

LAND SURVEYING	 <b>CLARK LAND OFFICE</b>	935 North Fifth Avenue • P.O. Box 2199
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September 15, 2008

Clallam County Board of Commissioners  
 Clallam County Planning Commission  
 Clallam County Courthouse  
 223 East 4<sup>th</sup> Street  
 Port Angeles, Washington 98362

Subject: WWGMHB Final Order and Decision

Honorable Commissioners:

We are writing this letter on behalf of our clients, Howard's Ventures, Robert Rowe and Schroeder Trust. These people have invested substantial time and expense in preparation of subdividing their property prior to implementation of the Emergency Interim Land Use and Zoning Controls.

1 On April 25, 2007, a soil and site evaluation was performed for Gene & Miriam Schroeder Trust to determine the feasibility of dividing their property (Assessor's Parcel Number 043004110700). The site registration for Lot 4 of the proposed 4-lot short plat was approved on June 13, 2007, but proposed Lots 2 and 3 site registrations were required to go through over-winter water table monitoring. On April 22, 2008, the Schroeders received a letter from the Clallam County Environmental Health Division stating that after the over-winter observations, the site appeared to be capable of supporting an on-sewage disposal system and their pending site registration could now be processed.

2 On August 31, 2007, a soil and site evaluation was performed for Robert Rowe, also to determine the feasibility of dividing their property (Assessor's Parcel Number 043004110600). A letter dated September 4, 2007 from his designer, On-Site Services, stated that the proposed new lots did not meet the minimum soil dept requirements for a land division, but that a satisfactory result from a wet-season water table evaluation would allow the land division to go forward. Mr. Rowe received a letter dated May 2, 2008 from Environmental Health stating that he, too, had favorable results from the over-winter monitoring and that they had enclosed a copy of his approved site registration.

3 Howard Ratzman of Howard's Ventures bought his property (Assessor's Parcel Number 053009440040) from Olympic Land Development (OLD) with the intent of continuing the short

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platting process OLD started. OLD contacted their septic designer for site registrations in the fall of 2006 and the designer first went out to the property to perform preliminary soils work. The designer found that over-winter water table monitoring would be needed for the site prior to site registration application. After two years of required over-winter monitoring, Mr. Ratzman (the new owner of the property) received a letter dated April 22, 2008 from Clallam County Environmental Health stating that the site appeared capable of supporting an on-site sewage disposal system and he could now contact his designer to perform site registrations.

As you can see by the dates of the approved water table monitoring, it was impossible to get site registrations completed and applications for the short plats submitted to the County prior to the April 24, 2008 vesting date.

As we stated in our letter to you dated August 6, 2008 (copy attached), we feel that our clients clearly indicated their intent to subdivide their property by virtue of application for site registrations. In addition to the County fees paid for site registration and over-winter water table monitoring and fees to septic designers and surveyors, two of these clients (Schroeder and Rowe) bought water shares, fully believing that they would be able to subdivide their property (based on recently approved short plats adjoining and in the immediate vicinity), to ensure that the water shares would be available to them.

In consideration of the information provided above, we would like this letter to be considered an appeal to the ruling that these projects are not deemed vested because the land division applications were not submitted prior to April 24, 2008.

We appreciate your consideration of this request.

Sincerely,

CLARK LAND OFFICE

  
Kenneth A. Clark, PLS

  
Scot B. Clark, PLS

Enclosure

cc: Robert Rowe, Gene & Miriam Schroeder, Howard Ratzman  
Steve Gray, Clallam County DCD

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August 6, 2008

Clallam County Board of Commissioners  
Clallam County Planning Commission  
Clallam County Courthouse  
223 East 4<sup>th</sup> Street  
Port Angeles, Washington 98362

Subject: Interim Land Use and Zoning Measures

Honorable Commissioners:

We are writing this letter on behalf of several of our clients who have invested substantial time and expense in preparation of subdividing their property prior to implementation of the Emergency Interim Land Use and Zoning Controls.

Before an application for subdivision can be made, site registrations must be performed to determine the appropriate size and type of onsite septic system for the proposed lots. Three of our clients paid site registration fees to the County and septic system designers and in the process were told their property would have to go through over-winter water table monitoring before their site registrations could be completed. This monitoring took place during the wet season – November to April. Decisions were then sent in mid- to late-April to the landowners by the Clallam County Department of Health and Human Services stating that their property would support on-site sewage disposal systems and that they could now contact their designers to perform a site registration.

An emergency ordinance was adopted by the Clallam County Commissioners on May 27, 2008 imposing interim controls in areas affected by the April 23, 2008 rulings of invalidity by the Western Washington Growth Management Hearings Board; this temporary ordinance was subsequently adopted as Interim Ordinance 833 on July 22, 2008. Ordinance 833 states that any application for subdivision in the areas affected by this emergency ordinance submitted and accepted prior to April 24, 2008 is a vested application and could continue the subdivision process.

This rules out all of our clients who were unable to continue the application process because of the over-winter water table monitoring requirement.

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In fairness to our clients, who have spent in total over \$18,000 in anticipation of subdividing their property, we feel that their intent to subdivide was apparent in their attempt to obtain site registrations. Therefore, they feel, as we do, that they should be considered vested under the zoning in place at the time of the original site registration application. We are asking your support in allowing our clients to continue the process they started last fall and in which they have invested so much financially.

Thank you for your consideration.

Very truly yours,

CLARK LAND OFFICE



Kenneth A. Clark, PLS

cc: Steve Gray, Clallam County DCD