

1 **BEFORE THE HEARING EXAMINER FOR JEFFERSON COUNTY**

2 Irv Berteig, Hearing Examiner

3 **RE: Port Ludlow Associates Long**) **File No. SUB05-00003**
4 **Subdivision, Preliminary Plat**)
5 **Application for Olympic Terrace 2**)
6) **FINDINGS, CONCLUSIONS,**
7) **AND DECISION**
8)

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JUN 28 2005

JEFFERSON COUNTY DCO

9 **BACKGROUND INFORMATION**

10 The applicant is seeking preliminary long subdivision approval to
11 subdivide and develop 80 lots including clearing and grading of the
12 proposed 80 residential lots. The application area consists of
13 approximately 159.33 acres. This proposal is the second phase of
14 Olympic Terrace. Olympic Terrace 1 was File No. SUB01-00027, recorded
15 on March 11, 2003. Olympic Terrace 2 contains 159.33 acres of which
16 109 acres is in open space. The lot size ranges from 15,261 to 33,260
17 square feet. Average lot size is 22,200 sq. ft.

18 **PROCEDURAL INFORMATION**

19 **Notices:** **Mailed:** May 17, 2005
20 **Posted:** May 17, 2005
21 **Publication:** May 18, 2005.

22 **Site Visit:** June 7, 2005.

23 **Open Record Hearing Date:** June 7, 2005.

24 The hearing was opened at 1:30 p.m. in the Board of County
25 Commissioners' Chambers in the Jefferson County Courthouse. Because
26 the SEPA appeal and the preliminary plat hearings were combined,
27 special procedures were explained addressing the sequence of
28 testimony. All testimony was taken under oath. A verbatim recording
29

of the public hearing was made. The tape is maintained in the Jefferson Permit Center file.

Participants:

Port Ludlow Associates: represented by Marco de Sa e Silva, Attorney
Faith Lumsden, Consultant to DCD
Al Scalf, Department of Community Development [DCD] Director
Marco de Sa e Silva, Attorney for Port Ludlow Associates [PLA]
Greg McCarry, PLA, 70 Breaker Lane, Port Ludlow, WA 98365
Mark Dorsey, P.E., Project Manager, PLA
Joe Callaghan, Habitat Biologist, GeoEngineers,
1550 Woodridge Dr., Port Orchard, WA 98366
Suzanne Graber, 140 Mt Constance Way, Port Ludlow, WA 98365
Bill Brown, 113 Outlook Lane, Port Ludlow, WA 98365
Richard Rozzell, 41 Windrose Dr., Port Ludlow, WA 98365
Albert Koval, 31 Corbridge Place, Port Ludlow, WA 98365
Jim Pearson, DPW
Leslie Powers, 44 Heron Road, Port Ludlow, WA 98365
No other parties were present to testify.

The Hearing Examiner closed the public hearing at 4:35 p.m., and held the record open to COB June 10 to receive certain materials from DCD.

TABLE OF EXHIBITS:

Log Item	Document	Date
1	Cases, findings, conditions, permissions for parcel	1/10/2005
2	Fee Payment (receipt, check, fee breakdown)	1/10/2005
3	Master Land Use Application	1/10/2005
4	Transmittal letter from ESM Consulting Engineers	1/10/2005
5	Copy of letter from Olympic Water & Sewer	1/10/2005
6	Traffic Impact Assessment by Geralyn Reinart, P.E.	1/10/2005
7	Preliminary Drainage Report by ESM Consulting Engr	1/10/2005
8	Geotechnical Report by GeoEngineers	1/10/2005
9	Wetland Assessment by Raedeke Associates, Inc.	1/10/2005
10	Stream Assessment & Classification by GeoEngineers	1/10/2005

Log Item	Document	Date
11	Environmental Checklist	1/10/2005
12	Large Site Maps	1/10/2005
13	Reduced copy of Large Site Maps	1/10/2005
14	Subdivision Application	1/10/2005
15	Plat Certificate by First American Title	1/19/2005
16	Fax transmittal with HPA #100370-1	1/22/2005
17	ESA GIS Maps	1/25/2005
18	Determination of Completeness	1/25/2005
19	Additional Payment of PWD Fees	1/28/2005
20	Notice of Application and Pending SEPA	2/2/2005
21	Fax copy of Affidavit of Posting	2/2/2005
22	Certification of Mailing Notice of Application	2/1/2005
23	Comment: Email from Assessors (Pat)	2/7/2005
24	Comment: Memo from Assseors (Sherrie)	2/7/2005
25	Comment: Letter from DNR (Ross Goodwin)	2/7/2005
26	Email between Michelle & Ross Goodwin	2/8/2005
27	Comment: Jefferson County Sheriff	2/11/2005
28	Comment: Fire District 3	2/11/2005
29	Comment: Bruce Schmitz	2/15/2005
30	Comment: Fax from Fire District 3	2/14/2005
31	Comment: Woodridge Village Homeowners Association	2/14/2005
32	Comment: Email from Bruce Schmitz	2/16/2005
33	Comment: City of Port Townsend	2/16/2005
34	Comment: PLVC	2/16/2005
35	Comment: Rich & Denise Grimm	2/16/2005
36	Comment: Les Powers	2/16/2005
37	Comment: Email from Bruce Schmitz	2/16/2005
38	Comment: DOE	2/16/2005
39	Comment: Email from Gary & Sue Kaysinger	2/16/2005
40	Comment: Email from Les Powers	2/16/2005
41	Comment: Email from Bert Loomis	2/17/2005
42	Comment: Letter from DOE	2/18/2005
43	Comment: Letter from PWD	2/18/2005
44	Email attachment from Greg McCarry	2/21/2005
45	Comment: Letter from Fire District 3	2/22/2005
46	Email between John Fischbach & Bert Loomis	2/23/2005
47	Email between John Fischbach & Bert Loomis	2/24/2005
48	Email between John Fischbach & Bert Loomis	2/25/2005
49	Fax response to comment letters from Mark Dorsey	2/25/2005

Log Item	Document	Date
50	Letter from L. Elton to PLVC - Annexation	2/28/2005
51	Email comments from Lewis Hale	3/2/2005
52	Response to comment letter from Mark Dorsey	3/1/2005
53	Comment: Email from Les Powers	3/2/2005
54	Comment: Letter from South Bay Community Association	3/24/2005
55	Comment: Memo from Thomas Aumock (Consulting Fire)	4/1/2005
56	Email from Les Powers	4/6/2005
57	Map of Port Ludlow	4/5/2005
58	Memo from Michelle to Al Scalf - Request for Threshold Determination	4/8/2005
59	Affidavit of Posting Public Notice	4/13/2005
60	MDNS Olympic Terrace 2 Long Plat	4/13/2005
61	Certification of Mailing Notice	4/16/2005
62	Email from Michelle to Al Scalf & Roseann Carrol	4/16/2005
63	Email from Les Powers to Michelle Farfan	4/20/2005
64	Email from Les Powers to Al Scalf	4/20/2005
65	Email from Les Powers to Al Scalf	4/21/2005
66	Email from Bruce Schmitz to Al Scalf	4/21/2005
67	Email from Judi Morns to John Fischbach, M.Brasfield	4/21/2005
68	Email from Les Powers to Al Scalf	4/22/2005
69	Email from Les Powers to Roseann Carroll	4/24/2005
70	Email from Faith Lumsden to Al Scalf	4/24/2005
71	Email from Mike Brasfield to Al Scalf & John Fischbach	4/24/2005
72	Email from Leslie Locke to Al Scalf & Michelle Farfan	4/25/2005
73	Email from Les Powers to Al Scalf	4/26/2005
74	Email from Richard Rozell to Al Scalf	4/27/2005
75	Letter from Mark Dorsey to Al Scalf RE: Response	4/24/2005
76	FAX from DOE	4/24/2005
77	(Revised Preliminary Plat - 3 sets)	4/27/2005
78	DOE Comments	4/27/2005
79	Certification of Mailing	5/6/2005
80	Affidavit of Posting Public Notice	5/19/2005
81	Notice of SEPA Appeal from Les Powers	5/20/2005
82	Certification of Mailing RE: Notice of Public Hearing	5/21/2005
83	Letter from Marco de e Silva to Irv Berteig	5/26/2005
84	Letter from Marco de e Silva to Irv Berteig/cc Al Scalf and M Farfan	5/26/2005
85	Staff Report to Jefferson Count Hearing Examiner (SEPA Appeal 4 pages)	5/31/2005
86	Staff Report to Jefferson County Hearing Examiner Preliminary Plat (complete 18 pages)	5/31/2005

Log Item	Document	Date
The following were submitted at the Open Record Appeal Hearing:		
87	Statement by Les Powers, Appellant	6/7/2005
88	Memorandum of Port Ludlow Associates in Support of MDNS - Submitted by Marco de Sa e Silva	6/7/2005
89	PLA Monitoring Reports	
90	Draft and Final Environmental Impact Statement for Port Ludlow Development Program issued April 12, 1993	Reserved 6/7/2005
91	Letter from Bill & Beverly Browne	6/6/2005
92	Official MRU Record updated as of 12/31/2004	6/7/2005
93	Open Record Hearing Sign-Up Sheet	6/7/2005
The following was submitted during Open Record at Examiner's request:		
90	D&FEIS reserved as Log Item 90	6/9/2005
The following were unsolicited and received during the Open Record, and Objection filed by Respondent PLA:		
	Supplemental Appellant response to arguments and evidentiary matters presented at the open record hearing, including attachments	Received 6/10/2005 by DCD
	Declaration of Bert Loomis with attachments	Received 6/10/2005 by DCD
	Via Fax and US Mail from PLA: Letter of Objection to post hearing materials submitted by Appellant	Received 6/13/2005

Regarding Admissibility of Materials Submitted Post Hearing:

The Examiner requested a copy of the Final Environmental Impact Statement for the Port Ludlow Development program in accordance with WAC 197-11-055(3)(a) such that environmental documents are available to the decision-maker.

The Hearing Examiner Rules are codified under JCC 18.05.085(6)(a) Admissibility and (d) Evidence Received Subsequent to the Hearing, which provides for consideration of materials submitted after the hearing: *"If additional evidence is submitted after the public hearing or after the date when public comment will no longer be accepted, such additional evidence will only be considered upon a showing that the evidence has significant relevance and there is good cause for the delay in its submission."* Since the Appellant and Respondents were queried at the end of the hearing as to whether they

1 wanted to submit post hearing briefs, and since all declined, the
2 above Examiner rule will be applied.

3 The Appellant's post hearing submissions are mostly restatements
4 of his arguments with rebuttals to testimony and arguments from the
5 hearing. The new information does not have significant relevance, and
6 is not accepted.

8 FINDINGS OF FACT

9 1. The applicant is proposing to subdivide and develop 80 lots
10 including selective logging and lot clearing of the proposed 80
11 single-family residential lots. One tract (Tract A) is proposed as
12 open space. Tract A consists of about 109 acres, or 68.4 percent of
13 the proposed site. The lot sizes range from 15,261 square feet to
14 33,260 square feet. Density is approximately 0.50 lots per acre.
15 Storm water will be treated on-site and discharged into Port Ludlow
16 Bay. The Olympic Water and Sewer Company will provide water and
17 sanitary sewer service to the proposed 80 residential lots.

18 2. Application was received as substantially complete on January 25,
19 2005. Revised plans clarifying wetland setbacks were submitted on
20 April 27, 2005.

21 3. The property contains approximately 159 acres. The subject
22 property is irregular in shape. The site slopes to the west with
23 varying slopes. There are ten seasonal streams and 13 small wetlands
24 on the site. The property is accessed off Mount Constance Way, which
25 is a public road developed as part of the Olympic Terrace 1
26 development. Secondary, emergency access will be provided to the site
27 across the utility access for Olympic Water and Sewer, to the
28 southeast corner of the proposed plat.

1 4. Olympic Terrace 2 (OT2) lies south of Olympic Terrace 1, a
2 similar residential subdivision and west of Teal lake Road. The
3 property is south of the golf course and north of state owned
4 commercial forest lands.

5 5. Based on mapped critical areas, the subject property has the
6 following sensitive features: (a) Category II and Category III
7 wetland areas, (b) aquifer recharge area, (c) landslide hazard areas,
8 and (d) Type 4 and Type 5 streams. The aquifer recharge area
9 constitutes about 20% of the total site and is generally confined to
10 wetlands J, K, H, and L. No lots are proposed in the aquifer recharge
11 area. Wetland areas have been delineated on the site. A number of
12 critical area protection standards have been applied as SEPA
13 conditions. In addition, the Department recommended other conditions
14 from the Interim Critical Areas Ordinance.

15 6. **The Jefferson County Comprehensive Plan** Land Use Map, as amended,
16 designates the site as Single-Family (4 dwelling units per acre).

17 7. The **Port Ludlow Master Planned Resort Code** classifies the site
18 and most of the surrounding area as "Single Family" (MPR-SF 4:1).

19 8. Preliminary threshold determination, MDNS was issued April 13,
20 2005 and included a 14 day comment period. Final Modified Mitigated
21 Determination of Non-Significance was issued May 6, 2005. An appeal
22 to the SEPA MDNS by Leslie A. Powers was consolidated with the hearing
23 for the preliminary plat. The Examiner denied the SEPA appeal in a
24 separate decision on June 27, 2005.

25 9. The following community members and organizations submitted
26 comments prior to the Open Record Hearing (summarized for each in the
27 Staff Report):

- 28 a. Ludlow Maintenance Commission, Bruce Schmitz;
- 29 b. Woodridge Village Homeowners' Association, Thomas Stone;
- c. Port Ludlow Village Council;

- d. Rick and Denise Grimm;
- e. Les Powers;
- f. Gary and Susan Kaysinger;
- g. Bert Loomis;
- h. L. Elton;
- i. Lewis Hale;
- j. South Bay Community Association [SBCA]; and
- k. Richard Rozzell.

10. The following agencies submitted comments (summarized for each in the Staff Report) prior to the Open Record Hearing:

- a. County Department of Public Works;
- b. Fire Protection District No. 3, Fire Chief;
- c. Washington State Department of Ecology;
- d. Washington State Department of Natural Resources;
- e. Jefferson County Sheriff;
- f. Consulting Fire Marshal, City of Port Townsend; and
- g. Jefferson County Treasurer.

11. The following agencies received notice but did not comment:

County Health Department, Chimacum School District, Port Gamble S'Klallam Tribe, Olympic Environmental Council, Washington State Department of Fish and Wildlife, WSDOT, and Jefferson Transit.

12. The Department concluded that the proposal complies with all applicable plan policies of the 1998 **Jefferson County Comprehensive Plan**.

13. The Staff Report contains a detailed analysis of the proposal's compliance with the applicable regulations.¹ The Examiner has reviewed that analysis in open record hearing, and now adopts those *Staff Findings and Conclusions* as his own Findings of Fact except as may be specifically addressed within Conclusions on Issues following.

14. The Applicant testified that they were familiar with the Staff Report and concurred with the Staff recommended conditions.

¹ Log Item 86, Staff Report on Preliminary Plat at pages 4 - 14

REVIEW CRITERIA

Applicable Goals and Policies:

- Jefferson County Comprehensive Plan
- Chapter 3, "Master Planned Resorts" page 3-31.
- Chapter 8 "Environment Element" page 8-1.
- "Port Ludlow Development Agreement" dated May 1, 2000, recorded under Auditor's File Number 435974.

Applicable Ordinances in accordance with the vesting terms of the MPR Code and Development Agreement:

- Subdivision Ordinance No. 04-0526-92, As Amended, Jefferson County Subdivision Ordinance.
- State Environmental Policy Act, UDC Section 8
- Port Ludlow Master Planned Resort Code, Ordinance No. 08-10-1004-99
- Jefferson County Interim Critical Areas Ordinance No. 05-0509-94, As Amended
- Jefferson County Land Use Application Procedures Ordinance, Ordinance No. 04-0828-98
- Jefferson County Storm water Management Ordinance, Ordinance No. 10-1104-96
- Land Use Procedures Ordinance, Rules of Procedure for Proceedings Before the Examiner.

CONCLUSIONS OF LAW

The following Conclusions of Law, which may contain additional Findings of Fact and are organized by Issue Topics:

Authority:

1. The Hearing Examiner is duly appointed by the Jefferson County Board of Commissioners to hear Long Subdivision, Preliminary Plat applications.²

Matter before the Examiner:

2. The applicant is seeking preliminary long subdivision approval to subdivide and develop 80 lots including clearing and grading of the proposed 80 residential lots. The application area consists of

² UDC 8.50.1(b)(1)

1 approximately 159.33 acres in a configuration as shown on Site Maps
2 filed on January 10, 2005,³ and clarified wetland setbacks on modified
3 plans submitted on April 27, 2005.⁴

4 ***MPR Code & Development Agreement Issues:***

5 3. Port Ludlow is classified as a Master Planned Resort adopted
6 under the provisions of RCW 36.70A.360 & .362 as the Port Ludlow
7 Master Planned Resort, know as the MPR Code. The MPR Code and its
8 accompanying Port Ludlow Development Agreement provide the core
9 governing land use regulations. Much of the conflict in the SEPA
10 appeal and now in the subdivision application relies on a misreading
11 of the MPR Code and Development Agreement. For instance, the Resort
12 Complex/Community Facilities Zone (MPR-RC/CF) states its purpose and
13 permitted and conditional uses, quoted here for convenience and with
14 emphasis added:

15 ***17.25.010 Purpose.*** The MPR-RC/CF zone provides amenities and
16 services associated with a resort and the surrounding community,
17 and supports existing residential uses. Uses allowed in the RC/CF
18 zone recognize the recreational nature of the resort and include
19 the existing and planned resort complex, as well as limited
20 permanent residential uses, and non-resort community facilities
21 including a beach club and Kehele Park. Kehele Park is located
22 north of the actual resort area and serves as a community park.

23 ***17.25.020 Permitted and conditional uses.*** The following uses are
24 permitted within the MPA-RC/CF zone. Within the resort area, for
25 resort facilities only, the uses set forth below are further
26 described and limited by the Resort Plan, as set forth in JCC
27 17.50.020.

28 ***17.50.020 Resort Plan.*** The Resort Plan for future development of
29 properties in the MPR-RC/CF zone shall be limited and shall not
exceed the scope of development set forth below and shall include
no uses except those set forth below, unless a major revision is
approved. Changes to this Resort Plan that decrease the sizes
noted below are allowed.

30 ³ Log Items 12 and 13.

31 ⁴ Log Item 77

1 4. The MPR Code does not mandate—but rather permits the
2 recreational amenities. The Development Agreement provides guidelines
3 and objectives. For instance, the Development Agreement states that
4 buildout is expected to occur over the next ten to twenty years
5 (presumably measured from its adoption in May 2000).⁶ An on-going
6 measure of progress is the use of Measurement ERUs (Measurement
7 Equivalent Residential Units or MERUs);⁶ in fact, PLA provides annual
8 monitoring of MERUs.⁷ Several persons commented with assertions that
9 the amenities within the Resort Complex area are required. Those
10 assertions are not supported by fact and are addressed in the SEPA
11 appeal decision.

12 5. The 1993 Final Environmental Impact Statement and the Port Ludlow
13 Development Program incorporated "Phased Review"—a special process
14 allowed in the development approval process.⁸ Neither the MPR Code nor
15 the Development Agreement contains language that would regulate the
16 timing of central recreation facilities that the Department or
17 Examiner could apply to each phase.

18 ***Open Space Issues:***

19 6. The MPR Code and Development Agreement specify the minimum amount
20 of open space that must be contained within each phase (preliminary
21 plat). In the case of Olympic Terrace 2 the minimum amount of open
22 space is specified as 10% of the total gross area of the long
23 subdivision (159.33 acres times 10% = about 16 acres). Olympic
24 Terrace 2 will provide 109 acres of open space land, or 68% of the
25
26

27 ⁶ Development Agreement §1.3.13

28 ⁶ Id. §1.3.12

29 ⁷ See Log Item 92, Official MRU Record updated as of 12/31/2004

⁸ WAC 197-11-776 and WAC 197-11-060(5)

1 proposal site. The proposal would also provide a system of
2 recreational trails.

3 **Creative Lot Layout Issues:**

4 7. The Examiner drove a number of the rough-graded main planned
5 roads in order to observe the terrain and buildable conditions. With
6 the topography maps in hand and having reviewed the several technical
7 reports in the record, it was apparent that the road alignments were
8 logical. Accordingly, the proposed plat generally reflects a creative
9 approach that responds to specific site characteristics. Lots are
10 placed in areas that are conducive to residential development, such as
11 the two topographic benches. The residential lots and access roads
12 generally avoid environmentally sensitive features, although the main
13 entry road crosses the edge of a wetland and stream (Type 5) buffer.

14 **Wetland Protection Issues:**

15 8. Mitigation pursuant to the Critical Areas ordinance will be
16 required to compensate for wetland and stream impacts where necessary.
17 An HPA (hydraulic permit approval) from the Washington Department of
18 Fish and Wildlife may be required. Except as noted for the single road
19 crossing, the proposal avoids the thirteen Category II and III
20 wetlands and protects the critical areas with 50-foot and 25-foot wide
21 wetland buffers. There are ten type 4 and type 5 streams that have
22 been designed around, so that required buffers can be provided.
23 Streamside buffers for Type 4 and type 5 streams are each 15 feet.
24 Where possible, a 25 foot stream buffer has been designed into the
25 proposal. Given the challenging physical features of the subject
26 site, creativity in lot layout and configuration was required and is
27 reflected in lot layout.

Traffic and Access Issues:

9. Prehearing comments were received from the Woodridge Village Homeowners Association and Rich & Denise Grimm regarding traffic issues at the intersection of Woodridge/Springwood Drive with Teal Lake Road. Woodridge Village is on the east side of Teal Lake Road. Also, Suzanne Graber had similar comments viewing the proposal from Olympic Terrace I on the west side of the same intersection. The applicable road design criterion is stated:

All long subdivisions shall be served by a constructed and maintained public or private road, which shall provide access in at least two (2) places whenever practicable.

10. The Department of Public Works has reviewed the feasibility of two accesses for the proposed long subdivision. An emergency access roadway, closed to general traffic, is required. The access will follow the Olympic Water and Sewer utility easement that comes off Teal Lake Road and connects to Mount Constance Way at lot 10 in the southeast corner of the plat. Additional general access is not practicable. Public Works and Applicant's testimony at the Open Record Hearing noted that planned volumes would be within design parameters, plus there would be some intersection improvements at Teal Lake Road that would improve traffic movements.

DECISION

Based upon the testimony presented at the Public Hearing, the documents and exhibits admitted into the record, a field review of the property and surroundings, and the above Findings of Fact and Conclusions of Law, it is hereby the decision of the Hearing Examiner that the "Olympic Terrace 2" Long Subdivision application by Port Ludlow Associates, as portrayed by Log Items 12, 13 and 77, be **APPROVED**, subject to the following conditions:

1. The applicant shall comply with all mitigation measures of the Final Modified Mitigated Determination of Non-Significance issued by the Jefferson County SEPA Responsible Official on May 6, 2005 for the proposed plat of Olympic Terrace 2.
2. The conditions recommended by the Jefferson County Department of Public Works on pages 7, 8, and 9 of their memo dated February 17, 2005 (Log item 43) are incorporated into the recommended conditions of approval.
3. Based on the requirements of Chapter 17.30.180, all easements of record shall be graphically portrayed on the final plat with the Auditor's File Number (AFN) of the easements also referenced on the face of the plat. Required easements for utility installation and maintenance shall conform to the standards of Subsection 6.303 of the Subdivision Ordinance. All utility easements shall be made by a separate recorded easement, declaration of easements, or dedication of easements, and by graphic portrayal on the final long plat Mylar.
4. Based on the requirements of Chapter 17.30.180 (Subdivision Ordinance 6.303.2), a seven (7) foot wide utility easement adjacent to any private road easement may be required.
5. Based on the requirements of Chapter 17.30.190 (Subdivision Ordinance 6.309.2 & 3), design and construction of any vehicle turnarounds shall accommodate school buses. Prior to final plat approval, the applicant shall obtain written certification from the Chimacum School District regarding adequacy of provisions for any school bus turnaround.
6. Based on the requirements of Subdivision Ordinance 6.309.4, 60-foot wide public road rights-of-way shall be dedicated in fee simple for any public roads. The dedication shall specify that

Jefferson County is not liable for impacts of stormwater runoff from the roads.

7. In order to provide adequate emergency vehicle access a secondary emergency access road shall be constructed to meet International Fire Code standards in the general configuration shown on Sheet three of three of the preliminary plat application plans revised as of April 27, 2005.
8. Based on the requirements of Chapter 17.30 (Subdivision Ordinance 6.3 and 6.4) no reduction, modification, waiver or exception to standard road widths and design shall be allowed unless approved by the Director of Public Works.
9. The subdivision roads shall be constructed in substantial conformance with the design shown on the revised site plans submitted April 27, 2005. The construction plans for any stream crossing culvert shall include hydraulic analysis and shall specify the size, centerline station and depth, length, grade, skew angle and material for any proposed culvert. An HPA from the Washington Department of Fish and Wildlife may be required.
10. Prior to commencing construction of roads on the site, the applicant shall submit road and drainage plans to the Public Works Department for review and approval. The roads shall be designed and constructed in conformance with Public Works Department standards including the guidelines of the American Association of State Highway and Transportation Officials (AASHTO) and the standards of the Washington State Department of Transportation (WSDOT) Highway Design and Hydraulics Manuals.
11. Prior to final plat approval the applicant shall reconstruct Teal Lake Road from Mile Post 0.00 to MP 0.14 to a total paved width of 38 feet and from MP 0.14 to MP.0.31 to a total paved width of 34 feet. The construction shall be subject to an agreement between the applicant and Jefferson County. The work shall be performed in conformance with Jefferson County's adopted standards for design, construction methods, and materials. The applicant shall be responsible for funding the total cost of construction, including the development of roadway and drainage plans, environmental review, permitting, project management, and construction engineering and inspections. The applicant shall reimburse Jefferson County for its reasonable costs related to project oversight, plan review, and approval, inspections, and administration.

- 1 12. Roadway monuments shall be placed in monument cases that comply
2 with WSDOT standard plan H-7 and meet the requirements of WSDOT
3 Standards Specifications Section 8-13 and 9-22. The monuments
4 shall be placed on the roadway centerline at all intersections
5 and points of curvature and tangency and at the radius point of
6 all cul-de-sacs.
- 7 13. An agreement for the continued maintenance of Road D shall be
8 established either by recording a separate instrument and
9 referencing said instrument on the plat or by declaring the
10 agreement on the plat.
- 11 14. Based on the requirements of the Subdivision Ordinance (Section
12 6.404) and RCW 58.17.280, addresses shall be assigned to all
13 lots. Addresses may be shown on the final plat or may be applied
14 for at the time of building permit application.
- 15 15. Based on the requirements of Chapter 17.30.250, Road Approach
16 Permits shall be obtained from the Jefferson County Department of
17 Public Works for access to individual lots. The permit numbers
18 shall be referenced on the final plat or there shall be a notice
19 on the plat that road approach permits shall be obtained when
20 applying for building permits.
- 21 16. Based on the requirements of Chapter 17.30.280, the roads serving
22 the subdivision shall be named, and the name of the road shall be
23 shown on the final plat. It is required that the applicant
24 consult the Department of Public Works in reference to signing
25 and when selecting a name to avoid duplication of an existing
26 road name.
- 27 17. Address plates for the lots shall be located in accordance with
28 Jefferson County 911 Emergency Locator System Ordinance
29 provisions.
- 18 18. Based on the requirements of Chapter 17.30.240 all street signs,
19 traffic signs, and traffic striping shall be installed prior to
20 final plat approval.
- 21 19. A Storm Water Site Plan that includes a Large Parcel Erosion
22 Control Plan and a Permanent Stormwater Quality Control Plan
23 shall be submitted to the Jefferson County Department of Public
24 Works for review and approval prior to commencing land disturbing
25 activity. The Stormwater Site Plan shall apply Minimum
26 Requirements # 1 through 11 from the Washington Department of
27 Ecology Stormwater Management Manual for the Puget Sound Basin.

1 20. The applicant shall provide documentation from the designing
2 engineer that erosion control practices including storm water
3 quality control were fully implemented during the construction
4 phase, in accordance with the Department of Public Works approved
5 plans. The documentation shall be submitted prior to final plat
approval and will include copies of reports from all monitoring
during construction.

6 21. The proponent shall enter into a Stormwater Management Facility
7 Maintenance Agreement with the County. After construction has
8 been completed, the Department will send the proponent a copy of
9 the Agreement that has been signed by the Public Works Director.
10 The Department cannot give final approval for the project until
the Agreement has been signed and filed with the Jefferson County
Auditor.

11 22. After construction is complete, the proponent shall submit a
12 letter from the project engineer certifying that the stormwater
13 management facilities have been constructed as per the approved
14 plans. The Department cannot give final approval for the project
until this certification has been received.

15 23. Based on the requirements of Chapter 17.30.290, if no development
16 of the lots is proposed at this time, the applicant shall state
on the face of the plat under "Notice to Potential Purchasers":

17 *"Prior to the commencement of any land disturbing*
18 *activities and prior to issuance of a building permit, a*
19 *Small Parcel Erosion and Sediment Control Plan shall be*
20 *developed to the standards of the Jefferson County*
21 *Stormwater Management Ordinance and be submitted to the*
22 *Department of Community Development for review and*
23 *approval. Temporary erosion control Best Management*
24 *Practices shall be approved by the Department of Community*
25 *Development and implemented at all times during land*
26 *disturbing activities."*

27 24. Based on the requirements of Chapter 17.30.350, construction of
28 roads and storm water facilities and/or site disturbing
29 activities requires that the applicant submit plans in accordance
with the Department of Public Work's plan review schedule, and,
the applicant shall notify the Department of Public Works during
various phases of construction in accordance with the
department's inspection schedule. Typically the following
inspections are required:

- Installation of temporary erosion and sediment control measures;
- Clearing and road subgrade preparation;

- 1 ▪ Application of gravel base;
- 2 ▪ Application of compacted crushed surfacing top course;
- 3 ▪ Construction of storm water management facilities;
- 4 ▪ Final plat review.
- 5 ▪ Additional inspections may be necessary based on site-specific
- 6 conditions or the nature of the project.
- 7
- 8 25. Temporary erosion control methods for construction purposes
- 9 (roads, facilities) shall be approved by the Department of Public
- 10 Works and employed during construction. A set of approved plans
- 11 shall be on site at all times during construction.
- 12
- 13 26. Based on the requirements of Chapter 17.30.300, water main
- 14 extensions and water system improvements that may be required to
- 15 service the development shall be installed prior to final plat
- 16 approval. Extensions and improvements shall be in conformance
- 17 with the Ludlow Water System Plan, The Jefferson County
- 18 Coordinated Water System Plan and shall include acknowledgment
- 19 from Olympic Water and Sewer that water main extension have been
- 20 certified in accordance with the provisions of Chapter 246-290-
- 21 110(2) WAC.
- 22
- 23 27. Based on the requirements of Chapter 17.30.300, prior to final
- 24 plat approval, documentation shall be submitted from Olympic
- 25 Water and Sewer confirming and sewer systems have been
- 26 constructed in accordance with applicable state and local
- 27 standards.
- 28
- 29 28. Based on the requirements of Chapter 17.30.350, performance
- 30 surety may be posted in lieu of completion of construction as
- 31 provided by 6.60, Jefferson County Subdivision Ordinance. The
- 32 applicant may enter into a surety agreement with the Department
- 33 of Public Works as an alternative to complete installation of
- 34 required improvements prior to final plat approval. The surety
- 35 may not exceed one (1) year, and must be in a form acceptable to
- 36 the County Prosecutor. Acceptable examples of sureties are
- 37 available from the Department of Public Works. All sureties must
- 38 be accompanied by an estimate of the cost of all improvements,
- 39 and the estimate must be approved by the Department of Public
- 40 Works prior to acceptance of surety.
- 41
- 42 29. Based on the requirements of Chapter 17.30.320 and prior to final
- 43 plat approval, the applicant shall provide written evidence from

1 Fire Protection District # 3 that the final design and
2 construction of the long plat will be in compliance with the
3 applicable provisions of the International Fire Code, and the
4 recommendations of the Fire District which are consistent with
5 State law.

6 30. Based on the requirements of Chapter 17.30.350, the applicant
7 shall arrange for the inspection of all required improvements
8 with the Department of Public Works, the Planning Department, or
9 Health Department, whichever is responsible. Inspections shall
10 be requested by the applicant at such stages as indicated by the
11 appropriate department.

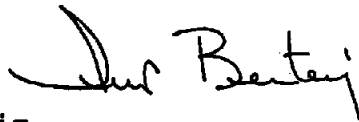
12 31. In accordance with the applicable fee ordinance, the applicant
13 shall pay all costs of work incidental to approval of the
14 subdivision before final approval is granted.

15 32. Prior to final approval by the Department of Public Works, the
16 applicant shall submit lot closures of the survey at least one
17 week in advance of approval. If lot closures are incomplete or
18 inaccurate, the Applicant shall make any corrections or additions
19 prior to final approval. After lot closures are approved by the
20 Department final fees will be calculated and submitted to the
21 applicant for payment.

22 33. Upon certification that all conditions have been met, the
23 applicant shall submit a final Mylar of the plat to the
24 Department of Public Works at least three days in advance of
25 approval by the Director of Public Works.

26 34. Prior to final plat approval, the applicant shall document that
27 the proposal meets the requirements of Appendix D, Final Long
28 Plat Checklist.

29 **DATED this 28th day of June 2005.**



30 **Irv Berteig**
31 **Jefferson County Hearing Examiner**
32 **ib**