



JEFFERSON COUNTY

DEPARTMENT OF COMMUNITY DEVELOPMENT

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**SquareONE Resource Center | Building Permits & Inspections | Development Review | Long
Range Planning**

December 21, 2023

Pleasant Harbor Marina and Golf Resort, LLP
c/o John Holbert, PE 235 Salmon Street
Brinnon, WA 98320

via email: johnholbert@startmail.com

RE: SITE ADDRESS: 308913 US Highway 101, Brinnon, WA 98320
CASE #: SUB2023-00025 (Pleasant Harbor Master Planned Resort)
Determination of Incomplete Application

Dear Mr. Holbert:

Jefferson County received the Pleasant Harbor Marina and Golf Resort, LLP (“PHMPR”) preliminary plat application on November 20, 2023, and received additional information on November 22, 2023. After reviewing the application materials, Jefferson County determined that PHMPR’s application **is not complete**. This letter includes a list of materials necessary to make PHMPR’s application complete, and a response to this list is due by **March 20, 2024**, to continue processing the application.

Background Information

The preliminary plat application is the first application received by Jefferson County to implement the PHMPR project initially approved by the Jefferson County Board of County Commissioners on January 28, 2008. The underlying approval, subsequent *Development Agreement by and between Jefferson County, Washington and Pleasant Harbor Marina and Golf Resort, LLP Relating to the Development Commonly Known as the Pleasant Harbor Marina and Golf Master Planned Resort* (with appendices, exhibits, and amendments thereto; “*Development Agreement*”), and development code (Division II of Title 17, and others) set forth conditions of approval and procedural requirements that must be satisfied before and during project implementation. Some of the comments and requests for information below are necessary to demonstrate that the conditions of overall project approval have been met, even if they are not specifically related to the preliminary plat application. Jefferson County must document consistency and compliance with various conditions of approval to authorize development and related applications.

Missing Application Materials

Please address the following comments:

1. Phasing. The *Project Narrative* states, “The project is proposed to include **two divisions (phases)**.” The cover letter included with the preliminary plat application, however, indicates the PHMPR project will not be phased. A phasing plan was agreed upon by PHMPR and approved by the County as an amendment to the *Development Agreement* on July 22, 2019, following Kitsap County Superior Court’s disapproval of the initial phasing plan in its March 28, 2019, decision in *The Brinnon Group v. Jefferson County, et al.*, No. 18-2-01758-18 (“the Court Order”). The

Development Agreement (as amended on July 22, 2019) contemplates but does not necessarily require phasing, stating in Section 10.1 “Future development of the Pleasant Harbor MPR and all associated infrastructure, including roads and utilities, **may be** reviewed, permitted and constructed and/or bonded in phases or sub-phases.”

Please clarify the proposed approach to phasing, including revising the applicable application

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materials. This clarification should address, in particular, how PHMPR plans to sequence all preliminary facilities, public amenities, and access listed in Sections 10.1, 10.2, and 10.3 of the *Development Agreement* to achieve compliance with the *Development Agreement* (as amended on July 20, 2019) and the Court Order. This clarification should also identify deviations from the requirements in Sections 10.1, 10.2, and 10.3, such as the elimination of the LOSS system.

2. Other Permits Required. Please provide the list of other local, state, and federal permits required for the proposal required pursuant to JCC 18.40.100(1)(i). While this list may contain the information included in the SFEIS, it should be updated to reflect recent project changes such as the use of Kettle C instead of Kettle B for stormwater storage, construction of the parkade, installation and use of the modular construction facility, and any other changes since the FSEIS was published.
3. Conservation Easement. Section 8.8.7 of the *Development Agreement* requires the conservation easement included in Appendix M to be recorded within 15 days of execution of the *Development Agreement* (i.e., by June 19, 2018). The easement is not referenced on the survey included with the preliminary plat drawings and does not appear in Jefferson County’s records database for any of the properties referenced on the easement in Appendix M. Please provide evidence of recording.
4. Fire Flow. Pursuant to JCC 18.35.280(8) and JCC 18.30.030(5), adequate water sources and facilities for fire protection are required. Jefferson County has adopted the International Fire Code (IFC) in Title 15 and fire flow is determined per these requirements. Please provide information about the anticipated fire flow (in gallons per minute) for the project and information about preliminary facilities for fire protection. Please note that fire flow testing will be required before approving development permits for buildings.
5. Development Agreement Compliance Narratives. The *Development Agreement* incorporates several management plans, monitoring plans, and other policy documents in its appendices. Verification of compliance with these appendices is necessary to proceed with the preliminary plat review, to ensure the PHMPR is consistent with requirements related to site planning and design. Please provide the following information:
 - a. Cultural Resources Management Plan. Section 8.8.3 of the *Development Agreement* requires a cultural resources management plan that supports tribal access and community education opportunities. Please provide a narrative or similar information explaining how the project is consistent with these requirements. PHMPR may choose to highlight features of site design and layout, plans to install educational signage, agreements with affected tribes, or similar information that may exist. Please note that Appendix Q to the *Development Agreement* is an archaeological monitoring plan with inadvertent discovery protocol and does not explain how the project achieves the requirements outlined in the *Development Agreement*.
 - b. Wildlife Management Plan. Section 8.8.4 of the *Development Agreement* requires compliance with the wildlife management plan adopted as Appendix P. The project

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design has changed since Appendix P was developed. Please provide a revised wildlife corridor plan demonstrating compliance with the wildlife management plan and provide a narrative explaining how the project design will reduce potential conflicts between humans and wildlife.

- c. Recharge Wells. Section 8.8.5 of the *Development Agreement* requires reserve areas for additional recharge wells to be established. Please identify the reserve areas for potential future recharge wells on the plans.
 - d. Compliance with Vegetation Management Plan. Section 8.8.7 of the *Development Agreement* requires implementation of the Vegetation Management Plan in Appendix L. Before site development, the Applicant must devise several specific operational prescriptions to achieve “the ultimate vegetation goals and objectives established following the guidelines presented by the BoCC in Ordinance No. 01-0128-08.” Please provide a narrative explaining how the project design will implement the Vegetation Management Plan, incorporating specific operational prescriptions and conditions developed through an overlay of the current condition maps (Appendix M “Forest Report”) with the footprint of the PHMPR development.
 - e. Invasive Tunicate Monitoring. Section 8.8.8 of the *Development Agreement* requires adherence to the invasive tunicate monitoring plan adopted in Appendix R. Please provide a record of annual dive investigations and/or monitoring activities. Note that the monitoring plan is specific to Pleasant Harbor Marina, but compliance with this provision is required under the *Development Agreement* to proceed with the PHMPR development.
6. Certificate of Water Supply Utility Service. The *Supplemental Application – Certificate of Water Supply Utility Service for Jefferson County* is incomplete. Please submit a revised application addressing the following comments:
- a. Site Address. Provide an accurate project location. At a minimum, the site address should be listed.
 - b. Unit Information. Identify the number of units (unit counts for residential uses, square footage for all other uses) in the Project Preliminary Plan section.
7. Additional Plans and Documents. The *Preliminary Plat of the Hamlet of Pleasant Harbor* cover sheet references preliminary landscape plans (including road lighting, proposed landscaping, and transit stops) and a draft declaration of covenants, conditions, and restrictions (CCRs). Please provide the referenced plans and CC&Rs. These items are required for preliminary plats pursuant to JCC 18.35.300(4)(m) through (p).
8. SEPA Checklist. Pursuant to Section 9.2.4 of the *Development Agreement*, no further EISs or substantive SEPA mitigation measures are required when the proposed scope of work is consistent with the level and range of development analyzed in the previously completed EIS and Supplemental EIS documents (the “Prior EISs”). PHMPR’s narrative describes two changes to the overall project design, specifically the preservation of Kettle B and the use of Kettle C for stormwater storage and the elimination of the large on-site septic system (LOSS). Further, PHMPR’s proposed method of construction is a departure from conventional construction measures considered during the preparation of the Prior EISs. Please revise the SEPA Checklist to analyze these and any other proposed project changes.

PHMPR’s application is placed on hold pending the submittal of the requested information. As much as possible, please provide a single consolidated response. Responsive materials must be submitted by **March 20, 2024**. Per JCC18.40.110(3)(b), if an applicant does not submit additional information, does not

request additional time to submit the required information within the ninety (90) calendar day period, or does not appeal the determination of incompleteness, the application will be considered abandoned and therefore withdrawn, and the applicant shall forfeit the application fee. The Department of Community Development shall not be responsible for notifying the applicant of an impending expiration.

If you have any questions, please contact me at 360.352.1465 or cristina.haworth@scjalliance.com.

Sincerely,



Cristina Haworth, AICP Planning Consultant cc: Josh Peters, AICP, Jefferson
County, Community Development Director

George Terry, Assistant Planner
Philip Hunsucker, Chief Civil Deputy Prosecuting Attorney
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