CITY OF SEQUIM PLANNING COMMISSION STAFF REPORT

HOME SUBDIVISION; DIVISION B PRELIMINARY MAJOR SUBDIVISION

PLANNING FILE SUB 19-001

PUBLIC MEETING DATE: JANUARY 18, 2022



Owner/Applicant: North Pointe Construction, LLC (formerly dba Green Crow Investments Company, LLC) P.O. Box 2439, Port Angeles, WA 98362. **Project Lead:** Bruce Emery, North Pointe Construction, LLC, P.O. Box 2439, Port Angeles, WA 98362. **Staff Contact:** Tim Woolett, Senior Planner twoolett@sequimwa.gov 360-582-2476.	**Property Location:** South of Comfort Way and Rolling Hills Way, and east of E. Quail Lane and Eastgate Place, Sequim, Washington; and identified as Clallam County Assessor's Parcel No. 033030-590000, all within a portion of Section 30, Township 30 N. Range 3 W., W.M. Clallam County, Washington **Public Comment:** The project was noticed per Title 20 of the SMC. As of the published date of this report, Comments received from the public have been included as [**Exhibit 8**].	**Staff's Recommendation:** Approval as conditioned. **Action:** The Planning Commission hereby recommends: **Approval**; **Approval with Modifications**; or **Denial** to the City Council, of the Home Subdivision; Division B Preliminary Major Subdivision application (file No. SUB 19-001)

1. PROJECT SUMMARY

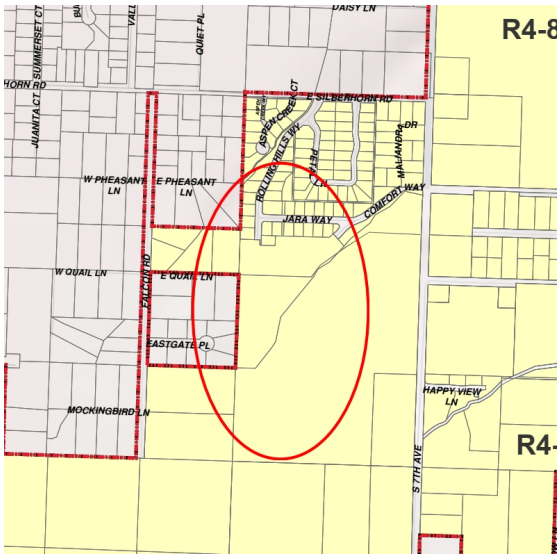
1. a. Project Description: A proposed major preliminary subdivision application to develop 33 single family residential lots on approximately 9.14 acres of property currently zoned "Single Family Residence" (R 4-8). The project would be developed in four phases. Phase B-1: 10 lots, Phase B-2: 11 lots, Phase B-3: 4 lots, and Phase B-4: 8 lots.

1. b Previous Actions: The property has been subject to the following previous action:

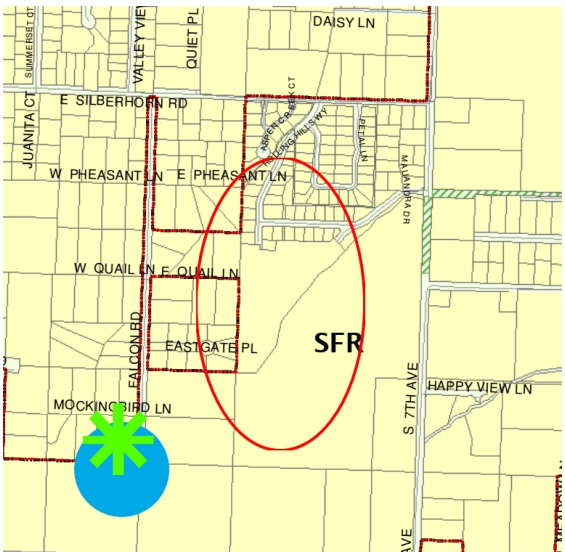
- February 13, 2008: Home Phase A final plat recorded with the Clallam County Auditor under Volume 15, Page 41 of Plats, Auditor's File No. 2008-1216195. Home Phase B, the property subject to this application for preliminary subdivision approval, expired in December 2016 pursuant to RCW 58.17.140(3)(b).
- September 23, 2019: Major Preliminary Subdivision application submitted to the City for review.
- September 25, 2019: Notice of complete application issued.
- November 8, 2019: SEPA Mitigated Determination of Non-significance (MDNS) issued.
- November 14, 2019: Notice to suspend process pending receipt of additional information.
- December 31, 2021: Notice of public meeting and public hearing mailed to property owners within 300' of the project site.

1. c Project Context:
The project is located in the R4-8 zoning district (4 to 8 dwelling units per acre). The City of Sequim Future Land Use Map (FLUM) designates the land single-family residential, which is consistent with the zoning designation for the site [Figure 1]. Zoning in the vicinity of the subject property consists of residential zoned lots in both incorporated and unincorporated areas.

FIGURE 1
ZONING / COMP. PLAN DESIGNATION

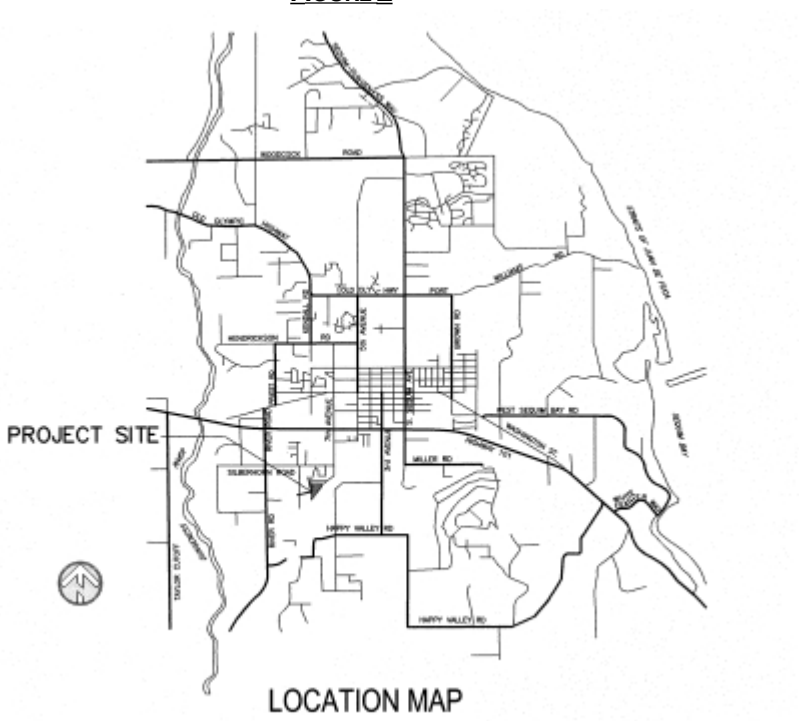


Zoning Map
R 4-8



Comprehensive Plan Future Land Use Map
SFR

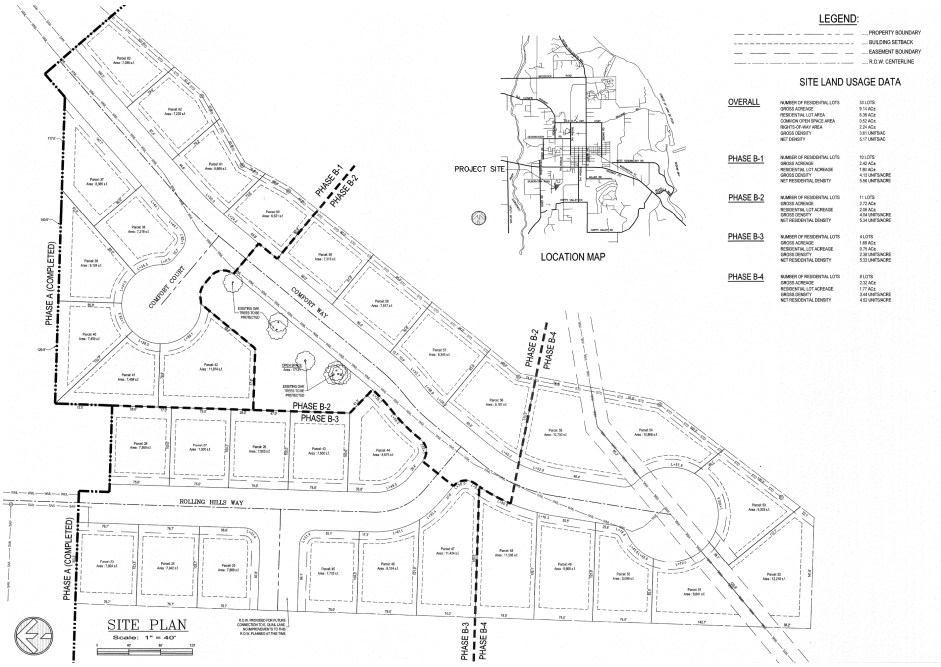
FIGURE 2



The property consists of fallow pastureland covered with native grasses and shrubs with several large oak trees remaining in the central portion of the site. The site is generally level with a slight (3%) grade to the north. The adjacent property to the southeast contains a steep slope which parallels the southeastern property line of the subject property. This slope varies in height from approximately 30 to 50 feet and has an average slope of 50 percent. The area above this slope is pastureland and slopes to the northwest at grades between 5 and 8 percent.

An existing 8-inch water main was previously installed through the project site to provide connectivity in the Silberhorn Road area. This line is intended to remain and will be located with the extended Comfort Way right-of-way. A stormwater catchment system consisting of Type 2 catch basins and 24-inch diameter storm piping was installed along the southeast property line, apparently to capture surficial offsite runoff and convey it around the subject property.

FIGURE 3
PRELIMINARY PLAT LAYOUT



1. d Supporting Studies:

The following special studies have been completed in support of the subject preliminary subdivision proposal, and all associated email and other written correspondence, are hereby incorporated into the project record by reference.

1. Geotechnical Report
2. Traffic Impact Analysis and Addendum
3. Preliminary Stormwater Control Plan

2. STAFF DISCUSSION / ANALYSIS:

SUBDIVISION FINDINGS AND CONCLUSIONS

2. a Zoning, Land Use, Density & Development Standards

Discussion: The subject site's future land use designation as identified in the 2015-2035 Comprehensive Plan is Single-Family Residential (SFR/R4-8). The following zoning and development standards are established in SMC Chapters 18.44 Bulk and Dimensional Requirements, 18.22 Development Standards, 18.20 Purposes of Districts, and 18.48 Off-Street Parking.

- Property Size: According to Clallam County records, the subject property is approximately 9.14 acres in area (gross). As indicated on the submitted plans [Exhibit 2], the net proposed residential lot area is approximately 6.38 acres.

- Current Land Use: The subject property is currently undeveloped. There are water and stormwater utility improvements as previously described herein.

- R4-8 Single-Family Residential: The purpose of the R4-8 zoning district is to provide land for districts of detached, single-family homes within the city. The R4-8 zone provides for consistency and predictability in single-family neighborhoods. According to SMC 18.20.050, new subdivisions are required to produce a minimum of four dwelling units per net acre. The minimum number of units may be reduced based on the presence of critical areas.

SINGLE-FAMILY RESIDENCE – R4-8

18.20.050

Zone Intent: The R4-8 zoning district is to provide land for districts of detached, single-family homes within the city. The R4-8 zone provides for consistency and predictability in the character of single-family neighborhoods. New subdivisions shall provide a minimum of four dwelling units per net acre.

PERMITTED USES	Lot Size Standard	General Development Standards					
		Maximum Height	Minimum Front Yard	Minimum Side / Rear Yard	Maximum Lot Coverage	Required Parking	Site Requirements
Residences (Detached)	Min. lot size – 5,400 sf Max. lot size – 14,500 sf *	25 feet, except 18 ft in Central Height District	15 feet	Side: 6' each side; or 12' one side only if zero-lot-line development. Rear: 15'	40% lots 10,000 sf and larger; increases by 0.4% for each 100 sf lot area less than 10,000 sf	2 spaces / residence	Site plan review per SMC 18.22
Public Facilities and Services	None	25' or as determined by Conditional Use Permit		Major: As determined by Major CUP Minor: 20'		See SMC 18.48.050	Site plan review per SMC 18.22; Fencing per SMC 18.24.140
Communication Facilities / Towers (See SMC 18.61 for Wireless Communications)	None	150 feet	2 times the height of a tower, antenna, dish; 50' for all other facilities			None	Fencing per SMC 18.24.140

ACCESSORY USES AND STRUCTURES: See SMC 18.59 **ACCESSORY DWELLING UNIT:** See SMC 18.66
HOME OCCUPATION: See SMC 18.67

CONDITIONAL USES:
Major: Parks other than mini-parks; public schools; libraries; community centers; police and fire statios; power substations;
Minor: Mini-parks, minor Public Facilities.

NOTES: THESE TABLES ARE INTENDED TO REPLACE ZONING AND BULK AND DIMENSIONAL STANDARDS ONLY. REFERENCES TO OTHER SMC TITLES OR CHAPTERS ARE FOR ILLUSTRATIVE PURPOSES ONLY. SPECIFIC REQUIREMENTS MAY VARY AND DEPEND UPON THE PROJECT SUBMITTED.

Regulation of building heights is related to these polices of the Sequim Comprehensive Plan: Land Use Chapter LU 3.2.4, 3.2.5, and 3.2.7. Also see SMC 18.08.020, Definitions, for method of measurement of building height.
A subdivision may create one remainder lot large enough to be further subdivided in the future, based on the minimum lot size requirements of the applicable residential zone and the remainder lot shall not prevent a future subdivision from occurring that meets all of the city's lot dimensional requirements and density.

- Lot size and Density: The proposed lot sizes and density would be consistent with SMC 18.20.050.

- Building Height: The maximum building height allowance is 25 feet. The building permit review process will ensure that no building will exceed the 25-foot height limitation. Therefore, the proposed project complies with SMC 18.20.050.

- Lot Size Range: Lots within the R4-8 zone have lot size range of a minimum of 5,400 square feet and a maximum of 14,500 square feet. The proposed lots are all within the allowable lot size range; thus, the proposal would be consistent this requirement.

- Parking: Single-family residential units are required to have two on-site parking spaces per unit pursuant to SMC 18.48.050(B)(1). The project is proposing driveways to each lot which would also have the required minimum two on-site parking spaces. The availability of on-site parking will be verified with each building permit review, thus ensuring compliance with SMC 18.48.050(B)(1).

- Lot Coverage (All Structures): Forty percent for lots 10,000 square feet and larger; that allowance adjusts by 0.4% for each 100 square feet of lot area less than 10,000 square feet. Lot coverage will be reviewed with each building permit application to ensure the lot coverage requirements are met. The proposed project would comply with this requirement [SMC 18.20.050].

- Signage: Any subdivision/project signage would need to satisfy the requirements of SMC 18.58 (Sign Code). Any future signage will require separate review by the City's Building Department, at which time it will be reviewed for compliance with the City's sign regulations (SMC 18.58).

- Buffers: As provided in the site description above, the adjacent property to the southeast contains a steep slope which parallels the southeastern property line of the subject property. This slope varies in height from approximately 30 to 50 feet and has an average slope of 50 percent. The area above this slope is pastureland and slopes to the northwest at grades between 5 and 8 percent. Pursuant to SMC 18.80.030, these site characteristics would qualify as "Landslide Hazard Areas" which are subject to the buffer requirements of SMC 18.80.070(C)(4) as follows:

  > *"…a geological hazard area, particularly landslide hazard and erosion hazard areas or steep slopes, cannot be safely developed and must remain as permanent open space, the geological hazard area must have a buffer of 50 feet from the top and toe of the designated area. This buffer may be reduced (to not less than 25 feet) or enlarged based on geotechnical review, which assures any such variation provides or is necessary to provide adequate protection of any structures on site."*

  The subdivision proposal on the abutting property upon which the landslide hazard area is location has provided a 30-foot buffer from the top of the landslide hazard area. The buffer from the toe of the landslide hazard area may be reduced to not less than 25 feet provided that such a variation will be adequate to provide protection of any proposed lots.

- Open Space & Recreation: Although the project proponents are proposing 0.39 acres of open space, open space is no longer a requirement for a single-family residential subdivision. However, individual lot owners will be required to pay Park impact fees at the time of building permit. The fees generated from this project would provide funds for the City's parks and recreational facility improvements, including, but not limited to, planning, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, capital equipment pertaining to park and recreational facilities, and any other expenses that can be capitalized provided the expenses relate to the parks and recreational facility improvements [*SMC 22.12.100 C*.].

Staff Finding #1: Staff finds that (with conditions), the Home Subdivision: Division B would satisfy the requirements of SMC, Chapter 18 (Zoning) [the bulk and dimensional requirements of SMC 18.20.050, Single-family residence – R4-8 Zone Table]. Setbacks, lot coverage and building height will be reviewed at the time of individual building permit applications for the future homes.

2.b. Environmentally Significant Lands:

The submitted geotechnical report provides that available geologic data indicates that a "Site Design Class D" as per Table 1613.2.5 of the International Building Code is appropriate for this site. All proposed single-family residential building permits are required to satisfy the standards for Site Design Class D at a minimum; therefore, the project would comply with the City of Sequim Critical and Environmentally Sensitive Area Protection regulations. Additional discussion regarding environmentally significant lands is provided above under Open Space and Buffers, and below under *Approval Criterion H* below.

Staff Finding #2: ***Staff finds that the requirements for single family residential building permit approval will ensure that the proposal would be consistent with SMC 18.80 – CRITICAL AND ENVIRONMENTALLY SENSITIVE AREAS PROTECTION as they apply to seismic hazard areas. Establishing a 30 foot buffer from the toe of the landslide hazard areas abutting the southeast property line and providing it in separate open space/critical areas buffer tract would be consistent with SMC 18.80 – CRITICAL AND ENVIRONMENTALLY SENSITIVE AREAS PROTECTION as they apply to landslide hazard areas.***

2.c. Preliminary Major Subdivision Plat Approval Process & Criteria:

Major Subdivisions are identified as Type C-2 process in Chapter 20.01.030, Table 2 (SMC), which requires a Planning Commission public meeting and a City Council public hearing. Chapter 17.20.040 of the Sequim Municipal Code (SMC) contains the criteria by which subdivisions are reviewed:

17.20.040 Approval criteria.

The city shall not approve applications for subdivisions unless it is demonstrated by the subdivider that each of the following criteria has been met or will be met:

A. Each lot resulting from the subdivision shall conform with the comprehensive plan and zoning regulations;

Staff discussion: The purpose of the R4-8 zoning district is to *provide land for districts of detached, single-family homes within the city. The R4-8 zone provides for consistency and predictability in the character of single-family neighborhoods. New subdivisions shall provide a minimum of four dwelling units per net acre* [SMC 18.20.050]. As provided above under *Zoning, Land Use, Density & Development Standards*, the proposal would satisfy the standards of the current zoning regulations and the goals and policies of the Comprehensive Plan. The zoning regulations provide a minimum four (4) dwelling units per *net acre* requirement; however, the code does not provide a definition for "net acre". For the purposes of this review net acre shall be considered those areas for residential development outside of the 2.76 acres composed of open space park area (.52 acres) and public rights-of-way (2.24 acres). According to the plans [Exhibit 2], the proposed lots would be within the minimum 5,400 and maximum 14,500 square-feet lot size requirements for the underlying zone and would satisfy the density requirements of the zone.

Conclusion: The proposed subdivision configuration would be in conformance with the zoning standards (Title 18, SMC) and the applicable provisions for areas designated by the Comprehensive plan for Single Family Residential development and would therefore satisfy this criterion for approval.

B. Each lot shall adjoin a public street or a private street in the subdivision;

Staff discussion: This proposed subdivision is currently surrounded by private streets. As proposed, the new streets should be dedicated to the city as public rights-of-way; thus, each proposed lot would abut a public street within the proposed subdivision. The Sequim City Council has recently adopted a prohibition of private streets; therefore, staff is recommending that streets be dedicated to the city as public rights-of-way. The project proponents have been encouraged by city staff to explore the possibility of working with the current owners of Comfort Way (a private street) to dedicate it to the city as a public right-of-way which would link this proposed subdivision to 7th Avenue via a public street. Such dedication would need to be contingent on Comfort Way satisfying the City of Sequim Street Standards. It should be noted that the project proponents are also members of the Comfort Way ownership.

The project proposal includes providing two points of access to the subdivision, one connection to Comfort Way, and one connection to Rolling Hills Way. Each of these connections will be an extension of their connection road. Subdivisions are required to have two points of access pursuant to SMC 17.32.110 stating that *"Each subdivision must have at least two points of access… For subdivisions with more than four and up to 30 lots, the two points of access may be combined if separated by a minimum 10-foot-wide landscape area and encompass two 20-foot-wide drive lanes."*

Phase 1 (of the project B-1 as stated on the plans) would provide 10 lots; thus, a second point of access or combined access would be required. SMC 17.32.110 also provides that *"After considering fire district safety recommendations, one point of access may be approved for subdivisions of less than 10 lots where insufficient land area is available for two access points."* Upon discussing with the Building Department regarding fire safety concerns, there are no fire safety concerns with a single point of access for less than 10 lots and that the Fire District would prefer to avoid the combined access point. Therefore, with the requirement for limiting Phase 1 to no more than 9 lots or building permits issued, a single point of access would be allowed until such time as Phase 2 develops.

Upon development of Phase 2, the connection to Rolling Hills Way would be required. The applicants have proposed to terminate the road in Phase 2 with a "hammerhead" turnaround design. After consideration of this alternative, staff concludes that the Rolling Hills connection would be required prior to final approval of Phase 2 of the proposed subdivision in order to satisfy the requirements of SMC 17.32.110. A project proponent is not compelled to develop all phases of a phased development, nor are they in control of outside forces that may dictate the feasibility of completing the subdivision. Additionally, if all phases are not developed within five years of preliminary approval the approval will expire and the site will remain as last improved. Therefore, each phase must be improved as though it is the final phase prior to its final plat approval.

Conclusion: With the limitation of 9 lots or units on Phase 1 and the requirement to connect Rolling Hills Way prior to final plat approval of Phase 2, the proposal would satisfy this criterion for approval.

C. Curb, gutter, sidewalk, trail connections, transit stops, streets, storm drainage, sanitary sewer lines, water lines and other utilities as required shall be installed at the expense of the applicant and meet city specifications and applicable ordinances and the city engineer has certified or approved the proposed plans;

Staff discussion: The City Engineer reviewed the proposal and provided comments related to traffic impacts, street configurations, impact fees, water, sewer, stormwater utilities and permitting requirements [*Exhibit 7.e*]. As proposed, a new internal public road system would connect with Comfort Way accessing off South 7th Avenue and connecting to Rolling Hills Way accessing off the south side of Silberhorn Road.

Prior to improvements for final plat approval, a site construction plan for said improvements will be required to be submitted for review and approval by the City Engineer. The plan shall include all applicable designs for the curb, gutter, sidewalks, streets, storm drainage, sanitary sewer lines, water lines, street lights and all other required utilities which shall be installed at the expense of the applicant, unless a bond is posted to ensure completion pursuant to SMC 17.64. The applicant will also be required to provide for the necessary utility easements and the dedication of streets and other infrastructure to the City upon recording the plat.

Conclusion: As provided above, the proposed development would satisfy this criterion for approval.

D. The subdivider has provided an easement for utilities transmission services, if necessary;

Staff discussion: The final plat/site construction review process will ensure that all necessary utility easements will be established and shown on the face of the final plat prior to recording of the map. It will be the applicant's responsibility to demonstrate that all necessary utility transmission easements have been obtained, consistent with City standards.

Conclusion: The final plat review process will ensure that this criterion will be met.

E. Private property necessary for public use for streets will be dedicated by a deed of dedication acceptable to the city or by preparing a plat to be recorded;

Staff discussion: All areas to be used by the public are required to be dedicated, conveyed to, and accepted by the city, and all easements which are required as conditions of approval and are granted in a form acceptable to the city.

Conclusion: The final plat review process will ensure that this criterion will be met.

F. A bond will be posted to ensure completion of those improvements required under these criteria but not yet installed or provided;

Staff discussion: Pursuant to SMC 17.64.010(A), a final plat and/or final binding site plan shall not be considered for approval unless the applicant has guaranteed to complete all required improvements within a reasonable period consistent with approved working drawings and specifications and has guaranteed to maintain the improvements until they are accepted by the city. The guarantee of completion and maintenance shall provide that the applicant will reimburse the city for any

maintenance work which is required consistent with this chapter upon failure of the applicant to perform such work after receiving due notice from the city. This guarantee shall be by at least one of the three methods established in SMC 17.64.020 and shall be in addition to requirements of SMC 17.64.010 B. Only one method of plat completion guarantee shall be applied for each specific improvement.

Conclusion: The site construction and final plat review process will ensure that this criterion is met through application of the requirements set forth in Chapter 17.64 SMC.

G. Adequate public facilities will be provided, as required by the adopted capital facilities plan. These facilities may include, but not necessarily be limited to, parks, playgrounds, schools, open spaces, transit stops, and trails and trail connections;

Staff discussion: The project is not required to provide any new public facilities such as parks, trails and playgrounds, but will be required to pay park & traffic impact fees (SMC 22.12.110 and SMC 22.04.110) as the individual lots are developed.

Conclusion: This criterion would be satisfied with the development of the individual lots within this subdivision.

H. All requirements of the environmentally sensitive areas and wetlands sections of the SMC and the State Environmental Policy Act (SEPA) have been met;

Staff discussion: DCD forwarded the proposal and environmental review documents to the City of Sequim Public Works/Engineering Department, Washington State Department of Ecology, Department of Archaeology and Historic Preservation (DAHP), the Jamestown S'Klallam Tribe, State Department of Fish and Wildlife, and Clallam County for review. In response, comments were received from the Department of Archaeology and Historic Preservation offering that their professional opinion is that the project area has the potential to contain archaeological resources. The project area has been determined to be at high risk of containing archaeological resources according to the DAHP predictive model, and similar areas in Sequim have yielded significant archaeological finds. Therefore, they recommend a professional archaeological survey of the project area be conducted prior to ground disturbing activities. They have also recommended consultation with the concerned Tribes' cultural committees and staff regarding cultural resource issues. These concerns have addressed in the conditions provided herein, including the mitigation provided in the SEPA MDNS issued November 8, 2019 [Exhibit 6].

Other than the portion of seismic hazard area over the southern half of the property and the landslide hazard area at the south end of the property, there are no other known or mapped critical areas on the subject property. Pursuant to SMC 18.80.050(B)(2), critical areas other than those listed in SMC 18.80.050(B)(1), are developable provided the applicant provides supporting documentation that the proposal incorporates measures pursuant to the City of Sequim critical areas regulations. As required in SMC 18.80.050.B.3.a. *"As a condition of any land use permit, building permit, grading permit, clearing permit and subdivision or short plat issued pursuant to the Sequim Municipal Code, the property owner and/or applicant are required to create a separate*

critical area tract or tracts containing the areas determined to be critical area and/or critical area buffer." Therefore, as a condition of preliminary approval, the extent of the toe of the geological hazard area and its required buffer must be contained in a separate critical area tract. The extent of the critical area will be verified by an independent third-party reviewer hired by the City of Sequim.

Conclusion: The mitigation conditions of the SEPA MDNS, conditions of this approval, and compliance with all other applicable regulations will ensure compliance with this criterion.

I. No development may occur which causes a flooding hazard, and until any development occurring within an identified floodplain has been properly mitigated;

Staff discussion: The project site is not located within a mapped floodplain.

Conclusion: The proposed project would satisfy this criterion for approval.

J. The public interest will be served by the proposal;

Staff discussion: As proposed, this project would create 33 single family residential lots with dedicated internal City Streets and improved connections to the existing city road system. The conditional approval of this proposal to satisfy the City's subdivision approval standards would result in consistency with the criterion for preliminary subdivision approval.

Conclusion: This criterion would be met if conditioned as set forth in herein.

K. All the requirements of Chapter 58.17 RCW have been met; and

Staff discussion: As conditioned, this proposal would be consistent with the applicable Zoning (Title 18), 2015-2035 Comprehensive Plan, Environmental Protection standards (SMC 18.80), and Chapter 58.17, Revised Code of Washington.

Conclusion: As conditionally approved, this proposal would satisfy this criterion for approval.

L. The proposed project phasing schedule, if applicable, meets the requirements contained in SMC 17.20.090.

Staff discussion: The submitted preliminary subdivision [map] shows that the project will be developed in four phases. Pursuant to SMC 17.20.090. "Preliminary plats that have been approved for phased development consistent with the requirements of Chapter 17.26 SMC shall submit a proposed final plat (or request for extension in appropriate form) for the development within five years of the date of preliminary plat approval." This preliminary subdivision approval will expire after five years.

Conclusion: The proposed project would satisfy this criterion for approval.

Staff Finding #3: Staff finds that Home Division B Major Preliminary Subdivision would meet the approval requirements in SMC 17.20.040 (Subdivisions).

2.d. Consistency with the Comprehensive Plan:

The following Comprehensive Plan provisions are applicable to the current proposal:

- LU goal 3.2: *Low-density Residential*: Maintain Sequim's "friendly, small-town" qualities by fostering the growth of low-density, single-family neighborhoods that are social, walkable, and safe.
- LU Policy 3.2.3: Allow a range of lot sizes in low-density neighborhoods to meet the lifestyle interests of citizens while still maintaining minimum densities to keep Sequim's future both social and affordable.
- LU 3.4.5: *Friendly, Safe Neighborhood Streets* - In all new residential subdivisions, create local access streets that enhance neighborhood friendliness, safety, and visual quality
- TR 4.4.3: *Good Sidewalks* - Apply minimum standards of safety and comfort in the design of all new sidewalks to promote walking as alternative transportation, as good for personal health, and as a place of friendly encounters.
- CFG Goal 5.1: *Community Expectations* - Meet community quality-of-life expectations by institutionalizing the connections among citizens' desires, adopted levels of service, and city capital budgeting.
- H Goal 6.1: *Housing for a Diverse Community* - Increase the number of housing options and opportunities to meet the needs of a diverse, growing community.
- H GOAL 6.4.3: Residential Land Supply for All Needs - Ensure availability of lands for residential development, including facilities to meet special housing needs throughout the City.

Staff Finding #4: Staff finds that the Home Division B Major Preliminary Subdivision would be consistent with the City's Comprehensive Land Use Plan.

2.e. State Environmental Policy Act (SEPA)

- A SEPA MDNS was issued on November 8, 2019. The Environmental Determination is included as an attachment in **[Exhibit 6]**. SEPA requirements have been met by the City and would need to be satisfied through implementation of the MDNS mitigation conditions, which shall be integrated as conditions of approval.

2.f. Project Process & Procedures:

- Type C-2 process (Quasi-judicial)
- Application received September 23, 2019.
- Notice of complete application issued September 25, 2019;
- Public Notice of Application (Mailed/posted/published) issued October 6, 2019;
- Consolidated Notice of application / SEPA Threshold Determination (ODNS notice) & Public Meeting and Public Hearing: November 8, 2019;
- Notice of Incomplete Application (NOICA): November 14, 2019;
- Requested information received June 2, 2021;
- Notice of Complete Application issued: September 22, 2021;
- Notice of scheduled public meeting and public hearing mailed to property owners within 300' of the project site on December 29, 2021;
- Notice of scheduled public meeting and public hearing published in the Peninsula Daily News and posted on the site December 30, 2021;

- Planning Commission Public Meeting scheduled for January 4, 2022;
- City Council Public Hearing scheduled for January 24, 2022;
- Appeal to Superior Court: Within 21 days of Council decision.

3. Exhibits:

1 Preliminary Major Subdivision Application received September 23, 2019.
2. Preliminary subdivision plans received June 2, 2021.
3. Notice of complete application issued September 25, 2019.
4. Notice of Incomplete Application issued November 14, 2019.
5. Notice of Complete Application issued September 22, 2021
6 SEPA Threshold Determination & SEPA Environmental Checklist.
7 Agency Comments:
   a. Jamestown S'Klallam Tribe comments dated 10-18-19.
   b. Department of Ecology comments dated 10-25-19.
   c. Department of Archaeology and Historic Preservation comments. Public Works Preliminary review comments dated 11-20-19.
   d. City of Sequim Public Works and Engineering comments dated December 30, 2021.
8 Public comments:
   a. Cherry Blossom Estates comments 10-11-19, received 10-18-19.
   b. Kristina Hinkle comments received dated 10-22-19, received 10-25-19.
   c. Kathy and Dan Wagner comments received 10-28-19.
   d. Fred Sharpe comments received 10-29-19.
   e. William & Susan Schneider comments received 1-13-22.
   f. Brian Pickering comments w-attachment received 1-13-22.
   g. Judy Gauderman comments received 1-13-22.
   h. Clifford Ayres comments received 1-13-22.
   i. Mary Flagg comments received 1-10-22.
   j. Ben Fisher comments received 1-3-22.
   k. Ben Fisher comments (cover email) and attachment received 1-5-22.
   l. David Meissner comments received 1-5-22.
9 Neighborhood Meeting notes and sign in sheet;
10 Legal Notices/Affidavits; Notice of Application, SEPA Threshold Determination, Public Meeting and Public Hearing (affidavit of mailing and publication confirmation).
11. Applicant's Engineer Response to Pre-Plat Comments dated
12 Geotechnical Report for Home Subdivision Division B prepared by Zenovic and Associates.
13. Preliminary Stormwater Control Plans for Home Subdivision - Division B dated June 1, 2021.
14. Home Subdivision Division B Traffic Impact Analysis dated October 18, 2018.
15. Traffic Impact Analysis Comment Response and TSI [3rd Party] review comments dated December 23, 2019.
16. Northpointe Construction response dated 01-11-22.
17. Excerpt from SEPA Checklist provided by applicant on 01-14-22.

Any documents, ordinance, statute, law or reference to case law, or other article referenced herein shall be incorporated by reference into this record.

Home Division B Preliminary Major Subdivision
Planning File SUB19-001

SEPA MITIGATION and CONDITIONS OF APPROVAL

1. WATER QUALITY

All site construction shall be conducted in compliance with the 2012 WSDOE Stormwater Manual for Western Washington, as amended in 2014.

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or storm drains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants. Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres and discharges stormwater to surface waters of the State; and

2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more and discharge stormwater to surface waters of the State. This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, and discharge to surface waters of the State; and

3. Any site construction activity discharging stormwater to waters of the State that Ecology:

    a) Determines to be a significant contributor of pollutants to waters of the State of Washington.

    b) Reasonably expects to cause a violation of any water quality standard.

If contamination is suspected, discovered, or occurs during the proposed SEPA action, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by testing, Ecology must be notified. Contact the Environmental Report Tracking System Coordinator for the Southwest Regional Office (SWRO) at (360) 407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Matthew Morris with the SWRO, Toxics Cleanup Program at (360) 407-7529.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted.

You may apply online or obtain an application from Ecology's website at:

http://www.ecy.wa.gov/programs/wq/stormwater/construction/ - Application. Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

2. AIR

Potential air impacts shall be mitigated by watering the site as necessary, utilizing dust suppression options and techniques described in the WA Department of Ecology publication # 96-433, 2016.

3. ENVIRIONMEANTAL HEALTH-NOISE

To mitigate the potential for noise impacts to surrounding properties, construction activities through complete buildout of this proposed development shall be limited from 7:30 am to 7:00 pm Monday through Saturday.

4, ANIMALS

It shall be the responsibility of the applicant to take all necessary steps to prevent the incidental taking of protected species under the Endangered Species Act through habitat modification or degradation during the life of the project or development authorized by this permit or approval. The applicant shall notify the City through Its Public Works Director or designee and the Federal Agencies with responsibility for enforcement of the Endangered Species Act immediately, in the event of damage of degradation to Endangered Species habitat by or from the project or the development subject to this permit or approval. In any such case, the applicant shall, at its sole cost and expense, take all action necessary to prevent the furtherance of the damage or degradation and to restore the habitat as required by the Federal, State, and local agencies with jurisdiction.

5. HISTORICAL AND CULTURAL RESOURCES

In response to Washington Department of Archaeology & Historic Preservation (DAHP) comments, the proponent shall work with the DAHP in performing an archaeological survey. While there are currently no known archaeological resources on this site, in the event archaeological artifacts are uncovered during construction, activity shall be halted immediately, and the State Historic Preservation Office and local Tribes shall be contacted. The applicant shall follow the applicable sections of the *Inadvertent Archaeological and Historic Resources Discovery Plan for Sequim, WA* (Copy available at the City of Sequim Department of Community Development).

6. TRANSPORTATION

Prior to final subdivision approval, the applicant shall submit final construction plans for review and approval by the City of Sequim Public Works Department. In accordance with SMC 17.20.040, the plans shall demonstrate to the satisfaction of the City engineer, that curb, gutter, sidewalk, trail connections, transit stops, streets, storm drainage, sanitary sewer lines, water lines and other utilities as required, will be installed at the expense of the applicant and meet city specifications and applicable ordinances.

DEPARTMENT OF COMMUNITY DEVELOPMENT CONDITIONS OF APPROVAL

1. Within five years following approval of a preliminary major subdivision, or as otherwise stipulated in RCW 58.17.140, a final plat shall be submitted to the City for review and approval. Two, one-year extensions may be granted by the City Council.

2. The development of the site shall be in substantial conformance with the revised Preliminary Plat drawings received June 2, 2021 (as conditioned, herein) and attached as [Exhibit 2], and the SEPA Mitigation Conditions of Approval as approved by the Sequim City Council.

3. Until such time as Phase 2 develops the development of Phase 1 shall be limited to no more than nine lots with the proposed single point of access. Should the applicant provide two points of access or a combined access pursuant to SMC 17.32.110, ten lots within Phase 1 would be allowed.

4. Prior to final plat approval of Phase 2, the connection to Rolling Hills Way is required in order to satisfy SMC 17.32.110.

5. All lots shall be between 5400 and 14,500 square feet in area on the final plat.

6. Development of the lots shall comply with SMC 18.20.050, or as subsequently amended, for setbacks, building lot coverage, and building height.

7. A final plat must be approved by the City prior to recording. An electronic version of the final plat shall be submitted to the City of Sequim DCD.

8. After recordation of the final map with the Clallam County Auditor, one copy of the recorded final plat shall be provided to the City of Sequim's Department of Community Development.

9. The responsibility for the maintenance and operation of any common facilities including, but not limited to private drainage facilities, private open space, parks, and landscape areas/buffers, shall be determined prior to final plat approval. Said facilities may be maintained and operated by the land divider, a lot owners' association, a public agency or a private agency consistent with applicable state requirements. Any maintenance obligations shall be noted on the final plat.

10. If said common facilities are to be owned and managed by a lot owners' association, said lot owner's association shall be established prior to final approval. The association is responsible for operating and maintaining all common facilities that have been dedicated or deeded to it by the land divider. The by-laws of the association shall authorize, at a minimum, the following responsibilities and authorities:

    - To enforce covenants and conditions required by Title 17 SMC, or in the lot owner's association.
    - To levy and collect assessments against all lots to adequately accomplish the association's responsibilities.
    - To collect money from unit owners to finance future improvements.
    - To collect delinquent assessments through the courts, including money to pay for the costs of court action.
    - To enter into contracts to build, maintain and manage common facilities required by the Sequim Municipal Code.

- To allow amendments to the by-laws for improvements required by Title 17 SMC which may or may not require a plat alteration to be submitted, approved and finalized in accordance with Title 17 SMC.

11. If a Homeowners Association is formed, the final plat shall include a statement which requires indefinite existence of the association and automatic membership in the association upon assumption of ownership of a lot within the plat. The Association by-laws shall be submitted and approved by the City prior to final plat approval. The by-laws required for this section shall be separate from any by-laws or private covenants established by the subdivider. Any private covenants or restrictions proposed by the subdivider shall not be included with any requirements set forth by the Sequim Municipal Code.

12. The CC&Rs document will be provided with the final plat submittal. The City's review and approval of the CC&Rs document does not mean the City will assume any responsibility for enforcing private covenants between the lot owners nor maintaining any roads or other amenities not specifically dedicated to the City on the public's behalf.

13. The applicant shall coordinate with the U.S. Postal service for the provision of mailboxes.

14. A final landscaping plan shall be submitted with the final plat application. The plan shall address required street trees, right-of-way landscaping and any other areas in common ownership of the homeowners. The final landscape plan is subject to review and approval by the City's Department of Community Development and the Public Works and Engineering Departments.

15. Reasonable landscaping should be provided at the site entrances, in public areas, and adjacent to buildings. The type and amount of landscaping shall be allowed to vary consistent with the type of development and the requirements of the zoning district.

16. Landscaping materials shall be those which best serve the intended function, and shall be appropriate for the soil and other environmental conditions of the site. Drought-tolerant, low water plant materials shall be encouraged.

17. Maintenance of all landscape areas shall comply with Section 18.22 of the SMC.

18. Any onsite wells or septic systems shall be removed/decommissioned in each phase in accordance with the requirements of the Clallam County Health District, prior to approval and recording of the final plat for each phase.

19. All fire hydrants must have two (2) 2-1/2" NST ports and one (1) 5" Storz fitting steamer port.

20. Any future signage will require separate review by the Department of Community Development, at which time it will be reviewed for compliance with the city's sign regulations.

21. All mitigation measures in the Final MDNS shall be conditions for the Home B Preliminary Major Subdivision (SUB19-001).

22. All proposed single-family residential building permits shall satisfy the standards for Site Design Class D at a minimum.

23. Bonding in accordance with SMC 17.64.010 A. shall be posted to ensure completion of any improvements required under this approval, but not yet installed or provided.

24. The proponent shall satisfy any conditions set forth by the Jamestown S'Klallam Tribe, Department of Archeology and Historic Preservation, and the Department of Ecology in their comments provided in response to notice of this proposal.

25. Prior to any site disturbance or improvements, the extent of the toe of the geological hazard area and its required buffer must be contained in a separate critical area tract. The extent of the critical area will be verified by an independent third-party reviewer hired by the City of Sequim.

26. The buffer from the toe of the landslide hazard area must be a minimum of 30 feet; provided that, the buffer may be reduced to not less than 25 feet provided that a geotechnical analysis supports that such a variation will be adequate to provide protection of any proposed lots.

27. All critical areas and their associated buffers shall be established as a separate critical area tract or tracts containing the areas determined to be critical area and/or critical area buffer.

28. Unless otherwise waived or modified by the City Engineer, the proponent shall satisfy the conditions set forth by the Public Works Department in their comments dated January 13, 2022 (Exhibit 7.e.), as modified through the final plat submittal and site construction plan process as follows:

PUBLIC WORKS/ENGINEERING DEPARTMENT CONDITIONS
(Cited comments are provided in Exhibit 7.e)

The following Conditions must be satisfactorily addressed in the Site Construction Permit application process before Public Works can recommend approval of the Site Construction Permit Application:

Plan Submittal:

1. Provide Stream and Wetland Assessment by a qualified professional specializing in wetlands or related per SMC 18.80.060.

2. Provide an approved Critical Area Special Study by a qualified professional specializing in critical areas or related per SMC 18.80.060**.**

3. Provide a Groundwater Mounding Analysis or approved alternative or design approved by the City Engineer. SMC 13.104.

4. Identify the Landslide Hazard Areas, landslide hazard area buffer tract as well as setbacks for any structures per SMC 18.80.060 and 18.80.030.

5. Provide an approved Traffic Impact Analysis.

Geotechnical:

6. Provide delineation of landslide hazard zone area, buffer tracts and setbacks consistent with SMC18.80.030.

Plans:

7. Relocate Driveways outside of Water Main Easement.

8. Show the Highland Irrigation Ditch as required by RCW 58.17.310. Provide documentation from Highland Irrigation District showing coordination and approval of submitted plans.

Phasing:

9. Provide a phasing plan showing each phase of the development will be up to city standards as stand-alone developments. SMC 17.26.030 (A)

Stormwater:

10. The detailed approach for design of infiltration facilities shall be used for projects greater than 1 acre. SMC13.104

11. Specify how individual lot stormwater will be infiltrated on site for each lot. SMC 13.104

12. Provide ownership information and an Operation and Maintenance agreement for the existing 24" Stormwater Catchment System on SE property line.

13. Provide details, grading, and a cross section for the proposed swale adjacent the east boundary.

14. A maintenance tract is to be created to serve the existing 24" stormwater system adjacent the east boundary.

Water:

15. Homes B Phase 3 Water Main shall be 10" in size due to anticipated build out requirements. City code requires a minimum of an 8" water main. The City is open to consideration of a Cost Sharing and Latecomers agreements to offset the extra cost to the developer.

16. A connection is not allowed to the existing 24" Diameter Transmission Water Main that traverses the south end of the development. This water is considered untreated and is not suitable for domestic use without further treatment at the Reservoir Rd water treatment facility.

17. Fire Hydrant spacing shall be in accordance with the 2015 International Fire Code (IFC), Appendix C.

Third Party Review

18. The sewer, water, and stormwater designs; Geotechnical report, Critical area study, Traffic Impact Analysis and possibly other elements of the submitted site construction permit application will be reviewed by a third party (peer) engineering entity for compliance with city codes and standards and impact upon the city's overall utility system from a capacity and life safety standpoint. The cost of this service will be payable by the developer. The city will seek authorization from the developer and collect a deposit before directing the third party to perform the reviews.

19. All plans submitted for final approval shall be titled:

CITY OF SEQUIM, MAJOR PRELIMINARY SUBDIVISION (SUB 19-001)
FOR:

The City maintains the authority to reasonably amend any conditions to ensure that all improvements serve to achieve consistency with the Sequim Capital Improvement Program.