



Development Services
Department
City of Port Townsend
250 Madison Street, Suite 3
Port Townsend, WA 98368

**THIRD AMENDMENT TO THE
PROPERTY USE AND DEVELOPMENT AGREEMENT**

**for
LYNNESFIELD
PLANNED UNIT DEVELOPMENT**

GRANTOR/GRANTEE: City of Port Townsend; Lloyd (Joe) Campbell, President of Campbell Construction, and Charley Hough, President of the Lynnesfield Home Owners Association.

REFERENCE DOCUMENTS:

Lynnesfield Property Use & Development Agreement	AFN #391311
First Amendment	AFN# 402738
Second Amendment	AFN# 410135

THIS AMENDATORY AGREEMENT is made and entered into by and between the **City of Port Townsend**, a municipal corporation, hereinafter referred to as "City", **Lloyd (Joe) Campbell**, President, Campbell Construction, hereinafter referred to as "Developer" and his successors and assigns, and Charley Hough, President of the **Lynnesfield Home Owners Association**, hereinafter referred to as "HOA".

WITNESSETH

WHEREAS, the Developer owns and the HOA represents owners of certain real property situated in the City of Port Townsend, Jefferson County, Washington, **legally described** as follows:

Lots 26 through 32 and Lots 60 through 66 of the Lynnesfield Planned Unit Development as per plat recorded in Volume 7 of Plats, pages 54 through 62, as amended by Volume 7 of Plats, pages 95 through 103, Auditor's File No. 41034, Records of Jefferson County, Washington.

Situate in the County of Jefferson, State of Washington.

Lots 1 through 11, Lots 14 through 25 and Lots 43 through 44 of the Lynnesfield No. 2 Planned Unit Development as per plat recorded in Volume 7 of Plats, pages 152 through 160, Auditor's File No. 452952, Records of Jefferson County, Washington.

Situate in the County of Jefferson, State of Washington.

Lots 33 thorough 42 and Lots 45 through 59 of the Lynnesfield No. 3 Planned Unit Development as per plat recorded in Volume 8 of Plats, pages 76 through 80, Auditor's File No. 524026, Records of Jefferson County, Washington.

Situate in the County of Jefferson, State of Washington.

Jefferson County **tax parcel numbers** 968-500-001 through 968-500-011 and 968-500-014 through 968-500-066; All located within Section 34, Township 31 North, Range 1 West, W.M., of the City of Port Townsend, Jefferson County, Washington; and

WHEREAS, the City and Developer have entered into a certain Property Use and Development Agreement (PUDA) dated April 30, 1996, and recorded in the official records of the Jefferson County Auditor, under Auditor File Number 391311; and

WHEREAS, a First Amendment to the Property Use and Development Agreement (PUDA) was approved by the City on August 7, 1997, and recorded in the official records of the Jefferson County Auditor, under Auditor file number 402738. Said amendment approved a reduction in the rear yard building setbacks from ten (10) feet required by the zoning ordinance to five (5) feet; and

WHEREAS, a Second Amendment to the Property Use and Development Agreement (PUDA) was approved by the City on May 21, 1998, and recorded in the official records of the Jefferson County Auditor, under Auditor file number 410135. Said amendment approved an increase in the number of lots available for multi-family development (from five (5) to eight (8) lots) while keeping the total number of multi-family units the same as originally approved (34 units maximum); and

WHEREAS, when originally approved, the Lynnesfield PUD was located in the R-1A zone which at that time required side yard setbacks totaling fifteen (15) feet with a minimum of ten (10) feet on one side and a minimum of five (5) feet on the other. Condition #53 of the

Lynnesfield PUD Agreement (AFN 391311) states *“Unless otherwise provided herein, any and all improvements with the Lynnesfield PUD shall be made in full conformance with all applicable federal, state and local laws and regulations in effect at the time of application for building permits, and in the event any of the conditions prescribed herein are in conflict with any such law or regulation, the more restrictive shall apply;”* and

WHEREAS, shortly before approval of Phase 1 of Lynnesfield in March, 1997, the City’s zoning code under the Growth Management Act (GMA) was adopted which altered setbacks to allow a 5 foot minimum on both side yards of a residential lot. Hence, all of the homes within Lynnesfield have been built according to these setbacks. In July, 2010, the City’s zoning code was again amended to revert to the pre-1997 side yard setbacks (i.e. 10 foot minimum on one side with 15 feet minimum total). The Developer and HOA now desire to retain the 5-foot side setbacks that have been typified within the Lynnesfield development; and

WHEREAS, the Port Townsend Director of the Development Services Department (DSD) has granted approval of the requested amendment, as set forth in the Findings and Conclusions of Land Use Permits (LUP) 11-003; and

NOW THEREFORE, IT IS AGREED to amend the original Agreement as follows:

1. Add a new condition 53 (B), *“The minimum side yard setbacks for all lots available for detached single family home development shall be five (5) feet.”*

No other amendments or modifications to the recorded PUDA not expressly authorized by this Agreement are authorized or approved.

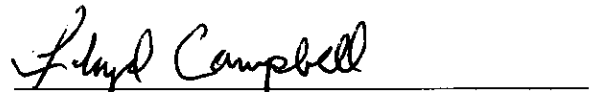
IN WITNESS WHEREOF, the parties hereto have executed this Agreement this 20th day of December, 2011.

CITY OF PORT TOWNSEND

CAMPBELL CONSTRUCTION

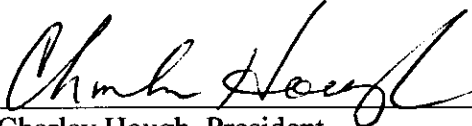


Rick Sepler, DSD Director



Lloyd (Joe) Campbell, President

LYNNEFIELD HOME OWNERS ASSOCIATION


Charley Hough, President

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