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**CITY OF SEQUIM
FINDINGS, ANALYSIS, CONCLUSIONS, AND DECISION
POST DECISION MODIFICATION APPLICATION NO. SHP22-001**

DATE: April 4, 2022
APPLICANT: JOBSITE PROPERTIES, LLC
CONTACT: TIFFINY BROWN

PROPOSAL

Proposed Modification: A request to modify the preliminary plat approval of the 97 lot Legacy Ridge subdivision to allow the reduction no more than 8 lots and to allow an increase of approximately 0.97 acres to the open space area. Open spaces consisting of wetlands and their buffers, protected slopes and their buffers, open space parks (private), and trail easements in the approved preliminary plat approval were 680,548 square feet (15.62 acres). As proposed in the post decision modification, the open space area could increase to as much as 722,674 square feet (16.59 acres). No other changes to the approved subdivision are proposed. The Legacy Ridge Subdivision Application #SUB 15-001 was granted preliminary plat approval for 97 lots by the City Council on August 18, 2019.

A post decision modification of a Type C-2 permit is subject to the procedures for the Type A-2 permit process review (SMC 20.01.090), including issuance and distribution of a notice of application. Modifications to Type C-2 permit Approval must meet the criteria of subsections (C)(3) and (4) of section 20.01A040 and will follow the procedures for Type A-2 permit process review (SMC 20.01.090), including issuance and distribution of a notice of application.

PROJECT DESCRIPTION AND BACKGROUND

The property has historically remained as open undeveloped land having the appearance of open pasture. An application for preliminary major subdivision approval for 97 single family residential lots was submitted to the City of Sequim on January 22, 2015. Following a City Council Public Hearing on August 12, 2019, the City Council issued a decision of approval of Preliminary Major Subdivision Application No. SUB 15-001 for Legacy Ridge. A notice of decision was issued on August 20th, 2019, followed by a 21-day appeal period that closed on September 10, 2019. No appeals were received.

SMC 20.01A authorizes post-decision modifications under limited circumstances. Post decision modifications for a Type C-2 decision will follow the A-2 process as set forth in SMC 20.01A. This application for post decision modification was received on February 16, 2022, and determined complete in accordance with SMC 20.01.130 as of February 18, 2022. Consistent with the A-2 process, public Notice was published in the Peninsula Daily

News on February 22, 2022, mailed to property owners within 300 feet of the subject property, and posted on the property in as required by Chapter 20.01, SMC.

FINDINGS

2. Site Description:

- a. Location, Size and Description: The 37.59-acre subject property is currently configured as a single parcel described as 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; identified as Clallam County Assessor's Parcel No. 033030-320010.

The property is currently undeveloped and approved for a 97-lot residential subdivision. Vegetation is dominated by managed pasture grass species with shrubs and trees present along the west and south property lines. and the topography slopes to the northwest, with the steepest grade along the west property line. There are several critical areas that have been considered and conditionally protected in accordance with SMC 18.80 (Critical and Environmentally Sensitive Areas Protection) in the preliminary major subdivision approval for the proposed Legacy Ridge subdivision.

- b. Comprehensive Plan/Zoning Designation: The property is currently zoned "Single Family Residential" (R4-8), which is consistent with the Comprehensive Plan's "Single Family Residential" (SFR) Future Land Use Map designation (reference Official Comprehensive Land Use Map on file with the City of Sequim).

3. Agency Comments:

- a. Public Works/City Engineer: The Public Works Department submitted comments dated March 30, 2022, stated that they have no comment on the proposed post decision modification.

4. Public Comments: No written public comments have been received as of the close of the comment period.

5. CRITERIA FOR APPROVAL. Review and preliminary determination for this post decision modification requires consistency with the following:

1. The standards for post-decision modifications in subsections 20.01A.040(C)(3) and (4) SMC.

ANALYSIS

The following is an analysis of the project's consistency with the criteria of approval cited above in their listed order.

1. **Standards for post-decision modifications in subsections 20.01A.040(C)(3) and (4) SMC**: *Type B, C-1, C-2, and C-3 approved permits that seek modification and meet the criteria of subsections (C)(3) and (4) of this section will follow the procedures for Type A-2 permit process review (SMC 20.01.090), including issuance and distribution of a notice of application.*

SMC 20.01A.040(C)(3): *The following are nonexclusive, nonbinding examples of modifications that may be considered and approved under this section;*

- a. *Technical engineering items and details, unless the proposed detail modifies or eliminates features specifically required as an element of approval.*

Staff Comment: The requested post decision modification will not result in the modification or elimination of features required as an element of preliminary approval.

- b. *Changes to street design that provide a plan superior to the approved street design if the changes still comply with the city's adopted street standards in the determination of the city engineer or public works director.*

Staff Comment: The requested post decision modification will not result in any changes to street design requirements.

- c. *Reduction in the number of units, as long as the modification meets the residential minimum density requirement.*

Staff Comment: The proposed reduction of lots will satisfy the minimum residential density of four units per net acre as required for the single family Residential (R 4-8) zone pursuant to SMC 18.20.050. The reduction of lots will result in slightly larger lots consistent with the lots size requirements for the R 4-8 zone, and approximately .97 acres of additional open space, resulting in a net residential density of 6.17 lots per acre.

- d. *Reduction in building square footage amount.*

Staff Comment: This criterion is not applicable to this proposal to reduce the number of approved lots.

- e. *Increase of the square footage of no more than 10 percent of gross square footage.*

Staff Comment: This criterion is not applicable to this proposal to reduce the number of approved lots because the property is currently undeveloped, and the proposed modification is for a reduction to the number of lots.

- f. *A change or revision to a condition of approval that does not modify the intent of the original condition or original approval. Additional conditions of approval may be included as a result of the post-decision modification.*

Staff Comment: The original decision was to approve the subdivision of property into lots suitable for single family residential development. This request does not propose a change to the approved use and will not result in a revision to any conditions of approval or modify the intent of the original condition or original approval.

- g. *Reconfiguration or addition of designated open space or recreation areas as long as there is no reduction in the minimum required overall area.*

Staff Comment: There will be a cumulative increase of 5.56 acres to the open space areas as a result of the proposed reduction of lots.

- h. *Reconfiguration of the parking area as long as there is no reduction in the minimum amount of required parking space.*

Staff Comment: The requested post decision modification will have no impact to the residential parking requirements associated with this propose residential subdivision.

SMC 20.01A.040(C)(4): *The DCD director, upon consultation with other development review departments, may approve a proposed post-decision modification if all the following criteria are met:*

- a. *No increase in density or number of dwelling units.*

Staff Comment: There is no proposed increase to the number of dwelling units because the requested modification will result in reduction of as many as eight fewer lots.

- b. *No increase in square footage of more than 10 percent of gross square footage.*

Staff Comment: There are no existing structures; therefore, there is no proposed increase in square footage.

c. No reduction in the amount of required landscaping or open space is proposed.

Staff Comment: There is no proposed reduction in the amount of landscaping. The requested post decision modification proposes an increase to open space and landscaping.

d. No reduction in the required amount of parking is proposed.

Staff Comment: There will be no reduction to the parking requirements for this residential subdivision.

e. All applicable development standards remain met.

Staff Comment: The requirements that the applicable development standards will be met remains in effect through the development of the project.

f. A modification that does not meet the above criteria but does not alter more than 10 percent of any approved dimensional requirement (excluding building height or density) may be approved.

Staff Comment: The requested modification will not result in any effect to dimensional requirements.

CONCLUSIONS

1. The proposal is an application for post decision modification of the Legacy Ridge major subdivision (SUB 15-001) preliminary approval granted by the City Council on August 12, 2019. The proposed post decision modification is a request to modify the preliminary plat approval for the 97 lot Legacy Ridge major subdivision to allow the reduction of no more than 8 lots and a .97 acre increase to the open space areas. No other changes to the approved subdivision are proposed.
2. A post decision modification of a Type C-2 permit is subject to the procedures for the Type A-2 permit process review (SMC 20.01.090), including issuance and distribution of a notice of application.
3. The proposed post decision modification has been reviewed by the City of Sequim in conformance with the procedures set forth in Chapter 20.01 SMC for a Type A-2 permit. Public Notice was issued by U.S. Mail to property owners within 300 feet of the subject property, posted on the property, and published in the Peninsula Daily News in accordance with the notice requirements of Chapter 20.01.140 SMC.
4. The requested post decision modification will not amend, delete, or alter any of the conditions of preliminary plat approval.
5. The proposed post decision modification has been reviewed for and found to be consistent with the standards for post-decision modifications in subsections 20.01A.040(C)(3) and (4) SMC as provided in the above analysis.

DECISION

Following review of the post decision modification application for conformity with 20.01A of the Sequim Municipal Code, application number PDM 22-001 is hereby granted APPROVED **subject to** the following conditions:

1. The number of proposed lots may be reduced by no more than 8 lots and the open space will be increased in substantially consistent with the proposed additional 0.97 acres.

2. All Legacy Ridge preliminary plat (SUB 15-001) conditions of approval will remain in effect, including the requirement for a final plat within five years of the August 12, 2019, preliminary approval; provided that two, one-year extensions may be granted by the City Council.

SIGNED THIS ___4___ DAY OF ___April___, 2022.



Barry Berezowsky, Director
City of Sequim Department of Community Development

APPEALS

THE APPLICANT FOR A PROJECT PERMIT, OWNER OF PROPERTY TO WHICH A PROJECT PERMIT DECISION IS DIRECTED, AND/OR ANY OTHER PERSON AGGRIEVED OR ADVERSELY AFFECTED BY THE DECISION ON A TYPE A-1 OR A-2 PERMIT MAY APPEAL A FINAL DECISION BY FILING AN APPEAL CONSISTENT WITH SMC 20.01.240. SAID APPEAL MUST BE FILED WITHIN TWENTY-ONE (21) CALENDAR DAYS FOLLOWING THE DATE OF ISSUANCE OF THE NOTICE OF DECISION. APPEALS AND THE APPEAL FEE, SHALL BE DELIVERED TO DEPARTMENT OF COMMUNITY DEVELOPMENT AS PRESCRIBED BY SUBSECTION 20.01.240.F., BY MAIL OR PERSONAL DELIVERY, AND MUST BE RECEIVED BY 4:00 P.M. ON THE LAST BUSINESS DAY OF THE APPEAL PERIOD, WITH THE REQUIRED APPEAL FEE. THE DECISION OR ACTION BY THE ADMINISTRATOR ON TYPE A-1 OR A-2 PERMITS SHALL BE FINAL ON THE DATE ISSUED UNLESS AN APPEAL IS FILED IN ACCORDANCE WITH SMC 20.01.240 - APPEALS.

Attachments: Preliminary subdivision map.
Agency Comments

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