



# JEFFERSON COUNTY ADMINISTRATOR

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## **Jefferson County Negotiates Settlement Agreement with Port Ludlow Associates over timber practices inside Master Planned Resort**

*(Port Townsend, WA)* Jefferson County has negotiated a Settlement Agreement with Port Ludlow Associates (PLA) resolving a dispute over PLA's timber harvests in 2015, and providing clarity for future timber harvests by PLA within the Port Ludlow Master Planned Resort for the duration of its existing development agreement with the County. The Jefferson County Board of Commissioners approved the Settlement Agreement during their regular meeting on Monday, December 19. Diana Smeland, PLA's President, also has signed the Settlement Agreement.

Some key provisions of the Settlement include:

- Protections against future timber harvests within all 368 acres of designated Open Space Reserve;
- Requirements that harvests within 442 acres of other undeveloped lands owned by PLA be limited to conversion for development, golf course expansion, or other limited purposes;
- Within 277 acres of land that is already developed or approved for subdivision, future tree cutting is allowed for development, improvements, maintenance/operations, but not commercial forestry.
- Maintenance of timber by PLA is allowed within 50 feet of the active portions of the golf course on neighboring PLA parcels consistent with past golf course maintenance practices;
- PLA will give the County 30 days' advance notice prior to any large harvests, as defined in the Settlement.
- If the County believes a timber cut by PLA is not consistent with the Settlement Agreement and the County notifies PLA, the cutting must stop immediately. Cutting would not resume unless mutually agreed by the County and PLA, or until ordered by binding arbitration or court order.

The timber dispute arose out of differing interpretations of how the Development Agreement and state law applied to two timber harvests by PLA within the Master Planned Resort in early 2015.

With the Settlement, both parties have compromised to now agree on rules governing future timber management activities under the Development Agreement. In recognition of resolving

the conflict, the County has withdrawn an enforcement letter that the County had issued on May 7, 2015.

For its part, PLA has offered its willingness to consult with any property owner adjoining the 2015 harvests who has concerns about impacts from that harvest, and PLA will consider whether it will offer any voluntary actions in response to those concerns.

To reach the Settlement Agreement, PLA and the County participated in mediation, led by mediator Phyllis Macleod, on January 27 and May 20, 2016, followed by extensive further negotiation. The County was assisted in the negotiations by land use attorney Patrick Schneider of Foster Pepper PLLC in Seattle, and PLA was assisted by Marco de Sa e Silva of Davis Wright Tremaine LLP, also of Seattle. Port Ludlow resident Bill Dean observed both mediation sessions on behalf of the Port Ludlow Village Council. Together with Dave Jurca of South Bay Community Association and Dave McDearmid of Ludlow Maintenance Commission, the three residents provided ongoing community input to the County over the past year.

The Settlement Agreement is intended to resolve all disagreements of the parties regarding the 2015 Timber Harvests and to address the manner in which PLA may cut trees within the MPR during the term of its Development Agreement with the County.

Board of County Commissioners Chair Kathleen Kler stated, “after more than a year and a half of effort, the County is thankful that this issue has been mutually settled. We are pleased that both parties have come to an agreement about what kind of timber management PLA may undertake in Port Ludlow during the remaining years of our Development Agreement.”

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