



152 W. Cedar Street, Sequim, WA 98382
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DECISION & ORDER
CITY OF SEQUIM CITY COUNCIL
FOR
MARINER'S OUTLOOK III PRELIMINARY MAJOR SUBDIVISION
APRIL 11, 2022
SUB21-001

PROPERTY OWNER/APPLICANT: Andrew Unkefer, Mariners Investors LTD, c/o Multiprop, Inc, 6676 Gunpark Drive, Ste D, Boulder CO 80301.

PROJECT LEAD: Tracy Gudgel, Zenovic and Associates, 301 East 6th Street, Suite 1, Port Angeles, WA 98362.

PLANNER: Tim Woolett, Senior Planner

PROJECT DESCRIPTION: A proposed preliminary subdivision application to develop 82 single family residential lots on 28.12 acres of property currently zoned "Single Family Residential" (R 4-8). The project is proposed to be developed in four phases: Phase 1, Lots 1-25; Phase 2, Lots 26-52; Phase 3, Lots 53-68; and Phase 4, Lots 69-82. The development will include the installation of public streets and utilities to City of Sequim standards that will serve the proposed residential lots. Access to the proposed subdivision will be from two points of access off West Sequim Bay Road, one of which being the existing Mariner's View Drive.

PROPERTY LOCATION: West of West Sequim Bay Road with the majority of the property situated on the north and west sides of Mariner's View Drive and a 0.74-acre portion of the property situated east of Mariner's View Drive, all within Section 27, Township 30 N. Range 3 W., W.M. Clallam County, Washington; identified as Clallam County Assessor's Parcels No. 033027-239050, 033027-249080, 033027-210050, 033027-210125, 033027-210130, 033027-210140, and 033027-210180.

DATE OF HEARING / DECISION: March 28, 2022.

SUMMARY OF DECISION: Approval of the Mariner's Outlook III Preliminary Major Subdivision, as recommended by the Planning Commission and as conditioned below. The applicant has provided convincing evidence in accordance with SMC 20.01.030(D) that supports approval of this project.

FINDINGS:

Finding #1: In accordance with the Type C-2 procedural requirements, the City Council held a duly noticed open record public hearing on March 28, 2022, where the City Council heard staff's presentation, (including the

Planning Commission's recommendation of approval), remarks from the applicant, testimony from the public, and the City Engineer.

Finding #2: Before making a decision the City Council considered the entire record including all staff testimony, applicant testimony, and public testimony, both written and oral, the staff report and exhibits listed therein, and all associated email and other written correspondence, which are hereby incorporated into the project record by reference.

Finding #3: The project was duly noticed, per the Sequim Municipal Code (SMC) by posting the property, publishing in the Peninsula Daily News, and mailing notice to property owners within 300 feet of the project area.

Finding #4: The project is located in the "Single Family Residential" (R 4-8) zone, which is consistent with the Comprehensive Plan's "Single Family Residential" (SFR) designation for the site.

Finding #5: Zoning in the vicinity of the subject property consists of residential zoned lots in both incorporated and unincorporated areas.

Finding #6: The project, as designed, meets the City's Single Family residential (R 4-8) zone's 5,400 square minimum and 14,500 square foot maximum lot size requirements, the four units per net acre minimum residential density requirements, and the proposed lots will be capable of being developed to the Development Standards contained in SMC 18.20.050.

Finding #7: As proposed, the overall net residential density will be approximately 4.14 units per acre.

Finding #8: The proposal includes plans to build or bond the construction of all required infrastructure, including, but not limited to streets, storm drainage, sanitary sewer and water lines, and the project has provided for the necessary utility easements and the dedication of streets and other infrastructure to the City upon recording the plat.

Finding #9: The project was subject to review under the State Environmental Policy Act (SEPA) and a Mitigated Determination of Non-significance (MDNS) was issued.

Finding #10: The project is consistent with the City of Sequim's Comprehensive Plan policies, including:

- 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.

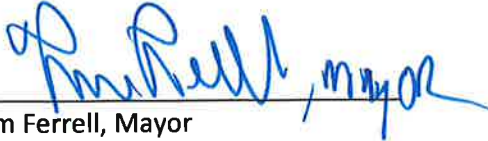
CONCLUSIONS:

- Conclusion #1: The proposed project is to develop 82 residential lots on approximately 28.12 acres of property currently zoned "Single Family Residential" (R 4-8). The project would be developed in four phases: Phase 1, Lots 1-25; Phase 2, Lots 26-52; Phase 3, Lots 53-68; and Phase 4, Lots 69-82.
- Conclusion #2: This application for Preliminary Subdivision approval has been reviewed for consistency with the City of Sequim's criteria for preliminary subdivision approval in SMC 17.20.040.
- Conclusion #3: This application for preliminary subdivision approval was reviewed as a Type C-2 permit in accordance with SMC 20.02.100 (Type B and Type C-1 and C-2 procedures – Quasi-judicial decisions – Process overview). A Type C-2 process is quasi-judicial and requires a public hearing with the City Council as the decision-making body.
- Conclusion #4: Public Notice was issued in accordance with the notice requirements of Chapter 20.01.140 SMC.
- Conclusion #5: All comments received in response to the notice of application were duly considered.
- Conclusion #6: As conditioned, the Mariner's Outlook III Preliminary Major Subdivision meets the requirements of SMC, Chapter 18 (Zoning), including bulk and dimensional requirements. Setbacks, lot coverage, building height, and other bulk and dimensional requirements will be further reviewed at the time of individual building permit applications for future homes and commercial structures.
- Conclusion #7: Potential environmental impacts have been adequately mitigated through the applicable provisions of the Sequim Municipal Code and the Conditions imposed by the MDNS issued February 28, 2022.
- Conclusion #8: The Mariner's Outlook III Preliminary Major Subdivision, as conditioned, meets the approval requirements of SMC 17.20.040 (subdivisions).
- Conclusion #9: The Mariner's Outlook III Preliminary Major Subdivision, as conditioned, is consistent with the City's Comprehensive Land Use Plan; **THEREFORE,**

DECISION & ORDER

The application for the Mariner's Outlook III Preliminary Major Subdivision (SUB21-001) is **APPROVED**, subject to the **CONDITIONS OF APPROVAL** and **MITIGATION MEASURES** as set forth in the following attachment.

SO ORDERED, this 11th day of April 2022.



Tom Ferrell, Mayor

Attest:



Haylie Clement, City Clerk

Approved as to form:



Kristina Nelson-Gross, City Attorney

**MARINER'S OUTLOOK III PRELIMINARY MAJOR SUBDIVISION
PLANNING FILE SUB 21-001
SEPA MITIGATION and CONDITIONS OF APPROVAL**

1. EARTH

To ensure against any potential for adverse environmental impacts from importing non-native material to the site the source and type of material shall be approved by the city engineer prior to excavation at the source site and delivery to the project site.

2. AIR

To mitigate the potential for adverse impacts to air quality due to dust emissions during construction, the proponent shall employ the use of watering all dust generating surfaces a minimum of three times daily or more as needed during construction phase of the project. Alternative non-chemical methods may be considered for approval by the City of Sequim.

4.3. HISTORICAL AND CULTURAL RESOURCES

To mitigate the potential for adverse environmental impacts to cultural resources, the proponent shall work with the Jamestown S'Klallam Tribe and the Washington State DAHP to determine the need for a cultural survey prior to site disturbing work. In any case, as required by the Sequim Municipal Code, the project proponent and/or their contractors shall stop work and immediately notify the City of Sequim, the Jamestown S'Klallam Tribe, and the Washington State Office of Archaeology and Historic Preservation if any historical or archaeological artifacts are uncovered during development

4. PLANTS

To mitigate the potential for adverse environmental impacts to Garry Oak trees, the proponent shall avoid the removal of Garry Oak trees greater than eight inches in diameter where reasonable and practicable. Should removal be unavoidable, the proponent shall replace each Garry Oak greater than eight inches in diameter with new Garry Oaks at a 3:1 replacement ratio. The survivability of the new trees must be guaranteed for a period of 24 months.

5. ENVIRONMENTAL 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.

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 August 27, 2021 (as conditioned, herein) and attached as [Exhibit 2], and the SEPA Mitigation 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 unless otherwise approved by the Fire Chief. Should the applicant provide two points of access or a combined access pursuant to SMC 17.32.110, twenty-five (25) lots within Phase 1 would also be allowed.
4. Prior to final plat approval of Phase 2, the second connection to West Sequim Bay Road is required in order to satisfy SMC 17.32.110.
5. All lots shall be between 5,400 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, must 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 and in any public areas. 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 or as otherwise approved by the Fire Marshal.
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 Mariner's Outlook III Preliminary Major Subdivision (SUB 21-001).
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 must follow the Inadvertent Discovery Protocols set forth in the Drayton Archaeology "Cultural Resource Assessment of the Proposed Mariner Outlook, Phase III, Residential Subdivision, Sequim, Clallam County, Washington"; prepared by Garth L. Baldwin, M.A., RPA 16248; Simon I. Schultheis, B.A.; and James Schumacher, M.A.; February 24, 2022 [Exhibit 17]. This condition is supplemental to SEPA Mitigation measure #5.
25. The proponent must satisfy the conditions of the Clallam County P.U.D. #1 in their comments received October 19, 2022 [Exhibit 7.b].
26. 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.d], 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.d*)

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:

Preliminary Plat Submittal General Comments:

1. Clarify line types, future vs. existing and provide a detailed legend of all aspects. (These plans aren't printed in color so varying line weights can be hard to differentiate).
2. Show topography for 200' beyond parcel boundaries
3. Add Street Names and stationing all sheets
4. Show phasing lines, including on the first page
5. Show existing overhead power and all other utilities at West Sequim Bay Road and Keel Road
6. Need to show the remaining portion of existing dry sewer line, including where it enters site at all locations
7. Date when stamp was signed
8. Provide an updated phasing narrative

External Roadway Improvements and Shared Use Path:

9. The applicant may submit a proposal for a 10' shared use path in lieu of the improvements required along the West Sequim Bay Road Frontage. The shared use path is to use a direct route through the subdivision and must meet ADA and City standards.
10. Shared use path must be located within City of Sequim ROW or easement dedicated to the City of Sequim.

Subdivision Access:

11. Emergency access from Anchor Lane to Water View Drive appears to be a 30% slope for the 30' between the two roads. This slope must be under 10% for fire access and to meet City Road standards.
 - a. All roadways are to be under 10% slope per City Road Standards.
 - b. Clallam County Fire District #3 pre-application comment dated August 30, 2018.

- d. *Maximum grade is 10%, unless approved by the Fire Chief. (D103.2).*
12. Lots 53-55 to have a 20' Alley easement for ingress egress and utilities per V12 P78.
 13. Show Mariners View Court and its connection to Mariners View Drive.
 14. Drainage easements shown need to be well defined and clearly show the boundaries.
 15. Cutter Way access is shown as "Right-of-way for ingress, egress, utilities and irrigation to be dedicated to the City of Sequim" per V28 P88 and V28 P86 and is shown as "Open space" on the plans with the new Cutter Way intersection approximately 70' to the north. Cutter Way doesn't align with existing ROW. Developer must clearly show ROW area to be vacated by the City and the new ROW to be dedicated to the City that aligns with the actual location of Cutter Way before final plat approval will be granted.

Internal Roadways:

16. Internal Roadways shall meet "Local" and "Neighborhood" street standards per the City Standard Drawings Figure 4-00, 4-01 and 4-02 and 4-06. All roadway improvements shall meet standards in City Standard Drawings for "Light Standard" per Figure 4-28A and 4-28B, typical pavement section Figure 4-16, and "Standard Utility Location" per Figure 4-15. The roadways shall all be public and be improved to the following standards:
 - a. Keel Road: Local
 - b. Cutter Way, Local from 1+00 to Keel Road at approximately 15+50
 - c. Cutter Way, Neighborhood from approximately 15+50 to 22+
 - d. Mariners View Drive: Local for the existing portion then neighborhood to Cutter Way.
 - e. Anchor Lane: Neighborhood, but must be 26' wide per Clallam County Fire District #3 pre-application comments dated August 30, 2018
 - c. *Where a fire hydrant is located on a fire apparatus road, the road width shall be 26 feet. (D103.1)*
 - f. Mariners View Court: Local

Grading and Lot Layout:

17. Per SMC per SMC17.40.010 "All lot corners at intersections of dedicated public rights-of-way shall have a minimum radius of 25 feet or shall be concentric with the curb radius."

General Utilities:

18. Intersection of Mariners View Dr. and Mariners View Ct. (near lot 68) there is 6 pipes within the road right of way. There are 2 water lines, 2 sewer lines, stormwater, and irrigation. The design shall meet the City Standard Drawing Figure 4-15 Standard Utility Location.
19. See City Standard Drawing Figure 4-15 Standard Utility Location, attached, for pipe location and separation. All pipes must have 10-foot horizontal separation. Water Pipes shall be located on the North and East side of streets. Sewer must be constructed on the South and West side of streets.
20. Easement between lots 31 & 32 should be a general utility easement (See comment 4a in Sewer Main).
21. Fire hydrants shall be located every 600-feet per SMC 17.48.040 and location to be review by Clallam County Fire District 3.

Sewer Main:

22. The developer shall provide sanitary sewer connection to the City of Sequim Municipal Sanitary Sewer System. Connection shall be made as follows:
- a. If the proposed regional pump station at Forrest Road and gravity and pressure mains in West Sequim Bay Road are complete and operational per the City of Sequim's Comprehensive Plan at time of development of phases two-four, the applicant shall provide gravity connection from their site to the regional pump station or the gravity sanitary sewer mains in W. Sequim Bay Rd. The developer shall negotiate with and compensate the City on a prorated basis for the costs of local lift station and force main construction that would have been otherwise required if the improvements in West Sequim Bay Road were not complete.
 - b. If the proposed regional pump station and gravity and pressure mains are not in place and operational at time of development of phases two-four, the applicant shall connect to the existing Cedar Ridge lift station.
 - c. Applicant shall provide allowances for gravity sewer connection through their development from the existing Cedar Ridge lift station to the Proposed Forrest Road lift station for phases 2-4 assuming said lift station is substantially complete. This is to include an easement (minimum 20' width) for Sanitary Sewer between lots 31 and 32 and an easement through the proposed open space east of lots 76 and 77 and appropriately sized piping through said easements with connection to the sanitary sewer system within the development and extension to the property lines.
23. For sewer main locations, follow the Standard Utility Locations Figure 4-15 in the City Standard Drawing. The area of Mariners View Drive and Mariners View Court will need revisions to meet this requirement, which must be addressed in the site construction permit.
24. Show SS Profile for SSMH-18 to SSMH-20, show entire service line from Keel Road.
25. Show SS Profile for SSMH-09 to SSMH-02, show entire service line from Cutter Way to Mariners View Court to Mariners View Drive to Lift station.
26. Widen Mariners View Drive Profiles to 60' right-of-way.
27. All force mains that shall be dedicated to the City are required to be 4" minimum and C900 material, unless otherwise approved.
28. The force main that is located in Keel Road shall be placed outside the City right-of-way and will be a private system not to be maintained by the city.

Water Main:

29. For water main locations, please follow the Standard Utility Locations Figure 4-15 in the City Standard Drawing. Maintain 10-foot horizontal spacing between all utility lines.
30. City and Marina potable water conditions:
- a. If the city has not taken ownership of the Resort Marina Water system, plans shall proceed with proper separation of the two potable water system lines.
 - b. If the city has taken ownership of the Resort Marina Water system, then the developer at that point shall connect to the cities newly acquired line such that only one potable water system line is located within the City's Street.

General Stormwater:

31. All site construction shall be conducted in compliance with the City's currently adopted storm water manual.
32. Applicant and City agree that plans for preliminary plat approval are conceptual, and a more precise stormwater design will be submitted for approval in the site construction permit process and will meet Sequim Municipal Code Section 13.104. Design to include but not limited to detention basin sizing and design, line locations, setbacks, infiltration, maintenance, HOA ownership, phasing, hydrology and hydraulic design and testing, offsite conveyance, hard surface limits, and establishing seasonal high groundwater.
33. All lots must have connection to stormwater system and flow to detention ponds unless adequate infiltration or combination is approved by the City.

Irrigation Line:

34. Provide documentation from irrigation district approving size, line type, and realignment of new irrigation system before approval of a site construction permit will be granted.

*CITY OF SEQUIM, PRELIMINARY MAJOR SUBDIVISION (SUB 21-001)
FOR:
Mariner's Outlook III
IN SECTION 27, TOWNSHIP 30 NORTH, RANGE 3 WEST, W.M.
CITY OF SEQUIM, CLALLAM COUNTY*

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.