

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

CONSENT AGENDA REQUEST

John Smith
Approved by the Board of
Jefferson County Commissioners

TO: Board of County Commissioners
Philip Morley, County Administrator

FROM: Carl Smith, Department of Community Development (DCD) Director *CS*
Stacie Hoskins, DCD Planning Manager *SH*
David Wayne Johnson, Associate Planner *DWJ*

DATE: May 21, 2012

SUBJECT: Port Ludlow Associates request to extend expiration of Olympic Terrace II Preliminary Plat

STATEMENT OF ISSUE:

On June 28, 2005, the Jefferson County Hearing Examiner granted preliminary plat approval for the Olympic Terrace II Long Plat, Phase One of which was finalized on May 7, 2007. Phase Two had yet to be finalized when the economic downturn of 2008 made doing so infeasible. Preliminary Plat approval for Olympic Terrace II will expire on June 28, 2012 per DCD Code Interpretation dated June 7, 2010. Port Ludlow Associates (PLA) has submitted a written request to extend the expiration of that Plat for one additional year consistent with Section 6.212 of Subdivision Ordinance 04-0526-92, the relevant regulations under the Port Ludlow Development Agreement. On May 7, 2012 the BoCC discussed the issue at the County Administrator's Briefing.

ATTACHMENTS:

Port Ludlow Associates letter dated March 20, 2012
Section 6.212 of Subdivision Ordinance 04-0526-92

ANALYSIS/STRATEGIC GOALS/PROS and CONS:

Port Ludlow's request is appropriate considering the cost of plat development to complete infrastructure necessary for final approval and the economic conditions that to date have inhibited that development. It is also in keeping with the proper procedure to extend preliminary plat approval consistent with their development agreement with the County. Board approval to extend plat expiration one year is appropriate since PLA has demonstrated good faith in completing the plat by already acquiring final approval for Phase One.

FISCAL IMPACT/COST-BENEFIT ANALYSIS:

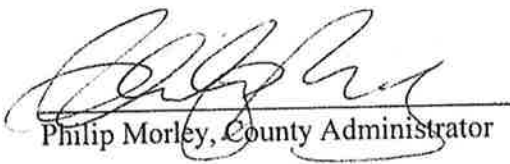
PLA has to date paid the County a total of \$23,377.75 in fees to process the Olympic Terrace II Long Plat. Should their preliminary plat approval expire, and they desire to continue their development of Olympic Terrace II Phase Two, PLA would be required to re-apply for a new plat under the current fee schedule after completing the required Pre-application Conference. DCD charges PLA for Lead Planner services not included in an application fee at the standard hourly rate of \$74.00 per hour.

RECOMMENDATION:

DCD recommends the Board of County Commissioners:

1. Review the attached request and supporting documentation and make a motion to approve a twelve (12) month extension to the preliminary plat approval for Olympic Terrace II.

REVIEWED BY:


Philip Morley, County Administrator

Date 5/16/12

WHEN RECORDED, RETURN TO:

Marco de Sa e Silva
Davis Wright Tremaine LLP
1201 Fourth Avenue, Suite 2200
Seattle, Washington 98101

**AMENDMENT NO. 2
TO
PORT LUDLOW DEVELOPMENT AGREEMENT**

Grantor: JEFFERSON COUNTY, a political subdivision of the State of Washington

Grantee: PORT LUDLOW ASSOCIATES LLC, a Washington limited liability company
OLYMPIC WATER AND SEWER, INC., a Washington corporation

Abbreviated Legal Description:

Portions of Sections 8, 9, 16, 17, 20, 21 and 29, Township 28 North, Range 1 East;
Lts 48, 68, 71, 105 and 45 Area 4, Pt Ludlow No. 1; Lt 16 Area 3 Pt Ludlow No. 2;
Lot 8 South Bay #2; Lt 74 Teal Lake Village; Parcels 1-11 Ludlow Bay Village; Lts
8-11 Ludlow Cove Div 1, Phase 2; TTs A-E Ludlow Cove Div 1, Ph 1; Lt 16
Olympic Terrace #1; Lts 1-41 and TTs A-E Olympic Terrace Div 2, Ph 1; and
tidelands fronting Ludlow Bay Village and Lt 1 Ludlow Beach TTs

Complete legal description is on page _____ (Exhibit A) of document.

Assessor's Property Tax Parcel Account Numbers:

See Attachment No. 1 hereto.

Reference to Related Document:

A.F. No. 435974 (Development Agreement)
A.F. No. 536369 (Corrected Amendment No. 1)

cc: Dep
Aud. } 5.14.13

**AMENDMENT NO. 2
TO
PORT LUDLOW DEVELOPMENT AGREEMENT**

THIS AMENDMENT NO. 2 TO PORT LUDLOW DEVELOPMENT AGREEMENT (this "Amendment") is made this 13th day of May, 2013, by PORT LUDLOW ASSOCIATES LLC, a Washington limited liability company, and OLYMPIC WATER AND SEWER, INC., a Washington corporation (collectively "PLA"), and JEFFERSON COUNTY, a political subdivision of the State of Washington (the "County"). This Amendment amends and modifies that certain Port Ludlow Development Agreement dated May 1, 2000, between Pope Resources, Olympic Property Group LLC, Olympic Resorts LLC, Olympic Water and Sewer, Inc., and Olympic Real Estate Development LLC (collectively "Pope") and the County, which was recorded in the real property records of Jefferson County, Washington, under Auditor's File No. 435974, as amended by Corrected Amendment No. 1 to Development Agreement dated and effective July 7, 2008, which was recorded in the real property records of Jefferson County, Washington, under Auditor's File No. 536369 (as amended, the "Agreement").

RECITALS

A. The Agreement is a development agreement under RCW 36.70B.170 and Jefferson County Code (JCC) 18.40.850. Pope and the County made the Agreement effective May 8, 2000. PLA is the assignee and successor to Pope under the Agreement.

B. The Agreement governs the development of real property owned by PLA and located in the approximately 1,200-acre Port Ludlow Master Planned Resort (MPR), which is a master planned resort designated by Jefferson County in 1998 under the authority of RCW 36.70A.362.

C. Adverse economic conditions in Jefferson County and throughout the rest of the nation and the world since 2008 have significantly reduced the demand for real estate, delaying the period of time between the commencement and completion of real estate development projects. These impacts are especially severe in resort communities like the Port Ludlow MPR. The Washington State Legislature recognized this impact in 2010, when it amended RCW 58.17.140 to extend the generally applicable preliminary plat vesting period from five (5) to seven (7) years. As amended, RCW 58.17.140 currently provides in part as follows: "A final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within seven years of the date of preliminary plat approval. Nothing contained in this section shall act to prevent any city, town, or county from adopting by ordinance procedures which would allow extensions of time that may or may not contain additional or altered conditions and requirements."

D. PLA and the County desire to extend the vesting period for preliminary plat approvals relating to the PLA Property, as authorized by RCW 36.70B.170(3)(i) (development standards set forth in development agreements include "[a] build-out or vesting period for applicable standards").

E. The Agreement expires May 8, 2020, twenty (20) years after its effective date. The build-out of the PLA Property currently is expected to occur over the next six (6) to twelve (12) years. PLA and the County desire to extend the term of the Agreement, as contemplated by Section 3.11 of the Agreement ("the parties acknowledge that modifications to the proposed development will occur during the build-out period in order to achieve a variety of purposes," including responding to changing market needs), and as authorized by RCW 36.70B.170(3)(i).

F. This Amendment was the subject of a fifteen (15) day comment period, which ran from March 10, 2013, to March 18, 2013. As required by RCW 36.70B.200, a public hearing was held before the Jefferson County Board of County Commissioners on April 1, 2013. The Board of County Commissioners reviewed and took official action adopting this Amendment by ordinance/resolution # 2 on May 13, 2013.

NOW, THEREFORE, in consideration of the mutual covenants, conditions, and agreements of the parties, it is agreed by and between the parties that the Agreement shall be amended and modified as follows:

AGREEMENT

1. Defined Terms. The following terms used in this Amendment shall have the following meanings: "PLA Property" means the real property legally described on Exhibit A attached hereto, which comprises those portions of the Pope Property that are owned of record by PLA and located within the Port Ludlow MPR as of the effective date of this Amendment. All references in the Agreement to "Pope Property" shall mean "PLA Property."

2. Preliminary Plat Vesting Period. Each preliminary plat approval relating to any portion of the PLA Property, including without limitation the Preliminary Plat of Olympic Terrace Division II, Jefferson County File No. SUB05-00003, and the Preliminary Plat of Ludlow Cove Division II, Jefferson County File No. SUB07-00038, shall expire ten (10) years after the date of approval, subject to potential extensions as provided in the applicable subdivision regulations. A final plat meeting all requirements of the applicable development standards shall be submitted to the Board of County Commissioners for approval within ten (10) years after the date of preliminary plat approval unless such period is extended as provided in the applicable subdivision regulations. This period of time shall apply even if it expires after the term of the Agreement.

3. Term of Agreement. The term of the Agreement shall be extended five (5) years and shall expire May 8, 2025.

4. Effect of Amendment. This Amendment amends and modifies the Agreement and shall be effective as of the date of mutual execution and delivery hereof. In the event of any conflict between the Agreement and this Amendment, this Amendment shall control. Capitalized terms not otherwise defined herein shall have the meanings given them under the Agreement. Except as contained within the Agreement and this Amendment, there are no other agreements or understandings between PLA and the County relating to the subject matter of the Agreement and this Amendment. The Agreement is hereby confirmed and ratified.

IN WITNESS WHEREOF, the parties hereto have mutually have executed and delivered this Amendment.

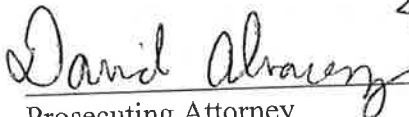
JEFFERSON COUNTY
Jefferson County Board of County
Commissioners

By 

By 

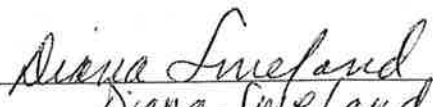
By 

APPROVED AS TO FORM:

 4/24/13
Prosecuting Attorney


Director
Department of Community Development

PORT LUDLOW ASSOCIATES LLC, a
Washington limited liability company

By 
Diana Sneland
Its President

OLYMPIC WATER AND SEWER, INC.

By 
Larry Smith
Its President

EXHIBITS:

A - Legal Description of PLA Property

STATE OF WASHINGTON)
) ss.
COUNTY OF JEFFERSON)

On this 13th day of May, 2013, before me, a Notary Public in and for the State of Washington, personally appeared Diana Smeland, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, on oath stated that he or she was authorized to execute the instrument, and acknowledged it as the President Port Ludlow Associates LLC, to be the free and voluntary act and deed of said limited liability company for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Erin K. Lundgren
NOTARY PUBLIC in and for the State of Washington,
residing at Port Townsend
My appointment expires 09/08/14
Print Name Erin K. Lundgren

STATE OF WASHINGTON)
) ss.
COUNTY OF JEFFERSON)

On this 13th day of May, 2013, before me, a Notary Public in and for the State of Washington, personally appeared Larry Smith, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, on oath stated that he or she was authorized to execute the instrument, and acknowledged it as the President of Olympic Water and Sewer, Inc., to be the free and voluntary act and deed of said corporation for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Erin K. Lundgren
NOTARY PUBLIC in and for the State of Washington,
residing at Port Townsend

My appointment expires 09/08/14
Print Name Erin K. Lundgren

STATE OF WASHINGTON)
) ss.
COUNTY OF JEFFERSON)

On this 13th day of May, 2012³, before me, a Notary Public in and for the State of Washington, personally appeared John Austin, David Sullivan, and Phil Johnson, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons who executed this instrument, on oath stated that they were authorized to execute the instrument, and acknowledged it as the three members of the Jefferson County Board of County Commissioners to be the free and voluntary act and deed of said Board, acting in their official capacity representing Jefferson County, Washington, for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Erin K. Lundgren
NOTARY PUBLIC in and for the State of Washington,
residing at Port Townsend
My appointment expires 09/08/14
Print Name Erin K. Lundgren

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

TO: Board of County Commissioners
Philip Morley, County Administrator

FROM: David Goldsmith, Department of Community Development (DCD) Interim Director
David Wayne Johnson, Associate Planner 

DATE: November 16, 2015

SUBJECT: Port Ludlow Associates request to extend expiration of Olympic Terrace II Preliminary Plat approval 

STATEMENT OF ISSUE:

On June 28, 2005, the Jefferson County Hearing Examiner granted preliminary plat approval for the Olympic Terrace II Long Plat, Phase One of which was finalized on May 7, 2007. Phase Two had yet to be finalized when the economic downturn of 2008 made doing so infeasible. On May 21, 2012, the BoCC approved a one year extension of the preliminary plat approval due to economic conditions. The Port Ludlow Development Agreement was amended on May 13, 2013 to allow an additional extension of the plat up to June 28, 2016. Port Ludlow Associates (PLA) has submitted a request for an additional twelve (12) extension of the preliminary plat under Section 6.212 of Subdivision Ordinance 04-0526-92, to allow expiration of the plat on June 28, 2017.

ATTACHMENTS:

Port Ludlow Associates request letter received November 5, 2015
May 21, 2012 one year extension Consent Agenda
Amendment No. 2 of the Port Ludlow Development Agreement
Section 6.212 of Subdivision Ordinance 04-0526-92

ANALYSIS/STRATEGIC GOALS/PROS and CONS:

Due to market factors that influence the type of home and location most advantageous to sales, PLA will need additional time to design, complete and final Olympic Terrace II Phase 2. Section 6.212 of Subdivision Ordinance 04-0526-92 allows the BoCC extensions to plats not to exceed twelve (12) months at a time upon showing that the applicant has in good faith attempted to submit the final plat long plat within the initial twelve month period. BoCC approval to extend the plat an additional one year is appropriate since PLA has demonstrated good faith in completing the plat by already acquiring final approval for Phase One, and will need additional time to design a housing style that will fit with emerging trends in real estate.

FISCAL IMPACT/COST-BENEFIT ANALYSIS:

PLA has to date paid the County a total of \$23,377.75 in fees to process the Olympic Terrace II Long Plat. Should their preliminary plat approval expire, and they desire to continue their development of Olympic

Terrace II Phase Two, PLA would be required to re-apply for a new plat under the current fee schedule after completing the required Pre-application Conference. DCD charges PLA for Lead Planner services not included in an application fee at the standard hourly rate of \$78.00 per hour.

RECOMMENDATION:

DCD recommends the Board of County Commissioners:

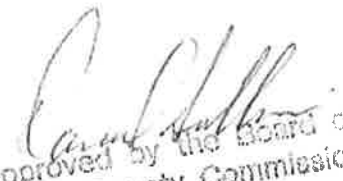
1. Review the attached request and supporting documentation and make a motion to approve an additional twelve (12) month extension to the preliminary plat approval for Olympic Terrace II, making the new expiration date June 28, 2017.

REVIEWED BY:


Philip Morley, County Administrator

Date

11/12/15


Approved by the Board of
Jefferson County Commissioners

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

TO: Board of County Commissioners (BoCC)
Philip Morley, County Administrator

FROM: Patty Charnas, Department of Community Development (DCD) Director *PC*
David Greetham, DCD Planning Manager *D.G.*
David Wayne Johnson, Associate Planner *DWJ*

DATE: May 8, 2017

SUBJECT: Port Ludlow Associates request to extend expiration of Olympic Terrace II (OT2)
Preliminary Plat approval for an additional year (MLA05-00593)

STATEMENT OF ISSUE:

Port Ludlow Associates (PLA) requests an additional one-year extension to their preliminary plat approval for OT2, Phase Two, to June 28, 2018.

Background: On June 28, 2005, the Jefferson County Hearing Examiner granted preliminary plat approval for the Olympic Terrace II Long Plat (SUB05-00003), Phase One of which was finalized on May 7, 2007. Phase Two had yet to be finalized when the economic downturn of 2008 made doing so infeasible. On May 21, 2012, the BoCC approved a one-year extension, pursuant to **Section 6.212** of Subdivision Ordinance 04-0526-92, of the preliminary plat approval due to economic conditions. The Port Ludlow Development Agreement was amended on May 13, 2013 to allow an additional extension of the plat up to June 28, 2016. An additional twelve (12) month extension of the preliminary plat to allow expiration of the plat on June 28, 2017, was approved by the BoCC on November 16, 2015.

ATTACHMENTS:

- Port Ludlow Associates request letter received March 30, 2017
- November 16, 2015 one-year extension Regular Agenda Request
- May 21, 2012 one-year extension Consent Agenda Request
- May 14, 2013 Amendment No. 2 of the Port Ludlow Development Agreement
- Section 6.212 of Subdivision Ordinance 04-0526-92
- Port Ludlow Village Council letter of endorsement received April 13, 2017

ANALYSIS/STRATEGIC GOALS/PROS and CONS:

Due to market and economic conditions, PLA will need additional time to re-design and final Olympic not to exceed twelve (12) months at a time upon showing that the applicant has in good faith attempted to Terrace II Phase 2. Section 6.212 of Subdivision Ordinance 04-0526-92 allows BoCC extensions to plats submit the final plat long plat within the initial twelve-month period. BoCC approval to extend the plat an additional one year is appropriate since PLA has continued to demonstrate good faith in completing the plat by re-design of the Stormwater system, re-assessment of the wetlands, and revising lots in response to real estate trends and market conditions.

FISCAL IMPACT/COST-BENEFIT ANALYSIS:

PLA has to date paid the County a total of \$23,377.75 in fees to process the Olympic Terrace II Long Plat. Should their preliminary plat approval expire, and they desire to continue their development of Olympic Terrace II Phase Two, PLA would be required to re-apply for a new plat under the current fee schedule after completing the required Pre-application Conference. DCD charges PLA for Lead Planner services not included in an application fee at the standard hourly rate of \$90.00 per hour.

RECOMMENDATION:

DCD recommends the Board of County Commissioners:

Review the attached request and supporting documentation and make a motion to approve an additional twelve (12) month extension to the preliminary plat approval for Olympic Terrace II, Phase II, making the new expiration date June 28, 2018.

REVIEWED BY:


Philip Morley, County Administrator

5/3/17
Date _____