

STAFF REPORT
PORT TOWNSEND HEARING EXAMINER
April 29, 2024 Continued Open Record Public Hearing

Re: Continued Open Record Public Hearing on the Preliminary Plat/Plat Alteration for *Pods at the Vineyard*, a 17-lot single-family residential development.

File No(s): LUP22-019 **Date:** April 22, 2024

Applicant(s): Greenpod Development c/o Anne & Steve Raab 606 Roosevelt St. Pt. Townsend, WA 98368	Davos Capital LLC c/o Dave Holland PO Box 9150 Santa Fe, NW 87504
---	--

Agent(s): Richard Berg, Terrapin Architecture 360-379-8090 richard@terrapin-arch.com	Everett Sorenson, P.E. 360-821-9960 everett@streamlineenv.com
--	--

PCD Staff Contact: John McDonagh, Senior Planner
(360) 344-3070

APPLICATION SUMMARY AND STAFF RECOMMENDATION:

NOTE: *The public hearing for this staff report and Exhibits is continued from August 19, 2022.*

Legal Description/Location: Lots 1 through 8, inclusive, in Blocks 6, 7 & 8, Tibbals 2nd Addition. Jefferson County tax parcels for the 3 Block site are 997-400-601, 997-400-701, 997-400-801 and 997-400-803. The site lies between 35th and 32nd Streets, west of the Rosewind Planned Unit Development (PUD).

Recommended Decision: Approval of the Preliminary Plat/Plat Alteration application, subject to conditions. As noted in the Findings below, the project is exempt from review under the State Environmental Policy Act (SEPA).

PROPOSED FINDINGS, CONCLUSIONS AND RECOMMENDATION

The following section constitute PCD staff's recommended Findings and Conclusions regarding the application's consistency with the city's Comprehensive Plan, Zoning and Land Division codes. Next are a series of staff recommended conditions to the Hearing Examiner. Any of staff's recommended Findings, Conclusions, and Conditions may be adopted, rejected, or modified by the Hearing Examiner based on testimony or evidence presented during the hearing

Findings of Fact

Procedural

Application, Project Summary and Review Process

1. Davos Capital LLC, with partners Steve and Ann Raab (collectively “Applicant”), have submitted application for a preliminary Plat with Plat Alteration (“Plat”) named *Pods at the Vineyard* (“PAV”) (Exhibit A – *Preliminary Plat application with cover letter, rain garden and prairie habitat source material, and revised Plat/Plat Alteration map*; Exhibit B – Site Plan, Shts. 1-4 including Tree Conservation and Landscaping, subject *property deeds, topographic survey map*; Exhibit C - Revised Preliminary Civil Plans, dated Jan. 17, 2024; and, Exhibit D – Revised Stormwater Plan and Report, dated Jan. 17, 2024. PAV creates 17-lots for detached residential development over roughly three (3) + acres. One (1) lot at PAV already contains an existing single-family residence. The property’s current legal description is on pg. 1, above, and in the deeds of Ex. B to this staff report.
2. The lots at PAV range in size from 5,007 to 10,900 square feet (sf) with most being sized between 7,000 to 7,500 sf. As detailed below, most lots will gain vehicular access from a new 50’ wide right-of-way (ROW) dedication with road improvements for Landes St. New Landes St. runs south from existing 35th St. and the Plat’s north boundary to an existing section of Landes St. at the Plat’s south boundary. As proposed, newly dedicated Landes St. will be improved with a 16’ wide paved road and alternating sides of city standard concrete sidewalk and on-street parking.
3. 35th St. is a paved city-maintained road from San Juan Ave, roughly ¼ mile to the east, to approximately 75’ east of new Landes St. In all, approximately 380’ of concrete sidewalk currently exists on 35th St.’s north side; about 160’ of that length lies opposite the PAV site. The remaining non-motorized facilities in 35th St. are currently gravel or worn dirt surface. As it abuts their site, PAV will match and extend the 35th St. improvements – including sidewalk on the north side - before turning onto new Landes St.
4. Two (2), or as many as three (3), lots will gain vehicular access via Kuhn St. or Kuhn St. in concert with the 33rd St. ROW. Kuhn St. is a city-maintained paved roadway while 33rd St. is considered an unopened ROW. As a corner lot, proposed Lot C3 will be able to gain access via either 35th St. or Kuhn St. Lot C5 and the existing home it contains already gain access via driveways onto both Kuhn and 33rd Sts. Lot C4 will access Kuhn St. by a private driveway extension in 33rd St.
5. Several existing platted ROW’s in Tibbals 2nd Addition which have limited functionality are being vacated through the Plat/Plat Alteration review; however, one area of proposed vacation is mistakenly shown incorporated into PAV. The subject ROW involved is the east

½ of Landes St. lying south of 33rd St., together with the east ½ of Landes St. lying between the centerline of 33rd St. and the south line of 33rd St., as platted within Tibbals 2nd Addition. Unless the abutting owner to this portion of platted Landes St. agrees in writing to allowing all the subject Landes St. ROW to accrue to the PAV site, this portion of the proposed vacation area must be removed from the Plat Alteration request and the Final Plat/Plat Alteration map. If the abutting owner is willing to allow PAV's acquisition of all platted Landes St., the owner's authorization must be in a form acceptable to the city attorney.

6. Utilities will be extended from the north and east via existing and proposed ROW's. Portions of the new sewer service will require use of a shared low pressure main with individual pump services for each lot and residence. Stormwater for road runoff will be addressed via rain gardens. On-site stormwater management will also be addressed via individual rain gardens on each lot.
7. All preliminary plat requests are classified as Type III permit applications under Port Townsend Municipal Code (PTMC) 20.01. Type III permit applications are reviewed and processed by PCD staff, who prepare a recommendation to the Port Townsend Hearing Examiner. Notice of a Type III application is provided to adjacent property owners and the general public seeking comments. Notice is also provided when the time and date for the required open record public hearing. Following the public hearing, the Hearing Examiner issues a written decision on the Type III permit application. Decisions of the Hearing Examiner on Type III permit applications are final, unless appealed to Superior Court. Once all conditions of preliminary plat approval are met, the Applicant submits for Final Plat approval. This step is done by City Council Resolution as a Type IV action (PTMC 20.01.040) prior to filing the Final Plat map with the Jefferson County Auditor.

Public Notice and Comment

8. On March 4, 2022, the preliminary Plat/Plat Alteration application was submitted. Following City requests for additional information and/or plan corrections, the applications were determined technically complete on April 25, 2022. A *Notice of Application* was published, mailed, and posted on-site May 4, 2022 (Exhibit E – *Notice of Application*). The *Notice* provided an initial 20-day public comment period ending May 24, 2022.
9. Several public comments covering a variety of topics were received during the initial *Notice* period (Exhibit F – *Public Comments*). The Applicant's Agent, Terrapin Architecture, provided a written response on comments received up to May 24, 2023 (Exhibit G – *Applicant Response to Public Comment, dated June 13, 2023*). Additional public comment was received in response to staff's issuance of a mistaken public hearing date. These later comments are also made a part of Ex. F. Below is a Table summarizing the comments received and provides a staff response:

LUP22-019, Staff Report Table 9.1 - PUBLIC COMMENT RESPONSE TABLE			
Letter	Commenting Party	Comment	City Response
9.1.1	Helen Kolff, EcoVillage	<p>Potential Parking on 35th St. removes on-street parking assigned to RW.</p> <p>2-way traffic through the development is needed.</p> <p>The alternative Tree Conservation Plan (TCP) is inadequate. More trees should be planted not fewer.</p> <p>The lack of a public path along Landes St. is a concern.</p>	<p>On-street parking may occur along any Port Townsend roadway so long the location is safe and, for new developments, on-site parking requirements are met. ¹</p> <p>The new Landes St. has a minimum traveled way width of 16', which allows for 2-way traffic even at the project's southern end.</p> <p>Alternative TCP are expressly allowed for areas that have historically not had trees.</p> <p>Non-motorized improvements are included along alternating sides of Landes St. and in 33rd St. A final location for these will be reviewed as part of the subsequent SDP review.</p>

¹ Ord. 3306 was adopted March 27, 2023 to increase residential building capacity. One technique for achieving this goal includes the reduction of on-site single-family residential parking. PAV's Applicant may elect to vest to the parking standards of Ord. 3306 by requesting to do so in writing. Alternatively, the Applicant may choose to remain vested under the prior standard(s). Whichever code the Applicant chooses to vest to must be continuously applied to all lots within the Plat/Plat Alteration.

LUP22-019, Staff Report Table 9.1 - PUBLIC COMMENT RESPONSE TABLE			
Letter	Commenting Party	Comment	City Response
		Stormwater management at the end of 35 th St.	There is no indication that stormwater runoff past the new terminus of 35 th Street will pose a runoff issue.
9.1.2	Sandra Stowell	Posting the Notice of Application was inadequate.	Author acknowledges the initial Public Notice sign for PAV was placed “near” the property which is the minimum required by code. Staff will provide two (2) Notice board signs for future postings of the site; however, no error in city code was made as part of this initial <i>Notice</i> . ² Additional Notice was provided via legal ad and US Mail to adjacent property owners (APO). As the author is not an original APO, they were made a Party of Record to the project.
9.1.3	Charlene & Charles Law	The authors want: Safe, quiet streets with more cycling & fewer cars.	There is no indication that the 17 lot, single family project will generate more vehicular traffic than what is anticipated by the Comprehensive Plan. Narrow streets, like the one proposed, are believed

² An error was made later in issuing the *Notice of Public Hearing* and providing an incorrect hearing date.

LUP22-019, Staff Report Table 9.1 - PUBLIC COMMENT RESPONSE TABLE			
Letter	Commenting Party	Comment	City Response
		Over-night night vacationers living in someone's backyard.	to encourage cycling & walking. There is no indication in the PAV submittal that suggests "1-night vacationers" will dominate occupancy of the resulting dwellings; however, city code does allow for the establishment of tourist accommodations via a Conditional Use Permit (CUP) process.
		Wants more beautiful flora & fauna not asphalt & cement	As an Urban Growth Area (UGA), paved and concrete surfacing is expected and needed for long term public service needs and maintenance. Landscaping intermixed with these surfaces is also expected and important. The project will be conditioned to ensure landscaping is installed consistent with city code.
		Wants affordable homes not millionaire homes.	At present, nothing in city code requires a project be developed with affordable housing. The ultimate selling price for homes in the project will be subject to the real estate market.

LUP22-019, Staff Report Table 9.1 - PUBLIC COMMENT RESPONSE TABLE			
Letter	Commenting Party	Comment	City Response
		<p>Wants pedestrian friendly sidewalks and trails, not dead end cutoffs.</p> <p>Wants full SEPA review done for the project.</p> <p>Preserve older growth trees and study the need for more planted trees that are resilient to climate change.</p>	<p>Aside from the driveway serving 2 lots in the 33rd St. ROW, the project design does not include any “dead ends”. Pedestrian improvements are planned along the north side of 35th St., along alternating sides of Landes St. and within the 33rd St. ROW.</p> <p>As the project has only 17 lots, it is categorically exempt from review under SEPA.</p> <p>Per the applicant’s rebuttal to received comments, no existing trees are being removed. Those that exist on future lots will be protected via covenants. Six (6) new trees will be planted and the prairie-like conditions of the site retained to the extent possible.</p>
9.1.4	Geralynn Rackowski	<p>Blind intersection at 35th St. & San Juan is a hazard. Students walk and ride on the San Juan sidewalk & can’t be seen until a</p>	<p>Public Works staff finds the project and its revised engineering (Ex. B) satisfactory for moving the Preliminary Plat process forward.</p> <p>Further revisions may be required as part of the</p>

LUP22-019, Staff Report Table 9.1 - PUBLIC COMMENT RESPONSE TABLE			
Letter	Commenting Party	Comment	City Response
		<p>car is in the crosswalk.</p> <p>35th St. is icy at times & it gets no sun.</p> <p>New Landes St. connection to existing Landes St. is narrow with poor sight lines for 2-way traffic; Consider making new Landes St. 1-way going south.</p> <p>Can an 8" sewer line with the minimum slope accommodate up to 32 homes? Is one pumping station sufficient?</p>	<p>subsequent Street and Utility Development permit (SDP).</p> <p>Public Works staff has not been contacted previously about a safety issue at the sidewalk section referenced by the author. At best, staff can monitor the facility in question and decide if further steps are needed.</p> <p>Public Works staff is satisfied the road section shown for the south end of Landes St. can be built safely as a 2-way roadway.</p> <p>Public Works staff is satisfied that, as revised, the sewer proposal for PAV is adequate for the project moving forward in the Preliminary Plat process. The subsequent SDP required for utility and road construction will specify any further revisions necessary to the plans.</p>

LUP22-019, Staff Report Table 9.1 - PUBLIC COMMENT RESPONSE TABLE			
Letter	Commenting Party	Comment	City Response
9.1.5	RW Board of Directors (BOD) letter with individual RW resident Exhibit comments: Ex. A – Peter Lauritzen	BOD letter introduces Exhibit comments, notes the preliminary plat submittal does not conform to minimum submittal requirements and requests denial of the application. Project proposes new trail across privately held, RW land. ROW for Landes at south end of PAV is too narrow for vehicles and pedestrian use. Relocate trail proposed in 33 rd St. to avoid RW assigned parking for Lots 4,5 & 6.	The referenced trails are still shown but clearly labeled now as not available to the public. As this area lies outside of PAV, illustrating these trails is immaterial and are not being relied on in staff’s Hearing Examiner recommendation. A design acceptable to Public Works staff includes two (2) 8’ wide travel lanes, even at the southern section of Landes St. Final non-motorized design and construction will accommodate, to the extent possible and

LUP22-019, Staff Report Table 9.1 - PUBLIC COMMENT RESPONSE TABLE			
Letter	Commenting Party	Comment	City Response
		Trail shown as a RW public trail from south end of Kuhn St. does not exist.	practical, existing improvements (both natural and man-made). The subject trail section has been removed from PAV plans.
	Ex. B – Douglas Milholland	The proposed gravity sewer main on Parcel # 991-100-029 will require fill.	Public Works staff is satisfied with the 1/17/24 revisions to the civil engineering plans (Ex. B) for moving forward with the land division process. Further design refinements may be required during review and approval of the subsequent Street and Utility Development permit (SDP).
	Ex. C – Kathy Taylor	Pre-App. Report indicates a sidewalk is required on one side of the new internal road	Ex. B has concrete sidewalk on alternating sides of new Landes St. Concrete sidewalk will also be installed along the north side of 35 th St. to match existing sidewalk.
		Plans for street sections show conflicting information. The south end	Public Works staff is satisfied with the 1/17/24 revisions to the civil

LUP22-019, Staff Report Table 9.1 - PUBLIC COMMENT RESPONSE TABLE			
Letter	Commenting Party	Comment	City Response
		of Landes St. is too narrow for a roadway.	engineering plans (Ex. B) for moving forward with the land division process. Further design refinements may be required during review and approval of the subsequent Street and Utility Development permit (SDP).
		A conflicting number of lots are described as being served by the new Landes St.	The number of lots gaining access to new Landes St. is immaterial. Corner lots will be allowed to access onto either public street.
		Traffic calming measures are warranted at 35 th and San Juan.	Due to the modest size of this subdivision, no Traffic Impact Analysis (TIA) was required by the Public Works Dept. Accordingly, no analysis of traffic calming needs was performed.
	Ex. D. – Sandra Stowell	Tree Conservation Plan (TCP) is insufficient.	See author’s comments and staff response under Letter 9.1.6.
		The PAV proposal is using the public benefits created by adjacent lands while providing	As a standard subdivision or “Plat”, PAV is not held to the same “public benefit” standards typically seen in a residential Planned Unit Development (PUD).

LUP22-019, Staff Report Table 9.1 - PUBLIC COMMENT RESPONSE TABLE			
Letter	Commenting Party	Comment	City Response
	Ex. E-1 – Susan E. Wallace	nothing in return. The proposal offers little in the way truly “green” aspects or affordability. Maintenance of rain gardens will be expensive and Accessory Dwelling Units (ADU) are not guaranteed.	Consistent with the city’s Parks, Recreation and Open Space (PROS) Plan, the PAV subdivision is within ½ mile of a formal outdoor space at Blue Heron Middle School. Rain garden maintenance will be assigned to a Homeowners Association (HOA). ADU construction is not guaranteed for any project due to a variety of factors
	E-2 – GERALYNN RACKOWSKI	Same comments as those found in Letter 9.1.4.	See responses to author’s Letter 9.1.4.
9.1.6	Sandra Stowell	Inadequate Notice provided. Only 1 sign was used.	The Public Hearing was opened & continued to improve Notice & ensure all Parties of Record are included. City code does not require more than 1 public notice sign. Two (2) signs were used to post the April 29, 2024 hearing.

LUP22-019, Staff Report Table 9.1 - PUBLIC COMMENT RESPONSE TABLE			
Letter	Commenting Party	Comment	City Response
9.1.7	<p>Notice of Appearance; Rosewind (RW) Comments and Objections to Plat Application</p> <p>Michael W. Johns, Counsel for RW</p>	<p>Comments and Objections were made regarding:</p> <p>a. Improper Public Hearing date Notice;</p> <p>b. Lack of a staff report available electronically; and,</p> <p>c. The Plat submittal fails to meet city code requirements.</p>	<p>The Public Hearing Notice error was noted by staff in opening the August 19, 2022 proceeding. That hearing was then continued to a date to be determined.</p> <p>The staff report was available electronically approximately 1 week prior to the continued hearing of April 29, 2024.</p> <p>As the Applicant notes (Ex. F), content items required on a Preliminary Plat are to be provided <i>“on one or more sheets...”</i>. Staff agrees with Applicant’s revisions to the Preliminary Plat map (Ex. A) and the preliminary engineering (Ex. B) to include missing or unclear Preliminary Plat content items.</p>
	<p>Kathryn Taylor – attached to Letter 9.1.6.</p>	<p>Comments supplement author’s prior letter. Author incorporates Applicant’s public comment responses (Ex. F), notes the Public Hearing</p>	<p>Applicant’s response to public comments received prior to Sept. 1, 2022 have been made part of the record (Ex. F).</p> <p>The Public Hearing Notice error was noted by staff in opening the August 19, 2022. The hearing was</p>

LUP22-019, Staff Report Table 9.1 - PUBLIC COMMENT RESPONSE TABLE			
Letter	Commenting Party	Comment	City Response
		<p>Notice error and provides information related to RW parking.</p> <p>Author maintains:</p> <p>a. The submitted road section(s) are inaccurate;</p> <p>b. The submitted Tree Conservation and Landscaping Plan (Ex. F, Sht. 4) is inadequate as it was not prepared by either a landscape design professional, arborist or tree service provisional architect.</p> <p>c. Ex. B, Site Plan Sht. 4 is deficient in terms of</p>	<p>then continued to a date to be determined.</p> <p>As revised, Public Works staff finds the submitted road sections (Ex. B) satisfactory for moving forward with the Preliminary Plat process. Additional revisions may be required as part of the subsequent Street and Utility Development permit (SDP).</p> <p>Staff concurs with Applicant's responses (Ex. F) to author's issue. It is acceptable for a licensed architect to prepare the subject plan.</p> <p>Several standard plan content items were waived by staff at the preliminary Tree and Landscaping</p>

LUP22-019, Staff Report Table 9.1 - PUBLIC COMMENT RESPONSE TABLE			
Letter	Commenting Party	Comment	City Response
		<p>content. New buried utilities as drawn may damage roots on trees slated for preservation.</p> <p>d. Trails are inaccurately labeled. Any trail work in 33rd St. must preserve parking set aside as part of the RW development.</p>	<p>review level as allowed per PTMC 19.06.110D. A watering system and specific tree unit credit (t.u.c.) calculations can be required on the final plan. The final plan submittal will also require details on tree protection measures where necessary.</p> <p>Staff will recommend the Hearing Examiner adopt a condition that requires a minimum number of t.u.c. be provided for on each lot.</p> <p>Staff believes that, with the revised submittals, all mislabeled trail sections have now been corrected and/or omitted.</p> <p>Review and approval of the subsequent SDP will any trail relocation needed to address existing and permitted ROW improvements.</p>
	Doug Milholland– attached to Letter 9.1.6.	Comments of the author focus on sewer along with the grading/fill activity	As revised, Public Works staff finds the submitted sewer profile and details (Ex. B) satisfactory for moving forward with the Preliminary Plat process. Additional revisions may be

LUP22-019, Staff Report Table 9.1 - PUBLIC COMMENT RESPONSE TABLE			
Letter	Commenting Party	Comment	City Response
		<p>associated with that installation.</p> <p>Will the fill needed trigger SEPA review?</p>	<p>required as part of the subsequent Street and Utility Development permit (SDP).</p> <p>The categorical threshold adopted by the city under SEPA for landfill and excavation activities is 1,000 cubic yards. The Responsible Official does not consider the work at PAV to be subject to SEPA.</p>

10. On August 17, 2022, a *Notice of Public Hearing* on the project was issued with an error made concerning the hearing date (Exhibit H– *Notice of Public Hearing*). The *Notice* was published in the local newspaper of record, mailed to adjacent property owners, other parties of record and posted on or near the site. Due to a hearing date publication error and other factors, the August 19 hearing was opened and continued to a date to-be-determined. A continued hearing date will be set once a complete pre-hearing record became available.
11. Following review and acceptance by staff of Applicant’s revised submittals, a *Notice of Continued Public Hearing* was issued April 17, 2024 for a April 29, 2024 continued hearing date (Exhibit I– *Notice of Continued Public Hearing*). It was published in the local newspaper, mailed to adjacent property owners and other parties of record, and posted on or near the site.

Substantive

Underlying Zoning, Allowed Uses and Prescriptive Standards

12. The PAV site is zoned R-II (Medium Density Single-Family). Standard R-II zoning allows both attached and detached single-family dwellings (attached single-family includes duplexes, triplexes, and fourplexes) up to eight units per 40,000-sf of land area (i.e., 5,000-sf minimum lot size, or approximately 8 dwelling units within 1 block of platted land). This zone allows 4 or fewer single-family dwellings within 1 structure with sufficient lot size - 10,000 sf for a duplex; 15,000 sf for a triplex; and 20,000 sf for a fourplex. With all lots \geq 5,000 sf in size, PAV is consistent with the minimum lot size required for the R-II zone.

13. Maximum lot coverage in the R-II zone is 35% (up to 40% with an ADU) with a maximum building height of 30 ft. The revised engineered stormwater plan (Ex. B) documents the suitability for each lot to accommodate roof run off via conceptual rain garden sizing and depth. Rain gardens are also proposed to address road runoff from the new Landes St. improvements.
14. Prescriptive minimum building setbacks on the resulting lots are: *Front*: 20 ft. if a garage faces street right-of-way (ROW) , otherwise 10 ft. *Rear*: 10 ft. *Side*: 5 ft., or 10 ft. if abutting a street ROW. Building envelopes that reflect these setbacks are shown on the face of the preliminary plat for each lot (Ex. A).³

Existing and Surrounding Zoning & Land Uses

15. Zoning for most surrounding lands is also R-II (Medium Density Single Family). There are two (2) nearby residential Planned Unit Developments (PUD's); the Rosewind PUD and the EcoVillage PUD. With lot sizes and residential uses that meet minimum R-II standards, PAV's is consistent and compatible with the adjacent zoning designation, the 2 PUD overlays, nearby residential development and anticipated Comprehensive Plan land uses.

Parking Requirements - On-site and On-street

16. Based on the application submittal date, two (2) on-site parking spaces are required for each new single-family dwelling. With a single or two car standard garage setback of 20,'as many as 2 to 4 on-site parking spots per residence may be created. Under City code in effect at the time of PAV's submittal, each Accessory Dwelling Unit (ADU) generates a need for one (1) additional on-site parking space.

Landscaping and Tree Conservation – PTMC 19.06

17. All preliminary plat applications require the concurrent submittal, review and approval of a preliminary Tree Conservation Plan (TCP). Each preliminary TCP must be designed consistent with the city's Tree Conservation code ⁴ A TCP was submitted for this project showing existing trees and those planned for removal (Ex. B). Tree standards for an R-II zone subdivision are 40 tree units per 40,000 square feet of area.⁵ Projects can achieve their required tree standard either by retaining on-site trees or by planting new trees.

³ Ord. 3306 was adopted March 27, 2023 to increase residential building capacity. One technique for achieving this goal includes the reduction of residential zone side yard setbacks. PAV's Applicant may elect to vest to the setback standards of Ord. 3306 by requesting to do so in writing. Alternatively, the Applicant may choose to remain vested under the prior standard(s). Whichever code the Applicant chooses to vest to must be continuously applied to all lots within the Plat/Plat Alteration.

⁴ PTMC 19.06

⁵ PTMC 19.06.120.D (1)

Commented [EB1]: Suggest adding "In the intervening time between vesting a plat application and the public hearing continuation, the City enacted several ordinances affecting setbacks through ordinance 3323. Consequently, ADU's may have a 5-foot rear and side yard setback minimum with no door or garage door facing the rear or side property line respectively." Port Townsend does not feature a waiver of vesting code for this preliminary plat application; however, it's important to note that these relaxed setbacks for ADU's will be allowed should the plat be approved. (in other words, the building envelopes shown on the plat may be superseded by future zoning code.

Based on the lot sizes proposed, a minimum of 118 tree unit credits is normally required for the Pods TCP.

18. PAV's submittal (Ex. B) seeks approval of an Alternative TCP *"to maintain and enhance existing prairie landscape..."* The city's Tree Conservation code recognizes that some properties and their uses may conflict with the planting of dense tree stands. These may involve areas of town that historically have had few trees or are dependent upon open space and solar access. In these circumstances, an Alternative TCP that deviates from the code's strict retention and/or replanting standards may be proposed.⁶
19. It is unclear how forested the PAV site was at the time of pre-European contact; however, it now has a scattered mix of prairie grass, native brush and several mature trees and native brush. The preliminary TCP includes areas of restored *"dry upland prairie"* and five (5) newly planted ROW trees (Doug Fir).
20. The Hearing Examiner, upon recommendation of the PCD Director, may approve use of an Alternative TCP upon showing to her/his satisfaction that:⁷
 - a. Due to the physical characteristics of the site, or those of contiguous properties, and/or due to the design goals of a particular development (including but not limited to preserving solar access or maintaining the character of open grassland areas), strict adherence to the tree conservation standards set forth in subsections A, B, D through G of this section would be inappropriate or unnecessary to achieve the purposes of this title or would be unreasonably burdensome upon the applicant;
 - b. The alternative plan is consistent with the purposes of this chapter expressed in PTMC 19.06.010; and,
 - c. Alternative plans must provide environmental, recreational, agricultural, and/or aesthetic benefits that are equal or greater to the tree retention standards contained in the tables in this section.
21. Staff recommends the Hearing Examiner find the Alternative TCP satisfies the code provisions referenced in Findings of Fact (FOF) #20, above, and can be approved subject to conditions. The Alternative TCP aids in applicant's prairie restoration goals for the development. Furthermore, it, is consistent with the purposes of tree conservation set out in PTMC 19.06.010 in providing environmental and aesthetic benefits equal to or greater than strict adherence to prescriptive tree standards. In reviewing this Alternative TCP, staff recommends that a minimum of one (1) tree unit credit (t.u.c.) be planted or

⁶ PTMC 19.06.

⁷ PTMC 19.06.120

retained on each lot that is <6,000 sf in size and two (2) t.u.c. be retained or planted on each lot that is ≥6,000 sf in size as part of the building permit review process. An exception to the Plat's TCP requirements is warranted for Lot C5 as it is already developed. Future uses of Lot C5 will remain subject to the city's Tree Conservation or other landscaping requirements in effect at the time a development permit is sought. As proposed, the Applicant shall propose a covenant for review and approval by city PCD staff which identifies those trees on the individual lots that are being retained in perpetuity. Once language for the covenant is approved by the city, the terms will be executed during recording of the Final Plat. Language that allows for removal of a retained tree in cases of disease, dying or hazardous circumstances are acceptable within the covenant but replanting is also required. As a condition of Final Plat approval, a note will be placed on the face of the Plat map stating a TCP is in place for the development and tree planting may be required with future development.

Project Specifics for:

Homes and other structures

22. Dwelling units at PAV will vary in size depending on resulting lot area, building envelope allowance and owner decisions. Home construction standards will be subject to a set of private Covenants, Conditions and Restrictions (CC&R's) governed by a Homeowners Association (HOA). HOA obligations, or equivalent organization acceptable to the City, is necessary for long-term maintenance of all shared improvements (except as noted below) with trails and stormwater facilities, and on-street vegetation.

Streets

23. Interior access to PAV lots is provided via a combination of new and existing public roads and 1 private driveway in the 33rd St. ROW. Primary access to most lots will be from a re-aligned Landes St. right of way (ROW), between 35th St. and Woodland Ave. Here, the Applicant proposes a road section that combines various details from the city's Engineering Design Standards (EDS)(Ex. C). Its design provides on-street parking and 6' wide concrete sidewalk alternating on opposite street sides with a pedestrian crossing at Landes and 33rd Sts. In general, these road sections are acceptable to Public Works staff with the exceptions and conditions noted below.
24. Public Works staff found the proposal is consistent with the planned housing density for the area. Anticipated traffic volumes are not expected to adversely impact adopted Levels of Service (LOS) on connecting public facilities. With only 17 lots, PAV falls below the threshold which requires a Traffic Impact Analysis (TIA). Roads will be built to acceptable Public Works standards and, subject to conditions, anticipated non-motorized connections are made.

25. Final street parking locations will be determined as part of the subsequent Street and Utility Development Permit (SDP) process. Staff discussed with the Applicant and recommended maintaining flexibility with driveway placement to allow occasional parking on either side of the street for traffic calming. Engineered raingardens are proposed at PAV for street runoff stormwater along Landes St.

Water (including fire hydrants) and Sewer

26. Water service to the PAV subdivision will be provided via new public and private improvements. New public water mains will be installed south of 35th St. in the newly aligned Landes St. and eastward in 33rd St. to connect with an existing main in the Kuhn St. ROW. Final water system improvements and design will be determined by Public Works staff during review of the subsequent Street and Utility Development permit (SDP) review. Private service connections and side service lines leading to a meter box will be identified and installed as part of the SDP process. Fire flow is available adjacent to the site via water main extensions within the site. Fire hydrants will be installed in accordance with the City's EDS.
27. Sanitary sewer service can be provided to PAV via low-pressure improvements in Landes and 33rd Sts. Individual lots will be connected to a 4" force main via individual on-site pumps. The city has agreed to assume responsibility for the force main but all other sewer-related improvements are an ongoing responsibility of the individual lot owner(s) or the HOA. Any public ROW used for private utilities may be required to acknowledge responsibility for their ongoing maintenance. Final design and responsibilities for the low pressure sewer infrastructure will be determined as part of the subsequent SDP process and shown on the final Plat.

Stormwater drainage facilities.

28. The submittal includes a preliminary engineered drainage plan and report (Ex. D). The design includes rain gardens in ROW to address stormwater flows. Rain gardens have also been conceptually sized for each individual lot based on allowable lot coverage.
29. Public Works staff have reviewed Ex. C and indicate it is acceptable for continuing with the Preliminary Plat/Plat Alteration process.

Comprehensive Plan Analysis

30. Proposals like PAV are clearly contemplated and encouraged by the City's Comprehensive Plan. Overall, the chief basis for housing policies contained in these local plans originates from Goal #4 of the Growth Management Act (GMA) itself, which states:

“Encourage the availability of affordable housing to all economic segments of the population of this state; promote a variety of residential densities and housing types; and encourage preservation of existing housing.”

31. The 1996 Comprehensive Plan contains numerous references on the need for more and varied housing types, including specific Goals and Policies on how to achieve it. A selection of those most applicable to this proposal, along with other Goals and Policies not directly related to housing (including references from the Non-Motorized Plan) are below:

Residential Lands:

Goal 7: *To accommodate the population growth objectives for the City of Port Townsend and to further the objectives of the Housing Element of this Plan.*

Policy 7.1: *Assure a wide range of housing opportunities throughout the entire community, while preserving and creating distinct residential neighborhoods.*

Policy 7.16: *Ensure that each neighborhood is provided with adequate open space, natural buffers, and public recreational facilities.*

Goal 9: *To accommodate the population growth objectives for the City of Port Townsend and to further the objectives of the Housing Element of this Plan.*

Housing Types

Goal 4: *To promote a variety of housing choices to meet the needs of Port Townsend residents and to preserve and encourage socio-economic diversity.*

Transportation

Goal 1: *To promote a balanced, affordable, reliable, convenient and efficient transportation system which supports the Land Use Element and Community Direction Statement of the Port Townsend Comprehensive Plan.*

Goal 4: *To develop a fully integrated local street system which accommodates various transportation modes depending upon individual neighborhood characteristics.*

Policy 4.3: *Encourage the use of "narrow streets" to help retain the City's small town atmosphere and to minimize the amount of paved area to reduce construction costs, storm water runoff and heat buildup. The level of service for collectors, local access roads or residential streets should reflect a balance between safety, efficiency, and the maintenance of small town character.*

Policy 4.8: *Encourage applicants for new subdivisions ... to build streets on a grid or a modified grid pattern.*

Goal 5: *To create a safe and convenient environment for walking and bicycling through the construction of pedestrian and bicycle facilities which are integrated with roads and other transportation facilities.*

Policy 5.3: *Provide pedestrians and bicyclists with a system of facilities, incentives, and services that fully support trip-making connections between residential areas, employment centers, shopping, recreational facilities, schools, public transit and other public services within the City. The City should develop a safe and convenient environment for walking and bicycling by:*

- a. *Physically separating pedestrian and vehicle (including bicycles) traffic:*

Policy 5.5: *Walkways and bikeways should be required where appropriate in ... subdivision and plat approvals.*

Non-Motorized Transportation Plan

NMTP Policy 1.2: *Require that public walkways and bikeways be located within dedicated public easements or rights-of-way.*

NMTP Policy 1.4: *Where appropriate to mitigate the impacts of a development, require development to dedicate easements and/or construct portions of the Non-Motorized System which may include: neighborhood connectors, the Multi-Use Trail, shortcuts, sidewalks or pathways.*

NMTP Policy 1.7: *Require pedestrian and bicycle friendly design features to be incorporated into development so as to minimize the potential for pedestrian and vehicle conflicts.*

NMTP Policy 1.13: *Where required, pedestrian and bicycle access to and through new subdivisions and Planned Unit Developments (PUDs) should be aligned in directions where future non-motorized connections are likely to occur.*

Analysis of PTMC 18.16.050, Preliminary Plat Approval Criteria

32. Hearing Examiner approval is required to subdivide or alter any property into nine or more parcels, lots, tracts or sites (i.e., a preliminary Plat/Plat alteration).⁸ The City's adopted criteria for preliminary plat approval are quoted in FOF #29 thru #34, below. Each approval criteria are quoted (in *italics*) and followed by a staff response.
33. PTMC 18.16.060A (1) –*The proposed subdivision conforms to all applicable city, state and federal zoning, land use, environmental and health regulations and plans, including, but not limited to, the following:*
 - a. *Port Townsend comprehensive plan;*
 - b. *Port Townsend zoning code;*

⁸ PTMC 18.16.

- c. *Engineering design standards;*
- d. *Critical Areas Ordinance (Chapter 19.05 PTMC);*

Conformance with Adopted Plans and Regulations. As the preceding Findings demonstrate, the proposed preliminary Plat/Plat Alteration conforms with, and is clearly contemplated by, the City's Comprehensive Plan and zoning code.

Preliminary utility and stormwater plans were submitted with the preliminary Plat/Plat Alteration. These preliminary plans have been reviewed by City staff and, subject to approval conditions, will comply with the City's Engineering Design Standards (EDS) except where granted a city-initiated waiver.

- 34. PTMC 18.16.060A (2) - Utilities and other public services necessary to serve the needs of the proposed subdivision shall be made available, including open spaces, drainage ways, streets, alleys, other public ways, potable water, transit facilities, sanitary sewers, parks, playgrounds, schools, sidewalks and other improvements that assure safe walking conditions for students who walk to and from school;

Adequacy of Infrastructure and Utilities. Per the preceding Findings, utilities and other necessary public services are generally available, or can be reasonably made available through conditions, to serve the needs of the proposed Plat/Plat Vacation. Walkways will be provided to enhance safe walking conditions to school, the closest of which is roughly ¼ mile to the north.

- 35. PTMC 18.16.060A (3) - Conservation of existing trees, and/or the planting of new trees, shall be provided consistent with Chapter 19.06 PTMC, Article III, Standards for Tree Conservation;

Tree Conservation. Per FOF #13 to #17, above, the applicant's Alternative Tree Conservation Plan (TCP) (Ex. B) is acceptable subject to conditions. The Alternative TCP meets the required showings for approval set out in PTMC 19.06.120C(2); however, staff recommends a minimum number of tree unit credits be retained or planted on each lot depending on lot size as part of the building permit process. During Final Plat approval, a note on the face of the recorded Plat map will advise potential purchasers a TCP is in place for the development and the preservation and/or planting of trees may be required for future development. Given the above, this criterion is satisfied.

- 36. PTMC 18.16.060A (4) –*The probable significant adverse environmental impacts of the proposed subdivision, together with any practical means of mitigating adverse impacts, have been considered such that the proposal will not have an unacceptable adverse effect*

upon the quality of the environment, in accordance with Chapter 19.04 PTMC and Chapter 43.21C RCW;

SEPA Review: The project is exempt from review under the State Environment Policy Act (SEPA). This criterion is satisfied.

37. PTMC 18.16.060A (5) - *Approving the proposed subdivision will serve the public use and interest and adequate provision shall be made for the public health, safety, and general welfare.*

Public Interest. Subject to conditions, the proposal serves the public use and interest by increasing the quality and availability of Port Townsend housing. PAV will create 17 new residential lots for housing. The lots and other site amenities within the Plat/Plat Alteration have been thoughtfully designed and arranged. An appropriate level of public services and utilities will be made available to the new lots prior to the time of final Plat/Plat Alteration recording. Conditions to ensure the private maintenance of certain facilities such as landscaping, buffer areas, non-hard-surfaced pathways and stormwater infrastructure have been addressed. Therefore, this criterion is satisfied.

38. PTMC 18.16.060 (B): *Notwithstanding approval criteria set forth in subsection A, in accordance with RCW 58.17.120, as now adopted and hereafter amended, a proposed subdivision may be denied because of flood, inundation or swamp conditions. Where any portion of the proposed subdivision lies within both a flood control zone, as specified by Chapter 19.05 PTMC and Chapter 86.16 RCW, and either the one percent flood hazard area or the regulatory floodway, the city shall not approve the preliminary plat unless it imposes a condition requiring the applicant to comply with Chapter 19.05 PTMC and any written recommendations of the Washington Department of Ecology. In such cases, no development permit associated with the proposed subdivision shall be issued by the city until flood control problems have been resolved.*

Flooding. The FEMA Flood Insurance Rate Map (Panel 53031CO068C, dated 6/7/2019) indicates the subject property is not within the Special Flood Hazard Area. Therefore, this criterion is satisfied.

Analysis of PTMC 20.01.235, Type III Review Approval Criteria:

39. PTMC 20.01.235D (1): *The development is consistent with the Port Townsend Comprehensive Plan and meets the requirements and intent of the Port Townsend Municipal Code;*

As previously discussed, the project as conditioned is consistent with the Comprehensive Plan and with the Port Townsend Municipal Code (PTMC).

40. PTMC 20.01.235D (2): *The development is not detrimental to the public health, safety and welfare;*

As discussed above, the project as conditioned will not be detrimental to the public health, safety or welfare.

41. PTMC 20.01.235D (3): *The development adequately mitigates impacts identified under Chapters 19.04 (SEPA) and 19.05 (Environmentally Sensitive Areas) PTMC;*

The project is categorically exempt from review under SEPA and there are no known Critical Areas on the site.

42. PTMC 20.01.235D (4): *For subdivision applications, findings and conclusions shall be issued in conformance with PTMC Title 18 and RCW 58.17.110;*

FOF #32 thru #38, above, demonstrate PAV conformance with the City's subdivision code (PTMC Title 18). The project also conforms to the applicable provisions of State subdivision law (RCW 58.17), including RCW 58.17.110 which requires appropriate provisions be made regarding the proposed subdivision.

City Required Permits

1. *Type III review and approval for the preliminary Plat/Plat Alteration;*
2. *Street and Utility Development permit, including (where applicable);
Clearing, Grading and Erosion Control;
Street Parking Plan Review and Approval;
Street Lighting Plan Review and Approval; and,
Non-Motorized Transportation Plan Review and Approval;*
3. *Final Landscaping Plan and Tree Conservation Plan Review and Approval.*

Once the above city approvals have been obtained:

4. *Type IV Final Plat/ Plat Alteration approval; and,*
5. *Individual Building Permits for each lot with associated Street and Utility Development Permits for utility connections to each.*

Conclusions

1. The proposed residential Plat/Plat Alteration is a permitted use within the underlying R-II

zone, subject to a Type III review and approval.

2. The project is categorically exempt from review under the State Environment Policy Act (SEPA) as is proposing fewer than 20 lots and/or dwelling units.
3. Pursuant to PTMC 18.16, RCW 58.17.110, and RCW 58.17.215 and as conditioned below, the proposed development includes appropriate provisions for the public health, safety and general welfare.
4. The Plat/Plat Alteration will not be materially detrimental to uses or property in the immediate vicinity of the subject parcel. The project involves residential development within an area designated for such.
5. As conditioned, Pods at the Vineyard has merit and value for the community as a whole. It develops residential lands at a density and arrangement anticipated by the Comprehensive Plan. Development impacts are addressed by existing development standards in effect and the conditions of approval outlined below.
6. Pods at the Vineyard is consistent with the goals and policies of the *1996 Port Townsend Comprehensive Plan* as well as all applicable criteria and standards of the Port Townsend Municipal Code.

STAFF RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions and the following recommended conditions, staff recommends approval of the Pods at the Vineyard Plat/ Plat Alteration permit, Application No. LUP22-019.

RECOMMENDED CONDITIONS

GENERAL

1. Development shall be carried out in substantial conformance with the revised preliminary Plat/Plat Alteration site plans and Stormwater Report (Ex. A - D), including the preliminary Tree Conservation and Landscaping Plan (Ex. B), except where modified by these conditions of approval or by the subsequent Street and Utility Development permit (SDP). The Plat Alteration portion of this approval includes the lots and rights-of-way shown on the preliminary plat map unless superseded by Condition No. 2, below.
2. As part of the Plat Alteration, the east ½ of Landes St. ROW lying south of 33rd St., together with the east ½ of Landes St. lying between the centerline of 33rd St. and the south line of 33rd St., does not automatically attach to the PAV site by law. Unless the

abutting owner to these portions of platted Landes St. agrees in writing to transferring all of the subject Landes St. ROW to the PAV site, this portion of the proposed vacation area must be removed from the Plat Alteration request and the Final Plat/Plat Alteration map. If the abutting owner is willing to allow PAV to acquire all of platted Landes St., the transfer procedures must be done in a manner acceptable to the city attorney.

3. The subsequent SDP will determine which portions of the installed sewer infrastructure must be maintained by the individual lot owners and/or the Homeowners Association (HOA) and which portions will have maintenance assumed by the city. Any private maintenance obligation shall be placed into a set of Covenants, Conditions and Restriction (CCR's) and the documents establishing the HOA.
4. As with the sewer infrastructure at PAV, the resulting HOA is responsible for maintenance of all stormwater rain gardens installed within street rights-of-way per the approved SDP. Individual lot owners are responsible for the rain garden(s) on their respective home sites. All sidewalks within the project, the abutting lot owners are responsible for cleaning of the non-motorized improvements per PTMC 12.12.030.
5. The Applicant's request for a slightly modified city road standard with sidewalk, landscaping and on-street parking on alternating sides of the new 50 ft. wide rights of way is approved in concept as shown on the submitted plans (Ex. C). Final locations for sidewalks, plantings and on-street parking will be determined as part of the subsequent SDP process. Staff will work with the Applicant to maintain flexibility with driveway placement to facilitate these improvements.
6. Final Plat/Plat Alteration approval shall be presented by the Applicant as required by city code and shall indicate the precise location of all required dedications and easements per these conditions of approval. Interior streets, sidewalks and trails within public ROW or public easements shall be open to the public and signed accordingly at all times. All required infrastructure improvements as set forth in these conditions and the subsequent SDP must be installed or bonded for prior to final Plat/Plat Alteration approval.
7. The Applicant shall have applied for final Plat/Plat Alteration approval within five (5) years of date preliminary approval.⁹

⁹ RCW 58.17.140(3)(a)

PRIOR TO ISSUANCE OF BUILDING PERMITS

8. The Applicant shall apply for and receive final Plat/Plat Alteration approval prior to the issuance of any new building permits. To receive final Plat/Plat Alteration approval, all required improvements set forth in the subsequent Street and Utility Development permit (e.g., street, driveway and utility improvements) and per an approved Final Landscaping Plan must be installed (with conveyance and acceptance by the City as applicable) or bonded for. The amount of the performance security for any bonded items shall be based upon the current cost estimate of all materials and construction costs, including applicable tax. The performance security shall consist of a performance bond in a form acceptable to the City Attorney and in an amount acceptable to the Director and consistent with city code. Cash deposited in an escrow account may also be accepted by the city. All required landscaping plantings shall be installed within six months of approving the performance security unless a longer time period is agreed to by the PCD Director.

OTHER LANDSCAPING-RELATED CONDITIONS

9. Prior to issuance of a Street and Utility Development permit (SDP) for the project, the applicant shall prepare and submit a Final Landscaping and Tree Conservation Plan (TCP) for review and approval by the PCD Director. The submitted Final Landscaping and TCP must be prepared with sufficient detail on specific plant species, sizes, spacing and quantities to allow for adequate review by PCD. It must also include a proposed irrigation plan that will be installed as part of the installation, a table of tree unit credits (t.u.c.) assigned to each lot and details on tree protection measures to be used. The submitted plan must be prepared using a scale capable of being read without magnification of either the plan text or planting area illustrations. The Final TCP must include a commitment to planting or retaining at least one (1) tree unit credit (t.u.c.) per residential lot that is <6,000 sf in size. Two (2) t.u.c. are required per residential lot >6,000 sf in size with the exception of Lot C5 which is exempt from the approved tree conservation requirements of the plat as is the lot is already developed. Future uses of Lot C5 remain subject to the city's Tree Conservation or other landscaping requirements in effect at the time a development permit is sought. As proposed by the Applicant, they shall propose a covenant for review and approval by city PCD staff which identifies those trees on individual lots that will be retained in perpetuity. Once language for the covenant is approved by the city, the terms will be executed during recording of the Final Plat in a manner acceptable to the city. Language allowing for removal of a retained tree in cases of disease, dying or hazardous circumstances are acceptable within the covenant but replanting is also required. A notation on the face of the final Plat/Plat Alteration map as required by PTMC 19.06 will provide future purchasers with reference to the resulting TCP requirements.

10. All required landscaping in street ROW's shall be continually maintained in a healthy growing condition by the Homeowner Association (HOA). Dead or dying trees, shrubs or groundcover shall be replaced immediately, and the planting areas shall be routinely maintained. Revisions to the approved Landscaping Plan may also be required if the Director determines that the installed landscaping has failed to perform as designed.
11. For landscaping approved within the adjoining street rights-of-way including the in-street rain gardens, the Applicant shall provide a 3-year financial guarantee for their survivability. Trees or other approved plantings that die or become diseased within the guarantee period shall be replaced and shall initiate a subsequent 3-year period starting on the date of replacement.

PRIOR TO ROADWAY, PATHWAY AND INFRASTRUCTION CONSTRUCTION

12. To ensure compliance with City Engineering Design Standards, together with the public and private street and utility installations required by this decision, the following plans must be prepared, incorporated into and submitted with a completed application for a **Street and Utility Development Permit (SDP)**. These plans shall be in substantial in conformance with the preliminary drawings submitted as part of the application (Ex. C) except where modified by these approval conditions. These plans must be reviewed and approved by City engineering staff, and constructed or bonded for by the Applicant prior to final approval of any development phase.
 - a. **Engineered plans for the public streets** serving this project including but not limited to the location of all driveways, turn around areas, sidewalks, and drainage facilities;
 - b. **Engineered plans for water service and sewer service** for the project including provisions for fire hydrant(s);
 - c. A **final engineered stormwater drainage plan and report** including construction drawings complying with the requirements of the Puget Sound Stormwater Management Manual and the Port Townsend Engineering Design standards must be submitted to PCD and approved by Public Works staff prior to issuance of any building permits. Said plan and report shall include detailed operation and maintenance (O & M) provisions for the completed facilities which will become a responsibility of the PAV HOA to ensure. Once approved by City engineering staff, the O&M provisions must be formatted by the applicant (or their engineer) in a manner which facilitates their incorporation into the required HOA documents and CC&R's.
 - d. A **final engineered non-motorized trail plan** meeting all applicable requirements of City-adopted plans (Non-Motorized Transportation and the EDS) and the plans approved by this decision.
 - e. **Any Street lighting** shall be dark sky compliant and minimized in conformance with the City's Street lighting policy (Ordinance 3271).

CONDITIONS RELATED TO THE PLAT/PLAT ALTERATION

13. The Applicant shall provide a mylar or other city-accepted reproduction of the Plat/Plat Alteration to PCD for review and approval (5 paper copies and one electronic .pdf version) as part of the final Plat/Plat Alteration approval process. Said mylar shall contain the acknowledged signatures of all parties having an ownership interest in the subject property as evidenced by an A.L.T.A. plat certificate prepared by a local title company. Said plat certificate, or any update provided, shall be less than 30 days old. The approved Plat/Plat Alteration shall not become effective until the mylars required for recording have been filed with the Jefferson County Auditor. While the City will assist in recording the Plat/Plat Alteration mylar, the Applicant is responsible for all fees associated with recording. All property taxes due and owing on the subject property must be paid in full prior to obtaining the signature of the Jefferson County Treasurer.

OTHER/ONGOING CONDITIONS

14. Future occupancy of any units shall be subject to all applicable provisions of the Port Townsend Municipal Code (PTMC), including zoning, subdivision and the Engineering Design Standards.
15. If the Applicant proposes to add any development signage, it may be necessary to obtain a sign permit. Please contact the PCD Department for signage requirements prior to ordering, fabricating or installing any signs.

Appeal to Superior Court

Pursuant to PTMC Chapter 20.01, Article V, Hearing Examiner decisions may be appealed by parties of record to Superior Court under the Land Use Petition Act of Washington (RCW 36.70C). Such appeal must be filed with the Jefferson County Superior Court within 21 calendar days after the date of the decision.

Exhibits

Exhibit A – *Preliminary Plat application with cover letter, rain garden and prairie habitat source material, and revised Plat/Plat Alteration map*

Exhibit B – *Site Plan, Shts. 1-4, including Tree Conservation and Landscaping, subject property deeds, topographic survey map*

Exhibit C – *Revised Preliminary Civil Plans, dated Jan. 17, 2024*

Exhibit D – *Revised Stormwater Plan and Report, dated Jan. 17, 2024*

Exhibit E – *Notice of Application, dated May 4, 2023*

Exhibit F – *Public Comments*

Exhibit G – *Applicant's Response to Public Comment, dated June 13, 2023.*

Exhibit H - *Notice of Public Hearing, dated August 17, 2023.*

Exhibit I - *Notice of Continued Public Hearing, dated April 17, 2024.*

DOCUMENTS/REFERENCES:

City of Port Townsend Comprehensive Plan (1996)

City of Port Townsend Zoning Ordinance - Title 17 (amended April, 1997)

City of Port Townsend Engineering Design Standards (1997)

City of Port Townsend Critical Areas Ordinance – Chapter 19.05

City of Port Townsend Tree Conservation Ordinance – Chapter 19.06