



JEFFERSON COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
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**DEPARTMENT OF COMMUNITY DEVELOPMENT (DCD)
STAFF REPORT TO THE
JEFFERSON COUNTY BOARD OF COUNTY COMMISSIONERS (BoCC)**

Re:	Olympic Terrace 2 Phase II Plat Alteration	)	
		)	
		)	PROPOSED FINDINGS
File No.:	MLA05-00013 – SUB2018-00015	)	CONCLUSIONS, AND
		)	RECOMMENDATIONS
Applicant:	Port Ludlow Associates	)	

SUMMARY OF APPLICATION, RECOMMENDATION AND HISTORY

APPLICATION: The applicant is seeking a Plat Alteration under the Port Ludlow Development Agreement (DA) Subdivision Ordinance No. 04-0526-92 Section 14 to remove Tracts B & C reserved for future development under Olympic Terrace 2 Phase I Subdivision, and re-orient Tract A and re-design Tracts E & F for thirty-seven (37) new lots for development under Olympic Terrace 2 Phase II.

RECOMMENDATION: Approval of the Plat Alteration with conditions.

BACKGROUND INFORMATION:

Applicant: Port Ludlow Associates (PLA), represented by Cliff O'Brien, Director of Construction

Site Address: Mt. Wilder Way, Port Ludlow, WA 98365

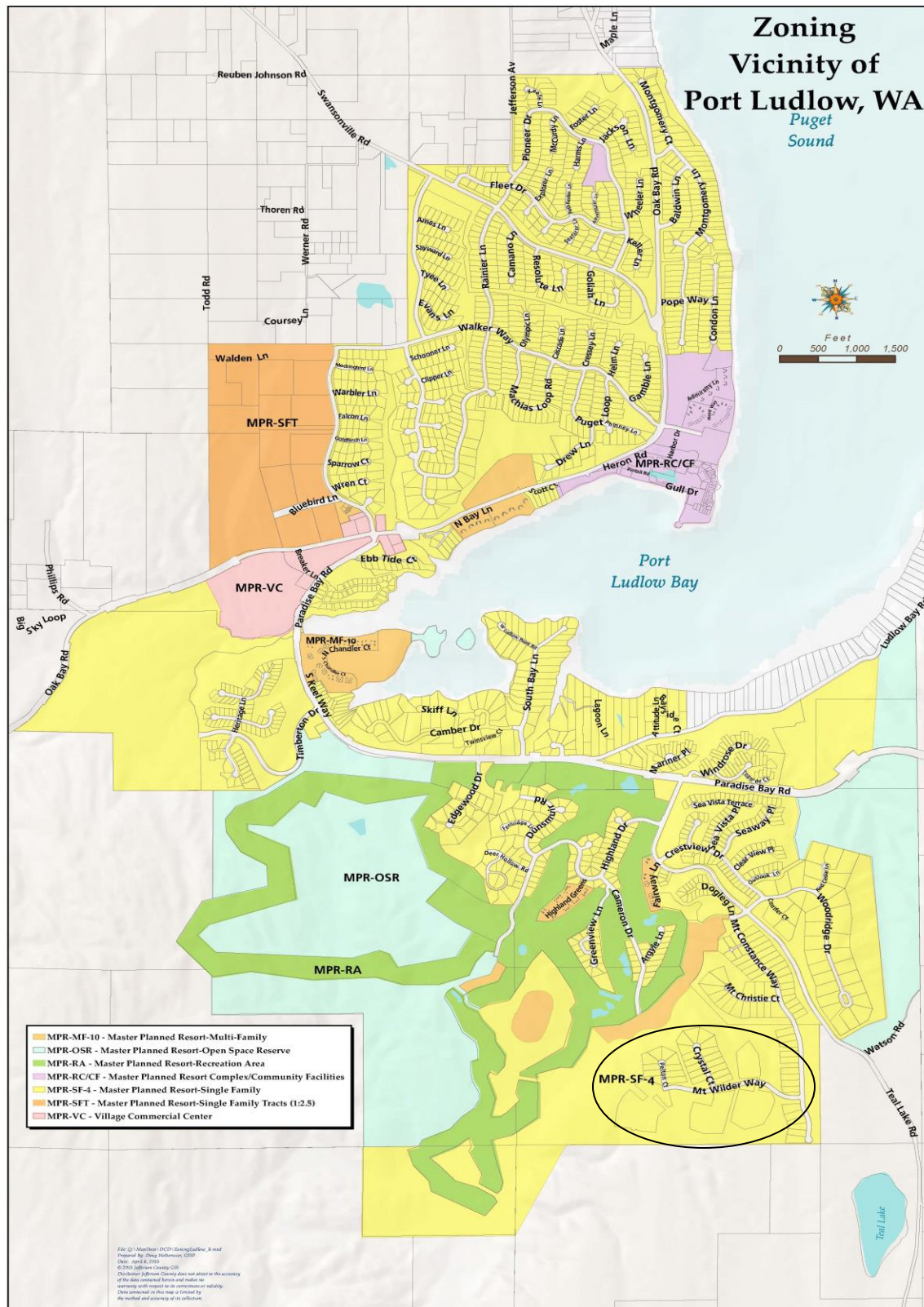
Property Location: The project site is located starting at the intersection of Mt. Constance Way and Mt. Walker Way, within the South Eastern portion of the Port Ludlow Master Planner Resort (MPR), Jefferson County. (See map below.)

Legal Description: Parcel Numbers 978802500 - 504, Olympic Terrace Division 2, Phase 1, Open Space Tract A & Tracts B, C, D & E Future Development Phase, Sections 20-23, Township 28, Range 1E, WM, located on Mt. Walker Way, Port Ludlow, WA 98365

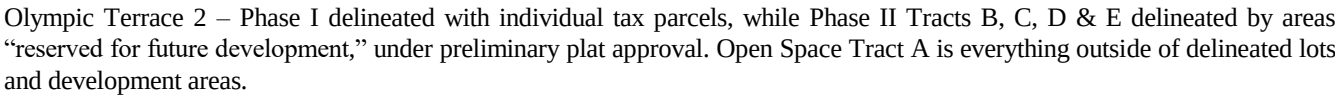
DATE OF APPLICATION: Application was received on May 10, 2018 and deemed substantially complete on June 7, 2018.

APPLICATION NOTICE INFORMATION:

Notice of Application Date:	June 23, 2021
Mailed to Property Owners:	June 28, 2021
Comments Due Date:	July 14, 2021



Port Ludlow Master Planned Resort – Olympic Terrace 2 Phase I & II located within oval area above



Olympic Terrace 2 (OT2) received preliminary plat approval from the Jefferson County Hearings Examiner on June 28, 2005 (Exhibit 1), for eighty (80) residential lots. Phase I was finalized and approved on May 7, 2007 by the Jefferson County Commissioners for forty-one (41) residential lots, and recorded by the Jefferson County Auditor on May 10, 2007 (Exhibit 2).

Under DCD Code Interpretation concerning Substitute Senate Bill 6544, dated June 7, 2010 (Exhibit 3), the OT2 preliminary plat had to be finalized seven years from the date of approval, or June 28, 2012. Due to economic and housing market conditions resulting from the economic downturn of 2008, PLA was unable to final OT2 by that date. However, Section 6.212 of Subdivision Ord. No. 04-0526-92 allows one-year extensions by demonstrating an attempt to final the plat in the preceding twelve-month period. The BoCC approved three such annual extensions, in addition to Amendment No. 2 of the DA to extend the vesting period for preliminary plats under the DA to ten (10) years from the date of approval (Exhibit 4). These mechanisms in combination allowed the preliminary approval of OT2 to expire on June 28, 2018.

On May 9, 2018, PLA applied for a Minor Modification to a Preliminary Plat (Exhibit 5). Staff subsequently determined per Ord. No. 04-0526-92, that a Plat Alteration was required instead to alter the Open Space Tract A finalized under Phase I. The Plat Alteration would also allow the removal Tracts B & C due to critical area and stormwater treatment constraints, and the re-orientation of Tracts D & E to create thirty-seven (37) new residential lots to be finalized.

Property Description: The subject property is irregular in shape, containing approximately 131 acres. The site is relatively flat with varying slight to moderate slopes (Exhibit 6). The western half of the site generally drains to the southwest and westerly direction, while the easterly half generally drains to the north. Vegetation onsite is a mosaic of second or third generation native forests following timber harvest and replanting.

Surrounding Area: The subject site is bordered to the north by the Olympic Terrace I single family lot subdivision, to the west by the Port Ludlow Golf Course, to the east by land used as a water treatment facility, and to the south by state forest land.

Critical Areas: Phase II areas slated for future development (Tracts B, C, D & E) were re-delineated in May 2017 for wetlands and streams (Exhibit 7). As a result, wetlands C & F had expanded slightly, and two new wetlands (Y & Z) had been discovered within the Tract C area. Because of the additional wetland areas—likely due to groundwater seepage and increased hydrology from a nearby stormwater pond in Phase I—and associated stormwater treatment challenges, Tracts B & C were removed from further development (Exhibit 12). No other critical areas are mapped or observed in the proposed development area.

Zoning: The Port Ludlow Master Planned Resort Code classifies the site as "Single Family" (MPR-SF 4:1). The Bulk and Dimensional Requirements of Section 3.105 of the MPR Code are as follows:

Table MPR-SF

Density	Minimum Lot Area	Minimum Lot Width	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Impervious Surface (per lot)
4 DU/AC	5,000 sq.ft.	40 feet	20 feet	5 feet	5 feet	45 %
4 DU/AC	3,500 sq.ft. <i>Conditional Use Required</i>	40 feet	20 feet	5 feet	5 feet	2,250 square feet for any lot less than 5,000 sq.ft. in size

The density and minimum lot width requirements have been met. Future building permits will be subject to the setback and impervious surface limitations in effect at the time the building permit applications are submitted.

Port Ludlow Development Agreement: Dated May 8, 2000, recorded under Auditor's File Number 435974.

Applicable Ordinances:

- Jefferson County Subdivision Ordinance No. 04-0526-92 Section 14 Alterations (Exhibit 8)
- Port Ludlow Master Planned Resort Code, Ordinance No. 08-10-1004-99 (Zoning – Table MPR-SF)
- Jefferson County Interim Critical Areas Ordinance No. 05-0509-94.
- Jefferson County Storm water Management Ordinance No. 10-1104-96

State Environmental Policy Act (SEPA): Jefferson County DCD will issue an addendum to the original threshold determination concurrent with issuance of the Plat Alteration, by adopting the following documents:

- Final Mitigated Determination of Non-Significance (MDNS) and Lead Agency Status, April 13, 2005
- Final Port Ludlow Environmental Impact Statement (EIS), April 12, 1993

- Environmental Checklist, MLA05-00013/SUB2018-00015, June 14, 2021
- Environmental Checklist MLA05-00013, January 10, 2005

Public Comment: Staff mailed the notice of Plat Alteration and pending SEPA Determination to all property owners with an interest in OT2, as well as those listed on the official Port Ludlow notice roster (Exhibit 9).

Fifty-one (51) written responses were received (Exhibit 10). All comments were concerned with an increase in traffic through Olympic Terrace I, creating an unsafe condition, and requesting a second access point for emergency vehicles or egress in an emergency. The comments prompted a request by Staff that the applicant provide an up-to-date traffic impact analysis (TIA) for the proposed additional 37 lots, which they did (Exhibit 11). The TIA concluded that traffic had not increased since the first TIA, and that the increase in traffic from Phase II would not alter or change the level of service of traffic to and from the site. A condition of approval for a second emergency egress is included in the recommendation, and shall be installed per plans (Exhibit 12) to meet the International Fire Code standards prior to the final plat alteration and recording.

Department Review and Comments: The application and associated draft and plans were forwarded to the following departments and service providers (Exhibit 13):

- Jefferson County Environmental Public Health: No comments received. Potable water and sewer will be provided by Olympic Water and Sewer (OWSI).
- Jefferson County Public Works Department: Multiple comments received on Stormwater, roads and draft plat application (Exhibits 14). Comments on the Draft Plat Alteration have been satisfied by draft revision (Exhibit 15), while comments and recommendations on stormwater, roads, and infrastructure will be confirmed, and inspected during and after installation as conditions of approval and before final plat alteration sign-off. The applicant requests that the two new roadways, Mt. Walker Way extension and McCartney Peak Lane, be dedicated to the public and maintained by Public Works. The applicant shall be informed by Public Works regarding the separated process to determine road dedication, to be processed by the Public Works Department with the final approval by the Board of County Commissioners. A decision regarding the road dedication will be made prior to final Plat Alteration signing and recording, and shall be reflected on the face of the plat under Dedication, Covenants and Restrictions, and Notice to Purchasers.
- Jefferson County Assessor: One comment received (Exhibit 16). Comments have been satisfied by draft revision (Exhibit 17).
- Jefferson County Sheriff: No comments received.
- Jefferson County Transit: No comments received.
- Jefferson County PUD#1: No comments received.
- East Jefferson Fire & Rescue: No comments received.

STAFF FINDINGS AND CONCLUSIONS:

The following presents staff findings regarding consistency of the application with the Jefferson County Comprehensive Plan (Comp Plan) and the Port Ludlow Development Agreement. Based on the findings presented below, recommended staff conditions are included at the end of this section.

Jefferson County Comprehensive Plan (Comp Plan). The proposal is subject to all applicable sections of the Jefferson County Comp Plan. Goals and policies. The following Comp Plan goals are applicable to the subject application for a residential subdivision development:

Jefferson County Comprehensive Plan Applicable Goals and Policies:

- Chapter 1 Land Use Element “Master Planned Resorts” pages 1-18 & 1-24
- Chapter 3 Housing Element, pages 3-15

- Chapter 5 Environment Element, Balancing Environmental Protection with Community Needs pages 5-7 & Critical Areas pages 5-17
- Chapter 6 Transportation, page 6-19

The proposed Plat Alteration is generally consistent with the Comprehensive Plan.

Port Ludlow Development Agreement: The proposal is subject to the following applicable sections of the Port Ludlow Development Agreement: Jefferson County **Subdivision Ordinance No. 04-0526-92 Section 14 Alterations** (Exhibit 8).

14.10 Applicability. The application is applicable since it will reconfigure Open Space Tract A, B, C, D & E as graphically portrayed on a final plat for Phase I (Exhibit 2).

14.201 Application. The Plat Alteration Application was submitted with all signatures of all those persons having an ownership interest in that portion of the subdivision subject to alteration (Open Space Tract A). (Exhibit 5). The application was submitted on May 9, 2018 and deemed complete on April 8, 2021 (Exhibit 18). The proposed alteration is not within one mile of a municipality or adjacent to a state highway. The Planning Department (DCD) forwarded copies of the application and draft alteration to the following government agencies: Jefferson County Environmental Public Health, Jefferson County Public Works Department, Jefferson County Assessor, Jefferson County Sheriff, Jefferson County Transit, Jefferson County Public Utility District (PUD) #1, East Jefferson Fire & Rescue.

14.202 Fees. Applicable fees were paid; however, additional fees for staff time to process the application beyond the base fees paid will be invoiced to the applicant and paid prior to final plat alteration signing and recording.

14.203 Timetable. DCD provided a notice of application and pending SEPA threshold determination to all property owners within the subdivision (Exhibit 9), stating that a public hearing could be held if deemed necessary by DCD, or could be requested by anyone receiving the notice of application if requested within fourteen (14) days of receiving said notice. DCD determined that a public hearing with a Hearing Examiner decision was not necessary, and no one receiving notice requested a public hearing.

14.30 Public Hearing Process. Not applicable because DCD deemed a public hearing unnecessary and no one receiving notice requested a public hearing per 14.203.

14.302 Health, Public Works, and Planning Department Recommendations: In instances where no public hearing is requested by a person receiving notice, the County Public Health, DCD, and the Public Works Department shall submit their written findings directly to the Board, in care of DCD. This Staff Report constitutes those findings and is submitted to the BoCC for their consideration prior to final legislative action on the application.

14.303 Public Hearing. Not applicable.

14.304 Hearing Examiner Recommendation. Not applicable.

14.40 Board of County Commissioners Action.

1. Upon receipt of the recommendation and information on any plat alteration application, the Board, shall set a date for the meeting where it may adopt or reject the recommendation of the DCD if no public hearing was held. DCD Staff presented the Board with information and recommendation at the BoCC regular public meeting of Monday, February 13, 2023, at which meeting the BoCC set Monday February 27, 2023 as the meeting they would consider adopting or rejecting the recommendation. If after considering the matter at the February 27, 2023 meeting, the BoCC deems a change in the recommendation by DCD necessary, the

change of recommendation shall not be made until the BoCC has conducted a public hearing and thereupon adopted its own findings and thereafter approved or denied the application.

2. The Clerk of the Board shall keep records of the public meetings and public hearings set and held by the Board which shall be made available for public inspection.
3. The Board's approval of the plat alteration application shall constitute final legislative approval; upon approval, the Board shall order the applicant to produce a revised drawing of the final long plat suitable for signature. The fee for filing the altered plat for record shall be deposited with the County Auditor and the alteration simultaneously recorded, together with any restrictions, covenants, and similar documents.

This concludes Section 14 Alterations of Ord No. 04-0526-92

Jefferson County Interim Critical Areas Ordinance No. 05-0509-94. Upon consultation with the DCD Wetland Biologist, the wetland and stream delineation report dated May 17, 2017 (Exhibit 7) was prepared in general accordance with the Jefferson County Code (JCC) Title 18.22 Critical Areas and JCC 18.22.450, and therefore held to a higher standard for buffers widths. For example, instead of a required buffer of 50 feet for a Class III wetland, and 25 feet for a Class IV wetland under the subject Ord No. 05-0509-94, the higher standard buffer of 150 feet for a Class III and 50 feet for a Class IV wetland under the 18.22 were applied. The higher standards for the stream buffers were applied as well. This higher standard is acceptable to both the applicant and county, and offers more protection to critical areas onsite.

Jefferson County Storm water Management Ordinance No. 10-1104-96. Stormwater systems were reviewed and approved by the Public Works Department with conditions of approval (Exhibit 14) under Jefferson County Code Title 18.30 stormwater and grading standards for the overall site development, as well as a Phase I Clearing and Grading permit issued July 7, 2022 (Exhibit 19). These standards are consistent with the *Stormwater Management Manual of Western Washington*, as required by the Department of Ecology General Stormwater Permit, which is also a conditional of approval prior to final plat recording.

STAFF RECOMMENDATION:

Preliminary Plat Application: Based on the findings and conclusions provided above, staff recommends approval of the proposed Olympic Terrace 2 Phase II Plat Alteration, subject to the following conditions.

RECOMMENDED CONDITIONS:

1. The applicant and Staff shall complete and certify the Checklist and Compliance Matrix (Exhibit 20) prior to submittal of a final Plat Alteration (Exhibit 17) suitable for signing and recording, to ensure that all conditions of the Preliminary Plat approval are satisfied.
2. The applicant shall construction the emergency egress per the standards of the International Fire Code per the submitted plans (Exhibit 12).
3. The applicant shall be informed by Public Works regarding the separated process to determine road dedication, to be processed by the Public Works Department with the final approval by the Board of County Commissioners. A decision regarding the road dedication will be made prior to final Plat Alteration signing and recording, and shall be reflected on the face of the plat under Dedication, Covenants, and Restrictions, and Notice to Purchasers.
4. The applicant shall comply with the recommendations and fee requirements of the Public Works Department under their review document dated October 17, 2022 (Exhibit 14).

5. The Final Plat signature and recording may be subject to minor additional revisions due to late comments, factual errors, or typographical errors.
6. Prior to final plat approval, the proponent shall provide certification to the Public Works Department from the project engineer that the roads have been constructed as per approved plans.
7. After construction is complete, the proponent shall submit a letter from the project engineer certifying that the stormwater management facilities have been constructed as per the approved plans. DCD cannot give final approval for the project until this certification has been received.
8. Water main extensions and water system improvements that may be required to service the development shall be installed prior to final plat approval. Extensions and improvements shall be in conformance with the Ludlow Water System Plan, The Jefferson County Coordinated Water System Plan and shall include acknowledgment from Olympic Water and Sewer that water main extensions have been certified in accordance with the provisions of Chapter 246-290-110(2) WAC.
9. Prior to final plat approval, documentation shall be submitted from Olympic Water and Sewer confirming and sewer systems have been constructed in accordance with applicable state and local standards.
10. Performance surety may be posted in lieu of completion of construction as provided by 6.60, Jefferson County Subdivision Ordinance. The applicant may enter into a surety agreement with the Department of Public Works as an alternative to complete installation of required improvements prior to final plat approval. The surety may not exceed one (1) year, and must be in a form acceptable to the County Prosecutor. Acceptable examples of sureties are available from the Department of Public Works. All sureties must be accompanied by an estimate of the cost of all improvements, and the estimate must be approved by the Department of Public Works prior to acceptance of surety.
11. Prior to final plat approval, the applicant shall provide written evidence from Fire Protection District # 3 and the Jefferson County Consulting Fire Code Inspector (Tom Aumock), that the final design and construction of the long plat will be in compliance with the applicable provisions of the International Fire Code, and the recommendations of the Fire District which are consistent with State law.
12. The applicant shall arrange for the inspection of all required improvements with the Department of Public Works, DCD, or Public Health, whichever is responsible. Inspections shall be requested by the applicant at such stages as indicated by the appropriate department.

Prepared by David Wayne Johnson, Associate Planner & Port Ludlow Lead Planner – February 2023