

1 **BEFORE THE HEARING EXAMINER FOR THE CITY**
2 **OF PORT TOWNSEND**

3 Phil Olbrechts, Hearing Examiner

4

RE: San Juan Discovery	
Preliminary Plat, Plat Vacation and Planned Unit Development	FINAL DECISION
LUP22-028 and LUP22-029	

7

8 **INTRODUCTION**

9 PT Preservation Alliance LLC has applied for approval of applications for a preliminary
10 plat and planned unit development (“PUD”) approval for a 12-acre 179 lot mixed use
11 subdivision to be located south of the “F” Street and San Juan Avenue intersection. The
12 applications are approved subject to conditions.

13 The conditions agreed upon by City staff and Applicant have been adopted by this Decision
14 with three modest additions. Those additions highlighted in track change at the end of this
15 Decision. To assure that the benefits justifying PUD modifications aren’t short changed by
16 abandoning some PUD phases, a condition has been added requiring that the Phase 5 plaza
17 be constructed or bonded prior to development of the Phase 6 and 7 commercial phases. A
18 condition has also been added requiring solid sight obscuring year-round buffering along the
19 southern boundary. Another condition has been added requiring mitigation for exterior
20 lighting of the residential portions of project site. The City already regulates lighting for the
21 other portions of the project site.

22 A couple dozen comment letters were submitted expressing a mix of support and concerns
23 about the proposal. Several people didn’t feel the proposed density was appropriate for the
24 project site. It should be understood that the Applicant’s are not using the PUD process to
25 increase the densities allowed by the underlying zoning districts of the project site. State
26 law, specifically RCW 36.70B.030(3), prohibits the reconsideration of densities authorized
by the City’s zoning code. The density of the project cannot be challenged so long as it is
consistent with that authorized by the zoning code.

Similar to density, state law also prohibits reconsideration of standards that set acceptable
levels of infrastructure that are funded by the City’s comprehensive plan. See RCW
36.70B.030(2)(c); RCW 36.70B.030(3). The city has set level of service standards for
acceptable levels of street congestion. As discussed in the findings below those standards
have been met and so cannot be re-examined¹.

¹ Transportation level of service (LOS) standards are most often based upon intersection delay with
LOS A being no delay and at the other end of the graded spectrum LOS F with the longest
intersection delays. City Councils must often adopt low LOS standards because (1) the state and
federal constitution prohibit a city from making developers pay for more than their proportionate
share of intersection improvements; (2) the Growth Management Act (GMA, Chapter 36.70A RCW)
requires cities to pay for any improvements necessary to meet LOS if the developer share isn’t
enough; (3) the GMA requires cities subject to the GMA (which includes Puyallup) to accommodate
new development for population increases assigned by the state; and (4) cities often don’t have

Concerns were raised about insufficient parking. Parking standards applicable to the project site don't require any off-street parking. Nonetheless the Applicant has still volunteered 52 on-site and 37 on-street parking spaces. The City Council's regulations regarding parking is construed as a policy choice of what is acceptable parking mitigation for new development. Those choices will not be re-evaluated during permit review.

Some persons also commented about the loss of wildlife at the project site. There was no wildlife identified at the project site as a protected species. City regulations only require mitigation for protected species such as those listed as threatened or endangered under the Endangered Species Act or recognized as a priority species by the Washington State Department of Fish and Wildlife. Regionally, unprotected species are better served by directing growth into urbanized areas to prevent urban sprawl in rural areas where contiguous habitat is more abundant.

Concerns were raised about sight distance from the intersection of Standing Stone Road and Discovery Road. The Applicant will be relocating a rockery wall at that intersection. With that relocation the intersection will have sight distance that conforms to City standards. Sight distance was evaluated by both the Applicant's traffic report and City public works and found to conform to AASHTO and City engineering standards. Sight distance will be further assessed during final design as noted in Ex. H1.

Concerns were raised about lighting impacts. The city adopted street light standards in 2021 by Ordinance 3271 to protect the night sky and prevent light impacts to property owners. The standards require street lights to be LED and to be International Dark Sky Compliant. Height is set at 15-20 feet to minimize light trespass. The CI/MU portions of the project to design review standards for lighting as well. See PTMC 17.46.030; 17.44.180. A condition of approval requires night-sky compliant fixtures on all the residences through the project CC&Rs.

TESTIMONY

A computer-generated transcript accompanies this decision as Appendix A. The transcript is provided for informational purposes only.

EXHIBITS

The September 17, 2025 staff report in addition to attachments A-P identified at page 40 of the staff report were admitted during the hearing. The following exhibits were also admitted during the October 27, 2025 hearing:

Q: 3/7/25 PUD Plan sheets

R: SEPA² checklist

enough tax revenues to pay for high LOS standards. It should also be understood that these level of service standards typically only apply to arterials and sometimes street collectors, but usually not to neighborhood streets. Reasonable mitigation can be imposed upon developers to mitigate traffic impacts they create, but as to neighborhood streets prohibiting a development or requiring a density reduction would not be an allowed mitigation.

² "SEPA" is the State Environmental Policy Act, Chapter 43.21C RCW. SEPA review involves ascertaining whether a proposal will create probable significant adverse impacts. If those impacts are present, the impacts must either be mitigated in a Mitigated Determination of Non-significance or in the alternative the impacts must be assessed in an Environmental Impact Statement.

S: 6/3/25 letter from Ehrlichman to Bolin
T: Applicant modifications to Development Standards
U: 1/12/24 Tree List and Canopy Calculations
V: Cosler Easement, 609369
W: 9/5/18 traffic analysis
X: 9/3/19 traffic update
Y: 3/7/17 Environmental Site Assessment
Z : 5/12/25 DOE Report of Examination
AA: 8/14/25 DOE Water Right permit
BB: 10/27/25 Ehrlichman Memo
CC: 10/26/25 Letter from Adrianna Santiago and 10/27/25 letter from Liz Berman

FINDINGS OF FACT

Procedural:

1. Applicant. PT Preservation Alliance LLC, 3229 Highway 20, Port Townsend, WA 98368.
2. Hearing. A hybrid virtual and in-person hearing was held on October 27, 2025 at 9:00 am. The hearing record was left open through December 11, 2025 for written comment on proposed revisions to recommended conditions of approval.

Substantive:

3. Site and Proposal Description. PT Preservation Alliance LLC has applied for approval of applications for a preliminary plat and planned unit development ("PUD") approval for a 12-acre 179 lot mixed use subdivision to be located south of the "F" Street and San Juan Avenue intersection.

The proposal includes new mixed-use buildings totaling 26,260 sf. The proposal includes 13,200 sf planned for a combined child and elder care facility, a 5,000 sf Community Art Center and a 5,000 sf Community Center with uses including but not limited to agricultural, culinary, and arts with a $\frac{3}{4}$ -acre Community oriented farm. Planned residential construction includes 12 "Live-Work" units; 45 multi-family units devoted to senior-age residents built over the child/elder care center; 40 additional multi-family units built over the other planned retail spaces; 12 detached single-family homes with as many as 13 ADU; 16 zero lot line single-family homes with up to 16 ADUs; 8 Cottage-style homes and a 16-unit condominium area with duplexes, 4-plexes and Carriage House-style units. The proposal also includes a Common House for use by the PUD community with over 1-acre of publicly accessible outdoor open space that includes an improved plaza space at the F St. and San Juan Avenue intersection.

The proposed PUD will be constructed in 7 (seven) phases, with phases 1 and 2 being almost purely residential, and phases 3 through 7 being mixed uses (Ex. B). The phases are depicted in Sheet 15 of Ex. B. The phases are not proposed to be developed in order except that the developer has agreed to apply for Phases 1, 2 and 3 prior to seeking approval for any of Phases 4 through 7. This phasing plan is reflected in Condition No. 52. The condition has also been designed to assure that each phase has sufficient infrastructure to serve it on a stand-alone basis.

According to the SEPA checklist, Ex. R, the site is currently developed with a 1940s house, a 1992 ADU, a garage, chicken coop and collapsed barn. The structures will be demolished.

The Applicant seeks to modify several development standards identified as follows per Ex. T:

ZONING REGULATIONS:

- Setbacks: All PUD Boundaries – 10’
§ Side yards abutting a street at a corner lot – 5’
§ Garage door setback where no sidewalk planned – 10’
- Parking: Allow residential street parking in lieu of on-site parking
§ Reduce parking for Elder housing to 0.5 spaces per unit
- Landscaping: Allow edible landscaping in addition to City of PT approved list
§ Landscape Buffer at Eagle View Drive within ROW
- Lot size: Single Family Residence lots – 4000 sf
§ Duplex lots – 2500 sf
§ Cottage lots – 2000 sf
- Lot width: Single Family Residence lots – 40 feet
§ Duplex and Cottage lots – 25 feet

ENGINEERING DESIGN STANDARDS:

- Peace Hill Common: Modified T-3: 60’ ROW; 12’ travel lanes; 12’ sidewalk one side only; Cars and bikes share travel lanes.
- Standing Stone Road: Modified T-8: Paving width including parking on one side and drop-off on the other side = 34’ Cars and bikes share travel lanes.
- Eagle View Drive (serves 7 homes): Modified T-9: 40’ ROW; No curbs, roadside swales, meandering feel and traffic calming created by pocket parking spaces and yield pull-outs; cars, bikes and pedestrians share travel lanes. Sidewalk located in adjacent park.
- Garden Vista Drive (serves 13 homes): Modified T-9: 40’ ROW; Modified T-9: 40’ ROW; No curbs, roadside swales, meandering feel and traffic calming created by pocket parking spaces and yield pull-outs; cars, bikes and pedestrians share travel lanes. Sidewalk located in adjacent park.
- South end of Standing Stone Road (serves 16-unit condo plus the farm): Modified T-9: 40’ ROW; sidewalk one side; cars and bikes share travel lanes.
- Standing Stone Lane Modified T-9: 40’ ROW; sidewalk one side; cars and bikes share travel lanes.

4. Surrounding Uses: Single-family residences surround the project site on the north, south and west. Camas Prairie Park and a commercial building are located to the east.

5. Adverse Impacts. As mitigated, there are no discernible adverse impacts that will be created by the proposal. A SEPA Determination of Non-significance

(DNS) was issued for the proposal on March 5, 2025³. Infrastructure impacts are addressed in Finding of Fact No. 6. Other impacts are more specifically addressed as follows:

A. Compatibility. The proposal is found compatible with surrounding development for the reasons identified below.

The only immediately adjoining single-family uses are located along the southern perimeter of the project site. That side will be buffered by a ten foot landscaping strip. Ex. B, Sheet 13. The Applicant's also noted in Ex. J2 that many, though not all, properties adjacent to the south boundary are already buffered by thick hedges of laurel or cypress, or rosehip thickets. Other stretches already have wood fences. Discovery Road separates the project site from residences to the west and north. Landscaping and trees provide further buffering along the west and north perimeters. There are no residences to the east.

One of the comment letters suggests that the southern perimeter landscaping may not be composed of year-round sight obscuring vegetation. A condition of approval is added to require that the buffer be composed of year-round solid sight obscuring vegetation.

The Applicant has kept non-residential uses away from surrounding residential development. The non-residential uses are primarily concentrated in the interior of the project site and facing Camas Park to the east. The other perimeter uses are almost all residential except a small retail area located near the northeast corner of the site.

B. Critical Areas. No critical areas are on site. According to the SEPA checklist, Ex. R, the only mapped critical area on site is a "slight landslide hazard" located along the edge of Discovery Road across from Haines Street. However, a geology hazard assessment conducted in 2019, Ex. E1, found no such hazards on site. There being no evidence to the contrary, the project is site is not found to be encumbered by any critical areas.

C. Trees. As conditioned, the proposal provides for adequate retention/replacement of trees as required by City tree retention standards.

All preliminary plat applications require the concurrent submittal, review and approval of a Tree Conservation Plan (TCP) prepared consistent with PTMC 19.06, the City's Tree Conservation code. A preliminary Tree Conservation

³ One commentator identified his letter as an appeal of the DNS. However, as noted in Ex. J1, the commentator did not pay an appeal fee. The appeal thus did not meet the filing requirements of PTMC 19.04.280E. In the absence of an appeal, the hearing examiner has no jurisdiction to consider any issues regarding the adequacy of SEPA review and its associated DNS. According to Ex. J1 City staff advised the commentator of the need for the appeal fee but the commentator elected to have his "appeal" accepted as a comment letter instead.

1 Plan was submitted for the site based on a prior proposal. The Applicant
2 proposed to retain a total of 10 existing trees on site, for a total tree credit of
3 17. Condition 13 requires the Applicant to revise the referenced TCP and
4 associate prior to issuance of permits for project construction (i.e., a Street
5 and Utility Development Permit (SDP)) so it includes actual TCP planting
6 calculations. A notation on the face of the Final Plat map must be placed to
provide future purchasers with reference to the resulting Tree
Conservation/landscaping requirements, including their continued
preservation and ongoing maintenance or replacement through the recorded
PUDA.

- 7 D. General Nuisance Impacts: light and shadow; noise, smoke, dust, odor,
8 glare, vibration or other undesirable impacts. The proposal will not create
any significant nuisance impacts.

9 The staff report notes that staff don't expect the proposal to create any
10 significant nuisance impacts. No such impacts other than lighting are
11 anticipated due to the inherent nature of the proposed uses. As previously
12 noted, the uses of the project facing surrounding residences are residential
themselves. The small amount of retail is shielded from surrounding
residential use by placement within the interior of the project and facing
Camas Park.

13 Concerns were raised about lighting impacts. The City adopted street light
14 standards in 2021 by Ordinance 3271 to protect the night sky and prevent
15 light impacts to property owners. The standards require street lights to be
16 LED and to be International Dark Sky Compliant. Height is set at 15-20 feet
17 to minimize light trespass. The CI/MU portions of the project are subject to
18 design review standards for lighting as well. See PTMC 17.46.030;
17.44.180. The Applicant has volunteered that it will require the remaining
residential light fixtures to be night sky compliant as well. Ex. J2, p. 5. A
condition of approval requires night-sky compliant fixtures on all the
residences through the project CC&Rs.

- 19 E. Construction Activity. Construction activity is regulated by the City's
20 Engineering Design Standards. Section 1.7 lists numerous standards to
21 mitigate construction impacts, including setting construction hours (7 AM to
22 6 PM Weekdays), requiring a traffic control plan and erosion control
measures. The City's noise standards further regulate the hours for
construction noise. See PTMC 9.09.040B1.

23 6. Infrastructure. The proposal will be served by adequate and appropriate
24 infrastructure. Infrastructure impacts are specifically addressed as follows:

- 25 A. Water and Sewer. The proposal will be served by adequate and appropriate
26 water and sewer.

1 Water service to the San Juan Discovery project will be provided via new
2 public and private system improvements. Consistent with the City's Water
3 System Plan (WSP), portions of the project's water infrastructure will
4 include extension of a 10" diameter main line from the north end of the
5 project to a point in the 15th St. right of way determined by Public Works
6 staff during review of the Street and Utility Development (SDP) process.
7 Other city mains within the project will be sized according to EDS standards.
8 Fire flow is available adjacent to the site via water main extensions within
9 the site. Fire hydrants will be installed in accordance with the City's EDS and
10 as shown on the plan set found in Exhibit B.

11 Sanitary sewer service is available to the San Juan Discovery project via an
12 existing public main running north-to-south in San Juan Avenue and
13 southwest-to-northeast in Discovery Road. Individual lots will be connected
14 to this main via an engineered system of new public mains and private side
15 sewer lines and clean-outs. Public mains located within street rights-of-way
16 or public utility easements will be reserved to the City. Any utility easements
17 needed internally for the sewer lines will be determined as part of the
18 subsequent SDP process and shown on the Final Plat (Ex. B and L).

19 Some commentators were skeptical that the City has adequate water and
20 sewer capacity to serve the development. The City's Public Works Director
21 testified that the City has adequate capacity to provide those services. Tr. 6.
22 The City's also noted in Ex. H1 that the pipe network is good with adequate
23 fire flow.

24 B. Transportation. The proposal will be served by adequate and appropriate
25 roads and pedestrian transportation facilities.

26 There are three proposed project access points, two of which will be facing
west on Discovery Rd., with the third proposed access point facing east on
San Juan Ave.

Interior access to San Juan Discovery lots is provided via a combination of
new private driveways and a non-motorized transportation network.
Proposed street section details are shown in the Applicant's submitted plans
(Ex. B). All private pervious streets will be subject to continued maintenance
by the HOA, with ownership of the Right of Way being held by the City, and
the streets themselves retained by the HOA.

The City's level of service (LOS) standards set acceptable levels of
congestion. The proposal is found to meet those standards. Based on the
traffic study and associated revisions, Ex. C and D, the proposal will not
generate any traffic that exceeds the City's adopted LOS D.

Public concerns were raised about delays at the Hastings/Discovery
Intersection and the San Juan Avenue/F intersections. The Applicant
provided supplemental analysis to its traffic report to address both issues.

1 Ex. D. The supplemental analysis showed that the Hastings/Discovery
2 intersection would operate at LOS B with the project and the San Juan/F
3 intersection at LOS C with the project. The intersections will operate within
4 the City's LOS D standard.

5 The Public Works Memo Exhibit L stipulates that frontage improvements are
6 required with no-offsite traffic mitigation necessary. Frontage improvements
7 include rebuilding the SW curb return and sidewalk ramp at F
8 Street/Discovery Road and San Juan, per ADA standards, to maintain
9 pedestrian and cyclist network connectivity. Each phase of the development
10 shall construct safe permanent or temporary transitions to maintain
11 connectivity between phases.

12 Concerns were raised about sight distance from the intersection of Standing
13 Stone Road and Discovery Road. The Applicant will be relocating a rockery
14 wall at that intersection. With that relocation the intersection will have sight
15 distance that conforms to City standards. Sight distance was evaluated in
16 both the Applicant's traffic report, Ex. C3.2, and by City public works. Both
17 found sight distance to conform to AASHTO and City engineering standard
18 with the City proviso that additional sight distance analysis will be conducted
19 during Site Development Permit review. See Ex. L, p. , Condition 21.

- 20 C. Schools. The proposal will be served by adequate and appropriate school
21 facilities and safe walking conditions to and from school.

22 The project is located within one mile of the Port Townsend School District's
23 elementary, middle and high schools. Areas within one mile of a school are
24 typically not part of the bussing program. Sidewalks exist along the opposite
25 side of Discovery Road from the subject site and then connect to both the
26 Salish Coast Elementary School and Blue Heron Middle School. Additionally,
sidewalk access exists along F Street to the High School campus.

- 27 D. Parks and Open Space. The proposal will be served by adequate parks and
28 open space.

29 The proposal includes a Common House for use by the PUD community with
30 over 1-acre of publicly accessible outdoor open space that includes an
31 improved plaza space at the F St. and San Juan Avenue intersection.

- 32 E. Drainage. The proposal makes adequate and appropriate provision for
33 drainage.

34 The City has adopted the Washington State Department of Ecology's 2005
35 Stormwater Management Manual for Western Washington. See PTMC
36 13.32.010. The Manual incorporates all known, available and reasonable

1 methods of stormwater prevention, control and treatment (AKART) that
2 applied at the time the Manual was adopted. See RCW 90.52.040 and RCW
3 90.48.010. The Manual requires developers to demonstrate via detailed
4 engineering calculations for projects of this size that off-site stormwater
5 flows generated by the development do not exceed predevelopment, forested
6 conditions. The standards also require stormwater treatment to ensure that
7 water quality is not adversely affected. Public Works has reviewed the
8 proposal and finds that, as proposed, the application complies with the City's
9 Engineering Design Standards, 2005 Stormwater and the City's Stormwater
10 Management Plan with the following recommended conditions of approval
11 (Ex. B and L).

12
13 The Applicant proposes to develop the site using 100% infiltration. Per Sheet
14 1.0, private property will use raingardens, infiltration galleries plus pervious
15 concrete walkways and plazas. Streets are proposed with pervious concrete
16 drive aisles and pervious paver parking areas (Ex. B, E, and L).

17
18 Some public commentators expressed concern with the drainage impacts of
19 the proposal. However, there was no qualified engineering commentary on
20 any deficits in the Applicant's drainage study and none is apparent from the
21 record.

22
23 F. Affordable Housing. One commentator expressed skepticism that the
24 proposed housing units would be maintained as affordable housing.
25 Affordable housing is not an impact for which the Appellant is responsible.
26 In constitutional takings analysis, affordable housing is not considered a
problem created by developers. See *Sintra, Inc. v. Seattle*, 119 Wn. 2d 1
(1992)⁴. The fact that the proposal will be providing middle housing is of
course a significant benefit of the proposal. The affordable housing
component of the proposal adds to its "superior design" that helps merit PUD
approval. However, even without this component the benefits of the
project's innovative design are sufficient to qualify the PUD as having a
superior design that merits the development standard modifications approved
by this decision.

27
28 G. Toxics Cleanup. Public commentators and DOE have noted the presence of
29 a clean up site located adjacent to the project site to the north of the
30 intersection of F street and San Juan Avenue. DOE identifies that the site
31 status is listed as "clean up" started for petroleum-related contamination in
32 soil and groundwater. However, DOE concluded that the site does not
33 appear to present a specific concern for the project area. A Limited Phase II
34 Environmental Site Assessment was also conducted in 2017. The report
35 concluded that "*no gasoline or BTEX was detected above the detection
laboratory limits or cleanup levels and only de-minimus levels of lead were*

36
⁴ *Sintra* held that Seattle's housing preservation ordinance, which required property owners to replace
any low-income housing they destroyed or to pay a fee, potentially created a takings. As stated by the
court: "*this burden [replacing loss of affordable housing] was unfairly allocated to individual
property owners, rather than equally distributed among all citizens.*" 119 Wn.2d at 15-16.

detected.” Ex. Y. Given the DOE and Site Assessment conclusions and no evidence to the contrary, the contamination located off-site is not found to be an issue that needs to be addressed by the proposal.

7. Superior Design. The proposal provides for superior design and a significant increase in public benefit over a conventional preliminary plat.

Conventional development of this site is less desirable than the proposed PUD for several reasons. First and foremost, the traditional "block and lot" pattern typically seen in Port Townsend would result in less open space preservation and would likely frustrate an organic mixture of uses envisioned for this area partially comprised of mixed-use zoning. The proposed road dedications ensure future logical street grid connections can be made while unnecessary openings of the existing transportation grid are avoided.

The proposal involves a cohesive pattern of housing that would create a neighborhood identity as encouraged by the Comprehensive Plan and PTMC Chapter 17.18.010(B)(1). This neighborhood identity may not be guaranteed with conventional development. The project also integrates retail uses in a manner that shields them from surrounding residential development, which is also attributable to the flexibility provided by PUD standards. The proposal also offers wide range of housing that provides for middle housing at a time of critical need when such housing is highly encouraged and required by new state mandates. For these reasons, development of this site through a PUD provides greater public benefit without the adverse impacts than traditional “block and lot” development would allow.

One potential problem associated with the Applicant's superior design is the Applicant's proposed phasing. By only building some of the phases, the Applicant could conceivably benefit from PUD modifications without providing any corresponding benefit. For example, if the Applicant only developed Phase 4 (live/work units) and 6 and 7 (commercial) there would be nothing about the proposed design that confers any benefit beyond conventional development. Conditions have been added to prevent this from happening. The commercial and live work units are not allowed to be built until application is made for Phases 1-3. Those phases include numerous benefits such as open space and trails that justify the modification of development standards for the live/work units. A condition not recommended by staff has also been added that requires that the plaza proposed for the commercial development of Phase 5 be constructed prior to development of the 6 and 7 commercial phases. In the alternative, Phases 6 or 7 may be constructed provided that no PUD approved development standard modifications will apply.

CONCLUSIONS OF LAW

Procedural:

1. Authority of Hearing Examiner. PTMC 20.01.040 classifies PUDs, preliminary plats and plat vacation as Type III applications, which requires a hearing before the Hearings Examiner, who must issue a final decision.

Substantive:

2. Zoning Designation. Portions of the project site are zoned R-II (Medium Density Single Family), R-III (Medium Density Multi-Family) and CI/MU(Neighborhood Serving Mixed Use Center).

3. Review Criteria. Chapter 17.32 PTMC describes the procedures and criteria for preliminary approval of a PUD. PTMC 17.32.100 establishes the minimum criteria for all PUDs. PTMC 17.32.090 sets forth approval criteria for a PUD seeking modified development standards. PTMC 18.16.060(A) governs the criteria for preliminary plat approval. RCW 58.17.212 governs the criteria for plat vacations. All the governing criteria identified in this paragraph are quoted in italics and addressed below.

PUD Criteria:

PTMC 17.32.100(A)(1): *PUDs shall be given preliminary approval, including preliminary approval subject to conditions, upon finding by the city that all of the following have been satisfied:*

1) The proposed PUD conforms to: (a) Port Townsend Comprehensive Plan;

4. Criterion met. With approval of PUD modifications to development standards, the criterion is met for the reasons identified in Findings No. 57 and 58 of the staff report.

(b) All provisions of the Port Townsend Zoning Code which are not proposed for modification;

5. Criterion met. The criterion is met for the reasons identified at Findings No. 7-24 of the staff report.

One commentator requested that the Applicant not be allowed to use off-street/on-site paving for motor vehicle storage at the residences instead of using the driveway access space on the existing streets. However, the Applicant will be required to conform to the impervious surface restrictions applicable to the underlying zoning. So long as the Applicant complies with those standards, the City cannot dictate how the Applicant wishes to allocate its allowed impervious surfaces.

(c) All engineering design standards which are not proposed for modification;

6. Criterion met. As noted in the staff report, p. 19, City staff have reviewed the proposal for conformance to engineering design standards and have found the proposal compliant for this stage of project review as authorized by PUD development standard modifications.

1 (d) *Environmentally Sensitive Areas Ordinance (Chapter 19.05 PTMC);*

2 7. Criterion met. The criterion is met. There are no sensitive areas
3 encumbering the project site as determined in FOF 5B.

4 (e) *Any other applicable city, state or federal regulations, policies or plans, except*
5 *those standards proposed for modification.*

6 8. Criterion met. There is no evidence of noncompliance with any other
government requirements that have not already been addressed.

7 **PTMC 17.32.100(A)(2):** *Utilities and other public services necessary to serve the*
8 *needs of the proposed PUD shall be made available, including open spaces,*
9 *drainage ways, streets, alleys, other public ways, potable water, transit facilities,*
10 *sanitary sewers, parks, playgrounds, schools, sidewalks and other improvements*
11 *that assure safe walking conditions for students who walk to and from school;*

12 9. Criterion met. The criterion is met for the reasons identified in Finding
13 of Fact No. 6.

14 **PTMC 17.32.100(A)(3):** *The probable significant adverse environmental impacts of*
15 *the proposed PUD, together with any practical means of mitigating adverse impacts,*
16 *have been considered such that the proposal will not have an unacceptable adverse*
17 *effect upon the quality of the environment, in accordance with Chapters 19.04*
18 *PTMC and 43.21C RCW;*

19 10. Criterion met. The criterion is met for the reasons identified in Finding
20 of Fact No. 5.

21 **PTMC 17.32.100(A)(4):** *Approving the proposed PUD will serve the public use and*
22 *interest and adequate provision has been made for the public health, safety, and*
23 *general welfare;*

24 11. Criterion met. The proposed project, subject to conditions of approval,
25 will serve the public use and interest by developing approximately 12 acres of land
26 in a comprehensive, coordinated manner that assures adequate and appropriate
provision of public infrastructure in an urban growth area without any significant
adverse impacts as determined in FOF No. 5 and 6.

PTMC 17.32.100(A)(5): *The proposed PUD satisfies all criteria set forth in PTMC*
17.32.070 through 17.32.090, as applicable;

12. Criterion met. As discussed below, the proposal meets the requirements
of PTMC17.32.090. Since the Applicant only seeks modified development
standards, the remaining approval criterion referenced above are inapplicable.

PTMC 17.32.100(A)(6): *The proposed PUD will be superior to or more innovative than conventional development and will provide greater public benefit without additional probable significant adverse impacts to public health, safety or the environment, than available through the use of conventional zoning and/or development standards.*

13. Criterion met. The criterion is met for the reasons identified in Findings of Fact No. 5 and 7.

PTMC 17.32.090(C): *Basis for Approval of Alternative Development Standards. Approval of alternative development standards for PUDs differs from the variance procedure described in Chapter 17.86 PTMC in that rather than being based upon a hardship or unusual circumstance related to a specific property, the approval of alternative development standards proposed by a planned unit development shall be based upon the criteria listed in this section. In evaluating a planned development which proposes to modify the development standards of the underlying use zone, the city shall consider and base its findings upon the ability of the proposal to satisfy the following criteria:*

(1) The proposed planned development shall be compatible with surrounding properties, especially related to:

- a. Landscaping and buffering of buildings, parking, loading and storage areas;*
- b. Public safety;*
- c. Site access, on-site circulation and off-street parking;*
- d. Light and shadow impacts;*
- e. Generation of nuisance irritants such as noise, smoke, dust, odor, glare, vibration or other undesirable impacts;*
- f. Architectural design of buildings and harmonious use of materials;*

14. Criterion met. The criterion is met. As noted in the staff report, the proposal improves upon general public safety in an area that currently only has partial city standard facilities. The proposal otherwise has adequate facilities and creates no adverse impacts for the reasons identified in Findings of Fact No. 5 and 6.

(2) The unique characteristics of the subject property;

15. Criterion met. The criterion is met. The project site is unique in that it is a large almost entirely undeveloped parcel subject to three zoning districts and is located at the intersection of two key collector streets in a single-family neighborhood. The Applicant's has taken advantage of the commercial visibility of the intersection and at the same time protected the neighborhood by integrating the retail uses of the site within surrounding residential uses except as it fronts the intersection and Camas Park to the east.

(3) The unique characteristics of the proposed use(s);

16. Criterion met. The criterion is met. The proposed uses are exceptionally creative, unique and well-integrated with a wide mix of housing, shared common uses and retail uses in a relatively modest sized area. As noted in FOF 3, that variety of uses includes cottage housing, duplexes, condominiums, farm land, a farmhouse, live-work townhomes, a Care Center Building and Multi-Use Commons and mixed use buildings and a plaza.

(4) The arrangement of buildings and open spaces as they relate to various uses within or adjacent to the planned development;

17. Criterion met. The criterion is met for the reasons identified in FOF No. 5A and COL 16.

(5) Visual impact of the planned development upon the surrounding area;

18. Criterion met. The criterion is met. As conditioned, the proposal provides for substantial buffering to adjoining uses as outlined in Finding of Fact No. 5A.

(6) Public improvements proposed in connection with the planned development;

19. Criterion met. The proposal provides for adequate and appropriate public facilities and improvements as determined in Finding of Fact No. 6.

(7) Preservation of unique natural features of the property;

20. Not Applicable. There are no unique natural features at the project site.

(8) The public benefit derived by allowing the proposed alteration of development standards.

21. Criterion met. The proposal will create a quality residential and mixed-use setting that provides significant public benefits as conditioned by this Decision. Market rate and affordable housing needs are furthered by this proposal at a time when housing needs in Port Townsend are at extreme levels. While pedestrian facilities are already in place, additional non-motorized facilities serving the public will be provided. In light of the foregoing, the proposed San Juan Discovery project will be compatible with surrounding properties and complies with the PUD criteria for approval of certain modified development standards.

Subdivision Criteria:

PTMC 18.16.060(A)(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;*
- c. *Engineering Design Standards;*
- d. *Environmentally Sensitive Areas Ordinance (Chapter 19.05 PTMC);*

22. Criterion met. The criterion is met. As determined in prior conclusions of law, the proposal is consistent with all of the standards identified above.

PTMC 18.16.060(A)(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;*

23. Criterion met. The criterion is met for the reasons identified in Finding of Fact No. 6.

PTMC 18.16.060(A)(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;*

24. Criterion met. The criterion is met for the reasons identified in Finding of Fact No. 5C.

PTMC 18.16.060(A)(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 environment, in accordance with Chapter 19.04 PTMC and Chapter 43.21C RCW;*

25. Criterion met. As identified in Finding of Fact No. 5, a mitigated determination of non-significance (MDNS) has been issued for the project in conformance with Chapter 19.04 PTMC and Chapter 43.21C RCW. That review process included the required consideration of probable significant adverse environmental impacts.

PTMC 18.16.060(A)(5): *Approving the posed subdivision will serve the public use and interest and adequate provision has been made for the public health, safety, and general welfare.*

26. Criterion met. The criterion is met. As previously discussed, all significant adverse environmental impacts have been fully mitigated and several public benefits are associated with the project that would not be required of a standard subdivision. All infrastructure needs are also met for the project. For these reasons the criterion above is satisfied.

PTMC 18.16.060(B): *Notwithstanding approval of criteria set forth in subsection a of this section, in accordance with RCW 58.17.120, as now adopted and hereafter*

1 *amended, the proposed subdivision may be denied because of flood, inundation or*
2 *swamp conditions*

3 27. Criterion met. The criterion is met. There is no evidence of flood,
4 inundation or swamp conditions. As noted in FOF 6E, stormwater impacts are
adequately addressed by the City's stormwater regulations and the Applicant's
demonstrated compliance with those standards.

5 **Plat Vacation**

6 **RCW 58.17.212:** *When the vacation application is specifically for a county*
7 *road or city or town street, the procedures for road vacation or street vacation in*
8 *chapter 36.87 or 35.79 RCW shall be utilized for the road or street vacation. When*
9 *the application is for the vacation of the plat together with the roads and/or streets,*
10 *the procedure for vacation in this section shall be used, but vacations of streets may*
*not be made that are prohibited under *RCW 35.79.030, and vacations of roads may*
not be made that are prohibited under RCW 36.87.130.

11 *The legislative authority of the city, town, or county shall give notice as provided in*
12 *RCW 58.17.080 and 58.17.090 and shall conduct a public hearing on the application*
13 *for a vacation and may approve or deny the application for vacation of the*
14 *subdivision after determining the public use and interest to be served by the vacation*
15 *of the subdivision. If any portion of the land contained in the subdivision was*
dedicated to the public for public use or benefit, such land, if not deeded to the city,
16 *town, or county, shall be deeded to the city, town, or county unless the legislative*
authority shall set forth findings that the public use would not be served in retaining
title to those lands...

17 28. Criterion Met. The criterion quoted above for approval of a plat vacation is met
18 by the proposal. The public use and interest is served by the vacation and
19 associated replat as required by RCW 58.17.212. Vacation of the subdivision will
20 enable a greater number of lots in a manner that still conforms to the maximum
density standards of the underlying zone. As such, the Growth Management Act
policies encouraging urban densities and efficient use of infrastructure are better
served with the vacation and associated replat, which is in the public interest.

21 **Type III General Permitting Criteria:**

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

25 29. Criterion met. As previously discussed, the project satisfies all applicable
26 development standards and comprehensive plan policies.

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

30. Criterion met. Due to mitigation of all significant adverse environmental impacts and the provision of several public benefits, the project is not detrimental to the public health, safety and welfare.

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

31. Criterion met. As previously determined, the proposal is consistent with SEPA and the City's critical areas ordinance.

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

32. The findings and conclusions have been issued in conformance with these applicable regulations.

DECISION

The proposed preliminary plat, plat vacation and PUD are all approved for the reasons identified in the Conclusions of Law, subject to the following conditions:

GENERAL

1. Development shall be carried out in substantial conformance with the preliminary Plat and PUD site plans, the PUD Narrative, and Stormwater Report (Ex. A, A.1, B, E, and L), the landscaping as well as a final Tree Conservation Plan except where modified by these conditions of approval or by the subsequent Street and Utility Development permit (SDP).
2. This PUD community is designed to promote shared streets as evaluated in the Public Works Memorandum at Exhibit L, with the goal of reducing traffic speeds and encouraging multi-modal transit. Cars, bikes, and pedestrians will all use multi-modal streets shown on the Parks, Trails, and Walkways Routes page, Sheet 8.0, of the approved PUD drawing set (including Garden Vista Drive, Eagle View Drive, Shy Acre Lane, and others designed therein as shared sheets).
3. The San Juan Discovery project shall not exceed the modified standards as identified in Condition No. 3 of the September 17, 2025 staff report.
4. The internal street network shall be privately maintained by the HOA or a similar entity but the street network must also be publicly accessible to non-motorized users where the driveways connect to open space trails. This maintenance obligation shall be placed into a set of Covenants, Conditions and Restriction (CCRs) and referenced in the resulting PUD Agreement.

5. An appropriate entity (e.g. a Homeowners Association; HOA) must be established as part of the Final Plat/Plat Vacation and PUD review process and assigned responsibility for on-going long term maintenance, liability and tax responsibility of all on-site, non-public amenities including but not limited to stormwater facilities, open space Tracts and all required landscaping (including street trees and stormwater pond plantings), all non-hard surfaced trails which do not meet approved City standards, and privately maintained underground utilities. The approved responsible entity must be acceptable to the City PCD Director and referenced in all appropriate documents filed for recording that are associated with the Final Plat.
6. Unless one or more three-year extensions is granted for under PTMC § 18.16.150.A., the Applicant shall submit an application for a consolidated Final Plat and PUD approval for each of the phases within five years after preliminary plat approval, in the manner required by the municipal code and shall indicate on a survey the precise location of all required dedications, easements and open spaces per these conditions of approval or the PUD is expired. Interior streets, sidewalks and trails within public easements shall be open to the public and signed accordingly at all times. Unless an alternative improvement method is approved under PTMC 18.16.100; all required infrastructure improvements for a given phase as set forth in these conditions and the subsequent Street and Utility Development permits must be installed prior to each Final Plat/PUD approval per phase. The decision to authorize bonding is at the discretion of the City's Public Works Director, per PTMC 13.01.100.
7. [Reserved]
8. With the Final Plat and PUD submittal, the Applicant shall propose a name for the new street(s) to allow for review and approval by the appropriate public agencies (including the City PCD, the Jefferson County Auditor and Assessor's Offices).
9. A draft Property Use and Development Agreement (PUDA) shall be submitted by the Applicant (in electronic format) for review by PCD and Public Works a minimum of one month prior to submittal for Final Plat and PUD approval. The final PUDA shall be approved by the City Council as part of their final approval for the project.
10. Should the Applicant receive affordable housing grant funds from the City of Port Townsend, they shall comply with all conditions of the City's subrecipient agreement and any forthcoming fee deferral covenants ensuring affordability for a certain number of units for a certain length of time.

PRIOR TO ISSUANCE OF BUILDING PERMITS

11. The Applicant shall apply for and receive Final Plat and PUD approval for each development Phase prior to the issuance of any building permits for that Phase. To receive Final Plat and PUD approval, all required improvements set forth in the subsequent Street and Utility Development permit (street, driveway/fire lane, utilities) and the approved Final Landscaping Plan must be installed (with

conveyance and acceptance by the City where 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 period of time is agreed to by the PCD Director.

12. If the project should develop attached units of 5 or more, multi-family design review may be required in accordance with PTMC 17.46.

OTHER LANDSCAPING-RELATED CONDITIONS

13. Prior to issuance of a Street and Utility Development permit (SDP) for the project, the Applicant shall prepare and submit a final Landscaping as well as a final 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 shall also include a proposed irrigation plan to be installed as part of the installation. The submitted plan shall be prepared using a scale capable of being read without magnification of either the plan text or planting area illustrations. The TCP shall include actual planting calculations necessary for each resulting residential lot as required by PTMC 19.06. A notation on the face of the Final Plat map as required by PTMC 19.06 will provide future purchasers with reference to the resulting TCP requirements.

14. All required landscaping shall be continually maintained in a healthy growing condition by the Homeowner Association. 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.

15. For landscaping approved within the adjoining street rights-of-way and/or within public easements, 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 INFRASTRUCTURE CONSTRUCTION

16. To ensure compliance with City Engineering Design Standards, together with the public and private street and utility installations specified in this decision, the following plans must be prepared and submitted with a completed application for a Street and Utility Development Permit (SDP). These plans shall be in substantial conformance with the preliminary drawings submitted as part of the application (Ex. B and L) except where modified by these approval conditions. These plans

must be submitted, reviewed and approved by City engineering staff, and constructed or bonded for prior to final approval of each development phase.

- a. **Engineered plans for the public streets, private driveways and fire lane turnarounds** 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 the Public Works Department 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 San Juan Discovery 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 Planned Unit Development Agreement (PUDA) and CC&R's.

17. 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

18. The Applicant shall provide a mylar reproduction of the Plat to PCD for review and approval as part of the Final Plat and PUD approval process. Said mylar shall contain the acknowledged signatures of all parties having an ownership interest in the subject property as evidenced by 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 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 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.

19. Any utility easements needed internally shall include but are not limited to the following: sewer lines, potable water lines, and/or other utility needs will be determined as part of the subsequent Street Development Permit (SDP) process and shown on the Final Plat

FRONTAGE/TRANSPORTATION

20. Based on the traffic study submitted, per Exhibits C and D, the Applicant's proposal meets concurrency standard of Level of Service D. The Public Works Memo Exhibit L stipulates that frontage improvements are required with no-offsite

1 traffic mitigation necessary. Frontage improvements include rebuilding the SW
2 curb return and sidewalk ramp at F Street/Discovery Road and San Juan, per ADA
3 standards, to maintain pedestrian and cyclist network connectivity. Each phase of
the development shall construct safe permanent or temporary transitions to
maintain connectivity between phases.

4 21. Final intersection configurations will be reviewed with the Civil plans that will be
5 required for issuance of a SDP. Each intersection shall be designed to meet
6 minimum with sight distance and other safety guidance for all modes of
transportation.

7 22. The street plans and sections shall follow the intent of the appropriate city cross
8 section based on the street classification and proposed land use, and provide open
9 streets for all modes of transportation per Engineering Design Standards Chapter 6
and details in Appendix A, to accommodate or provide:

- 10 a. Pedestrians on sidewalk, with appropriate sidewalk width as shown on
11 plans other than what is allowed under Condition No.2 (multi-modal
streets).
- 12 b. Cyclists on bike lanes or equivalent detached path as shown on plans
other than what is allowed under Condition No.2 (multi-modal streets).
- 13 c. Street trees
- 14 d. Illumination per Ordinance 3271. Poles, arms, and luminaires shall
follow Jefferson PUD standards, or approved equivalents.
- 15 e. Protection of existing swales or addition of new stormwater
conveyance/treatment systems.

16 23. Mixed-use development along arterials shall provide 12' wide sidewalk per the T-3
17 standard street section. Final plans shall be revised to show this, or equivalent
intent.

18 24. Developments with sidewalk café seating shall provide 16' wide minimum
sidewalks.

19 25. San Juan and Discovery Road improvements must be contained within city right-
20 of-way. Minimum half street width is 16.0' to accommodate a single vehicle travel
21 lane and a buffered bike lane. This width may be reduced if providing a detached
bike facility.

22 26. The Applicant shall dedicate additional right-of-way to the city, as needed to fit
23 frontage improvements.

24 27. All buildings along San Juan shall provide direct ADA Access from both the
public street and internal to the site.

25 28. Development shall adhere to the standards and comments set forth by Public
26 Works in their Memo attached as Exhibit L. As stated therein, the Applicant's
proposal meets concurrency standard of Level of Service "D," based on the traffic

study submitted. Frontage Improvements are required as set forth herein, but with no-offsite traffic mitigation necessary. The frontage improvements required may be reduced at the discretion of the Director in the event pending grant applications to fund frontage improvements or portions thereof are approved. The city will remain in communication with the Applicant during planning and grant preparation to provide notice of potential changes.

PROJECT PHASING

29. Sheet 15.0 (see Ex. B) may remain as the overall phasing map and indicates the boundary of phases, with phasing as described in Section 52 or no timelines for completion. At final plat, the Applicant shall provide additional sheets, one for each phase, clearly showing associated infrastructure including public street frontage improvements, as required by the phasing conditions herein. Phases not building public infrastructure do not need a dedicated sheet but should be noted as “No Public Infrastructure Under this Phase” on this overall phasing map.
30. Approval of each final plat/PUD phase is considered an independent approval, and it must not be assumed that subsequent phases will be completed or that final approval will have been applied for prior to expiration of applicable time periods. Thus, each phase shall be developed with complete infrastructure improvements and transitions at the phase boundary for transportation facilities and utilities.
31. [Reserved]
32. [Reserved]
33. The proposal did not include specification of any phasing sequence or completion dates for phases and therefore this approval does not regulate those elements. PTMC § 18.24.060. If an application for final plat/PUD approval of a particular phase has not been filed within five years of the date of preliminary plat/PUD approval, the preliminary plat/PUD approval for that particular phase shall automatically terminate and the undeveloped lots shall revert to the underlying zoning district and be subject to all other applicable land use regulations in effect at that time, unless an extension of the preliminary plat/PUD is granted pursuant to PTMC § 18.16.150.A.
34. Utilities: All improvements located outside of a phase boundary shall have easements at phase approval. For example, a utility that serves phase 1, but that is intended to cross into phase 2 in the future may be installed within a connecting street or common area provided there is evidence of an easement or ROW authorization. Due to tax valuation issues, nothing herein shall require extension of utilities into another future phase until an application for final plat/PUD approval of that future phase is filed.
35. Water. All water lines shall be looped concurrent with phase approval. Hydrants shall be installed meeting city standard spacing.

1 36. Sewer: Sewer mains shall be stubbed out beyond each phase boundary with either
2 a cleanout or a maintenance hole. Due to tax valuation issues, nothing herein shall
3 require extension of sewer mains into another future phase until an application for
4 final plat/PUD approval of that future phase is filed; stub-outs may be located in
streets or common areas, provided there is evidence of an easement or ROW
authorization.

5 37. Discovery Road: Street Frontage at Discovery Road and San Juan Avenue:

6 (a) Phase 1. Discovery Road street frontage improvements, from the
7 SW corner of the site to Standing Stone Road, will be completed along
with Phase 1.

8 (b) Phase 2. Discovery Road street frontage improvements from
9 Standing Stone Road to the pedestrian path across from the Haines Street
10 intersection, including the relocation of the existing rock retaining wall,
are adjacent to Phase 2 and will be completed along with Phase 2.

11 (c) Phase 5. Final Plat/PUD approval for Phase 5 will require
12 completion of:

13 (i) Discovery road street frontage improvements, from the pedestrian
14 path across from Haines Street to the corner of San Juan Avenue;

15 (ii) San Juan Avenue street frontage improvements from Discovery
Road to Peace Hill Common; and

16 (iii) the pedestrian plaza at the corner of Discovery and San Juan.

17
18 (d) Phases 4 & 6. Neither of these two phases shall receive final plat/PUD
19 approval until the Phase 5 street frontage improvements are complete or
20 bonded; the Applicant/Developer may elect to complete or bond for
construction of the above Phase 5 improvements as part of Phase 4 or 6,
21 or both in order to obtain final plat/PUD approval prior to completion of
Phase 5.

22 (e) Phase 7. San Juan Avenue street frontage improvements from
23 Peace Hill Common to the SE corner of the property, will be completed
along with Phase 7.

24 38. [Reserved]

25 39. [Reserved]

26 40. [Reserved]

1 41. [Reserved]

2
3 42. Per PTMC 17.32.080(D), Building permits for commercial uses in a residential
4 PUD situated within R-I, R-II, R-III and R-IV districts shall not be issued until at
least two-thirds of the proposed residential units are completed, including issuance
of final certificates of occupancy.

5
6 43. If the proposed Daycare uses are proposed for a residential zoned area at time of
Final Plat submittal, the Applicant shall obtain a Conditional Use Permit or adhere
to PTMC 17.32.080.

7 OTHER/ONGOING CONDITIONS

8 44. Future occupancy of any units shall be subject to all applicable provisions of Port
9 Townsend Municipal Code (PTMC), including zoning uses, design review, and the
Engineering Design Standards as amended. Any changes in future occupancy shall
10 be subject to all applicable provisions of the PTMC at time of the PUD
Preliminary Approval.

11 45. Street lighting shall be dark sky compliant and minimized in conformance with the
12 City's Street lighting policy (Ordinance 3271).

13 46. If the proponent proposes to add any development signage, a City sign permit may
14 be required. Please contact the PCD Department for signage requirements prior to
ordering, fabricating or installing any signs. Illuminated Signs shall not be
15 permitted due to the proximity of residential uses.

16 47. All construction activities shall comply with the most up to date City of Port
17 Townsend Engineering Design Standards and shall employ Best Management
Practices to control erosion/sedimentation.

18 48. The final engineering plans shall include clearly identified infrastructure to be
19 maintained by the HOA or equivalent entity versus infrastructure to be maintained
by the City i.e. wastewater and potable water services.

20 49. Use of the Common House guest rooms shall be regulated under the CC&Rs
21 adopted as part of final Plat/PUD approval.

22 50. In order to facilitate on-site caretaking and management of the common areas,
23 including the farm, particularly during the early phases of development, and to
facilitate immediate housing, the existing residence on Lot 13, shown on the PUD
24 plans sheets as part of Phase 2, may be modified to show it as part of Phase 1,
upon application of the owner for an administrative approval to the PUD plans
25 sheet governing phasing, prior to final plat/PUD approval of Phase 1. The
modification of the PUD phasing plan sheets may be applied for and approved as
26 part of a consolidated, concurrent application submitted for final plat/PUD
approval of Phase 1. Lot 13 currently has a structure that is served by City and

PUD utilities. The City considers this action to be a minor modification subject to administrative approval under PTMC 17.32.130(A).

51. The Applicant shall adhere to the City's list of approved tree species consistent with PTMC 19.06.130.B.6. within the public right-of-way for streets, except as approved by the City upon submittal of landscape plans for final PUD approvals.

52. The application for preliminary plat/PUD approval does not specify any phasing sequence or deadlines for completion of phases, however the Applicant proposes a voluntary condition as follows:

- a. The developer will apply for final plat/PUD approval for Phases 1, 2, and 3 (in no particular order) prior to seeking approval of subsequent phases 4 through 7.
- b. With the exception of frontage improvements along San Juan Avenue and Discovery Road, the developer will, by the time construction is completed for Phases 1, 2, and 3, provide for infrastructure necessary for the remainder of the phases in the plat/PUD as specified in the preliminary plat and preliminary PUD plan sheets, which are clarified and amplified as follows:
 - i. "Infrastructure," as referenced in this voluntary condition shall mean all potable water, irrigation water, sanitary and storm sewer systems, power and communications, all internal streets within the PUD, including their street names and street lights;
 - ii. The infrastructure either will be constructed or guaranteed for construction prior to any final plat/PUD approval for any of Phases 4-7;
 - iii. The infrastructure will extend to or be guaranteed to extend to stub-outs at the boundaries of Phases 1, 2 and 3 or within the adjoining streets or common areas, without entering the boundaries of Phases 4-7.
 - iv. Further extension into any of the boundaries for Phases 4-7 will only occur when an application is contemplated for final plat/PUD approval for one of those phases, or other conditions in the preliminary plat/PUD decision require.
- c. Under these proposed voluntary conditions affecting phased final plat/PUD approval, any of the four remaining phases (4 through 7) may come in for final plat/PUD approval at any time the market or available grant funding materializes, and in any order, because each of these phases can be developed as a stand-alone and utilize the stub outs and roads from prior-approved and finalized Phases 1 through 3, without being dependent on any of the other remaining phases.
- d. The plaza for Phase 5 shall be completed or bonded prior to any construction activity on Phases 6 or 7. In the alternative, Phases 6 or 7 may be constructed provided that no PUD approved development standard modifications will apply.

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2 53. In furtherance of the City's housing goals for the C1-MU mixed-use zoning along
3 San Juan Avenue, any CCRs to be recorded at final PUD approval will include a
4 restriction whereby all future owners taking title in the PUD or with an interest
5 therein are deemed to have waived objection to future alteration or modification of
6 the PUD and/or Plat, or any application for that purpose, that seeks to: (a) increase
7 unit-count to the extent allowed by the C1-MU zoning or building height, in the
8 event future code amendments authorize changes to a PUD with applicable
9 retroactive provisions; and/or (b) any change in proposed uses from commercial
10 space to housing as an option in response to market conditions, either permitted
11 outright or under a plat or PUD alteration or modification is needed for that
12 change.

13 This condition clarifies that any CCRs as part of final plat/PUD approval are
14 authorized to include a restriction waiving opposition to amendment of the PUD in
15 the future and/or any application related to two very specific instances. The
16 proposed CCR restriction eliminates a potential bar to amendment of the plat/PUD
17 for the purpose of increasing the number of units and associated building heights to
18 levels already authorized in the C1-MU zone, as well as the change in proposed
19 uses of the commercial spaces to other commercial uses allowed by zoning or to
20 housing, as an option in response to changing market conditions. Should that
21 become feasible in the future, this provision has the ability to affect the possible
22 addition of housing units to limits set by the underlying zoning, subject to
23 applicable process and environmental review

24 54. The southern perimeter landscaping shall be composed of solid year round sight
25 obscuring vegetation.

26 55. Exterior residential light fixtures shall be designed to minimize light trespass with
features such as shielding and/or cut off lighting. The fixtures shall be night sky
compliant. These requirements shall be included in the CC&Rs.

Dated this 29th day of December 2025.

Phil Olbrechts

Phil Olbrechts

City of Port Townsend Hearing Examiner

Appeal Right and Valuation Notices

This land use decision is final and subject to appeal to superior court as governed by Chapter 36.70C RCW. Appeal deadlines are short and procedures strictly construed. Anyone wishing to file a judicial appeal of this decision should consult with an attorney to ensure that all procedural requirements are satisfied.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

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