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JEFFERSON COUNTY  
SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT  
WASHINGTON STATE SHORELINE MANAGEMENT ACT (RCW 90.58)

PERMITTEE: Pope Resources  
DATE ISSUED: May 11, 1993  
TYPE OF ACTION: General  
TYPE OF USE: Primary, Secondary, Conditional  
CASE NUMBER: SDP91-017  
APPLICATION DATE: August 7, 1991

PROPOSAL:

A residential, commercial, and recreational development consisting of the following:

- \* A 36-room hotel;
- \* 5 detached single family residences and 53 attached single family residences in 14 multi-unit structures;
- \* Roadways and 367 parking spaces;
- \* Utilities, including water, electrical power, and sanitary sewer;
- \* 500 cubic yards of rip rap shore defense works;
- \* Marina modifications including a new manager's building, new restrooms and laundry, new fuel and propane tanks located between the marina and the pond, and removal of an existing boat launch;
- \* Landscaping and recreational amenities including construction of vegetated artificial dunes on the southerly portion of the spit, trails and a pedestrian bridge, outdoor sport courts, and expansion of the existing pond;
- \* Approximately 45,000 cubic yards of excavation, grading and filling including 25,000 cubic yards for pond expansion;
- \* Temporary and permanent soil erosion control and storm water management system;
- \* Directional and informational signs;
- \* Outdoor lighting; and
- \* 10.5 acres of undeveloped open space.

The Inn would be a three-story, wood frame structure that would include a manager's residence. Its maximum height would be 52 feet. It would have a foot print of 11,345 square feet and total square footage of 34,171 square feet. Its design would include the following fire and life safety features: quick-response sprinkler heads; automatic alarm notice to Fire District #3; tamper protection for the automatic sprinkler system; hose cabinets at each floor; diesel generator back-up power source; an indicator panel for all building safety systems; smoke detection on HVAC systems; a stairwell to the roof; and a wet-sprinkler in the covered drive-through. The proponent also proposes planning and staff training in order to enable rapid respond to emergencies.

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The existing man-made pond covering 1.4 acres would be enlarged to 2.2 acres. A pump would supply with water from Ludlow Bay in order to maintain a constant salinity.

A new 800 square foot marina manager's office would be constructed midway between the existing office and the Inn site. The existing office would be demolished and replaced with new restrooms and laundry facilities on the same site.

The existing underground fuel and propane tanks would be removed and new tanks would be located adjacent to the manager's office in a containment bunker.

Exterior lighting fixtures would employ hoods, shades, or other techniques to direct illumination onto the immediate area where it is needed. Light standards in parking areas would not exceed 10 feet in height. Light fixtures along pedestrian walkways would not exceed 4 feet in height. No colored lights would be used except for holiday occasions.

Utilities would be installed underground.

LEGAL DESCRIPTION:

The proposal site comprises 17.5 acres adjacent to the existing marina and resort at Port Ludlow and is described as portions of Government Lots 1 and 2 in Section 16, Township 28 North, Range 1 East, W.M.

WATERBODY AND/OR ASSOCIATED WETLANDS: Port Ludlow Bay

\* SHORELINE OF STATE-WIDE SIGNIFICANCE: No

SHORELINE DESIGNATION: Urban

CONDITIONS: Development pursuant to this permit shall be undertaken subject to the applicable policies and performance standards of the Jefferson-Port Townsend Shoreline Management Master Program and the following conditions:

1. A detailed erosion and sedimentation control plan using the best management practices set forth in the Washington Department of Ecology's Storm Water Manual for the Puget Sound Basin shall be prepared in conjunction with final site design and a construction phasing schedule. Grading on the project site shall not begin until the erosion control plan has been approved by the Director of the Jefferson County Department of Public Works or his designee. The objectives of said plan are to (a) control dust and mud and stabilize the construction area including entrances and roadways; (b) prevent surface

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water runoff from eroding areas to be cleared and graded; (c) prevent sedimentation from entering the waters of Port Ludlow Bay. Erosion control techniques may include, but are not limited to, piped slope drains, subsurface drains, hydroseeding, surface roughening, interceptor dikes and berms, check dams, swales, gradient terraces, rip-rap, gravel filter berms, storm drain inlet and outlet protection, and filter (silt) fences. A maintenance program shall be implemented during the course of construction to insure the proper and effective functioning of erosion and sedimentation control features. Inspection of erosion control features shall be conducted daily.

2. Soil disturbance associated with major grading activities shall conform to the guidelines and timing restrictions set forth in the Washington State Department of Ecology Storm Water Management Manual (current edition). Prior to final plat approval and prior to any clearing and grading on the site, the proponent shall submit a construction phasing plan to the Jefferson County Public Works Department for review and approval. The plan shall specify how the proponent proposes to achieve the goals of this mitigation measure.

- ✓ 3. During construction, to the extent practicable, existing vegetation shall be maintained on those portions of the site planned as permanent open space. Only during the course of utility installation or revegetation/landscaping shall disturbance occur. ←

4. Grading stockpiles shall be located on the uphill side of excavation areas to act as runoff diversions. Any large stockpiles shall be shaped and covered or seeded.

- where's this plan*  
5. Soil, sediment, water, or debris generated during pond enlargement shall be confined to specific areas on the site as identified on the erosion control plan. Dredged pond material and other site material unsuitable for project fill shall be disposed of at a location approved by the Director of the Jefferson County Department of Public Works.

6. Following construction, all cleared and graded areas shall be permanently revegetated according to an overall landscape plan. Revegetation shall be completed as soon as practicable after grading and construction is complete. ←

- ✓ 7. Dunes proposed for the Inn area shall be stabilized through the use of vegetation and underlying foundations so as to minimize sand and soil redistribution during storm events. ←

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8. The proponent shall designate a qualified, trained, and experienced individual or firm who shall ensure that (a) erosion control devices are correctly installed; (b) inspection and maintenance schedules are regularly kept; (c) corrective actions are employed in the event erosion control measures fail to perform effectively and (d) reports and inspections are coordinated with the Jefferson County Department of Public Works. ←
9. A complete geotechnical investigation shall be undertaken on slopes steeper than 15% where buildings or infrastructure are proposed. Particular attention will be paid to possibilities of earthquake-induced subsidence or liquefaction. Structures shall be designed, engineered, and constructed in conformance with the Uniform Building Code, other adopted standards pertaining to landslide and seismic hazard protection, and specific construction practices recommended by the geotechnical consultant. The consultant shall be a qualified professional selected and paid by the project proponent. No construction of buildings, or installation of infrastructure on slopes steeper than 15% shall take place prior to completion of the geotechnical investigation.
10. A permanent stormwater drainage system shall be installed, the design and construction of which shall be to the satisfaction of the Department of Public Works. System components shall include grass-lined swales, oil/water separators, and a detention pond to manage both water quantity and quality.
11. The project's stormwater management system shall be incorporated into the ongoing Port Ludlow Bay "Water Quality Monitoring Program - Nonpoint Sources".
12. A maintenance program shall be developed for oil/water separators and biofilters and approved by the Jefferson County Department of Public Works.
13. Eelgrass (*zostera marina*) shall be planted in the eastern sector of the pond to prevent the growth of sea lettuce (Ulva). ←
14. During construction, water levels in the on-site pond shall be lowered and sediment removed therefrom prior to the discharge of water into the Bay.
15. Two pumps shall be installed in the pond for redundancy in case of failure and to improve flexibility for periodic

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maintenance. A standby mobile power generator shall be provided in the event of power outages. ←

16. The maintenance schedule for the pond shall avoid pump shutdown during warmer weather, thereby lessening stagnation of water and related water quality problems.

17. Final infrastructure design shall minimize impervious cover and stormwater runoff through the use of gravel surfaces as permitted by the Department of Public Works.

18. Drainage lines shall be installed behind retaining and/or basement walls, and around building footings to prevent build-up of hydrostatic pressure and to intercept ground and surface water. 2

19. Groundwater seepage encountered during construction in upland areas shall be directed by sloping excavations to shallow sump pits. Any collected water shall be discharged to the construction-phase stormwater control system.

20. Portions of structures subject to periodic tidal inundation shall be sited and constructed in compliance with Jefferson County's "Flood Plain Management Ordinance No. 1-89."

21. Landscape design and planting materials for the perimeter of the pond shall minimize the need for herbicide application. Native plant materials shall be utilized to the maximum extent throughout the entire project site to reduce the use of fertilizers, pesticides, and herbicides. When the application of such chemicals is necessary, they shall only be applied by state-licensed personnel. ←

22. Buffers of grasses, low growing plants, shrubs, and trees shall be planted along the shoreline and around the pond, providing habitat, water quality enhancement, and protection from human disturbance. ←

23. Primary landscape materials planted on the site shall be those native trees, shrubs, grasses, and herbaceous cover which provide food and cover for wildlife, for example, Douglas firs, Western red cedars, vine maples, wax myrtles, and wild strawberries. ←

24. Enlargement of the existing pond shall make provisions for improved aeration and circulation to discourage algae growth, maintain consistent water quality, and improve its value as fish habitat. ←

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25. Interpretive signs shall be installed at pertinent points throughout the site to describe important habitat features and wildlife. Pamphlets and brochures shall be distributed to residents and guests to increase awareness and respect for wildlife which inhabit the project site. ←
26. Filtration shall be provided at the pump water-intake pipes to reduce the incidental capture of fish.
27. The weir outlet to the pond shall be designed to prevent fish entrapment in the pond.
28. The pond shall be designed to provide some shallow area along the south shoreline, suitable for wading birds, isolated from public access. ←
29. Pond shoreline length equivalent to at least 50% of the existing shoreline length shall be provided for bird loafing area. This shoreline area must be buffered by landscape vegetation to discourage public disturbance. ←
30. Excavation shall be minimized to reduce potential for encountering contaminated soil materials from previous development of the site.
31. Lead concentrations from previous testing in the vicinity of Test Pit 10 (TP-10) shall be reported to the Washington Department of Ecology if encountered in quantities in excess of 10 cubic yards.
32. Excavated soils at locations other than TP-10 shall be monitored for presence of potentially hazardous materials.
33. In accordance with DOE Policy #101 (Site Discovery and Release Reporting), a qualified hazardous waste specialist shall be contacted if more than 10 cubic yards of charcoal-like material is encountered in order to properly assess implications for disposal.
34. Prior to initiating excavation, a qualified hazardous waste specialist shall orient the construction contractors and crew regarding field identification of potentially contaminated soil and materials.
35. The proponent shall establish legally enforceable architectural design guidelines which address such matters as roof materials, siding, exterior colors, appurtenances, and

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other factors that affect the overall aesthetic character of the project site. ←

36. The proponent shall comply with all regulations of the State Shoreline Management Act (RCW 90.58), RCW 217.44.040, RCW 27.53.060 and WAC 25-489 regarding archaeological sites. These regulations prohibit intentional disturbance of archaeological or burial sites without prior approval and provide protocols for actions following discovery of such sites.
37. Prior to excavation, a qualified archaeologist shall orient the construction contractors and crews in identification of potential archaeological resources that might be uncovered, and how to proceed in the event of an unexpected discovery.
38. If cultural resources are discovered during construction, a qualified archaeologist shall be immediately dispatched to systematically analyze the findings. All construction or excavation on that portion of the project site shall immediately cease and measures shall be taken to prevent further disturbance prior to analysis by a qualified archaeologist.
39. The following above-code fire and life safety features shall be provided in the Inn structure: quick-response sprinkler heads; automatic alarm notice to Fire District #3; tamper protection for the automatic sprinkler system; hose cabinets at each floor; diesel generator back-up power source; an indicator panel for all building safety systems; smoke detection on HVAC systems; interior stairway to the roof; and a wet-sprinkler in the covered drive-through.
40. The proponent shall develop a plan for the Inn which identifies applicable emergency actions to be taken during such unlikely events as fires or earthquakes. The staff shall be trained in fire behavior, built-in fire and life safety systems in the Inn structure, and proper responses to emergencies and safety needs of all guests. ←
41. A maintenance schedule for fire and life safety equipment shall be developed. All such equipment and related systems shall be tested at least annually in cooperation with Jefferson County Fire District No. 3. Records of all maintenance and system tests shall be retained at the Inn and copies transmitted to Jefferson County Fire District No. 3. ?
42. Exit maps and instructions on emergency procedures shall be

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installed on the inside of all guest room doors.

43. A public relations videotape which includes a prologue emphasizing building safety features, exit locations, and guest responsibilities for safety in emergency situations shall be available in all guest rooms. ?
44. The Inn's resident manager and all other on-site staff, as a condition of employment, should be trained in basic first aid and CPR. ?
45. Fundamental emergency aid equipment shall be provided at the Inn for staff use. ?
46. In order to assess cumulative impacts from this project, the proponent shall:

(a) Continue the existing Water Quality Monitoring Program which documents nonpoint source effects on the Class A "Extraordinary" designation of Port Ludlow Bay and its tributaries. Sampling shall include the water column, sediments, and shellfish as appropriate. If monitoring indicates that activities of the proponent are causing reduction in the water quality of Port Ludlow Bay below the Class AA "Extraordinary" designation, the proponent shall immediately so advise Jefferson County. The "scope of work" for each year's program shall be conducted where necessary to obtain the most meaningful scientific data. The ensuing year's scope of work shall be approved by Jefferson County each autumn. Each year's monitoring results shall be reported to Jefferson County by March 15 of the following year. The proponent shall be responsible for employing a qualified water quality research firm at proponent's sole expense.

(b) Conduct a Water Resource Monitoring Program which documents the condition of several aquifers utilized as a domestic source by the proponent. Attention should be focused on static groundwater levels and saltwater intrusion. Should groundwater monitoring indicate an inadequate yield to support development of the proponent's projects in the context of water rights and projected water use, the proponent shall immediately inform the County and take necessary action to insure an adequate supply of potable water. This action could include, but is not limited to, development of additional sources, supplementation of existing sources, and/or implementation of additional conservation measures.

If mutually agreeable, the proponent shall include Olypus

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Beach Tracts' wells in ongoing groundwater monitoring efforts.

The proponent shall be responsible for employing a qualified geohydrologist to design, direct, and conduct said monitoring program. The expense of said geohydrologist shall be the proponent's. Results of the monitoring program shall be reported to Jefferson County and the Washington Department of Ecology by March 15 of each year.

(c) Conduct a Sewage Treatment Plant Monitoring Program which documents effects of the proponent's projects on capacity of the secondary wastewater treatment plant. Attention shall be focused on the number of connections; effluent flow volume; and effluent quality. It is acknowledged that the sole authority to monitor and regulate operation of the sewage treatment plant rests with the Washington Department of Ecology. Nothing in this condition is intended to supersede or conflict with requirements of the proponent's National Pollution Discharge Elimination System (NPDES) Permit No. WA-002120-2 issued pursuant to the Federal Clean Water Act and companion statutes. If any function or value monitored by the NPDES permit is exceeded, notice shall be provided to Jefferson County concurrently with notice to the Washington Department of Ecology. Results of the monitoring contained in this condition shall be transmitted to Jefferson County and the Washington Department of Ecology by March 15 of each year.

47. The riprap shore defense work shall be constructed in substantial alignment with the ordinary high water mark. ?
48. Design of the fuel and propane tanks shall be approved by the Chief of Fire District No. 3.
49. The deed to the homeowners association from Pope Resources of Tracts A, C, and M-1 shall be subject to an easement in favor of the general public for access, use, and enjoyment for the life of the project. The association will retain the right to reasonably regulate those common areas by establishing rules and regulations, such as those to protect landscaping, regulate noise, prevent nuisances. ←
50. Informational and directional signs shall clearly indicate the location of public access areas. ←
51. The proponent shall provide near the marina loading area an access area and stairway to facilitate launching of small watercraft such as dinghies, canoes, and kayaks.

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NOTICE:

1. This permit may be rescinded by the Jefferson County Board of Commissioners or the Washington State Shorelines Hearings Board upon the finding the permittee has not complied with the conditions herein, pursuant to RCW 90.58.140(8).
2. The permittee is liable for all damages to public and private property arising from violation of any provisions of the permit hereby granted, including the cost of restoring the affected area to its condition prior to violation and possible court costs that may ensue from violation, pursuant to RCW 90.58.230.
3. Construction pursuant to this permit will not begin nor is to authorized until thirty (30) days from the date of filing as defined in RCW 90.58. 140(6) and WAC 173-14-090, or until all review proceedings initiated within thirty days from the date of such filing have terminated, except as provided in RCW 90.58.140(5.a-c). Construction or substantial progress toward construction of the permitted development shall begin within two (2) years from the date of this permit and completion of the permitted development shall be accomplished within five (5) years from the date of this permit.
4. Nothing in this permit shall excuse the permittee from complying with any other federal, state, or local statutes, ordinances, or regulations applicable to this project, but consistent with RCW 90.58.

  
Richard E. Wojt, Chairman  
Jefferson County Board of Commissioners

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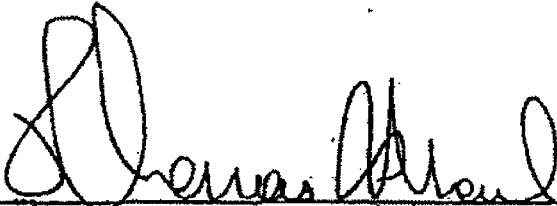
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THIS SECTION IS FOR DEPARTMENT OF ECOLOGY USE ONLY IN REGARD TO A  
CONDITIONAL USE PERMIT OR A VARIANCE.

Date received by the Department: May 20 '93

Approved: X Denied \_\_\_\_\_

This conditional use permit/~~variance~~ is approved/~~denied~~ by the  
Department pursuant to Chapter 90.58 RCW. Development shall be  
undertaken pursuant to the following additional terms and  
conditions: SEE ATTACHED LETTER.



Authorized Department Official

6-14-93  
Date

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