

Jefferson County
Board of Commissioners
Agenda Request

To: Board of Commissioners
Mark McCauley, County Administrator
From: Monte Reinders, Public Works Director/County Engineer
Agenda Date: August 19, 2024
Subject: Open Right-of-Way Request - W. Foster St.

Statement of Issue:

Public Works has received an application to open a portion of platted W. Foster St. right-of-way for approximately 350 feet for access to the Applicant's parcel.

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

The proposed area of right-of-way to be opened 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 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 report.

Fiscal Impact/Cost Benefit Analysis:

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 W. Foster St. for approximately 350 feet, as outlined on the attached Engineer's Report. The Board is asked to sign the Resolution and return to Public Works.

Department Contact:

Terry Duff 360-385-9159

Reviewed By:


Mark McCauley, County Administrator


Date

STATE OF WASHINGTON
COUNTY OF JEFFERSON

In the Matter of a Resolution)
to Construct a Road and Stormwater)
Improvements on a) Resolution No. _____
Portion of Public Right of Way)
Known as W. Foster St.)

WHEREAS, an application to open a public right-of-way has been submitted by Heather Graham (“the applicant”) for the purpose of providing access to her property, and

WHEREAS, said development will require opening approximately 350 feet of platted W. Foster St. and

WHEREAS, the Revised Code of Washington (RCW) 36.75 and 36.80 authorizes the Board of County Commissioners (“the Board”) to establish, examine, survey construct, alter, repair, improve and maintain county roads, and that the County Engineer shall supervise such road improvements under the direction of the Board, and

WHEREAS, the County Engineer has examined the subject 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 August 5, 2024 are followed, and

WHEREAS, the applicant, and not the County, will be responsible for the maintenance of this section of roadway and its associated stormwater improvements and that the road 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 the right to protest formation of a pro-rata cost sharing arrangement such as a Road Improvement District (RID) should the subject right of way be included within a designated improvement area, whether the formation of the RID is proposed by petition or a resolution of the Board of County Commissioners,

NOW, THEREFORE BE IT RESOLVED, that applicant shall be granted permission to open the following right of way:

A portion of platted W. Foster St. starting at the end of the county maintained section of W. Foster St. at mile post 0.40 running westerly a distance of approximately 350 feet for access to parcel 994200023.

BE IT FURTHER RESOLVED, that roads shall be constructed in general conformance with the standards recommended in the County Engineer's report dated August 5, 2024.

BE IT FINALLY RESOLVED, that prior to performing construction the applicant shall receive any and all necessary permits including a permit from the Department of Public Works specifying any conditions that will be required by the County Engineer to ensure that said standards are met and that the applicant shall pay any inspection costs incurred by the Public Works Department to ensure that these standards are met.

ADOPTED this _____ day of _____, 2024.

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

Kate Dean, District 1

Heidi Eisenhour, District 2

Greg Brotherton, District 3

ATTEST:

Carolyn Galloway
Clerk of the Board

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

This Report is in response to an Open Right-of-Way Permit application (Exhibit A) submitted by Heather Graham. 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 W. Foster St.

Adjacent to: Assessor Parcels #994200023, Lot 126

Distance: Approximately 350 feet

Sections 3, Township 29 North, Range 1 W

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

EXISTING CONDITIONS

This Permit would officially open a segment of platted W. Foster St. right-of-way (subject ROW) to provide access to the Applicant's parcels #994200023.

The access to this segment of W. Foster St. will come off the end of the County maintained segment of W. Foster St. at mile post 0.40 from the centerline and run westerly for approximately 350 feet to provide access to Applicant's parcel #994200023. The platted right-of-way continues westerly beyond the boundary of applicants property for approximately 450 feet with the potential to access 10 to 12 additional lots. This segment of W. Foster St. right-of-way has been improved without permits to a 9 foot wide drivable area. This privately maintained segment of W. Foster St. will connect to the end of the County maintained road which was constructed with two eleven foot lanes of bituminous surface treatment and gravel shoulders.

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.

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;
- 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 cross-section consists of 2 inches of compacted crushed surfacing top course, over a minimum of 4 inches compacted depth crushed surfacing base course over 6 inches compacted depth gravel base. (See Exhibit C). 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

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 stormwater permit requirements and application procedures:

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

ROAD AND STORMWATER MAINTENANCE AND NO PROTEST AGREEMENT

A Road and Stormwater Maintenance and No Protest Agreement is required for this facility to be located on public right-of-way.

Per County Resolution 05-23, residential streets, particularly dead end streets/cul-de-sacs, do not meet the required public necessity/general public benefit criteria required for establishment of a County Road and therefore will not be accepted into the County Road system. Such roads, even though within a public right-of-way, shall be privately maintained.

Due to the projected average daily traffic (ADT) of the proposed road segment, the applicant will be permitted to construct a privately maintained road on public right-of-way to a standard less than that of a County Road.

The County Engineer recommends approval to open a segment of public right-of-way to construct a privately maintained road based upon the criteria in this report.

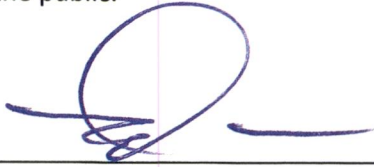
The Applicant must sign a Road and Stormwater Maintenance and No Protest Agreement in order to **(a)** accept responsibility for all road and associated stormwater maintenance, and **(b)** enter into an agreement with the County not to protest the formation of a future Road Improvement District (RID) or other pro rata cost sharing mechanism to improve the roadway should improvements become necessary whether proposed by petition or by resolution of the Board of County Commissioners, or by both petition and resolution. See Exhibit F for this Agreement.

ROADWAY CONSTRUCTION DOCUMENTATION, CERTIFICATION, AND MONUMENTATION

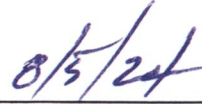
Construction Documentation

The applicant shall provide the Public Works Department with complete road plans in electronic format that can be printed to scale on 11x17 inch paper. Since this will be a privately maintained gravel road, although the road centerline must be established by a licensed

'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. The right-of-way, however, is public and shall remain open to the public.

A handwritten signature in blue ink, consisting of a large loop followed by a horizontal stroke.

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

A handwritten date in blue ink, reading "8/5/24".

Date

EXHIBIT A



Department of Public Works

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

Office use only

Permit # RAP24-36
Receipt # 2307
Check # 1577
Date paid 6/14/24
Mile post _____

OPEN RIGHT-OF-WAY PERMIT APPLICATION - 2024

\$1,088.00 Fee

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

Applicant Information

Heather Graham Revocable Trust

Property Owner

2069208029 mamaC_617@msn.com

Phone Email

PO Box 489

Mailing Address

Chimacum, WA 98325

City, State, Zip

Designation of Agent (fill out only if applicable)

Heather Graham, trustee

Designated Agent

2069208029 mamaC_617@msn.com

Phone Email

PO Box 489

Mailing Address

Chimacum WA 98325

City, State, Zip

Project Information

Purpose for request to open right-of-way: develop parcel for residence

Name of road/right-of-way to be opened: W. Foster Street

Total length of right-of-way to be opened: 300'

Property parcel number(s): 994200023

Name of plat where road is located: Tract 126 Seventh Ave Acre Tracts

Attach any recorded surveys (list volume and page numbers): Volume 2, page 127

Nearest cross street: Hwy 19 Rhody Drive

Other permits associated with this request (e.g. septic, building, stormwater): _____

Will you be installing any utilities within the right-of-way? Yes

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

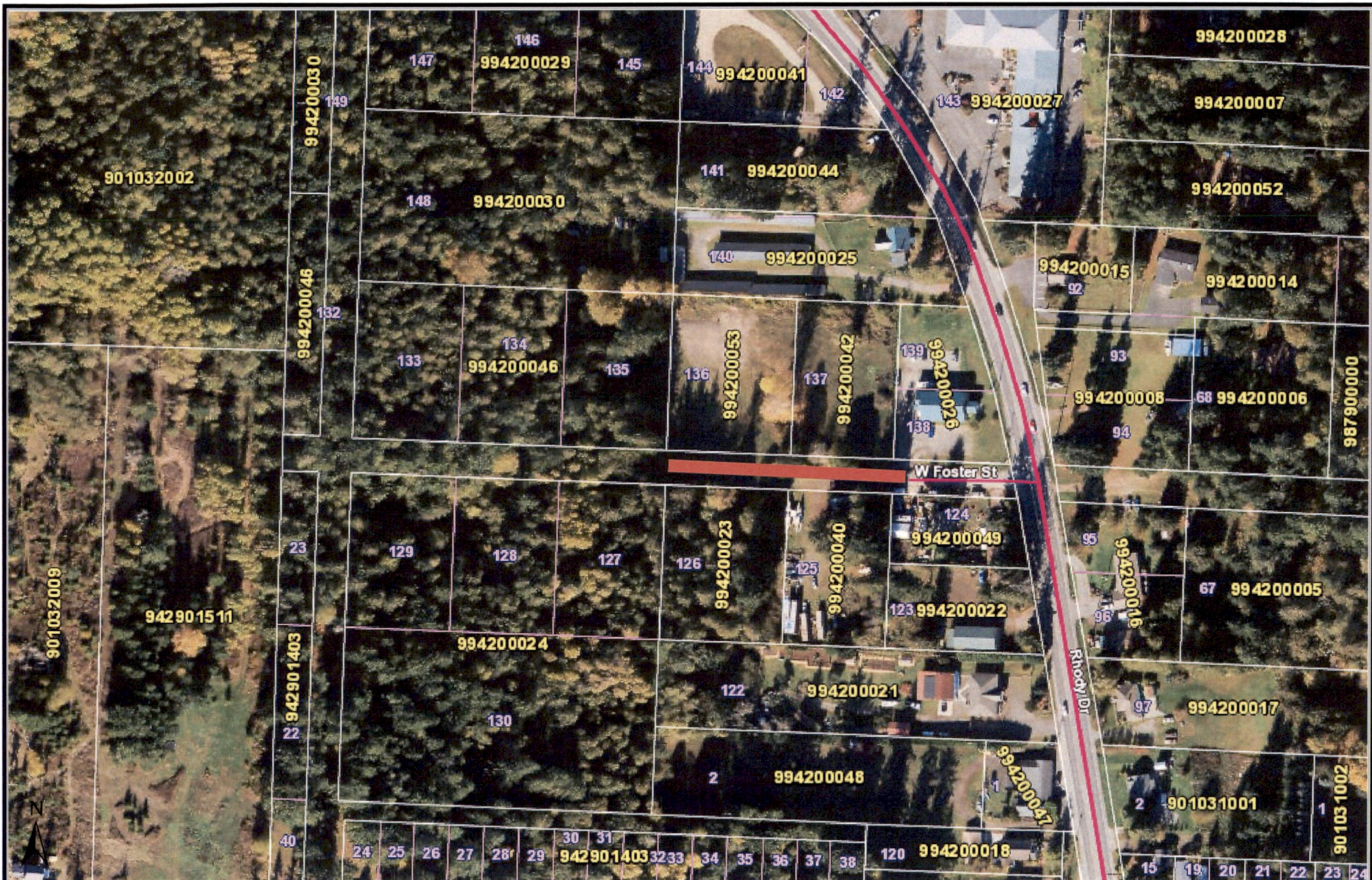
By signing the application form, the undersigned Applicant attests that the information provided herein is true and correct to the best of his/her knowledge and agrees to all conditions on the permit. The Applicant also certifies that this application is being made with the full knowledge and consent 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.

Heather Graham, Trustee
Property Owner or Designated Agent Signature

6/14/24
Date

EXHIBIT B



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

0 105 210
ft

Scale: 1:2,257

Date: 6/25/2024

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



SEVENTH AVENUE ACRE TRACTS
IRONDALE, JEFF. CO. WASH.

Holman Security Inv. Co.
Hucado Annex, Seattle

Scale 200 feet to one inch

C.M. ANDERSON
Engineer

DESCRIPTION

This plat of "Seventh Avenue Acre Tracts" embraces the E 1/4 of the S.E. 1/4 and the N.E. 1/4 of Sec. 3 Twp. 29 N. R. 1 W., Jefferson County, Washington.
Seventh and Tenth are extensions of Avenues of same name in Irondale and Market Street is parallel with Rodriguez St. in Irondale and 200 feet distant therefrom.

DEDICATION

"Know all men by these presents, That the Holman Security Investment Co., a corporation, owner in fee simple of the above described tracts, does hereby declare this plat of "Seventh Avenue Tracts" and hereby dedicate to the use of the public forever all Avenues, Streets and Boulevards shown thereon.
In witness whereof the Holman Security Investment Co. has caused its corporate name to be subscribed and its corporate seal to be affixed by its duly authorized officers this 3rd day of July 1909.

Signed and sealed
in presence of

C.M. Anderson
M.R. Wood

Seal

Holman Security Investment Co.

by

C.B. Holman

its President

Jas. P. Holman

its Asst. Secretary

ACKNOWLEDGEMENT

State of Washington) s.s. On this 3rd day of July
County of King
A.D. 1909, before me the undersigned, Notary Public in and for the State of Washington, personally appeared C.B. Holman, to me known to be the President, and James P. Holman to me known to be the Secretary of the corporation that executed the foregoing instrument and they acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the use and purposes therein mentioned and on oath stated that they were authorized to execute the said instrument and the seal attached is the seal of said corporation.
In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Seal

M. R. Wood

Notary Public in and for the
State of Washington, residing in
Seattle

Approved this 6th day of June A.D. 1909

Peter M. Mitty
Chairman Board of
County Commissioners

28361

Filed for record at the request
of the Holman Security
and Investment Company on
the 1st day September A.D.
1909 at noon past 10 A.M.

C. L. Percy
County Auditor

Seal

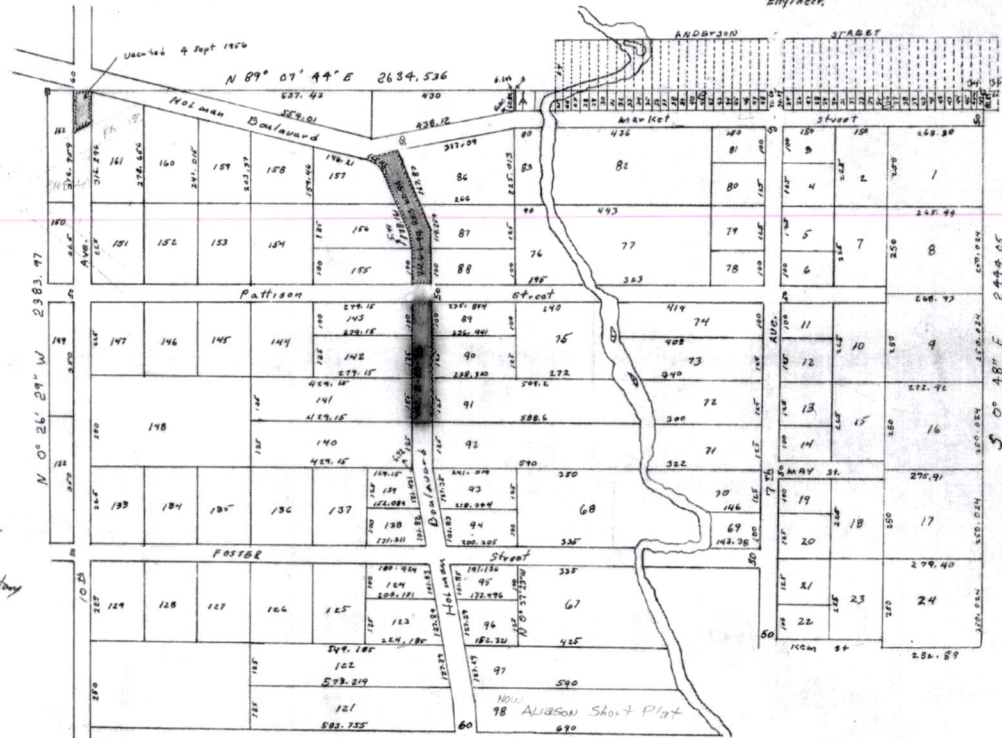
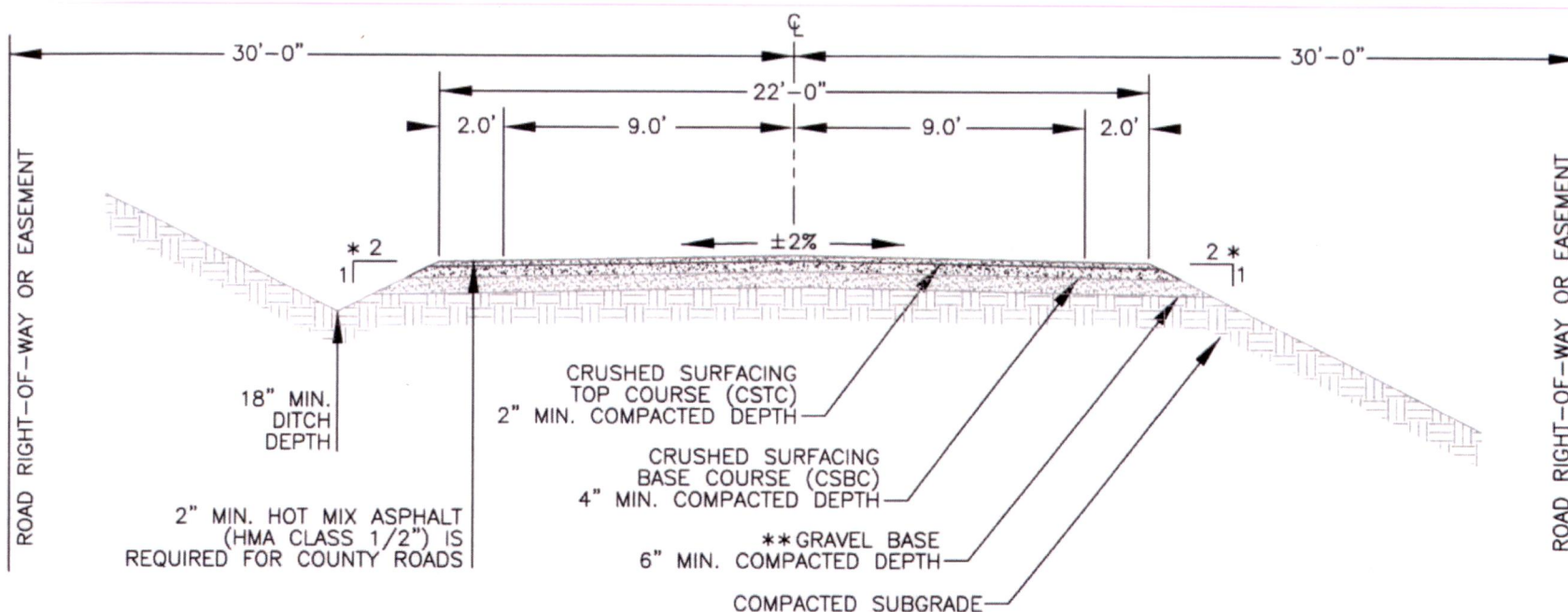


EXHIBIT C



LOCAL ACCESS ROAD 22' ROAD SECTION (40 MPH – UNDER 400 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. PAVED SHOULDERS ARE REQUIRED FOR ROADS TO BE DEDICATED TO JEFFERSON COUNTY.
7. MINIMUM STANDARD FOR A COUNTY ROAD.
8. CONSULT AASHTO FOR INCREASED LANE WIDTH IF OVER 40 MPH.

EXHIBIT D

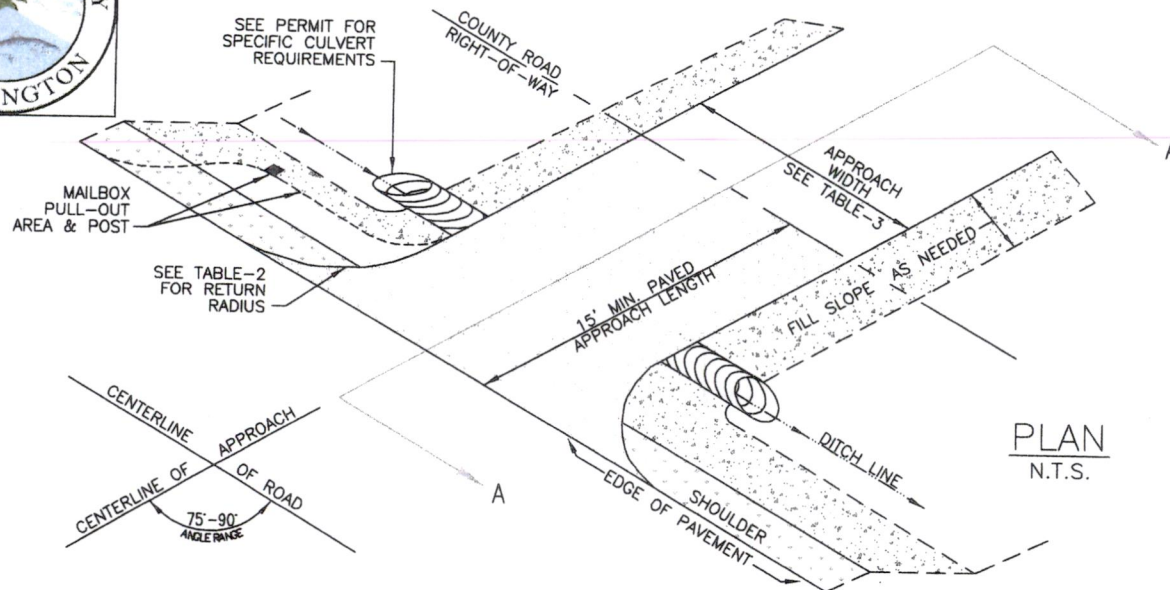


TABLE-1 SIGHT DISTANCE REQUIREMENTS	
POSTED SPEED	MINIMUM DISTANCE
25 MPH	155 FT.
30 MPH	200 FT.
35 MPH	250 FT.
40 MPH	305 FT.
45 MPH	360 FT.
50 MPH	425 FT.
55 MPH	495 FT.

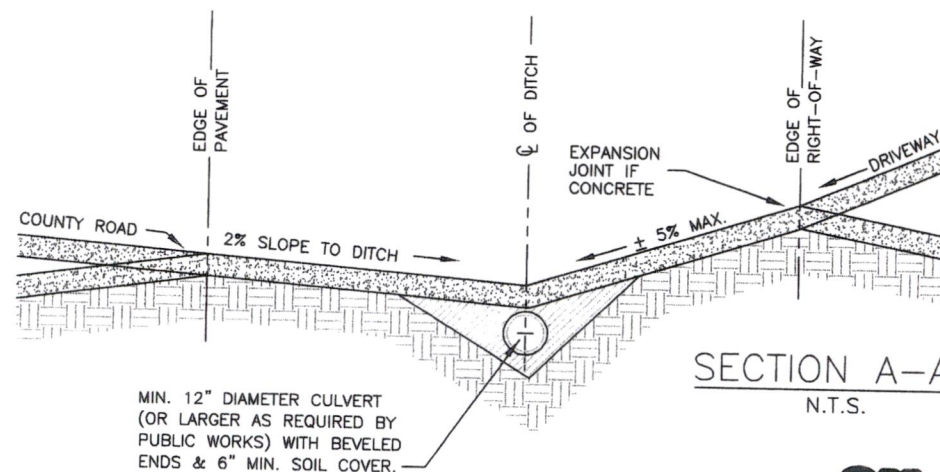
TABLE-2 RETURN RADIUS	
RESIDENTIAL	LOCAL ACCESS RD. 10'
APPROACH	MINOR COLLECTOR RD. 20'
	MAJOR COLLECTOR RD. 20'
MAJOR APPROACH	ALL CLASSIFICATIONS 35'

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" 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

Terry Duff

From: Greg Ballard
Sent: Thursday, August 1, 2024 10:19 AM
To: Terry Duff
Subject: RE: Open Right-of-Way Application

Hi Terry, this open right-of-way would result in less than 7,000 sq. ft of new land disturbing activity (excluding existing driveways) and does not contain any critical areas.

DCD Planning would not require a stormwater permit provided that the disturbed area would be stabilized with gravel or seeded with grass.

Based on the above DCD would not have any permits or requirements for this open right-of-way permit.

Thanks

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

-----Original Message-----

From: Terry Duff <TDuff@co.jefferson.wa.us>
Sent: Thursday, August 1, 2024 9:58 AM
To: Greg Ballard <GBallard@co.jefferson.wa.us>
Subject: Open Right-of-Way Application

Greg,

Attached is a letter forwarded to your department requesting comments with regard to the request to open a portion of platted right-of-way as shown on the map. No comments have been received as of this date. If there are no comments, please let me know but I need to know if a stormwater permit will be required as well as any other requirements, i.e., SDR, critical areas, etc.

Thanks,
Terry Duff, Eng Tech III
Jefferson County Public Works
360-385-9159

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: Heather Graham
Grantee: Jefferson County, a political subdivision of the state of Washington
Reference: RAP2024-00036
Abbrev. Legal: Lot 126 Seventh Avenue Acre Tracts
Parcel No.: 994200023

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 Heather Graham, (“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: *Lot 126, Seventh Avenue Acre Tracts, as per Volume 2 of Plats, Page 127, records of Jefferson County*; also known as Assessor’s Parcel Number 994200023, 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 W. Foster St. right-of-way abutting the Property (Open Right-of-Way Permit RAP2024-00036).
- 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

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 RAP2024-00036, 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 County shall record this document with the Jefferson County Auditor, at Grantor's expense. A copy of the recorded document shall be forwarded to the Grantor.
- 4.6 Effective Date. This Agreement shall be effective as of the date of the final signature below.

[Signatures on following pages]

GRANTEE:

DATED this _____ day of _____, 2024.

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 of Jefferson County,
Washington.

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

Approved as to form only:

By: _____
Philip C. Hunsucker Date
Chief Civil Deputy Prosecuting Attorney

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: RAP2024-00036

Road #: 537009

W Foster St

HEATHER GRAHAM
PO BOX 489
CHIMACUM, WA 98325

DRAFT

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 W. Foster St. from the end of the existing county road at mile post 0.40 and continuing westerly for a distance of approximately 350 feet, in accordance with the Jefferson County Public Works Engineer's Report and approved plans dated _____. The Engineer's Report specifies a road standard for a Local Access Road which does not meet the criteria for a County road. Therefore, this segment of right-of-way will not be maintained by the County.
- 2.) The Applicant may install a private road approach off the newly constructed roadway to their parcel as shown on the approved plans dated _____.

Conditions

- 1.) 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.
- 2.) The segment of W. Foster St. to be opened shall be built as shown on the approved plans (attached to this permit) and the Local Access Road Standard Typical Section. The right-of-way shall be located and the centerline staked by a surveyor licensed in the State of Washington.
- 3.) Following completion of roadway construction, the Applicant 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 requirements.
- 4.) The Applicant must sign, have recorded with the Jefferson County Auditor's office, and return to Public Works the Road & Stormwater Facility Maintenance & No Protest Agreement.
- 5.) Following completion of roadway construction the Applicant shall submit to Public Works complete "As-Built" or "As-Constructed" record drawings that reflect any changes made to the approved plans.
- 6.) This approval is for opening a segment of W. Foster St. from the end of the County maintained segment westerly for a distance of 350', and the road approach to the Applicant's property 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.
- 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).

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

EXHIBIT H

STATE OF WASHINGTON
COUNTY OF JEFFERSON

In the Matter of a Resolution)
to Construct a Road and Stormwater)
Improvements on a) Resolution No. _____
Portion of Public Right of Way)
Known as W. Foster St.)

WHEREAS, an application to open a public right-of-way has been submitted by Heather Graham ("the applicant") for the purpose of providing access to her property, and

WHEREAS, said development will require opening approximately 350 feet of platted W. Foster St. and

WHEREAS, the Revised Code of Washington (RCW) 36.75 and 36.80 authorizes the Board of County Commissioners ("the Board") to establish, examine, survey construct, alter, repair, improve and maintain county roads, and that the County Engineer shall supervise such road improvements under the direction of the Board, and

WHEREAS, the County Engineer has examined the subject 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 August 5, 2024 are followed, and

WHEREAS, the applicant, and not the County, will be responsible for the maintenance of this section of roadway and its associated stormwater improvements and that the road 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 the right to protest formation of a pro-rata cost sharing arrangement such as a Road Improvement District (RID) should the subject right of way be included within a designated improvement area, whether the formation of the RID is proposed by petition or a resolution of the Board of County Commissioners,

NOW, THEREFORE BE IT RESOLVED, that applicant shall be granted permission to open the following right of way:

A portion of platted W. Foster St. starting at the end of the county maintained section of W. Foster St. at mile post 0.40 running westerly a distance of approximately 350 feet for access to parcel 994200023.