Public Works a letter, affixed with the professional stamp of the Engineer of Record, certifying that the roadway and stormwater management facilities have been constructed in accordance with the design plans and specifications and all applicable federal, state and local agency requirements.

PERMIT

This report is not a Permit.

After the review and approval of all documents, plans, and/or reports required by this report, and within three (3) years from the date of Board of County Commissioners approval of this report, and prior to initiating construction, the applicant shall be issued a permit by the Public Works Department. This Permit specifically outlines the arrangement between the applicant and the County for work on public right-of-way by the applicant. The Permit will specify insurance and bonding requirements, general provisions, and other requirements that are applicable for work to be performed in County right-of-way. The Permit, once issued, will be valid for one year from the date it is issued. The road right-of-way will not be considered to be opened until all conditions of the permit are met and the permit is finalized. A sample copy of a Permit is attached as Exhibit G.

OTHER PERMITS

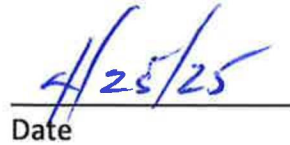
Other permits and/or environmental review may be required for this project per Jefferson County Unified Development Code (UDC). Any questions concerning the necessity of other permits and/or environmental review and the processes should be directed to the Jefferson County Department of Community Development, 612 Sheridan Street, Port Townsend, WA 98368, Phone (360) 379-4450.

RECOMMENDATION:

Public Works recommends that this request to open County right-of-way to the standards and requirements listed above be approved. This recommendation will be forwarded to the Jefferson County Board of County Commissioners for approval by way of Resolution (Draft Exhibit H). Once completed, inspected and all permit conditions met, the permit will be put in a 'Final' status and this road will be considered to be opened but will be privately maintained and not become part of the County road system



Monte Reinders, P.E.
Public Works Director / County Engineer



Date

EXHIBIT A



FEB 10 2025

Department of Public Works

623 Sheridan St, Port Townsend, WA 98368 | 360-385-9160

Office use only

Permit # RAP 2025 - 00020Receipt # 3284Check # 1019Date paid 2/10/25

Mile post _____

OPEN RIGHT-OF-WAY PERMIT APPLICATION - 2025

\$1,112.00 Fee

Make check payable to Jefferson County. Additional fees will apply per ordinance 02-0312-12.

Applicant Information

Bernetta Ferguson

Property Owner

210-249-1220 bernettaferguson@gmail.com

Phone Email

200 Ruelle Lane Unit B

Mailing Address

San Antonio TX 78209

City, State, Zip

Designation of Agent (fill out only if applicable)

Designated Agent

Phone Email

Mailing Address

City, State, Zip

Project InformationPurpose for request to open right-of-way: Development of PropertyName of road/right-of-way to be opened: Foster StreetTotal length of right-of-way to be opened: approximately 250ftProperty parcel number(s): 994200005Name of plat where road is located: Seventh Avenue Acre TractsAttach any recorded surveys (list volume and page numbers): #461457 Vol 25 Pg 37Nearest cross street: Rhody DriveOther permits associated with this request (e.g. septic, building, stormwater): Septic, Building, Notice to TitleWill you be installing any utilities within the right-of-way? Water and Power**Site Map**Attach a site plan or plat map that identifies the right-of-way to be opened and the parcels you own. **The map must include the cross street access point, access location to the applicant's property, and scale.****Acknowledgements and Signature**

By signing the application form, the undersigned Applicant attests that the information provided herein is true and correct to the best of his/her knowledge and agrees to all conditions on the permit. The Applicant also certifies that this application is being made with the full knowledge and consent of all owners of the affected property. Any material falsehood or any omission of material fact made by the Applicant/Owner with respect to this application packet may result in this permit being null and void.

The Applicant has read this disclaimer and signs and dates it below.

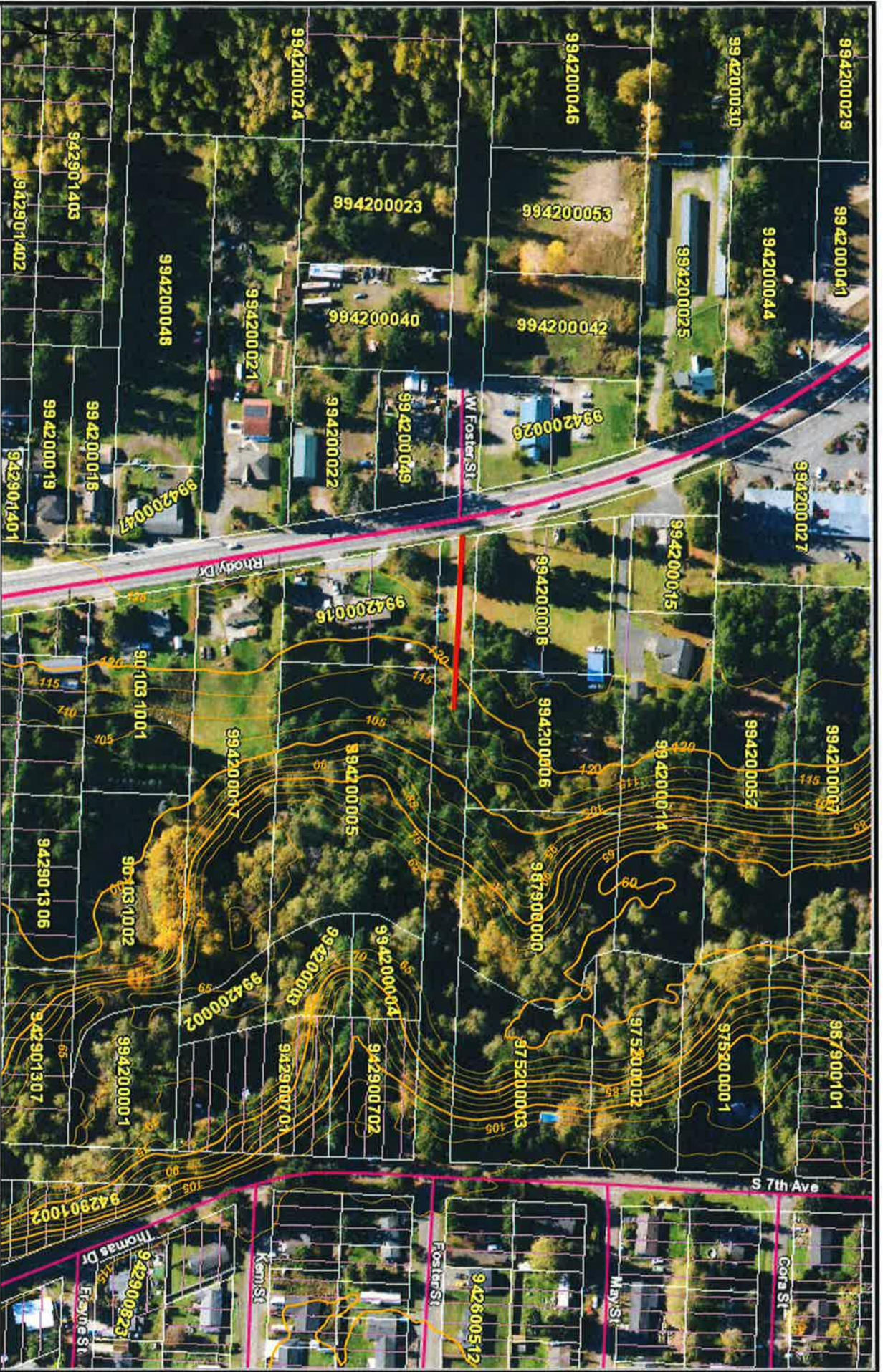
Property Owner or Designated Agent Signature

Date

EXHIBIT B

This sketch is provided, without a charge, for your information. It is not intended to show all matters related to the property including, but not limited to, area, dimensions, easements, encroachments or location of boundaries. It is not a part of, nor does it modify, the commitment or policy to which is attached. The Company assumes NO LIABILITY for any matter related to this sketch. Referenced should be made to an accurate survey for further information.





These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Jefferson County, WA



Scale: 1:2,257

Date: 2/21/2025



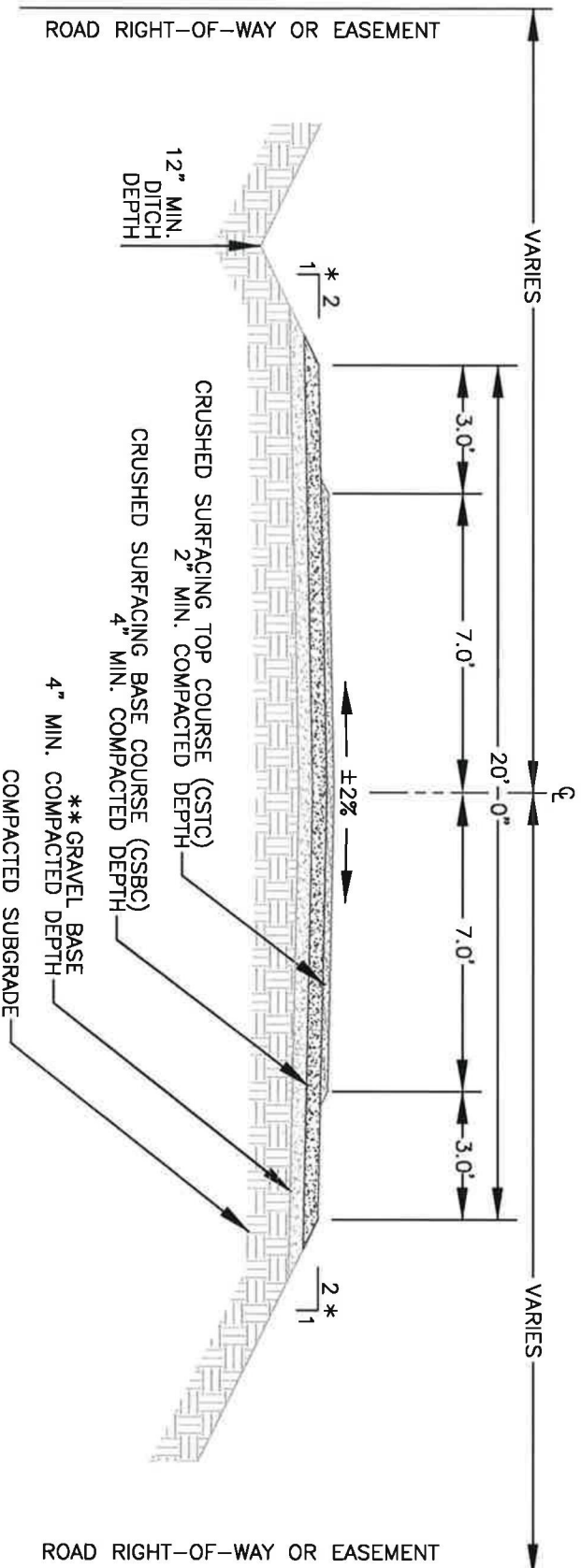
This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

EXHIBIT C



LOCAL SERVICE ROAD

14' ROAD SECTION WITH 20' UNOBSTRUCTED WIDTH (UNDER 100 ADT)



ROADS SHALL BE CONSTRUCTED TO THE COUNTY'S ADOPTED STANDARDS:

- AASHTO GEOMETRIC DESIGN OF HIGHWAYS AND STREETS (CURRENT VERSION).
- WSDOT DESIGN MANUAL AND STANDARD SPECIFICATIONS FOR ROAD, BRIDGE AND MUNICIPAL CONSTRUCTION (CURRENT VERSION).
- JEFFERSON COUNTY UNIFIED DEVELOPMENT CODE CODE, CHAPTER 18.30.080.

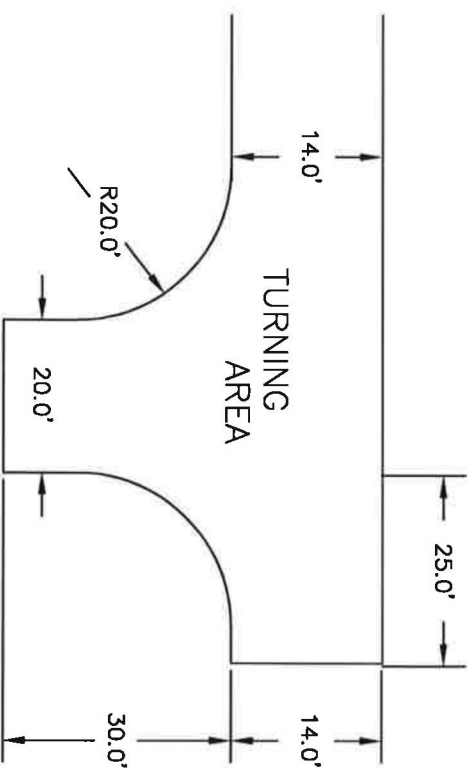
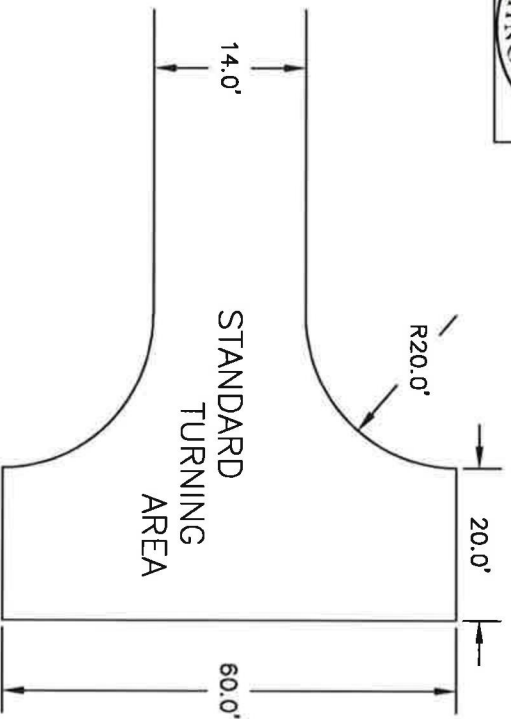
NOTES:

1. ALL MATERIALS SHALL MEET WSDOT STANDARD SPECIFICATIONS FOR ROAD CONSTRUCTION.
2. CSBC & CSTC DEPTHS SHOWN ARE A MINIMUM; INCREASED DEPTH MAY BE REQUIRED DUE TO SOIL CONDITIONS.
3. * SLOPES FLATTER THAN 2H:1V ARE DESIRABLE WHERE ACHIEVABLE.
- 4.**NOT REQUIRED IF SUBGRADE MEETS SPECIFICATION FOR GRAVEL BASE, PER WSDOT STANDARD SPEC. 9-03.10.
5. MAXIMUM GRADE IS 12%. GREATER THAN 12% WITH PUBLIC WORKS APPROVAL; PAVED SURFACE MAY BE REQUIRED.
6. ROAD STANDARD IS FOR PRIVATELY MAINTAINED ROADS ONLY WITH NO POTENTIAL FOR FURTHER DEVELOPMENT; NOT A THRU ROAD.



LOCAL SERVICE ROAD DETAILS

#2



TURNAROUNDS

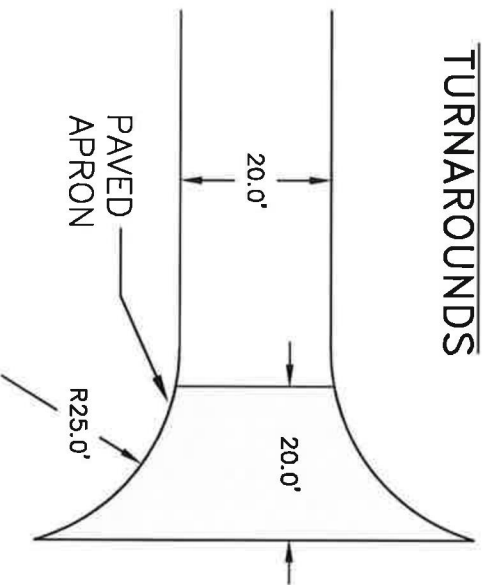


EXHIBIT D



TABLE-1

SIGHT DISTANCE REQUIREMENTS	MINIMUM DISTANCE
POSTED SPEED	
25 MPH	155 FT.
30 MPH	200 FT.
35 MPH	250 FT.
40 MPH	305 FT.
45 MPH	360 FT.
50 MPH	425 FT.
55 MPH	495 FT.

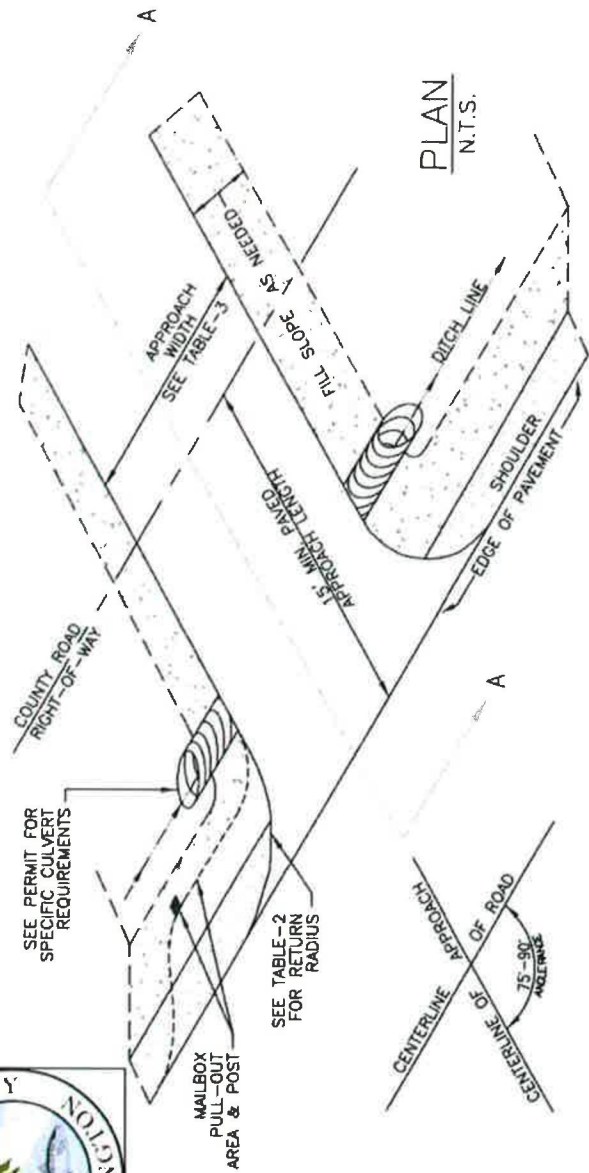
TABLE-2

RETURN RADIUS	
RESIDENTIAL APPROACH	10'
LOCAL ACCESS RD. APPROACH	20'
MAJOR COLLECTOR RD. APPROACH	20'
MAJOR APPROACH	35'

TABLE-3

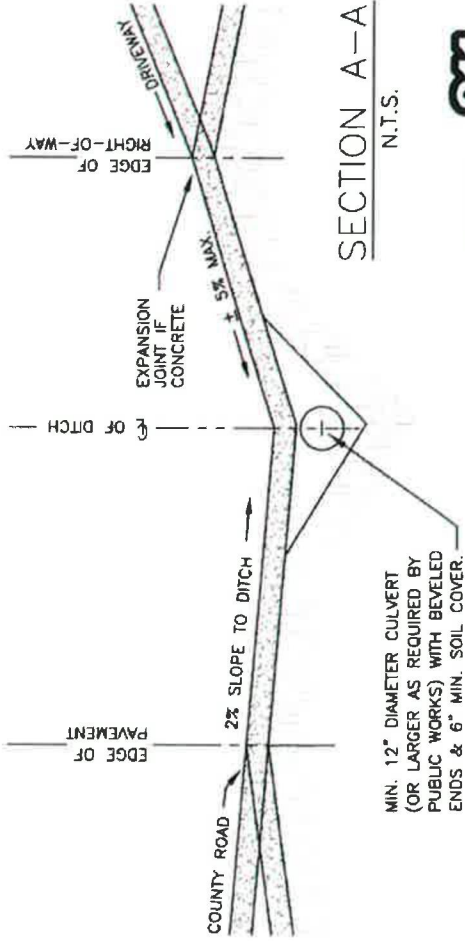
APPROACH WIDTH	
RESIDENTIAL APPROACH	10' MIN. / 16' MAX.
MAJOR APPROACH	20' MIN. / 36' MAX.

NOTE: MAJOR APPROACHES INCLUDE ALL COMMERCIAL, INDUSTRIAL, AND/OR PRIVATE ROADS, OR SHARED DRIVEWAYS, SERVING MULTIPLE PARCELS.



NOTES:

1. CONDITIONS PROVIDED IN THE ROAD APPROACH PERMIT WILL GOVERN INSTALLATION.
2. THE FOLLOWING ROAD APPROACHES ARE REQUIRED TO BE PAVED:
 - ALL ROAD APPROACHES CONNECTING TO A COUNTY ROAD WITH AN ADT OF ≥ 1000 .
 - COMMERCIAL (& INDUSTRIAL) ROAD APPROACHES WITH A PROPOSED ADT OF ≥ 30 .
 - COUNTY ROAD APPROACHES FOR NEW PRIVATE ROADS AND/OR SHARED DRIVEWAYS SERVING MULTIPLE PARCELS.
 - COUNTY ROAD APPROACHES FOR SHORT PLAT AND LONG PLAT SUBDIVISIONS.
3. PAVING IS NOT REQUIRED FOR ROAD APPROACHES CONNECTING TO GRAVEL ROADS.
4. PAVING REQUIREMENT: 2" MIN. (COMPACTED DEPTH) HOT MIX ASPHALT (HMA) OVER 4" MIN. (COMPACTED DEPTH) CRUSHED SURFACING, OR 6" CLASS 3000 CONCRETE.
5. GRAVEL REQUIREMENT: 3" MIN. CRUSHED SURFACING.
6. APPROACH SHALL BE AT 90 DEGREES TO COUNTY ROAD CENTERLINE. ANGLE MAY VARY FROM 90 DEGREES TO 75 DEGREES WITH PUBLIC WORKS APPROVAL.
7. CULVERT PIPE MUST BE 12" Ø MIN. CORRUGATED METAL OR DUAL WALL CORRUGATED HDPE, WITH BEVELED ENDS.
8. CULVERT LENGTH TO BE DETERMINED BY APPROACH WIDTH, RETURN RADIUS, AND DEPTH OF DITCH. CULVERT SHALL NOT EXCEED THE LENGTH NECESSARY TO EXTEND BETWEEN TOE OF FILL AT CENTERLINE OF THE DITCH ON EACH SIDE OF THE ROAD APPROACH.
9. THE GRADE OF THE APPROACH SHALL FOLLOW THE CROWN OF THE COUNTY ROAD SUCH THAT NO SURFACE STORMWATER IS DIRECTED ONTO THE COUNTY ROAD.
10. REQUIRED MINIMUM SIGHT DISTANCE SHALL BE PER TABLE-1. MAINTENANCE OF THE SIGHT TRIANGLE IS THE RESPONSIBILITY OF THE PROPERTY OWNER. SEE JEFFERSON COUNTY PUBLIC WORKS WEBSITE FOR MAINTENANCE/REPAIR INFORMATION.
11. SEE JEFFERSON COUNTY PUBLIC WORKS WEBSITE FOR MAILBOX STANDARDS AND INSTALLATION REQUIREMENTS.



CALL 48 HOURS
BEFORE YOU DIG
1 800 424 5555

Know what's below.
Call before you dig.

EXHIBIT E

Laura Pollina

From: Greg Ballard
Sent: Tuesday, February 25, 2025 1:26 PM
To: Laura Pollina
Subject: RE: Request to review Open Right-of-Way - Foster ST
Attachments: Jeffco Stormwater Dev 1 acre.docx; Low Stormwater Plan.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Laura, the subject parcel does not contain any critical areas and has good draining (Type A) soils.

The open right-of-way would entail 5,000 sq ft of land disturbing activity and would be considered under 7,000 sq ft of land disturbing activity.

It would be subject to Minimum Requirements 2 of the 2024 Stormwater Management Manual of Western Washington (SMMWW) and would be subject to construction BMPs (attached).

DCD has no permits or requirements for this open right on Foster Street as outline in your e-mail.

Thanks

Greg Ballard (he/his)
Jefferson County DCD
Development Code Administrator
gballard@co.jefferson.wa.us
(360) 379-4454

From: Laura Pollina <LPollina@co.jefferson.wa.us>
Sent: Tuesday, February 25, 2025 10:07 AM
To: Greg Ballard <GBallard@co.jefferson.wa.us>
Subject: Request to review Open Right-of-Way - Foster ST

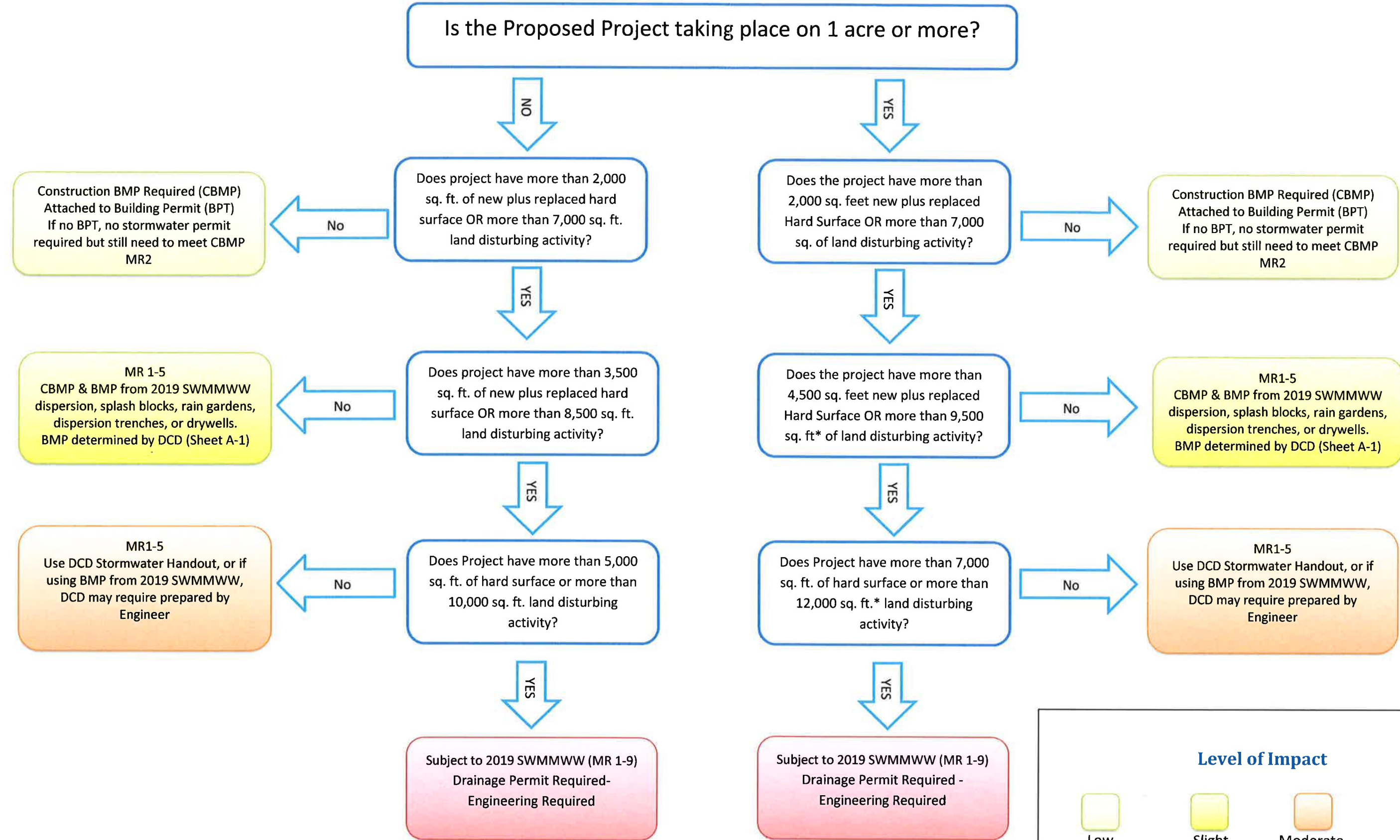
Hi Greg,

We have a new application to open a portion of platted Foster St. I am forwarding this to you to review and comment for compliance with development code. Letter and site plan are attached.

Thank you.

Laura Pollina, Engineering Tech I
Jefferson County Department of Public Works
623 Sheridan Street, Port Townsend, WA 98368
360.385.9159 – 360.531.1748 cell

Jefferson County DCD Stormwater Development Requirements for Single-Family residences, Duplexes, Townhomes, and Accessory Buildings to Such Dwellings, Excluding residential Driveways



*OR >1.5 acres of veg to lawn conversion, OR >5 acres of veg to pasture conversion



Low



Slight



Moderate



High

Level of Impact



DEPARTMENT OF COMMUNITY DEVELOPMENT

621 Sheridan Street, Port Townsend, WA 98368
Tel: 360.379.4450 | Fax: 360.379.4451
Web: www.co.jefferson.wa.us/communitydevelopment
E-mail: dcd@co.jefferson.wa.us

CONSTRUCTION STORMWATER POLLUTION PREVENTION Best Management Practices (BMPs) Fact Sheet

For "small" projects (as determined through the **Stormwater Calculation Worksheet**), submit Worksheet "S" Small Project Certification. Additionally, the applicant shall consider the twelve Construction Stormwater Pollution Prevention elements and implement applicable BMPs. A set of useful BMPs for typical rural residential construction is attached. There is no additional submittal required as part of the permit application.

For "medium" and "large" projects, applicants must submit a Construction Stormwater Pollution Prevention Plan (SWPPP) and a Stormwater Site Plan (applicants may use Worksheet B1 or equivalent).

The following twelve elements must be considered for Construction Stormwater Pollution Prevention before and during the construction phase of the project:

- | | |
|----------------------------------|--|
| 1. Mark Clearing Limits | 7. Protect Drain Inlets |
| 2. Establish Construction Access | 8. Stabilize Channels and Outlets |
| 3. Control Flow Rates | 9. Control Pollutants |
| 4. Install Sediment Controls | 10. Control De-Watering |
| 5. Stabilize Soils | 11. Maintain Best Management Practices |
| 6. Protect Slopes | 12. Manage The Project |

Each of the twelve elements is described in more detail below:

1. **Mark Clearing Limits**

By minimizing the limits of clearing on the site, a builder can minimize stormwater runoff and provide effective control of pollution.

2. **Establish Construction Access**

Much of the sediment that leaves a construction site does so on the wheels of delivery and construction vehicles that drive off a project site. Construction access must be limited to a single location and a properly constructed Stabilized Construction Entrance (BMP C105) should be included on the site.

3. **Control Flow Rates**

Stormwater that leaves a project site unimpeded may exceed the capacity of the existing stormwater control facilities downstream and may contain sediment that may be deposited as the velocity of the runoff decreases. Stormwater protection on a construction site should include measures to control the flow rate of runoff from the site. This can be done by installing a Sediment Trap (BMP C240) or other measure that will impede the flow of water off a construction site.

4. **Install Sediment Controls**

In addition to limiting the rate of stormwater flow off a construction site, measures should be put in place to treat the runoff and remove sediment. Limiting of the cleared area (Element 1) will assist in this effort, but there will be exposed soils that may move with the runoff. Suggested BMPs for controlling sediment include Straw Wattles (BMPC235), Brush Barrier (BMP C231), Gravel Filter Berm (BMP C232), and Silt Fence (BMP C233). Installation of a Sediment Trap (Element 3) is an additional sediment control feature.

5. **Stabilize Soils**

An additional measure that can minimize sediment transport in runoff is to stabilize soils on the site with mulch or some other covering. This will limit the amount of soil that is exposed to rainfall, thus limiting the sediment that could potentially leave the site. BMPs that could be used for this include Mulching (BMP C121), Nets and Blankets (BMP C122), and Plastic Covering (BMP C123). During periods of dry weather dust can become a problem and sediment could be transported from the site in high winds. BMP C140 Dust Control should be followed to limit loss of soils in windy conditions.

6. **Protect Slopes**

If the cleared area includes slopes of 3:1 (Horizontal: Vertical) or steeper, the slopes should be protected to limit runoff. If the slopes are not protected, rills and gullies may form, transporting sediment to the lower elevations and potentially off the construction site. The slopes should be graded to minimize erosion and runoff at the downstream end of the slopes, and runoff should be collected and treated. The following BMPs could be used Surface Roughening (BMP C130), Interceptor Dike and Swale (BMP C200), and Pipe Slope Drains (BMP C204).

7. **Protect Drain Inlets**

Runoff from urban construction sites often discharges into existing stormwater collection systems. Water enters the collection system through drain inlets. If there are drain inlets downstream of a construction site, they should be protected using BMP C220 Storm Drain Inlet Protection.

8. **Stabilize Channels and Outlets**

Any temporary on-site channels or ditches that are used to control runoff should be stabilized to prevent erosion in the channel. BMP C202 Channel Lining and BMP C209 Outlet Protection should be used.

9. **Control Pollutants**

The best way to control pollution is to limit the source of pollution. Construction debris should be maintained in a safe location. Vehicle maintenance on the construction site should be minimized and any spill should be promptly cleaned up. Concrete spillage should be kept to a minimum and cleaning of the concrete trucks after they have unloaded should be done in an area that will not drain off site (see BMP C151 Concrete Handling).

10. **Control Dewatering**

In some cases, excavation for the foundation or below ground structures will encounter ground water. This water must be removed (dewatered) from the excavation. Discharge of this ground water must be treated in a manner that will not cause damage downstream due to flow rates or added pollution. There are no specific BMP identified for this activity, but the water should be handled with care to assure that soils or other pollutants are not added to this flow.

11. **Maintain BMPs**

Installation of the appropriate BMPs is not adequate to completely control stormwater runoff. The BMPs that have been installed on the project must be inspected and maintained during the duration of the construction project. In addition, the temporary controls that were installed for construction should be removed within 30 days of completion of the work. Typically, once construction has been completed, the temporary facilities are not maintained, and by removing the facilities, it will ensure that these won't fail and discharge water or sediment that had been previously trapped or contained.

12. **Manage the Project**

Management of a project has four aspects:

1. Phasing construction to prevent transportation of runoff and sediment,
2. Limiting the work during seasons where large amounts of rainfall could be anticipated,
3. Coordination with Utilities and other Contractors, and
4. Inspection and Monitoring.

All of these for aspects are important and must be followed to ensure a project that will have minimal impact on the environment. Volume II of the Manual contains additional BMPs that could be used on-site. The applicant is encouraged to review the Manual to see if other BMPs may be applicable to, or more useful on, a particular site.

Best Management Practices from Current Edition of Ecology Stormwater Management Manual

The following BMPs for Construction Stormwater Pollution Prevention are sediment and erosion control measures for the construction phase of typical rural residential development. Some projects may not require implementation of all of these BMPs; others may require additional measures not listed here.

Click on the BMP to learn more about each BMP's purpose and design:

II-4.1 Source Control BMPs

[BMP C101: Preserving Natural Vegetation](#)
[BMP C102: Buffer Zones](#)
[BMP C103: High Visibility Fence](#)
[BMP C105: Stabilized Construction Entrance /
Exit](#)
[BMP C106: Wheel Wash](#)
[BMP C107: Construction Road/Parking Area
Stabilization](#)
[BMP C120: Temporary and Permanent Seeding](#)
[BMP C121: Mulching](#)
[BMP C122: Nets and Blankets](#)
[BMP C123: Plastic Covering](#)
[BMP C124: Sodding](#)
[BMP C125: Topsoiling / Composting](#)
[BMP C126: Polyacrylamide \(PAM\) for Soil
Erosion Protection](#)
[BMP C130: Surface Roughening](#)
[BMP C131: Gradient Terraces](#)
[BMP C140: Dust Control](#)
[BMP C150: Materials on Hand](#)
[BMP C151: Concrete Handling](#)
[BMP C152: Sawcutting and Surfacing Pollution
Prevention](#)
[BMP C153: Material Delivery, Storage and
Containment](#)

[BMP C154: Concrete Washout Area](#)
[BMP C160: Certified Erosion and Sediment
Control Lead](#)
[BMP C162: Scheduling](#)

II-4.2 Runoff Conveyance and Treatment BMPs

[BMP C200: Interceptor Dike and Swale](#)
[BMP C201: Grass-Lined Channels](#)
[BMP C202: Channel Lining](#)
[BMP C203: Water Bars](#)
[BMP C204: Pipe Slope Drains](#)
[BMP C205: Subsurface Drains](#)
[BMP C206: Level Spreader](#)
[BMP C207: Check Dams](#)
[BMP C208: Triangular Silt Dike \(TSD\)
\(Geotextile-Encased Check Dam\)](#)
[BMP C209: Outlet Protection](#)
[BMP C220: Storm Drain Inlet Protection](#)
[BMP C231: Brush Barrier](#)
[BMP C232: Gravel Filter Berm](#)
[BMP C233: Silt Fence](#)
[BMP C234: Vegetated Strip](#)
[BMP C235: Wattles](#)
[BMP C236: Vegetative Filtration](#)
[BMP C240: Sediment Trap](#)
[BMP C241: Temporary Sediment Pond](#)
[BMP C251: Construction Stormwater Filtration](#)



Worksheet S

Small Project Certification

This certification may only be used if you answer yes to all of the questions below (circle yes or no). Otherwise, a submittal prepared by a licensed engineer may be required.

☐ Yes	☐ no	Permanent and temporary drainage on site is designed to divert Stormwater away from my onsite septic system or any neighboring onsite septic system.
☐ Yes	☐ no	If located in a Seawater Intrusion Protection Zone (SIPZ), I am able to infiltrate stormwater onsite using a dry-well or other method (full dispersion, downspout dispersion).
☐ Yes	☐ no	My project will not discharge stormwater runoff into a critical area (including but not limited to: geohazard area or its 30-foot buffer, wetland or Fish and Wildlife Habitat Conservation Area)
☐ Yes	☐ no	My proposal is a small project, which means it will create less than 2,000 square feet of new, replaced, or new plus replaced impervious surface area, and has less than 7,000 square feet of land disturbing activities as defined on the Stormwater Calculation Worksheet.

I understand that my project must comply with Minimum Requirement #2 in the most current edition of the Department of Ecology Stormwater Management Manual. I have read the Construction Stormwater Pollution Prevention Fact Sheet and will implement Best Management Practices (BMP's) as applicable to my project.

Applicant Signature

By signing the small project certification, I as the applicant/owner attest that the information provided herein is true and correct to the best of my knowledge.

(LANDOWNER OR AUTHORIZED REPRESENTATIVE SIGNATURE)

(DATE)

Jefferson County Construction Stormwater Pollution Prevention Best Management Practices (BMP) Packet

Small Projects (Low per Flowchart) which are not subject to a Stormwater Permit pursuant but may use this packet to demonstrate compliance to Minimum Requirement #2 in the Department of Ecology's 2019 Stormwater Management Manual of Western Washington (2019 SMMWW). Additionally, the applicant shall consider the twelve Construction Stormwater Pollution Prevention elements and implement applicable BMPs. A set of useful BMPs for typical rural residential construction are also included.

Small Projects that may utilize this packet include:

- Single-family residential, duplex, townhome, or accessory buildings to such dwellings on parcels less than 1 acre in size that add less than 5,000sf of new plus replaced hard surfaces or have less than 10,000sf of land disturbing activity
- Single-family residential, duplex, townhome, or accessory buildings to such dwellings on parcels greater than 1 acre in size that add less than 7,000sf of new plus replaced hard surfaces or have less than 12,000sf of land disturbing activity, or convert less than 1.5 acres of vegetation to lawn, or convert less than 5 acres of vegetation to pasture
- All other land disturbing activities that add less than 2,000sf of new plus replaced hard surfaces or have less than 7,000sf of land disturbing activity

Small Projects which require a building permit must submit a site plan that depicts the Construction Stormwater Pollution Prevention elements that will be employed during construction, as discussed within this packet.

Small Projects which do not require a building permit are still subject to the requirements within this packet. Any new land development activity results in significant impacts to receiving water, infrastructure, county roads, or adjoining properties, may require a stormwater permit from DCD to rectify the impacts regardless of the thresholds. Failure to comply with the voluntary compliance provisions outline above to obtain and implement the required Stormwater Permit will be subject to enforcement actions found in Code Compliance - Title 19 of Jefferson County Code. For small projects that do not require a building permit, there is no additional submittal required as part of the permit application.

Projects which are not considered Small Projects are subject to a Drainage Permit. Applicants must submit a Construction Stormwater Pollution Prevention Plan (SWPPP) in accordance with the applicable manual currently 2019 SMMWW.

The following twelve elements must be considered for Construction Stormwater Pollution Prevention before and during the construction phase of the project:

- | | |
|----------------------------------|--|
| 1. Mark Clearing Limits | 8. Stabilize Channels and Outlets |
| 2. Establish Construction Access | 9. Control Pollutants |
| 3. Control Flow Rates | 10. Control De-Watering |
| 4. Install Sediment Controls | 11. Maintain Best Management Practices |
| 5. Stabilize Soils | 12. Manage the Project |
| 6. Protect Slopes | |
| 7. Protect Drain Inlets | |

Each of the twelve elements is described in more detail below:

Mark Clearing Limits

By minimizing the limits of clearing on the site, a builder can minimize stormwater runoff and provide effective control of pollution.

Establish Construction Access

Much of the sediment that leaves a construction site does so on the wheels of delivery and construction vehicles that drive off a project site. Construction access must be limited to a single location and a properly constructed Stabilized Construction Entrance (BMP C105) should be included on the site.

Control Flow Rates

Stormwater that leaves a project site unimpeded may exceed the capacity of the existing stormwater control facilities downstream and may contain sediment that may be deposited as the velocity of the runoff decreases. Stormwater protection on a construction site should include measures to control the flow rate of runoff from the site. This can be done by installing a Sediment Trap (BMP C240) or other measure that will impede the flow of water off a construction site.

Install Sediment Controls

In addition to limiting the rate of stormwater flow off a construction site, measures should be put in place to treat the runoff and remove sediment. Limiting of the cleared area (Element 1) will assist in this effort, but there will be exposed soils that may move with the runoff. Suggested BMPs for controlling sediment include Straw Wattles (BMPC235), Brush Barrier (BMP C231), Gravel Filter Berm (BMP C232), and Silt Fence (BMP C233). Installation of a Sediment Trap (Element 3) is an additional sediment control feature.

Stabilize Soils

An additional measure that can minimize sediment transport in runoff is to stabilize soils on the site with mulch or some other covering. This will limit the amount of soil that is exposed to rainfall, thus limiting the sediment that could potentially leave the site. BMPs that could be used for this include Mulching (BMP C121), Nets and Blankets (BMP C122), and Plastic Covering (BMP C123). During periods of dry weather dust can become a problem and

sediment could be transported from the site in high winds. BMP C140 Dust Control should be followed to limit loss of soils in windy conditions.

Protect Slopes

If the cleared area includes slopes of 3:1 (Horizontal: Vertical) or steeper, the slopes should be protected to limit runoff. If the slopes are not protected, rills and gullies may form, transporting sediment to the lower elevations and potentially off the construction site. The slopes should be graded to minimize erosion and runoff at the downstream end of the slopes, and runoff should be collected and treated. The following BMPs could be used Surface Roughening (BMP C130), Interceptor Dike and Swale (BMP C200), and Pipe Slope Drains (BMP C204).

Protect Drain Inlets

Runoff from urban construction sites often discharges into existing stormwater collection systems. Water enters the collection system through drain inlets. If there are drain inlets downstream of a construction site, they should be protected using BMP C220 Storm Drain Inlet Protection.

Stabilize Channels and Outlets

Any temporary on-site channels or ditches that are used to control runoff should be stabilized to prevent erosion in the channel. BMP C202 Channel Lining and BMP C209 Outlet Protection should be used.

Control Pollutants

The best way to control pollution is to limit the source of pollution. Construction debris should be maintained in a safe location. Vehicle maintenance on the construction site should be minimized and any spill should be promptly cleaned up. Concrete spillage should be kept to a minimum and cleaning of the concrete trucks after they have unloaded should be done in an area that will not drain off site (see BMP C151 Concrete Handling).

Control Dewatering

In some cases, excavation for the foundation or below ground structures will encounter ground water. This water must be removed (dewatered) from the excavation. Discharge of this ground water must be treated in a manner that will not cause damage downstream due to flow rates or added pollution. There are no specific BMP identified for this activity, but the water should be handled with care to assure that soils or other pollutants are not added to this flow.

Maintain BMPs

Installation of the appropriate BMPs is not adequate to completely control stormwater runoff. The BMPs that have been installed on the project must be inspected and maintained during the duration of the construction project. In addition, the temporary controls that were installed for construction should be removed within 30 days of completion of the work. Typically, once construction has been completed, the temporary facilities are not maintained, and by removing the facilities, it will ensure that these won't fail and discharge water or sediment that had been previously trapped or contained.

Manage the Project

Management of a project has four aspects:

1. Phasing construction to prevent transportation of runoff and sediment,
2. Limiting the work during seasons where large amounts of rainfall could be anticipated,
3. Coordination with Utilities and other Contractors, and
4. Inspection and Monitoring.

All of these for aspects are important and must be followed to ensure a project that will have minimal impact on the environment. Volume II of the Manual contains additional BMPs that could be used on-site. The applicant is encouraged to review the Manual to see if other BMPs may be applicable to, or more useful on, a particular site.

Best Management Practices from 2019 Ecology Stormwater Management Manual

The following BMPs for Construction Stormwater Pollution Prevention are sediment and erosion control measures for the construction phase of typical rural residential development. Some projects may not require implementation of all of these BMPs; others may require additional measures not listed here.

Click on the BMP to learn more about each BMP's purpose and design:

II-3.2 Source Control BMPs

[BMP C101: Preserving Natural Vegetation](#)

[BMP C102: Buffer Zones](#)

[BMP C103: High Visibility Fence](#)

[BMP C105: Stabilized Construction Access](#)

[BMP C106: Wheel Wash](#)

[BMP C107: Construction Road/Parking Area Stabilization](#)

[BMP C120: Temporary and Permanent Seeding](#)

[BMP C121: Mulching](#)

[BMP C122: Nets and Blankets](#)

[BMP C123: Plastic Covering](#)

[BMP C124: Sodding](#)

[BMP C125: Topsoiling / Composting](#)

[BMP C126: Polyacrylamide \(PAM\) for Soil Erosion Protection](#)

[BMP C130: Surface Roughening](#)

[BMP C131: Gradient Terraces](#)

[BMP C140: Dust Control](#)

[BMP C150: Materials on Hand](#)

[BMP C151: Concrete Handling](#)

[BMP C152: Sawcutting and Surfacing Pollution Prevention](#)

[BMP C153: Material Delivery, Storage and Containment](#)

[BMP C154: Concrete Washout Area](#)

[BMP C160: Certified Erosion and Sediment Control Lead](#)

[BMP C162: Scheduling](#)

II-3.3 Construction Runoff BMPs

[BMP C200: Interceptor Dike and Swale](#)

[BMP C201: Grass-Lined Channels](#)

[BMP C202: Riprap Channel Lining](#)

[BMP C203: Water Bars](#)

[BMP C204: Pipe Slope Drains](#)

[BMP C205: Subsurface Drains](#)

[BMP C206: Level Spreader](#)

[BMP C207: Check Dams](#)

[BMP C208: Triangular Silt Dike \(TSD\)](#)

[BMP C209: Outlet Protection](#)

[BMP C220: Inlet Protection](#)

[BMP C231: Brush Barrier](#)

[BMP C232: Gravel Filter Berm](#)

[BMP C233: Silt Fence](#)

[BMP C234: Vegetated Strip](#)

[BMP C235: Wattles](#)

[BMP C236: Vegetative Filtration](#)

[BMP C240: Sediment Trap](#)

[BMP C241: Temporary Sediment Pond](#)

[BMP C251: Construction Stormwater Filtration](#)

EXHIBIT F

When recorded please return to:

Jefferson County Department of Public Works
623 Sheridan Street
Port Townsend, WA 98368



ROAD & STORMWATER MAINTENANCE & NO PROTEST AGREEMENT

Grantor/Owner: Bernetta Ferguson, an unmarried person and Francis Ferguson, an unmarried person
Grantee: Jefferson County, a political subdivision of the state of Washington
Reference: RAP2025-00020
Abbrev. Legal: Tract 67, Seventh Ave Acre Tracts, as per plat recorded in volume 2 of plats, page 127.
Parcel No.: 994200005

This ROAD AND STORMWATER MAINTENANCE AND NO PROTEST AGREEMENT ("this Agreement") is made and effective as of the date of the last signature below by Bernetta Ferguson, an unmarried person and Francis Ferguson, an unmarried person ("Grantor") and Jefferson County, a political subdivision of the state of Washington ("Grantee" or "County").

1.0 RECITALS

- 1.1 Grantor is the owner of certain real property located within Section 3, Township 29 North, Range 1 West, W.M., Jefferson County, Washington, legally described as follows: *Tract 67, Seventh Avenue Acre Tracts, Volume 2 of Plats, Page 127, records of Jefferson County*; also known as Assessor's Parcel Number 994200005, and referred to in this Agreement as "the Property."
- 1.2 Grantor has applied for permission from the County to open the portion of platted Foster St right-of-way abutting the Property (Permit RAP2025-00020).
- 1.3 In consideration of the County granting permission to open the subject right-of-way, Grantor agrees to maintain the road and any stormwater improvements

constructed by Grantor within the right-of-way at their expense. The road and associated stormwater improvements are described and shown on approved construction drawings on file with the Jefferson County Public Works.

- 1.4 In consideration of the County granting permission for Grantor to construct a road to less than current County road standards, Grantor voluntarily agrees to enter into a No Protest Agreement, thereby waiving their right to object to formation of a future Road Improvement District or similar pro-rata cost-sharing mechanism.

2.0 ROAD & STORMWATER MAINTENANCE AGREEMENT

- 2.1 Grantor agrees to maintain, at their expense, road and stormwater improvements, as constructed under the approved construction drawings for RAP2025-00020 in such a manner as to ensure the facilities' continued functionality and to prevent damage to any other property.
- 2.2 Nothing in this Agreement prohibits Grantor from seeking contribution from other road users for the maintenance, improvement, or replacement of the road or associated stormwater improvements.
- 2.3 No part of the road and/or stormwater improvements shall be dismantled, altered, or removed except as permitted in writing by Jefferson County.
- 2.4 Grantor, as their free and voluntary act, accepts and assumes all risks of loss or damage arising out of the conditions described herein, and further agrees to relieve and hold harmless the County, its officers, agents, and employees, of any liability for approval of the Open Right-of-Way Permit RAP2025-00020 or the standards approved for construction of facilities under that permit.

3.0 NO PROTEST AGREEMENT

- 3.1 Grantor covenants and agrees that at any time a Road Improvement District (RID), or any other pro rata cost-sharing mechanism is formed for the purpose of constructing and/or improving the rights-of-way in an improvement area which includes Grantor's Property and the right-of-way subject to this Agreement, Grantor waives their right to protest the establishment of said RID or similar cost-sharing mechanism. Grantor's waiver of right to protest applies whether the formation of the RID or similar cost-sharing mechanism is proposed by petition or by resolution of the Board of County Commissioners.
- 3.2 By executing this No Protest Agreement, Grantor does not waive their right to

object to Grantor's individual assessment or to appeal to the superior court the County decision affirming the final assessment roll as permitted, and in accordance with, Chapter 36.88 RCW.

- 3.3 The parties acknowledge that this No Protest Agreement is intended to waive certain rights of Grantor. Grantor warrants and represents that they have had representation by legal counsel and/or have had an adequate opportunity to be represented by legal counsel prior to executing this Agreement.
- 3.4 Term. The term of this No Protest Agreement shall be ten (10) years as limited under RCW 36.88.072.

4.0 MISCELLANEOUS PROVISIONS

- 4.1 Covenants run with the land. The rights, obligations and covenants contained in this Agreement shall run with the land and shall be binding upon Grantor, their heirs, personal representatives, successors and assigns.
- 4.2 Dispute Resolution. If a dispute arises between the parties to this Agreement regarding the road and stormwater improvements constructed under RAP2025-00020, Grantor shall attempt to negotiate an appropriate resolution with the County, which shall be represented by the Jefferson County Engineer. If the dispute cannot be resolved at that administrative level, Grantor may file an appeal with the Jefferson County Hearing Examiner as provided for in the Jefferson County Unified Development Code.
- 4.3 Enforcement. This Agreement may be enforced by the County in law or equity against Grantor.
- 4.4 Attorney Fees. In the event any action is brought to enforce the terms of this Agreement, the prevailing party shall be entitled to recover its reasonable attorney fees and costs.
- 4.5 Recording. Upon execution by all signatories of this Agreement, the Grantor shall record this document with the Jefferson County Auditor, at Grantor's expense. A copy of the recorded document shall be forwarded to the Grantee.
- 4.6 Effective Date. This Agreement shall be effective as of the date of the final signature below.

[Signatures on following pages]

GRANTOR/OWNER:

DATED this _____ day of _____, 2025.

Bernetta Ferguson

Francis Ferguson

State of Washington
County of Jefferson

This record was acknowledged before me on _____, by Bernetta Ferguson and Francis Ferguson.

Notary Public in and for the State of Washington
My Commission Expires _____

GRANTEE:

DATED this _____ day of _____, 2025.

Accepted and approved
Jefferson County
Department of Public Works

By: _____
Monte Reinders
County Engineer/ Public Works Director

State of Washington
County of Jefferson

This record was acknowledged before me on _____, by Monte Reinders as the County Engineer/Public Works Director for Jefferson County, Washington.

Notary Public in and for the State of Washington
My Commission Expires _____

EXHIBIT G



Department of Public Works
Jefferson County, Washington
623 Sheridan Street, Port Townsend, WA 98368 (360) 385-9160

OPEN RIGHT-OF-WAY PERMIT

Case Number: RAP2025-00020 Road #:

Bernetta Ferguson
200 Rulle Ln B
San Antonio, TX 78029

In accordance with all applicable Revised Code of Washington and amendments thereto, and subject to all the terms, conditions and provisions written or printed below or on any part of this form, permission is hereby granted to:

- 1.) The Applicant has permission to open a portion of platted Foster St. right-of-way from the intersection of SR-19 (Rhody Dr) easterly for approximately 250' as shown on the approved Jefferson County Public Works Engineer's report dated [REDACTED]. The Engineer's Report specifies a road standard for a Local Service Road which does not meet the criteria for a county road. Therefore, this section of right-of-way will not be maintained by the county.
- 2.) The Applicant may install a private road approach off of the newly constructed roadway to their parcel as shown on the approved plans dated [REDACTED].

Conditions

- 1.) This approval is for opening the segment of Foster St. from the intersection of SR19, aka Rhody Dr., for a distance of approximately 250 feet, and for the road approach to the Applicant's parcel only, and does not constitute approval of other activities within the right of way or on this parcel. Any future permits on this site are subject to review for consistency with applicable codes and ordinances and does not preclude review and conditions which may be placed on future permits.
- 2.) The Applicant shall get approval in the form of a permit from WSDOT for access off of SR19/Rhody Dr. onto this segment of platted Foster St.
- 3.) The Applicant must follow all provisions as outlined in the attached Engineer's Report and approved plans.
- 4.) The applicant shall be responsible for the cost to repair any and all damage to the county roadway and rights-of-way, including the integrity of all survey monuments or boundary markers.
- 5.) This permit must be located on site when any work encompassed by the permit is being performed. Failure to do so may result in suspension of all work.
- 6.) This permit is issued in conjunction with any mitigative measures assigned to this project through the development process.
- 7.) Applicant must give Jefferson County Public Works office (360-385-9159) a minimum of 7 working days' notice prior to beginning work. An on-site pre-construction conference shall be scheduled by the applicant and will include Public Works and the contractor who will be performing the work. Prior to this meeting, any utility locate marks shall be done (Call 811-48 hours before you dig).
- 8.) The segment of Foster St. to be opened shall be built on the platted centerline per the Local Service Road Standard. The right-of-way shall be located and the centerline staked by a surveyor licensed in the State of Washington.
- 9.) The approach to the applicant's parcel must have a minimum of 3 inches of crushed rock per WSDOT Standard Spec 9-03.9(3), starting from the edge of the road and extending back a minimum of 20 feet for the full width of the access and its radius.
- 10.) The grade of the approach shall follow the crown of the road and be such that no surface water is directed onto the new segment of Foster St.
- 11.) The applicant shall be responsible for maintaining all vegetation to provide for the adequate sight distance adjacent to this road approach.
- 12.) Any time that workers are on the county right-of-way warning signs shall be posted that workers are present. All workers shall comply with applicable Labor and Industries Guidelines for clothing including reflective vests. Any time that equipment must enter onto the right-of-way, signing and flaggers shall be used in accordance with applicable MUTCD standards.
- 13.) The Applicant must sign, record and return to Public Works the Road and Stormwater Maintenance and No Protest Agreement.
- 14.) After construction is complete and prior to final project approval, the proponent shall submit a letter to the Public Works Department from the Engineer of Record (EOR), certifying that both the new roadway and stormwater management facilities have been constructed per the approved plans and specifications dated [REDACTED], or with any changes done during construction. It is the responsibility of the proponent to schedule inspections with the EOR, his designee and/or qualified inspection firm, approved by the EOR, to provide for said final certification. The Applicant must provide as-built drawings to the Public Works Department certifying the road was built as approved.
- 15.) The Applicant must contact the Public Works Department for a final inspection prior to a final building inspection.

The applicant, by signing the permit application, has agreed to all of the conditions in the permit including the provisions on the back of this form. This permit shall be void unless the work herein contemplated shall have been completed before . The Department of Public Works may revoke, amend or cancel this permit or any of the provisions thereof at any time by giving written notice to the grantee. The grantee, upon notification, shall immediately remove all of his equipment and facilities from the County right of way. Any equipment or facilities remaining upon the County right of way 30 days after written notice of cancellation shall be removed by the County at the sole expense of the grantee.

In accepting this permit the grantee, his successors and assigns, agree that any damage or injury done to the property of the grantee or any expense incurred by him through the operation of a contractor, working for the County or any County employee shall be at the sole expense of the grantee, his successors and assigns.

For Jefferson County _____ Date _____

GENERAL PROVISIONS APPLICABLE TO ALL PERMITS

This permit is subject to all applicable provisions of the Revised Code of Washington and all of the applicable provisions of Washington law. This permit is also subject to all applicable provisions of Chapter 13.56 of the Jefferson County Code, Accommodations of Utilities upon Jefferson County Rights-of-Way, Ordinance No. 01-0103-00; and Ordinance No. 09-0727-92 Regulating Jefferson County Road Approach Permits.

During the progress of the work such barriers and/or traffic control devices shall be erected and maintained as may be necessary or as may be directed by the Public Works Department for the protection of the traveling public; all traffic control devices shall be properly lighted at night and shall comply with all specifications of the Manual of Uniform Traffic Control Devices.

In accepting this permit, the Applicant shall indemnify and hold the County, and its officers, employees, and agents harmless from and shall process and defend at its own expense, including all costs, attorney fees and expenses relating thereto, all claims, demands, or suits at law or equity arising in whole or in part, directly or indirectly, from the Applicant's negligence or breach of any of its obligations under this Agreement; provided that nothing herein shall require a Applicant to indemnify the County against and hold harmless the County from claims, demands of suits based solely upon the conduct of the County, its officers, employees and agents, and; provided further that if the claims or suits are caused by or result from the concurrent negligence of: (a) the Applicant's agents or employees; and, (b) the County, its officers, employees and agents, this indemnity provision with respect to claims or suits based upon such negligence, and/or the costs to the County of defending such claims and suits, etc., shall be valid and enforceable only to the extent of the Applicant's negligence, or the negligence of the Applicant's agents or employees.

Except as herein authorized by the county Public Works Department, no excavation shall be made or obstacle placed within the limits of a county road in such a manner as to interfere with the travel over said road and shall not be within four (4) feet of the edge of the pavement. If the work done under this permit interferes in any way with the drainage of the county road, the grantee shall wholly and at his own expense make such provision as the County Engineer may direct to take care of said drainage. On completion of said work all rubbish and debris shall be immediately removed and the roadway and roadside shall be left neat and presentable and satisfactory to the County Engineer.

All of the work herein contemplated shall be under the supervision of the County Engineer and the entire expense of said supervision shall be borne by the grantee to whom this permit is issued, or his successors and assigns. The Department of Public Works hereby reserves the right to order the change of location or the removal of any structure or structures authorized by this permit at any time, said change or removal to be made at the sole expense of the grantee to whom this permit is issued, or his successors and assigns.

All such changes, reconstruction or relocation by the grantee shall be done in such a manner as will cause the least interference with any of the County's work and the County of Jefferson shall in no way be held liable for any damage to the grantee by reason of any such work by the County of Jefferson, its agents or representative, or by the exercise of any rights by the County upon roads, streets, public places or structures in question.

This permit or privilege shall not be deemed or held to be an exclusive one and shall not prohibit the County from granting other permits or franchise rights of like or other nature to other public or private utilities, nor shall it prevent the County from using any of its roads, streets, or public places, or affect its right to full supervision and control over all or any part of them, none of which is hereby surrendered.

Federal Endangered Species Act Disclaimer:

Jefferson County makes no assurances to the applicant that the actions undertaken because this permit has been issued will not violate 16 U.S.C section 1531 et seq. (the federal Endangered Species Act of 1973 or ESA). The applicant acknowledges that they are solely responsible for adhering to and complying with the ESA.

Cultural Resources Disclaimer:

Jefferson County makes no assurances to the applicant that the actions undertaken because this permit has been issued will not violate federal, state, or local cultural resources laws and regulations, including but not limited to 54 U.S.C. section 3001 et seq. (the federal National Historic Preservation Act of 1966), Chapter 27.34 RCW (Historic Preservation), Chapter 27.44 RCW (Indian Graves and Records), the Washington State Governors Executive Order 21-02, or any applicable treaty between the United States and any Indian tribe. The applicant acknowledges that they are solely responsible for adhering to and complying with all federal, state, or local cultural resources laws and regulations, including all applicable treaties between the United States and any Indian tribe.

EXHIBIT H

STATE OF WASHINGTON
County of Jefferson

**In the Matter of a Resolution to Construct a
Road on a Portion of Public Right-of-Way
Known as Foster St.**

RESOLUTION NO. _____

WHEREAS, an application to construct roads and utilities on public right-of-way has been submitted by Bernetta Ferguson for the purpose of providing access to their property, and

WHEREAS, said development will require opening approximately 250 feet of platted Foster St., and

WHEREAS, the Revised Code of Washington (RCW) 36.75 and 36.80 places the supervision of right of way, including the development of road standards, under purview of the County Engineer, acting under the supervision and authority of the Board of County Commissioners, and

WHEREAS, the applicant has proposed to construct roads to a standard less than what would be required for public roads, and

WHEREAS, the County Engineer has examined the right-of-way and the existing road system and the potential for future development and recommends that this request be approved provided the standards described in the County Engineer's report dated 04/25/2025 are followed, and

WHEREAS, the applicant will be responsible for the maintenance of this section of roadway and it is understood that the County will not be responsible for maintenance of this section of roadway and that it will not be added to the official County Road log until such time as the road is improved to public road standards and added to the County Road Log through Board action, and

WHEREAS, in lieu of requiring the road to be constructed to full public road standards at this time, the applicant will be required to sign a no protest agreement waiving rights, except as to the method of assessment, to protest formation of a pro-rata cost sharing arrangement such as a Road Improvement District (RID) should it become necessary in the future to upgrade this road, whether proposed by petition or a resolution of the Board of County Commissioners,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, STATE OF WASHINGTON:

Section 1. Whereas Clauses Adopted as Findings of Fact. The Jefferson County Board of Commissioners hereby adopts the above "Whereas" clauses as Findings of Fact.

Section 2. Authorization for Right-of-Way Opening and Construction Subject to County

Standards and Permitting. The Resolution:

1. Grants the applicant permission to open the Foster St. right-of-way from its intersection with SR19, also known as Rhody Drive, extending easterly for approximately 250 feet.
2. Requires that the road construction be completed in general conformance with the standards recommended in the County's Engineer's report dated 04/25/2025.
3. Directs the applicant to obtain all necessary permits prior to beginning construction, including a permit from the Department of Public Works, which shall specify any required conditions as set by the County Engineer to ensure compliance with said standards.
4. Requires the applicant to pay any inspection costs incurred by the Department of Public Works to confirm that construction meets the applicable standards.

Section 3. Severability. If any section, subsection, sentence, clause, phrase of this resolution or its application to any person or circumstance is held invalid, the remainder of this resolution or its application to other persons or circumstances shall be fully valid and shall not be affected.

Section 4. Effective Date. This resolution is effective upon adoption.

Section 5. SEPA Categorical Exemption. This resolution is categorically exempt from the State Environmental Policy Act under WAC 197-11-800(19).

APPROVED and ADOPTED this _____ day of April, 2025.

SEAL:

JEFFERSON COUNTY BOARD OF
COUNTY COMMISSIONERS

Heidi Eisenhour, Chair

Greg Brotherton, Member

Heather Dudley-Nollette, Member

ATTEST:

APPROVED AS TO FORM:

Carolyn Gallaway, CMC Date
Clerk of the Board

Philip C. Hunsucker
Chief Civil Deputy Prosecuting Attorney