

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

2 Irv Berteig, Hearing Examiner

3 **RE:** Port Ludlow Associates Long ) **File No. SUB01-0027**  
 4 Subdivision, Preliminary Plat )  
 5 application for "Woodridge 2" )  
 6 )  
 7 ) **FINDINGS, CONCLUSIONS,**  
 8 ) **AND DECISION**  
 )  
 )

9 **BACKGROUND INFORMATION**

10 Port Ludlow Associates proposes to subdivide and develop 41 lots.  
 11 The proposal includes selective logging and lot clearing of the  
 12 proposed 41 residential lots. The application area consists of  
 13 approximately 38.5 acres.

14 This proposal is part of a larger residential development, and  
 15 was initially reviewed under SUB95-0004 (Woodridge Village) for an  
 16 application to develop approximately 110 acres into 54 single-family  
 17 residential lots. Preliminary approval for 54 lots was previously  
 18 granted; and 36 of the 54 lots were platted in December 1996. This  
 19 current proposal is to develop the remaining acreage (about 38.5) as a  
 20 new application for 41 residential lots.

21 **PROCEDURAL INFORMATION**

22 **Notices: Mailed:** April 12, 2002

23 **Posted:** April 16, 2002

24 **Publication:** April 17, 2002 (Port Townsend-  
25 Jefferson County Leader).

26 **Site Visit:** April 30, 2002

27 **Open Record Hearing Date:** April 30, 2002.

28 The hearing was opened at 1:25 p.m. in the Courthouse First Floor  
29 Conference Room. After the procedures were explained, testimony was

1 accepted. A verbatim recording of the public hearing was made. The  
2 tape is maintained in the Jefferson Permit Center file.

3 **Participants:**

4 Jerry Smith, Associate Planner

5 Mark Dorsey, for the Applicant

6 Susan Shelton, President of Woodridge Village Homeowners Association

7 Ron Thompson, resident in Woodridge 1

8 Bob Reed, neighbor

9 Larry Lawson, neighbor

10 No other parties were present to testify.

11 **The Hearing Examiner closed the public hearing at 2:20 p.m.**

12 **TABLE OF EXHIBITS:**

EXHIBIT	DOCUMENT	DATE
1	Staff Report together with a copy of the file containing 85 Log Items	4/20/2002
2	Email from Susan Shelton	4/10/2002
3	Letter from Kari Rokstad, SEPA Coordinator, Wash Dept of Ecology	4/17/2002
4	Fax transmittal to Kari Rokstad	4/19/2002
5	Email from Russ & Judy Michel [rjmmichel@olypen.com]	4/22/2002
6	Letter from Mark Dorsey, P.E., presented at public hearing	4/30/2002
7	Signup Sheet for the Public Hearing	4/30/2002

21  
22 **FINDINGS OF FACT**

23 1. On or about November 21, 2001, Port Ludlow Associates filed an  
24 initial application to subdivide and develop 41 lots including  
25 selective logging and lot clearing of the proposed 41 single-family  
26 residential lots. Two tracts (Tracts A & B) are proposed as open  
27 space. Tracts A and B, together, consist of about 13 acres, or 34  
28 percent of the proposal site. The lot sizes range from 14,010 square  
29 feet to 39,363 square feet. Density is approximately 0.94 lots/acre.

1 Storm water will be treated on-site and discharged into Port Ludlow  
2 Bay. Sanitary sewer will serve all lots. The Olympic Water and Sewer  
3 Company will provide water and sanitary sewer service to the proposed  
4 41 residential lots.

5 2. The property contains approximately 38.5 acres. The subject  
6 property is irregular in shape. It is located east of the Port Ludlow  
7 Golf Course. The site is adjacent to Teal Lake Road along its  
8 northeasterly boundary, and is adjacent to Springwood Drive along a  
9 portion of its northern boundary. The site slopes to the northwest  
10 with varying slopes, of which the steepest is approximately 100% along  
11 the northerly edge of an unnamed type 5 stream. This stream flows in a  
12 northwesterly direction on the property. A Type III wetland is located  
13 along the southwestern border of the property. The site contains  
14 mature second growth timber stands. Clearing for the proposed roadways  
15 has been done and the roadways have been graded per approved  
16 construction plans in conjunction with the preliminary approval  
17 granted for Woodridge Village.

18 3. A Final Modified Mitigated Determination of Non-Significance was  
19 issued April 15, 2002.

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

22 5. The Port Ludlow Master Planned Resort Code classifies the site  
23 and most of the surrounding area as "Single Family" (MPR-SF 4:1). The  
24 property located immediately west is zoned as Multi-Family (MPR-MF  
25 10:1) under the MPR Code.

26 6. Based on mapped critical areas, the subject property has the  
27 following sensitive features: (a) wetland areas, (b) aquifer recharge  
28 area, (c) landslide hazard areas, (d) Type 5 stream; and (e) Osprey  
29 habitat area. Wetland areas have been delineated on the site. Based

1 on WDFW staff field evaluation, the subject property also involves a  
2 Type 3 stream. A number of critical area protection standards have  
3 been applied as SEPA conditions under the Final MDNS.

4 7. The area to the south is undeveloped. The area northeasterly of  
5 the site and across Teal Lake Road has been developed as single-family  
6 residences (Woodridge Village). Adjacent property to the north has  
7 been developed as Fairwood Village, a residential community. The area  
8 immediately west of the site (between the proposal site and the golf  
9 course) is undeveloped.

10 8. Neighbor comments received and incorporated in the Staff Report:

Log Item	Document	Date
25	Letter from George & Roswitha McPherson requesting notices and copy of decision	12/28/2001
36	Letter from Woodridge Village Homeowners Assoc.	1/24/2002
37	Email from Susan Shelton with attachment	1/25/2002
38	Email from Larry Lawson	1/25/2002

15 9. Agency comments received and incorporated in the Staff Report:

Log Item	Document	Date
	County Department of Public Works	12/28/2001
	Fire Protection District No. 3, Fire Chief	1/2/2002
	County Health Department	1/7/2002
	Port Gamble S'Klallam Tribe: Two e-mails	12/30/2001 1/7/2002
	Washington State Department of Fish and Wildlife: Two e-mails	1/31/2002 4/17/2002
	Washington State Department of Ecology: Two written comments	1/17/2002 4/10/2002

23 10. The main focus of testimony by the Woodridge Village Homeowners  
24 Association and some other parties regarded the added traffic  
25 exacerbated by only one ingress/egress point with Teal Lake Road.  
26 Special concern was expressed over long-term development of the  
27 property south of Woodridge 2.

28 11. Larry Lawson questioned the adequacy of a 50-foot buffer to a  
29 Type 3 stream.

12. The Applicant submitted a ten-page letter and documents at the open record hearing objecting to five Department recommended conditions and comments by the WDFW.<sup>1</sup>

### REVIEW CRITERIA

The "Port Ludlow Development Agreement" dated May 1, 2000, establishes the list of Applicable Ordinances (below) as the applicable regulations under which remaining development within the Port Ludlow Master Planned Resort is vested. Therefore, the following guide the Hearing Examiner:

#### 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:

- Subdivision Ordinance No. 04-0526-92, As Amended, **Jefferson County Subdivision Ordinance.**
- Implementing Ordinance No. 7-84 As Amended, **State Environmental Policy Act.**
- **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...

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<sup>1</sup> Exhibit 6

1 **CONCLUSIONS OF LAW**

2 1. The Staff Report contains a detailed analysis of the proposal's  
3 compliance with the criteria and regulations of the applicable  
4 ordinances. The Examiner has reviewed the Staff Report and now adopts  
5 Staff Findings and Conclusions 10 through 54 at pages 4-16—except as  
6 may be corrected or clarified below under the headings for the issues  
7 and corrections raised during the open record hearings. The following  
8 conclusions may also contain findings.

9 **Traffic Issues:**

10 2. The broad topic of traffic issues has a number of dimensions  
11 including volumes, traffic generation, intersection capacity, and  
12 future traffic. Traffic generation manuals assign average daily trips  
13 to land use types. For instance, in an urban setting with a broad  
14 range of households, a single-family dwelling in an urban setting may  
15 generate 10 to 12 daily trips on the average. When sufficient data is  
16 collected for a specific area, the numbers can be refined—as in the  
17 case of Port Ludlow where the data supports an average of 6 trips/day.<sup>2</sup>

18 3. One element within a typical traffic analysis deals with the  
19 concept of "level of service" as a term representing a combination of  
20 operational conditions, traffic stream, and the perception of  
21 motorists. Typically individual movements through an intersection are  
22 rated in six levels, from LOS A (best) to LOS F (worst). A subsequent  
23 "2001 Port Ludlow Traffic Monitoring Summary Report" supports the  
24 earlier analysis.<sup>3</sup>

25  
26 \_\_\_\_\_  
27 <sup>2</sup> See Log Item 49 at pages 24-108, "Traffic Impact Analysis, Port Ludlow"  
28 David I. Hamlin and Associates, June 1992. The study is comprehensive  
29 following conventional methods, including forecasted growth rates and  
specific traffic movements at key intersections.

<sup>3</sup> See Log Item 49 at pages 109-110, "2001 Port Ludlow Traffic Monitoring  
Summary Report" David I. Hamlin and Associates, November 2001.

1 4. While the traffic analysis discussed in Conclusion 3 does not  
2 address access road intersections, specifically the intersections of  
3 Dog Leg Lane, Springwood Road and Teal Lake Road, the same principles  
4 of traffic generation apply—together with accident history and  
5 geometric design of streets and intersections. For instance, the  
6 centerline-to-centerline distance of approximately 200-feet between  
7 Dog Leg/Springwood and Springwood/Teal Lake Road intersections is  
8 minimal but adequate.

9 5. Considering the traffic studies and the reviews by the Department  
10 of Public Works, the proposal is acceptable. The issue of additional  
11 lots from future development will be addressed below under Recommended  
12 Condition #41 Issue.

13 **Stream Buffer Issue:**

14 6. Larry Lawson testified at the open record hearing with concerns  
15 regarding the size of the buffer to a Type 3 stream. The size of  
16 buffers to various sensitive areas has been the subject of much  
17 discussion throughout Western Washington with proposals ranging from  
18 25 feet to over 200 feet. When numerical standards are adopted by a  
19 jurisdiction, then minimums are set legislatively as is the case here.  
20 Aside from the adopted standard, there is the practical question of  
21 the function of a buffer. If a main function is to assure water  
22 quality—often associated with wetlands—then slope, soil, plant  
23 material and water quantity are the main factors in evaluating buffer  
24 effectiveness. If wildlife habitat is to be protected, then distance  
25 together with activities such as noise, light and access are  
26 important. In this case, the maps and testimony indicates that the  
27 Type 3 stream passes through a wetland. The wetland itself has a 50-  
28 foot buffer so the total effective stream buffer would exceed 50 feet.

1 7. If the Type 3 stream is a salmon stream, then the Habitat  
2 Management Plan called for in the Staff Recommended Condition #42 is  
3 important to assure adequate shade for cooling.

4 **Applicant's Objection to Certain Conditions:**

5 The Applicant agrees with the Staff Recommended Conditions with  
6 the exception with the following:

7 **Recommended Conditions #5 & 7:**

8 8. Applicant objects to the requirement for a full cul-de-sac to  
9 accommodate a school bus turnaround, and requests that #5 be  
10 eliminated in its entirety and the #7 be modified to address a  
11 turnaround to serve Lots 14-16. Staff concurs. The deletion and  
12 modification will serve the public need.

13 **Recommended Condition #16:**

14 9. The Applicant's issue with #16 relates to timing, rather than the  
15 obligation. By revising the condition to allow for an "Agreement to  
16 Install" the plat process will not be delayed. Staff concurs. The  
17 modification will serve the public need.

18 **Recommended Condition #20:**

19 10. Applicant points out a conflict with the Port Ludlow Development  
20 Agreement, which vested remaining development within the Port Ludlow  
21 MPR with the "May 1994 DOE Stormwater Manual" rather than a current  
22 edition. Staff concurs. The correction is logical.

23 **Recommended Condition #41:**

24 11. Applicant argues that the requirement to prepare a conceptual  
25 plan prior to further development beyond the south boundary is not  
26 applicable to Woodridge 2, and should be eliminated. Staff responds  
27 that the condition is based on the Master Planned Resort Code, and is  
28 recommended to be on the record.



1 12. Recommended Condition #41 is not only part of the Code, but  
2 directly addresses the concerns of the Woodridge Village Homeowners  
3 Association. Moreover, the Applicant is asking for modifications to  
4 ordinance requirements for the end of Road A that otherwise stops at  
5 the south boundary with full intent to extend beyond with some unknown  
6 amount of development. It is unclear why the Applicant would object  
7 to a condition that is already part of the Code, reflects sound  
8 planning, and does not require any action that would delay the current  
9 subdivision. A **conceptual** plan of the scope described in #41 is  
10 important for public review before hard engineering is invested.

11 **Recommended Conditions #42-44:**

12 13. The Applicant may misunderstand the law under SEPA and the  
13 purpose and procedures of the open record hearing. Just as the  
14 Applicant presented a ten page document at the public hearing, with  
15 the request that the Examiner and Staff consider the requests without  
16 time to research and review, all parties with an agency or citizen  
17 interest are allowed to appear at the open record hearing to present  
18 their concerns.

19 14. One must distinguish between the many procedural aspects of SEPA  
20 and the substantive authority established under SEPA,<sup>4</sup> while not  
21 forgetting that SEPA does not preclude other statutory obligations of  
22 decision-makers.<sup>5</sup> The limitation on commenting after the date for "no  
23 additional comments" is a procedural—not substantive issue. The SEPA  
24 Threshold Determination process considers consequences of an action—  
25 which may even result in mitigations—the process does not preclude an  
26 applicable regulatory ordinance from being applied.<sup>6</sup>

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27  
28 <sup>4</sup> WAC 197-11-660(2)

29 <sup>5</sup> RCW 43.21C.050

<sup>6</sup> The Applicant's argument is a common misinterpretation of SEPA.

1 15. The Staff noted in response to the Applicant's arguments at the  
2 hearing that #42-44 are based on the Interim Critical Area Ordinance.  
3 Accordingly, the recommended conditions should stand.

4 16. The Applicant may be correct that the storm drainage system  
5 outlet will not impact a Type 3 stream in a manner to require  
6 Hydraulic Project Approval [HPA]; however, that assertion could not be  
7 adequately evaluated at the open record hearing without a continuance  
8 of the public hearing. A modest rewording of the condition will  
9 achieve the result sought by the Staff without either mandating or  
10 precluding an HPA.

### 11 **DECISION**

12 Based upon the testimony presented at the Open Record Hearing, a  
13 site visit by the Examiner, the documents and exhibits admitted into  
14 the record, and the above Findings of Fact and Conclusions of Law, it  
15 is hereby the decision of the Hearing Examiner that the subdivision  
16 application by Port Ludlow Associates for "Woodridge 2", be **APPROVED**  
17 subject to the following conditions:

- 18 1. Based on the rules of Chapter 17.15.030 (Subdivision Ordinance  
19 3.30), all of the property identified in the preliminary long  
20 plat application is subject to the requirements of the Code. The  
21 residual portions of the parcels involved in the application  
22 shall be included within the final subdivision plat as lots, or  
23 dedicated as green belt/open space, or attached to adjoining  
24 property owned by the applicant through the boundary adjustment  
25 process.
- 26 2. Based on the requirements of Chapter 17.30.160 (Subdivision  
27 Ordinance 6.301.2), prior to final plat approval the applicant  
28 shall document that the lot width to length ratio of lots 4, 5,  
29 and 6 of the Woodridge 2 long plat is in conformance with the  
requirements of this section.
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 easement's also referenced on  
the face of the plat. Required easements for utility installation

1 and maintenance shall conform to the standards of Subsection  
2 6.303 of the Subdivision Ordinance. All utility easements shall  
3 be made by a separate recorded easement, declaration of  
4 easements, or dedication of easements, and by graphic portrayal  
5 on the final long plat Mylar.

6 4. Based on the requirements of Chapter 17.30.180 (Subdivision  
7 Ordinance 6.303.2), a seven (7) foot wide utility easement  
8 adjacent to the private road easement to lots 36,37, 38, 39, 40 &  
9 41 may be required.

10 ~~5. Based on the requirements of Chapter 17.30.190 (Subdivision  
11 Ordinance 6.309.2 & 3), design and construction of the vehicle  
12 turnaround within the cul-de-sac and at the end of Road A shall  
13 accommodate school buses. Prior to final plat approval, the  
14 applicant shall obtain written certification from the Chimacum  
15 School District regarding adequacy of provisions for a school bus  
16 turnaround. [Condition stricken by the Examiner per Conclusion 8.]~~

17 6. Based on the requirements of Subdivision Ordinance 6.309.4, the  
18 applicant shall provide 60-foot wide public road rights-of-way,  
19 which shall be dedicated for Roads A and Road B. The right-of-way  
20 for Road B shall be of adequate width to allow construction and  
21 maintenance of the proposed cul-de-sac.

22 7. In order to provide adequate emergency vehicle access to  
23 Lots 14-16 and to provide provisions for a school bus turnaround,  
24 a hammerhead turnaround shall be constructed to AASHTO standards  
25 at the end of Road A. [Condition modified by the Examiner per Conclusion 8.]

26 8. Based on the requirements of Chapter 17.30.240 (Subdivision  
27 Ordinance 6.309.4) prior to construction of the access and  
28 utility easement proposed to serve lots 36-41, the applicant  
29 shall obtain a written recommendation from the Director of Public  
Works recommending reduction of the right-of-way width to less  
than the required sixty (60) foot right-of-way.

9. Based on the requirements of Chapter 17.30.240 (Subdivision  
Ordinance 6.309.1), The access from Springwood Drive shall be  
depicted on the final plat.

10. Based on the requirements of Chapter 17.30.240 (Subdivision  
Ordinance 6.401), the subdivision roads shall be constructed as  
per the plans by MacLearnsberry Engineering revised September 12,  
2001 and approved by Jefferson County Department of Public Works  
on September 14, 2001.

- 1 11. Based on the requirements of the Subdivision Ordinance (Section  
2 6.404) Addresses shall be assigned to all lots. Addresses may be  
3 shown on the final plat or may be applied for at the time of  
4 building permit application.
- 5 12. Based on the requirements of Chapter 17.30.250, Road Approach  
6 Permits shall be obtained from the Jefferson County Department of  
7 Public Works for access to individual lots. The permit numbers  
8 shall be referenced on the final plat or there shall be a notice  
9 on the plat that permits shall be obtained when applying for  
10 building permits.
- 11 13. Based on the requirements of Chapter 17.30.280, the roads serving  
12 the subdivision shall be named, and the name of the road shall be  
13 shown on the final plat. It is required that the applicant  
14 consult the Department of Public Works in reference to signing  
15 and when selecting a name to avoid duplication of an existing  
16 road name.
- 17 14. In accordance with Chapter 486, Washington Laws of 1993 [amending  
18 RCW 58.17.280], addresses may either be assigned to all lots and  
19 clearly shown on the final plat or there shall be a notice on the  
20 plat that addresses shall be obtained when applying for building  
21 permits.
- 22 15. Address plates for the lots shall be located in accordance with  
23 Jefferson County 911 Emergency Locator System Ordinance  
24 provisions.
- 25 16. Based on the requirements of Chapter 17.30.240, the Applicant  
26 shall enter into an "Agreement to Install" all street signs,  
27 traffic signs, and traffic striping shall be installed prior to  
28 final plat approval. [Modified by the Examiner per Conclusion 9.]
- 29 17. The proposal includes the construction of more than 5,000 square  
feet of impervious surface and/or more than one acre of land  
disturbing activity. The Jefferson County Storm Water Management  
Ordinance requires proponents of developments that meet these  
criteria to **implement** a Storm Water Site Plan that includes a  
Large Parcel Erosion Control Plan and a Permanent Stormwater  
Quality Control Plan. The Stormwater Site Plan shall apply  
Minimum Requirements # 1 through 11 from the Washington  
Department of Ecology Stormwater Management Manual for the Puget  
Sound Basin. A Stormwater Site Plan that meets these requirements  
shall be submitted to the Jefferson County Department of Public  
Works for review and approval prior to commencing land disturbing  
activity.

- 1 18. 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 within 30 days of  
6 preliminary plat approval and will include copies of reports from  
7 all monitoring during construction.
- 8 19. In order to meet the requirements of the Washington Department of  
9 Ecology Stormwater Management Manual for the Puget Sound Basin  
10 and to ensure that the approved stormwater management facilities  
11 are appropriately maintained for the life of the project,  
12 Jefferson County requires the proponent to enter into a  
13 Stormwater Management Facility Maintenance Agreement with the  
14 County. After construction has been completed, the Department  
15 will send the proponent a copy of the Agreement that has been  
16 signed by the Public Works Director. The Department cannot give  
17 final approval for the project until the Agreement has been  
18 signed and filed with the Jefferson County Auditor.
- 19 20. Based on the requirements of Chapter 17.30.290 (Subdivision  
20 Ordinance 6.405), prior to the commencement of any land  
21 disturbing activities on the site, an erosion and sediment  
22 control plan shall be developed to the standards of the  
23 Washington State Department of Ecology Storm Water Management  
24 Manual (**May 1994** ~~current~~ edition) and be submitted to the  
25 Department of Public Works for approval. Approved temporary  
26 erosion and sedimentation control Best Management Practices shall  
27 be employed during land disturbing activities. An approved set  
28 of plans shall be on site during construction. **[Modified by the**  
29 **Examiner per Conclusion 10.]**
- 30 21. After construction is complete, the proponent shall submit a  
31 letter from the project engineer certifying that the stormwater  
32 management facilities have been constructed as per the approved  
33 plans. The Department cannot give final approval for the project  
34 until this certification has been received.
- 35 22. The Washington State Department of Health, prior to final plat  
36 approval, shall review and grant final certification that there  
37 is an adequate supply of potable water for preliminary plat  
38 approval for the proposed 41 residential lots.
- 39 23. Based on the requirements of Section 3.80.1, Development Cap and  
40 MERUs, of the Port Ludlow Master Planned Resort Code, the  
41 official record for allocating and assignment of "Measurement

1 ERU" (as set forth in section 3.803) shall be adjusted and made  
2 available to the applicant and interested parties.

- 3 24. Based on the requirements of Chapter 17.30.290, if no development  
4 of the lots is proposed at this time, the applicant shall state  
5 under "Notice to Potential Purchasers":

6 *"Prior to the commencement of any land disturbing activities and prior to issuance of a building  
7 permit, a Small Parcel Erosion and Sediment Control Plan shall be developed to the standards  
8 of the Jefferson County Stormwater Management Ordinance and be submitted to the  
9 Department of Community Development for review and approval. Temporary erosion control  
10 Best Management Practices shall be approved by the Department of Community Development  
11 and implemented at all times during land disturbing activities."*

- 12 25. Based on the requirements of Chapter 17.30.350, construction of  
13 roads and storm water facilities and/or site disturbing  
14 activities requires that the applicant submit plans in accordance  
15 with the Department of Public Work's plan review schedule, and,  
16 the applicant shall notify the Department of Public Works during  
17 various phases of construction in accordance with the  
18 department's inspection schedule. Typically the following  
19 inspections are required:

- 20 • Installation of temporary erosion and sediment control  
21 measures;
- 22 • Clearing and road subgrade preparation;
- 23 • Application of gravel base;
- 24 • Application of compacted crushed surfacing top course;
- 25 • Construction of storm water management facilities;
- 26 • Final plat review.
- 27 • Additional inspections may be necessary based on site-  
28 specific conditions or the nature of the project.

29 Temporary erosion control methods for construction purposes  
(roads, facilities) shall be approved by the Department of Public  
Works and employed during construction. A set of approved plans  
shall be on site at all times during construction.

- 30 26. Based on the requirements of Chapter 17.30.300, water main  
31 extensions and water system improvements that may be required to  
32 service the development shall be installed prior to final plat  
33 approval. Extensions and improvements shall be in conformance

1 with the Ludlow Water System Plan, The Jefferson County  
2 Coordinated Water System Plan and shall include acknowledgment  
3 from the Department of Health that water main extension have been  
certified in accordance with the provisions of WAC 246-290-110(2).

4 27. Based on the requirements of Chapter 17.30.300, prior to final  
5 plat approval, documentation shall be obtained from the  
6 Washington State Department of Health, Southwest Regional  
7 Drinking Water Operations, certifying a determination of final  
8 plat water system adequacy for the proposal. Extensions and  
9 improvements shall be in conformance with the Ludlow Water System  
10 Plan, The Jefferson County Coordinated Water System Plan and  
shall include acknowledgment from the Department of Health that  
water main extension have been certified in accordance with the  
provisions of WAC 246-290-110(2).

11 28. Based on the requirements of Chapter 17.30.310, prior to sewer  
12 system construction, if required by the appropriate state agency,  
13 the applicant shall submit engineered construction design plans  
14 for review and approval. Construction of the sewer system  
15 expansion shall be either completed prior to final plat approval,  
or as an option, the applicant may post a County approved surety  
to guarantee construction of system expansion.

16 29. Based on the requirements of Chapter 17.30.350, performance  
17 surety may be posted in lieu of completion of construction as  
18 provided by 6.60, Jefferson County Subdivision Ordinance. The  
19 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.

24 30. Based on the requirements of Chapter 17.30.320 and prior to final  
25 plat approval, the applicant shall provide written evidence from  
26 Fire Protection District # 3 that the final design and  
27 construction of the long plat will be in compliance with the  
applicable provisions of the **Uniform Fire Code**, and the  
28 recommendations of the Fire District which are consistent with  
State law.

29 31. Based on the requirements of Chapter 17.30.350, the applicant  
shall arrange for the inspection of all required improvements

1 with the Department of Public Works, the Planning Department, or  
2 Health Department, whichever is responsible. Inspections shall  
3 be requested by the applicant at such stages as indicated by the  
appropriate department.

4 32. In accordance with Ordinance 12-1214-92, effective January 1,  
5 1993, the applicant shall pay all costs of work incidental to  
6 approval of the subdivision before final approval is granted.

7 33. Prior to final approval by the Department of Public Works, the  
8 applicant shall submit lot closures of the survey **one week** in  
9 advance of approval. The Applicant shall make any corrections or  
10 additions prior to final approval. After lot closures are  
11 approved by the Department final fees will be calculated and  
12 submitted to the applicant for payment.

13 34. Upon certification that all conditions have been met, the  
14 applicant shall submit a final mylar of the plat to the  
15 Department of Public Works **three days** in advance of approval by  
16 the Director of Public Works.

17 35. Prior to final plat approval, the applicant shall document that  
18 the proposal meets the requirements of Appendix D, Final Long  
19 Plat Checklist.

20 36. Based on the requirements of Section 3.10 of the Master Planned  
21 Resort Code, the applicant shall provide notice to future  
22 residents under "Notice of Plat Condition" of the requirement to  
23 comply with the standards of the zoning code for home based  
24 business.

25 37. Based on the requirements of Section 3.103 of the Master Planned  
26 Resort Code, prior to the further development of additional  
27 trails, parks, open spaces and playgrounds within the Woodridge 2  
28 Subdivision development, the applicant shall submit a conditional  
29 use application for review and approval by Jefferson County.

30 38. Based on the requirements of Section 3.104 of the Master Planned  
31 Resort Code, the applicant shall provide notice under "Notice of  
32 Plat Condition", indicating that no building or structure shall  
33 be erected, enlarged, or structurally modified to exceed 35 feet  
34 in height.

35 39. Based on the requirements of Section 3.105 of the Master Planned  
36 Resort Code, the applicant shall provide notice under "Notice of  
37 Plat Condition", indicating the following: a) Minimum Front Yard  
38 Setback shall be 20 feet; b) Minimum Side and Rear Yard Setbacks



1 shall be 5 feet; and c) Maximum Impervious Surface on any lot  
2 shall not exceed 45 percent.

3 40. Based on the requirements of Section 3.107 of the Master Planned  
4 Resort Code, the applicant shall provide notice under "Notice of  
5 Plat Condition" indicating that within the MPR-SF zone, Accessory  
6 Dwelling Units are prohibited.

7 41. Based on Section 3.108, Conceptual Site Plan Requirement, of the  
8 Master Planned Resort Code, prior to any further development  
9 beyond the south boundary of the Woodridge 2 plat, the applicant  
10 will be required to submit a conceptual site plan for the entire  
11 south area, which shall at a minimum, address required buffers,  
12 road layout, and potential phasing. [Condition left intact by the  
13 Examiner per Conclusions 11 and 12.]

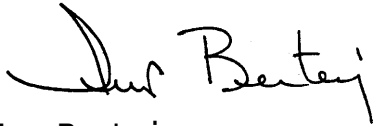
14 42. Based on Section 10 of the Jefferson County Interim Critical  
15 Areas Ordinance, the applicant shall survey the location of the  
16 type 3 stream identified by Washington State Department of Fish  
17 and Wildlife and submit the appropriate additional information  
18 showing the stream and its required buffer width of 50 feet for  
19 high intensity land uses. The streamside buffer provisions of  
20 Section 10.507 (1) (2) (3) (4) (5) and (6) shall be implemented. Per  
21 Section 10.502 of the Critical Areas Ordinance, a Habitat  
22 Management Plan shall be submitted prior to final plat approval.  
23 And per Section 10.506, upon approval of the habitat management  
24 plan, the location of the outer extent of the required streamside  
25 buffers shall be marked in the field in accordance with items  
26 1, 2, 3, 4, and 5. [Condition left intact by the Examiner per Conclusions 13, 14,  
27 15 and 16.]

28 43. Based on Section 10 of the Jefferson County Interim Critical  
29 Areas Ordinance, the applicant, in conjunction with a plan  
approved by the Washington Department of Fish and Wildlife shall  
appropriately address the significant sediment quantities of  
sediment deposited within the stream and the associated  
downstream ponds. The approved plan shall also address the fish  
passage barrier and culvert sizing. The approved plan shall be  
implemented prior to final plat approval. [Condition left intact by the  
Examiner per Conclusions 13, 14, 15 and 16.]

44. The applicant ~~shall~~ may be required to obtain a Hydraulic Project  
Approval from the Washington State Department of Fish and  
Wildlife as determined by WDFW. [Condition modified by the Examiner per  
Conclusions 13, 14, 15 and 16.]

1 45. The applicant shall comply with all mitigation measures of the  
2 Final Modified Mitigated Determination of Non-Significance issued  
3 by the designated Jefferson County Responsible Official and/or  
4 the Jefferson County Board of Commissioners for the proposed plat  
5 of Woodridge 2.

6 **DATED this 14<sup>th</sup> day of May 2002.**

7 

8 **Irv Berteig**  
9 **Jefferson County Hearing Examiner**

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11 Transmitted by the Jefferson Count Permit Center to the following:

12 DATE TRANSMITTED:

13 Mark Dorsey, P.E., 70 Breaker Lane, Port Ludlow, WA 98365

14 Greg McCarry, 70 Breaker Lane, Port Ludlow, WA 98365

15 Susan Sheldon, 441 Woodridge Dr., Port Ludlow, WA 98365

16 Larry Lawson, 10140 Oak Bay Road, Port Ludlow, WA 98365

17 Ronald E. Thompson, 312 Woodridge Dr., Port Ludlow, WA 98365

18 Bob L Reed, 320 John St., Port Ludlow, WA 98365

19 William Taylor, 306 Crestview Dr., Port Ludlow, WA 98365

20 Otto & Phoelle Ewaldsen, 113 Dog Leg Lane, Port Ludlow, WA 98365

21 George & Roswitha MacPherson, 27 Leighbrook Lane, Port Ludlow, WA 98365