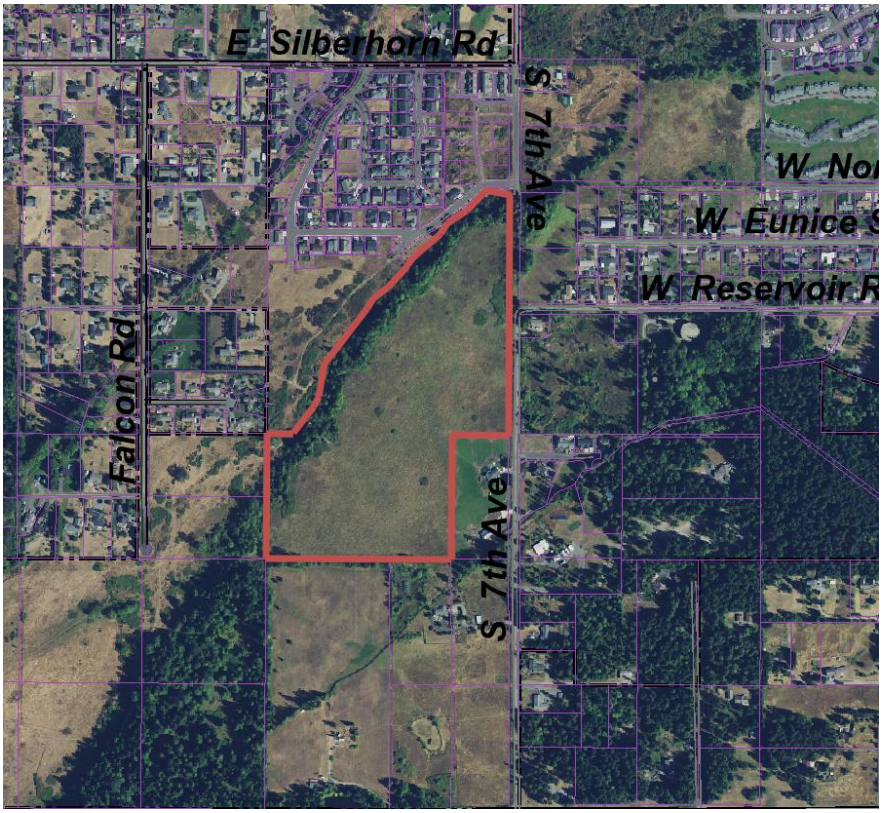
CITY OF SEQUIM PLANNING COMMISSION STAFF REPORT

Legacy Ridge Preliminary Major Subdivision
Planning File SUB 15-001
Public Meeting Date: June 16, 2019



Owner/Applicant: Irvin Boyd Family Limited Partnership, 6622 N. Moon Drummer Way, Meriden, Idaho 83646. **Project Lead:** Steve Calhoon, PACE Engineers, 11255 Kirkland Way. #300, Kirkland, WA 98033. **Staff Contact:** Tim Woolett, Senior Planner twoolett@sequimwa.gov 360-582-2476.	**Property Location:** Lot 2B in Volume 53 of Surveys, Page 60, being a portion of Section 30, Township 30 N. Range 3 W., W.M. Clallam County, Washington, located south of Comfort Way and west of South 7th Avenue, Sequim, Washington; Clallam County Assessor's Parcel No. 033030-320010. **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 shall hereby recommend: **Approval**; **Approval with Modifications**; or **Denial** to the City Council, of the Legacy Ridge Preliminary Major Subdivision application (file No. SUB 15-001)

1. PROJECT SUMMARY

1. a. Project Description: A proposed preliminary subdivision application to develop 97 single family residential lots on approximately 37.59 acres of property currently zoned "Single Family Residence" (R 4-8). The project will have 2.71 acres of active open space and park area, 12.59 acres of open space/critical wetland and buffer areas, 6.59 acres of public right-of-way areas, and 0.32 acres in stormwater management tracts (22.20 acres total non-residential area; 15.38 acres net residential area).

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

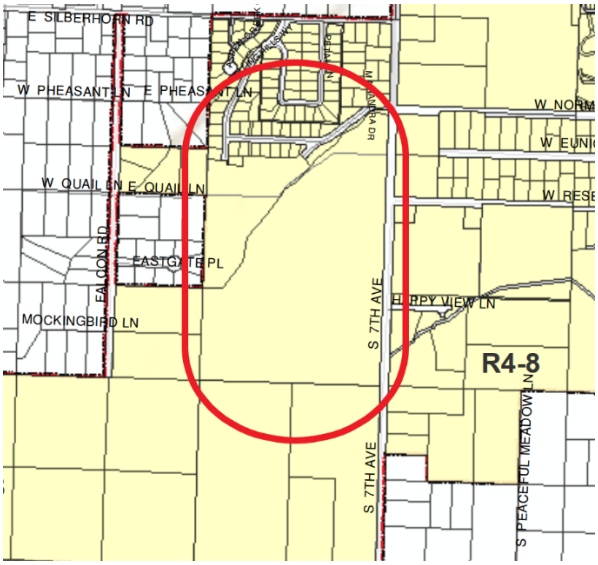
- January 22, 2015: Major Preliminary Subdivision application submitted to the City for review.
- February 18, 2015: Notice of complete application issued.
- October 7, 2016: Notice of incomplete application issued.

***Note**: Between September 16, 2016 and May 6, 2019 there were a series of requests for information with accompanying notice/correspondence to the applicant by the city. The City's requests for additional information was finally fulfilled when the city received revised plans and supporting documentation on May 6, 2019.*

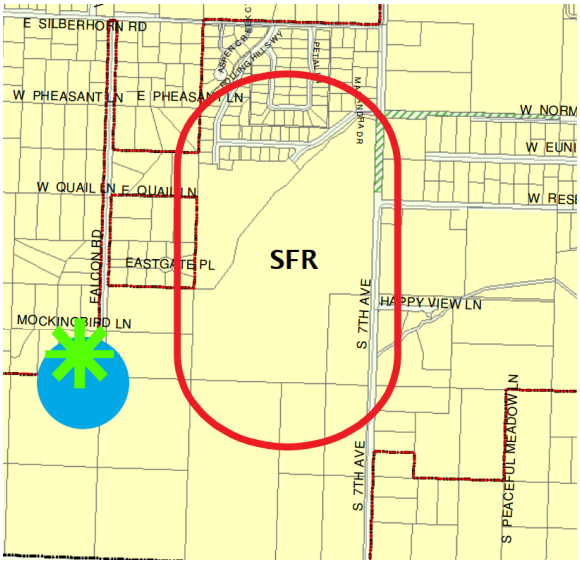
- May 6, 2019: Revised plans submitted to the City in response to request for additional information.
- May 14, 2019: Notice of complete application issued.
- May 26, 2019: Notice of Application (NOA), public meeting and public hearing published in the Peninsula Daily News, and mailed to property owners within 300 feet.
- June 17, 2019: Public comment period closed.
- June 18, 2019: Planning Commission cancels their July 2, 2019 regularly scheduled meeting.
- June 27, 2019: Notice of rescheduled public meeting and public hearing mailed to property owners within 300' of the project site.
- June 28, 2019: SEPA Mitigated Determination of Non-significance (MDNS) issued.
- July 4, 2019: Notice of rescheduled public meeting and public hearing published in the Peninsula Daily News.

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
(Both single family residential)



Zoning Map



Comprehensive Plan Future Land Use Map

Figure 2
Location/Vicinity Map



The property was historically used as a cattle farm and is currently undeveloped. Vegetation is dominated by managed pasture grass species with shrubs and trees present along the west and south property lines. The property currently contains no residences or other structures.

Topography underlying the site slopes northwest, with the steepest grade along the west property line. The steep slope ranges from 3:1 to 2:1, please refer to the geotechnical report by Northwest Territories [Exhibit 12-Appendix C], Inc. for a more descriptive assessment of the slope. Soils are mapped by the Natural Resources Conservation Service (NRCS) as Alderwood gravelly sandy loam, 2 to 8 percent slopes, and the soils sampled on site appear to match this description.

A total of five wetlands are located on or adjacent to the site. These wetlands were delineated and sequentially numbered for Wetlands L through P. The on-site wetlands were categorized using the Department of Ecology's Wetland Rating System for Western Washington and Sequim Municipal Code.

Four streams are located on or adjacent to the site. Stream F is located along the south property line and is a Type 4 stream. This stream enters the site from the east, flows west, and connects to an agricultural ditch at the bottom of the hill. Streams G and H are located in the central area of the site along the western property line. These streams convey water from east to west, down the steep slope. Streams G and H are both classified as a Type 5 stream. Stream D is located south of the subject site, near the southwest corner of the site. This stream flows northwest down a slope. Stream D is a Type 5 stream. Please refer to Sheet 1 in Appendix D of the critical areas report [Exhibit 12] for a map of wetland and stream locations.

Figure 3
(Not to Scale)

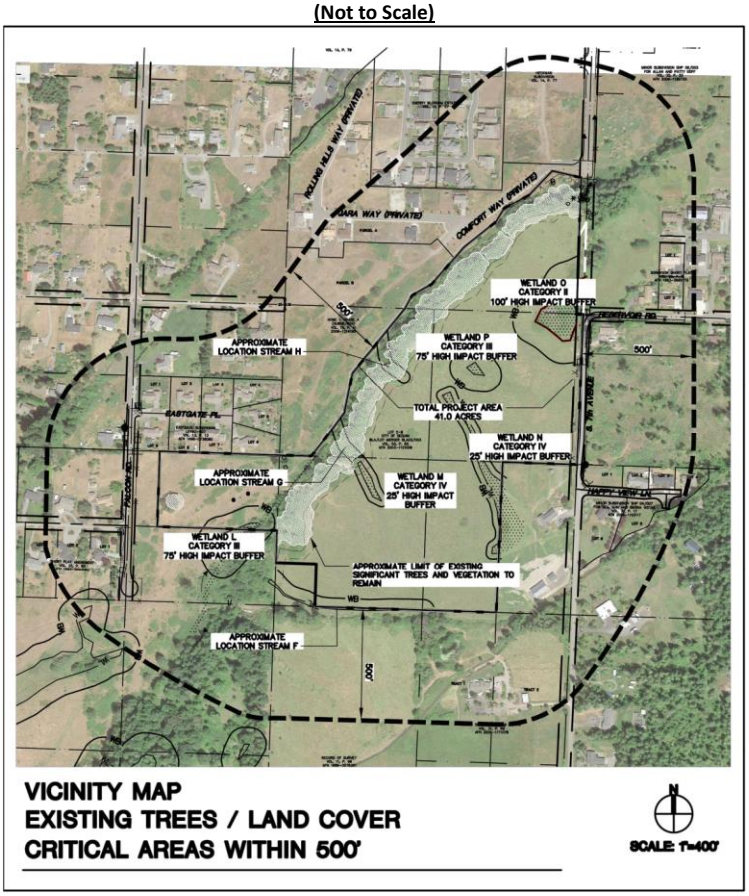
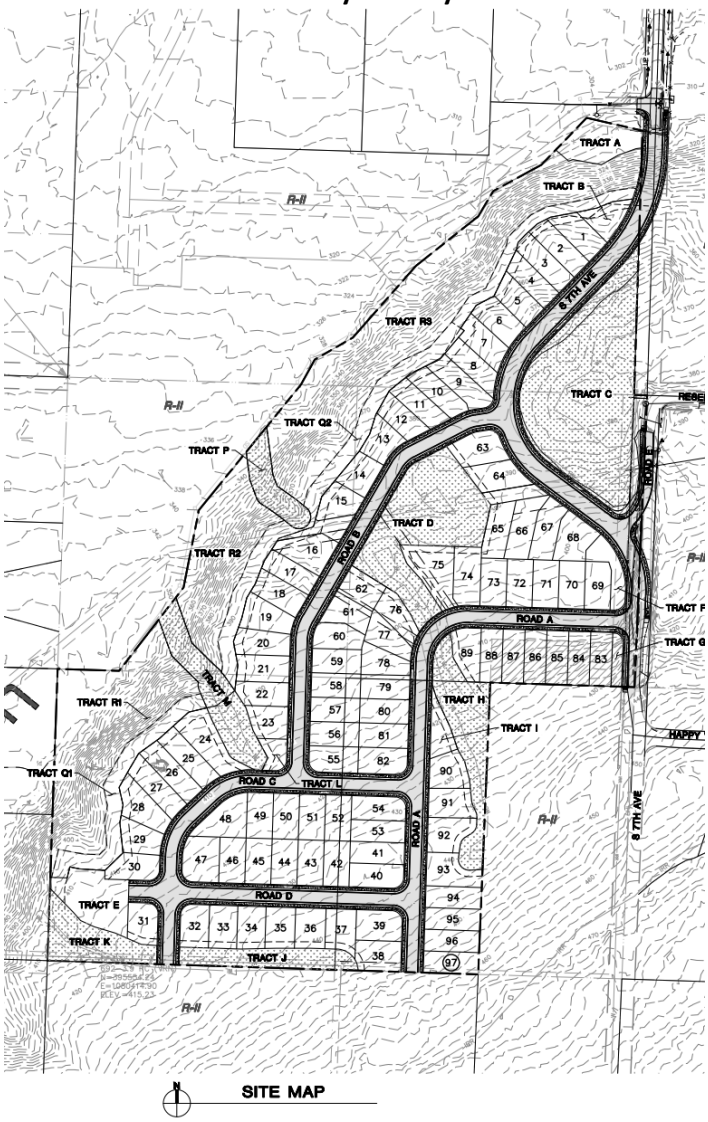


Figure 4
Preliminary Plat Layout



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. Critical Areas Study and Buffer Mitigation Plan
- 2. Geotechnical Reports
- 3. Traffic Impact Analysis
- 4. Preliminary Storm Drainage Report
- 5. Cultural Resources Review
- Mitigated Determination of Nonsignificance issued June 28, 2019 [Exhibit 6].

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 37.59 acres in area (gross). As indicated on the revised plans [Exhibit 4], the net residential area is approximately 15.38 acres.

- Current Land Use: The subject property is currently undeveloped.

- 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 no less than 6,250 square feet in area and no greater than 7,999 square feet in area; thus, the proposal would be consistent this requirement.

- Parking: Single-family residential units are required to have two parking spaces per unit per SMC 18.48.050(B)(1). The project is proposing driveways and adequate parking on all proposed lots. The availability of off-street parking will be verified with each building permit – 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). No signage has been proposed. 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*:* There are buffers pursuant to the requirements of the Sequim critical areas code surrounding all wetlands, stream corridors, and geologic hazard areas [*ref. Exhibit 12, Critical Area Study & Buffer Mitigation Plan*]. The proposed subdivision satisfies the buffer requirements of the critical area code.

- Open Space & Recreation: 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. Currently, parks impact fees are $2,210 per single family unit. At the current rate, this project would generate a total of $214,370 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 Legacy Ridge subdivision 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: There are regulated wetlands, streams and geologically hazardous areas located within the boundaries of the subject property. The protection of these lands has been adequately addressed in the "Critical Areas Study & Buffer Mitigation Plan for Legacy Ridge Preliminary Plat", prepared by Wetland Resources, Inc., 2nd revision December 21, 2018 [Exhibit 12].

DCD forwarded the proposal and environmental review documents to the City of Sequim Public Works 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 Ecology, Department of Archaeology and Historic Preservation, and the City Public Works Department. These concerns have addressed in the conditions provided herein, including the mitigation provided in the EPA MDNS issued June 28, 2019 [Exhibit 6].

Staff Finding #2: ***The regulated streams, wetlands, and geologically hazardous areas would be adequately protected with adherence to the recommendations of the Critical Areas Study & Buffer Mitigation Plan revised December 21, 2018*** **[Exhibit 12].** ***Staff finds that, as conditioned to comply with the recommendation of the aforementioned Plan, the proposal would be consistent with SMC 18.80 – CRITICAL AND ENVIRONMENTALLY SENSITIVE AREAS PROTECTION.***

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 dwelling units per *net acre* requirement; however, it 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 22.21 acres composed of open space park area, open space critical areas and buffers, public right-of-way, and stormwater management tracts. According to the plans [Exhibit 4], 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 the 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: As proposed, the new streets will be dedicated to the city as public rights-of-way; thus, each proposed lot would adjoin a public street within the proposed subdivision. Lot 66 and 65 share a driveway with Lot 67 and do not front on the public street. The term adjoin is synonymous with *connect*, *attach*, *border*, *link up*, *be next to*, or *be close to*. The proposed driveway connects all lots with the public street.

Conclusion: 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.a]. As proposed, a new internal public road system accessing off South 7th Avenue at two separate locations would provide vehicular access to this proposed subdivision as required by SMC 17.32.110.

Prior to final approval, a site construction plan 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 & 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: There are regulated wetlands, streams and geologically hazardous areas located within the boundaries of the subject property. The protection of these lands has been adequately addressed in the "Critical Areas Study & Buffer Mitigation Plan for Legacy Ridge Preliminary Plat", prepared by Wetland Resources, Inc., 2nd revision December 21, 2018 [Exhibit 12].

Conclusion: The mitigation conditions of the SEPA MDNS, conditions of this approval, and compliance with all other applicable critical areas 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 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 97 single family residential lots with dedicated internal City Streets and improved connections to the existing city road system. The conditional approval of this proposal would meet this criterion for preliminary subdivision approval.

Conclusion: This criterion would be met if conditioned as set forth in Sections C and E above.

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: There are no requests or proposals for phasing on record for this project.

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

Staff Finding #3: Staff finds that the Legacy Ridge 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 Legacy Ridge 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 June 28, 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 January 22, 2015;
- Notice of complete application issued February 18, 2015;
- Notice of Incomplete Application (NOICA): October 7, 2016;
- Revised Plans received May 6, 2019;
- Notice of Complete Application issued: May 14, 2019;
- Consolidated Notice of application / SEPA Threshold Determination (ODNS notice) & Public Meeting and Public Hearing: May 26, 2019;
- Public comment period closed June 17, 2019;
- Planning Commission cancels their July 2, 2019 regularly scheduled meeting June 18, 2019;
- Notice of rescheduled public meeting and public hearing mailed to property owners within 300' of the project site on June 27, 2019;
- SEPA Mitigated Determination of Non-significance (MDNS) issued June 28, 2019;
- July 4, 2019: Notice of rescheduled public meeting and public hearing published in the Peninsula Daily News;
- Planning Commission Meeting July 16, 2019;
- City Council Hearing: August 12, 2019;
- Appeal to Superior Court: Within 21 days of Council decision.

3. Exhibits:

1 Preliminary Major Subdivision Application received January 22, 2015.
2. Notice of complete application issued February 18, 2015.
3. Notice of incomplete application issued October 7, 2016.
4 Revised drawings received May 6, 2019.
5. Notice of complete application issued May 16, 2019.
6 SEPA Threshold Determination & SEPA Environmental Checklist.
7 Agency Comments:
   a. Public Works Preliminary review comments
   b. Department of Ecology comments

c. Department of Archaeology

8 Public comments:
   a. Matrix of received Public Comment by Topic through June 2016 (all comments referenced in the matrix are hereby incorporated by reference in their entirety);
   b. Ken & Kris Phillips comments received 6-5-19.
   c. Robert Cain comments dated 6-3-19, received 6-7-19
   d. Janet Rogatz comments 6-10-19
   e. Cherry Blossom Estates comments received 6-11-19
   f. Dianne Dickey comments receive June 12, 2019;
   g. Jack & Nancy Metcalf comments received 6-12-19
   h. Liann Finnerty comments 6-13-19
   i. Cherry Blossom Estates comments received 6-17-19
   j. John Butler comments received 6-17-19
   k. Sea, Sun & Sierra Vistas HOA comments received 6-17-19
   l. Tom Fenner comments received 6-17-19
9 Neighborhood Meeting notes and sign in sheet;
10 Legal Notices/Affidavits;
   a. Notice of Application, SEPA Threshold Determination, Public Meeting and Public Hearing (affidavit of mailing and publication confirmation).
   b. Notice of Rescheduled Public Meeting and Public Hearing (affidavits of mailing, posting, and publication confirmation).
11. Traffic Impact Analysis Comment Response and TSI [3rd Party] review comments
12 Critical Area Study & Buffer Mitigation Plan for Legacy Ridge Preliminary Plat; prepared by Wetland Resources, Inc. latest revision December 21, 2018.

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

Legacy Ridge Preliminary Major Subdivision
Planning File SUB15-001
SEPA MITIGATION and CONDITIONS OF APPROVAL

- <u>WATER QUALITY</u>

  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.

- 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.

- 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.

- 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.

- 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).

- 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 plan 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 conformance with the revised Preliminary Plat drawings received May 6, 2019 (as conditioned, herein) and attached as [Exhibit 4], and the SEPA Mitigation Conditions and Conditions of Approval, and as approved by the Sequim City Council.

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

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

5. A final subdivision map must be approved by the City prior to recording. An electronic version of the final map shall be submitted to the City of Sequim DCD. The electronic version can be sent to the City in an AutoCAD file.

6. After recordation of the final map with the Clallam County Auditor, three copies of the recorded map shall be returned to the City of Sequim's Department of Community Development.

7. 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.

8. 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.

9. If a Home Owners 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.

10. 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.

11. The applicant shall coordinate with the U.S. Postal service for the provision of mail boxes.

12. 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 plan shall also demonstrate compliance with the applicable sections of SMC 18.24.130(A). 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.

13. 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.

14. 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.

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

16. 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 each phase's final plat.

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

18. 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.

19. All mitigations measures in the Final MDNS shall be conditions for the Legacy Preliminary Major Subdivision (SUB15-001).

20. The use of Reservoir Road by construction vehicles and equipment shall be prohibited.

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

22. The proponent shall satisfy any conditions set forth by the Department of Archeology and Historic Preservation and the Department of Ecology in their comments provided in response to notice of this proposal.

23. Prior to final plat approval, the proponent shall satisfy the conditions set forth by the Public Works Department in their comments dated July 5, 2019 (Exhibit 7.a.), as modified through the final plat submittal and construction site plan process as follows:

PUBLIC WORKS DEPARTMENT CONDITIONS
(Cited comments are provided in Exhibit 7.a)

Water

1. Provide a water system to serve the subdivision in accordance with City of Sequim design standards for materials, sizing, pressure, reliability, redundancy, fire and life safety. Submit drawings for approval prior to construction showing location of all facilities and lines. If water is to be supplied by Clallam County PUD then the following conditions (2 through 4) must be met.

2. Prior to Final Plat approval, install, test and commission standby generators of adequate size and operating capacity at Clallam County PUD Booster Pump Station Number 1, Booster Pump Station Number 2 and Loma Vista Wells sites. (PW Comment 53)

3. Prior to Final Plat approval, install, test and commission multiple (redundant) pumping capability at Booster Pump Station Number 2, to supply the maximum day demand of the service area when the largest pump is out of service. (PW Comment 53)

4. Prior to Final Plat approval, replace existing 6-inch and 4-inch transmission mains serving Legacy Ridge with 8-inch diameter mains meeting City of Sequim Development Standards. (PW Comment 53)

5. Dedicate and record a water main easement, 15 feet minimum, to Clallam County Public Utility District for the water main distribution system. (PW Comment 50)

6. Provide ductile iron resilient seated gate valves, spaced no more than 1000 feet or midblock; three valves at tees, four valves at crosses and on six-inch service lines to hydrants (PW Comment 46)

7. Provide air-vacuum assemblies at all isolated high points in the system. (PW Comment 47)

8. Provide blow off assemblies at all isolated low points in the system and at dead ends. (PW Comment 48)

9. Provide a minimum of 3'-6" cover over all eight-inch or less sized water mains except 4'-0" in easements. (PW Comment 49)

10. In addition to AWWA acceptance testing, developer to perform hydrant testing following construction of water distribution system to demonstrate available fire flow (1000 gpm, 1 hr, with 20 psi minimum at services with operation, equalizing, and fire suppression storage volumes depleted) during maximum day demand. (PW Comment 52)

11. Utility castings shall be located outside of bike lanes. (PW Comment 56)

Stormwater

12. Reference Sheet C2.0 of the Preliminary Plat Drawings. Prior to Final Plat approval, the emergency overflow SDMH #4, Catch Basin #2 and #3 in Tract A shall be directed to the existing drainage way on the east side of South 7th Avenue. The existing drainage way shall be regraded to ensure flow to the north. As shown, the overflow is discharging into an infiltration system serving Comfort Way that is not hydraulically connected to a ditch or piped conveyance system flowing to the West.

13. Reference Sheet C2.1 of the Preliminary Plat Drawings. Prior to Final Plat application submission, submit legal documentation giving permission to connect overflow piping from Catch Basin #10 to the adjacent property to the north adjacent to the southwest stormwater detention facility located in Tract O. Submit engineering calculations verifying the adequacy of the receiving facility located on adjacent property to accommodate the overflow from the southwest stormwater detention facility. (PW Comment 20)

14. Provide information (design) regarding orifice sizing in the control structure, overflow structure, and emergency overflow. (PW Comment 13 & 14)

15. The maximum area in square feet of hard surface allowed and any installed BMP's shall be recorded on the Final Plat for each residential lot. (PW Comment 24)

16. Prior to Final Plat approval, a stormwater management agreement demonstrating the maintenance obligations of the Homeowners Association shall be submitted to the City for review and approval. (PW Comment 4)

17. Provide internal and external wall stability calculations for the cut wall in the detention/wet pond. (PW Comment 19)

18. The aesthetics of the north facing ecology block wall does not fit the neighborhood context. Provide a context sensitive design that results in a pond that is natural in appearance. (PW Comment 20)

19. Provide profile and invert information for SDMH #13 to #17. Provide detail for steep slope restraint of the above ground pipe. (PW Comment 22)

20. Stormwater management shall meet the requirements of SMC 13.108. A Stormwater site plan must be submitted with the Site Construction Permit application(s). (General Condition)

21. All site construction shall be conducted in compliance with the 2012 WSDOE Stormwater Management Manual for Western Washington, as amended in 2014. (General Condition)

22. A Certified Erosion and Sediment Control Lead (CESCL) must be provided by the applicant for project oversight during all land disturbing activities, per the 2012 WSDOE Stormwater Management Manual for Western Washington, as amended in 2014, Best Management Practice (BMP) C160. (General Condition)

23. 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 run off 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

    a. 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

    b. 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

c. Any size construction activity discharging stormwater to waters of the State that Ecology:

1. Determines to be a significant contributor of pollutants to waters of the State of Washington,
2. 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 know 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 first public notice. (General Condition)

Streets

24. Prior to Final Plat approval, easements and maintenance agreements for shared driveways shall be provided and recorded. (PW Comment 37)

25. At such time the westerly property seeks to develop, efforts shall be made to evaluate the feasibility of establishing an east-west roadway connection to Roadway D of Legacy Ridge. (DCD Comment 6c)

26. Provide horizontal stopping sight distance calculation for S 7th Ave for a 25 MPH posted/design peed per WSDOT or AASHTO design manual criteria. (PW Comment 30)

27. Sight distances at intersections shall be as required by AASHTO T 9-6. (PW Comment 32)

28. Provide pavement section design recommendation. (PW Comment 16)

29. All lots located along 7th Avenue shall have shared driveway access. Provide easement dedication and maintenance agreement. (PW Comment 37)

30. Provide a signing and striping (channelization) plan. (PW Comment 43)

31. Pedestrian scale lighting using the City of Sequim standard luminaire is required for local roads and South 7th Avenue. (PW Comment 44)

32. Cast iron detectable warning plates must be installed at all ADA curb ramps.

General Public Works Conditions

33. City approval of detailed construction plans for the project and all public infrastructure is required for a Site/Right-of-Way Construction Permit. Plans must be signed and sealed by a professional registered engineer licensed in the State of Washington. All improvements must meet or exceed the City of Sequim Development codes, ordinances and standards. (General Condition)

34. Construction hours and conditions shall be approved by the Public Works Department as a condition of Site Construction Permit issuance. (General Condition)

35. The City or its Agent including but not limited to an independent inspector and/or a material tester shall have full access to the site during construction for the purpose of inspecting and testing to verify conformance to the approved Site Construction Plans, Specifications (current version of the WSDOT Standard Specifications), and City Standards. Inspections will be ongoing through the duration of the project. Testing frequencies will be at a minimum the frequency included in the Specifications. (General Condition)

36. All materials to be permanently incorporated into the project components that are to be dedicated to the City require approval by the City. (General Condition)

37. Upon completion of construction and prior to acceptance, the approved construction drawings shall be corrected to reflect "As-Built" conditions by the Engineer of Record and shall be returned to the City. The record drawing submittal shall include a .pdf file on electronic media and the required signatures. For drawings created in electronic form, the submittal shall also include an AutoCAD file version 14.0 or higher of the "As-Built" drawings on electronic media. The file shall be in Washington State Plane (North Zone) coordinate system, NAD 83 datum, NAVD 88, in U.S, feet. (General Condition)

38. Follow the requirements of the City of Sequim's Inadvertent Discovery Plan (IDP).

39. Transportation and Parks Impact fees and Sewer and Water General Facilities Charges (GFC) will be collected at the time of building permit issuance for each lot. The applicant may be eligible to receive a credit for Transportation Impact Fees in accordance with SMC 22.04.050 for the construction of South 7th Avenue and associated infrastructure including but not limited to street improvements, curb and gutter, landscaping, sidewalk, stormwater facilities, and pedestrian scale lighting. (General Condition)

40. Street lighting design shall be submitted to the City of Sequim Planning and Public Works Departments and shall be in conformance with examples identified in the City of Sequim Streetscape Manual. Street lighting shall include: Dark-sky compliant, 12' Nevada style pedestrian scale lights consistent with the City of Sequim standard street light are required along frontage improvements to 7th Avenue and internal streets serving the development.

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

DCD Comments

42. Provide a letter of approval from Highland Irrigation District in support of the design and easements shown on the Preliminary Plat (DCD Comment 24).

43. A Boundary Line Adjustment (BLA) will be required prior to or concurrent with the Preliminary Plat. (DCD Comment 5).

44. Provide landscaping plans for mitigation areas consistent with Section 9 of the Critical Areas Report. (Comment 2, Section C, Comment June 2018).

45. Full infrastructure must be built to all phase lines. (DCD Comment 6a).

46. Root Guards are required for street trees planted in the public right-of-way or adjacent sidewalk.

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.