

**BEFORE THE HEARING EXAMINER  
FOR THE CITY OF SEQUIM**

In the Matter of the Application of	)	No. SUB 22-002
	)	
<b>Holli Heavrin, Core Design, Inc.,</b>	)	<b>Rolling Hills Subdivision</b>
<b>on behalf of Sequim Washington</b>	)	
<b>Investments, LLC</b>	)	
	)	
For Approval of a Preliminary Plat and	)	FINDINGS, CONCLUSIONS,
<u>Planned Residential Development</u>	)	AND DECISION

**SUMMARY OF DECISION**

The request for a preliminary plat to create, in three phases, a 215-lot subdivision for single-family residential development, using the planned residential development provisions of the Sequim Municipal Code, on two parcels totaling 44.1 acres, located to the southeast of the intersection of McCurdy Road and South 7th Avenue, is **APPROVED**. Conditions are necessary to address specific impacts of the proposal.

**SUMMARY OF RECORD**

Hearing:

The Hearing Examiner held an open record hearing on the request on July 28, 2022, utilizing a hybrid approach allowing for live participation or participation by remote access technology. The record was left open until August 4, 2022, to allow for the submission of additional comments on the proposal from the public and until August 11, 2022, to allow the Applicant to provide a response to any additional submitted comments.

Testimony:

The following individuals testified under oath at the open record hearing:

Steven Lachnicht, City Director of Community Development  
Shawnie Peters, City Development Engineer  
Levi Holmes, Applicant Representative  
Aaron Van Aken, Heath and Associates, Inc.  
Joanne Bartlett, Ecological Land Services  
Joan Cotta  
Stephanie Nead  
Janet Humphrey  
Kelly Clark  
Severne Johnson  
Darryll Nestor  
John W. Johnson, The JWJ Group, LLC

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Holli Heavrin, Core Design, Inc.

Exhibits:

The following exhibits were admitted into the record:

1. Major Subdivision Application, dated April 6, 2022
2. Draft Preliminary Plat Plan Set (7 Sheets), undated
3. Preliminary Civil Plans (36 Sheets), dated July 4, 2021, and March 21, 2022
4. Existing Site Conditions (4 Sheets), dated July 4, 2021
5. Elevation Drawings (3 Pages), undated
6. Applicant Response to Additional Submittal Requirements, undated
7. Environmental Review Packet and Checklist, undated; SEPA Environmental Checklist, dated April 8, 2022
8. Mitigated Determination of Nonsignificance, dated June 30, 2022
9. Geotechnical Engineering Report, The Riley Group, Inc., dated August 5, 2021
10. Critical Areas Report, Ecological Land Services, dated March 8, 2022
11. Traffic Impact Analysis, Heath and Associates, Inc., dated March 4, 2022
12. Preliminary Storm Drainage Report, Core Design, Inc., dated March 21, 2022
13. Title Report
14. Notice of Complete Application, dated May 5, 2022
15. Affidavit of Mailing (Notice of Application), dated July 15, 2022
16. Notice of Application, dated May 20, 2022
17. Public Comments:
  - a. Comment from Bob Martinson, on behalf of Dominion Terrace Homeowners Association, received May 31, 2022
  - b. Comment from Bob Martinson, on behalf of Dominion Terrace Homeowners Association, dated May 31, 2022, with attached comment letter
  - c. Comment from Sandra Goodwick Agnew, dated June 6, 2022
  - d. Comment from Steven Brown, dated June 6, 2022
  - e. Comment from Don Jones, undated
  - f. Comment from Arnold Bleicher, dated June 8, 2022
  - g. Comment from Ben Fisher, dated June 8, 2022
  - h. Comment from Sandra Wolf, dated June 7, 2022
  - i. Comment from Jacqueline [last name not provided], dated June 9, 2022
  - j. Comment from Sarah Whelchel, dated June 9, 2022
  - k. Comment from Severne Johnson, on behalf of Maple Ridge Estates, dated June 6, 2022
  - l. Comment from Severne Johnson, dated June 9, 2022
  - m. Comment from Stephanie Nead, dated June 9, 2022
  - n. Comment from Janet Humphrey, dated June 12, 2022
  - o. Comment from Severne Johnson, dated June 19, 2022
  - p. Comment from Steven Brown, dated July 13, 2022

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- q. Comment from Arnold Bleicher, dated July 15, 2022
- 18. Agency Comments:
  - a. Comment from Mike Mingee, Fire Department No. 3, dated April 19, 2022
  - b. Consulting Engineer Review Comments, Gray and Osborne, Inc., dated May 5, 2022
  - c. Preliminary Review Comments, Landau Associates, dated May 6, 2022
  - d. Traffic Impact Analysis Review Comments, Transpo Group, dated May 9, 2022
  - e. Comment from Washington State Department of Archaeology and Historic Preservation, dated July 6, 2022
  - f. Comment from Washington State Department of Ecology, dated July 15, 2022
  - g. Traffic Review Comment Disposition Form, Trevor Skelton, dated July 14, 2022
  - h. Comment from Jamestown S’Klallam Tribe, dated July 20, 2022
- 19. Notice of Public Hearing
- 20. Affidavit of Mailing (Notice of Public Hearing), dated July 15, 2022
- 21. City Staff Review Comments/Conditions, dated July 6, 2022
- 22. Applicant Response to City Staff Review Comments/Conditions, with attachments
- 23. Staff Report
- 24. Letter from Ecological Land Services re: Irrigation ditch reconnaissance for Rolling Hills Project, dated July 21, 2022
- 25. Email from WDFW Habitat Biologist Danielle Zitomer to City Development Engineer Shawnie Peters, dated July 27, 2022, with email string
- 26. Applicant Presentation
- 27. Email from Danielle Zitomer to Shawnie Peters, dated April 19, 2022, with email string
- 28. Additional Public Comments:
  - a. Comment from Bill Page, dated July 27, 2022
  - b. Comment from Eileen Deutsch, dated July 31, 2022
  - c. Comment from Deborah Borgen, dated August 1, 2022
  - d. Comment from Deborah Borgen, dated August 2, 2022
  - e. Comment from Sandy and Bert Aronsen, dated August 2, 2022
  - f. Comment from Gail Clark, dated August 2, 2022
  - g. Comment from Patricia McCleary, dated August 3, 2022
  - h. Comment from Sarah Whelchel, dated August 3, 2022
  - i. Comment from Robert Bevins, dated August 3, 2022
  - j. Comment from Janet Humphrey, dated August 3, 2022
  - k. Comment from Terri Smeltzer, dated August 3, 2022
  - l. Comment from Steven Brown, dated August 4, 2022
  - m. Comment from Joan Cotta, dated August 2, 2022
  - n. Comment from Stephanie Nead, dated August 4, 2022
  - o. Comment from Greg Madsen, dated August 4, 2022
- 29. Applicant Response Materials:
  - a. Applicant Response Letter, dated August 11, 2022

- b. Letter from Ecological Land Services re: Irrigation ditch reconnaissance for Rolling Hills Project, dated July 21, 2022
  - c. Three (3) Irrigation Maps
  - d. Email from Debra Purcell to Danielle Zitomer, dated August 11, 2022
  - e. Email from Tim Woolett to Danielle Zitomer, dated August 11, 2022
  - f. Two (2) Irrigation Maps
  - g. Email from Joe Callaghan to Danielle Zitomer, dated August 11, 2022, with Irrigation Ditch Data Review Memorandum, GeoEngineers, Inc., dated August 9, 2022
  - h. Memorandum re: Public Notice, dated August 8, 2022
  - i. Response to Traffic Concerns, Health and Associates, Inc., dated August 9, 2022
30. Email from Danielle Zitomer re: site visit, dated August 15, 2022, with email string

The Hearing Examiner enters the following findings and conclusions based upon the testimony at the open record hearing and the admitted exhibits:

### **FINDINGS**

#### Application and Notice

1. Holli Heavrin, of Core Design, Inc., on behalf of Sequim Washington Investments, LLC (Applicant), requests approval of a preliminary plat to create, in three phases, a 215-lot subdivision for single-family residential development on two parcels totaling 44.1 acres, using the planned residential development provisions of the municipal code. Phase 1 of the project would entail the development of 62 lots on the northern 13.43 acres of the property, with associated improvements that would include the construction of internal roadways providing access to the lots from McCurdy Road to the north and from South 7th Avenue to the west and the provision of 2.06 acres of passive and recreational open space areas within five tracts. Phase 2 would entail the development of 76 lots in the central 15.56 acres of the property, with associated improvements that would include the extension of internal roadways to provide access to the lots from the developed Phase 1 portion of the plat, as well as from South 5th Avenue to the east, and the provision of 2.62 acres of passive and recreational open space areas within six tracts. Phase 3 would entail the development of 77 lots on the remaining 15.07 acres at the southeastern portion of the property, with associated improvements that would include the extension of internal roadways to provide access to the lots from the developed phases of the plat, as well as from West Norman Street to the south, and the provision of 1.93 acres of passive open space areas within six tracts. The property is located to the southeast of the intersection of McCurdy Road and South 7th Avenue.<sup>1</sup> *Exhibits 1 through 6; Exhibit 11; Exhibit 13; Exhibit 22; Exhibit 23, Staff Report, pages 1 through 3.*

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<sup>1</sup> The subject property is identified by Tax Assessor Parcel Nos. 033030-219030 and 033030-219040. *Exhibit 23, Staff Report, page 1.*

2. The City of Sequim (City) determined that the application was complete on May 5, 2022. On or about May 20, 2022, the City provided notice of the application by mailing or emailing notice to property owners within 300 feet of the subject property and to reviewing departments and agencies, publishing notice in the City's publishing newspaper of record, and posting notice on-site and on the City website, with a comment deadline of June 9, 2022. On or about July 15, 2022, the City provided notice of the open record hearing associated with the application by mailing or emailing notice to interested parties and property owners within 300 feet of the subject property, publishing notice in the City's publishing newspaper of record, and posting notice on-site and on the City website. *Exhibits 14 through 16; Exhibit 19; Exhibit 20; Exhibit 23, Staff Report, page 2; Exhibit 29.h.*
  
3. The City received comments from reviewing agencies that were specific to the environmental review of the proposal, which are discussed in detail below (throughout this opinion). The City also received the following comments on the proposal from members of the public in response to its notice materials:
  - Bob Martinson, on behalf of the Dominion Terrace Homeowners Association, raised concerns about the proposal's noise, traffic, and security impacts. He requested additional information about the proposed building types, the location of buildings in relation to a ditch located between the subject property and the Dominion Terrace property, and whether Norman Street would be extended into the proposed subdivision. Mr. Martinson noted opposition to any extension of Norman Street, noting that it currently provides a quiet access road to the Dominion Terrace community and that any extension could result in safety impacts to pedestrians within the 55 and older community.
  - Sandra Goodwick Agnew expressed opposition to the proposal, noting that there is current unmet need for affordable rental housing opportunities in the area.
  - Steven Brown raised concerns about the density of the proposed development, tree and vegetation removal that would be required for the proposed development, and the proposed development's impacts to traffic. A member of the Applicant's development team, Project Manager Crystal Conner, provided a response to Mr. Brown's comments, which stated that she would be happy to set up a time to discuss his questions and concerns. Mr. Brown provided a reply, which stated that any informal discussion about his concerns would be inappropriate and requested that any communications from the Applicant team outside the presence of City staff be made in writing.
  - Don Jones raised concerns about the traffic impacts of the proposed development and other approved development projects in the area.
  - Arnold Bleicher commented that he is not opposed to the project but raised concerns about the existing conditions of South 7th Avenue and requested that the Applicant be required to improve South 7th Avenue with sidewalks and/or bike

lanes. He also requested that the Applicant address existing flooding issues at the corner of South 7th Avenue and East Silberhorn Road.

- Ben Fisher requested that the Applicant be required to construct improvements to South 7th Avenue, including sidewalks, bike lanes, striping, and three-way stop light or stop sign at South 7th Avenue and East Silberhorn Road. He also requested that the Applicant be required to construct stormwater improvements addressing flooding issues at South 7th Avenue and East Silberhorn Road. In addition, Mr. Fisher requested that the project be conditioned to ensure that there would be adequate water pressure to serve the development.
- Sandra Wolf raised concerns about the level of increased development within the city generally and raised specific concerns about the proposal's impacts to traffic and water.
- Jacqueline [last name not provided] raised concerns about increased development in the city affecting the existing character of the area.
- Sarah Whelchel raised concerns about the proposal's impacts on available potable water, traffic, and pedestrian safety.
- Severne Johnson, on behalf of Maple Ridge Estates (MRE), noted that the Applicant's environmental checklist identifies Big Leaf Loop as a public access point to the proposed development but explained that Big Leaf Loop is a gated private roadway owned and maintained by MRE. She also requested that MRE be provided with advance notification of any street access disruptions that would occur during construction, noting that MRE has several elderly residents that frequently require emergency medical services.
- Severne Johnson also provided comments on her own behalf, which raised concerns that the Applicant had not identified as a critical area a stream located along the subject property's eastern line and about the Applicant's preliminary plat plan set depicting a sewer easement through the Maple Ridge Estates.
- Stephanie Nead raised concerns that there is an inadequate water supply to serve the proposed development and that the proposed development would change the existing character of the neighborhood. She also raised concerns about the proposal's impacts to wildlife, stormwater, and traffic. In addition, Ms. Nead raised concerns about the notice provided for the proposal and stated that the Applicant should be required to provide affordable housing options.
- Janet Humphrey raised concerns about the proposal's traffic impacts and impacts to pedestrian and bicyclist safety.

*Exhibit 17.*

#### State Environmental Policy Act

4. The City acted as lead agency and analyzed the environmental impacts of the proposal as required by the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). The City reviewed the Applicant's environmental checklist and other information on file and determined that, with mitigation measures, the proposal

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would not have a probable significant adverse impact on the environment. Accordingly, the City issued a Mitigated Determination of Nonsignificance (MDNS) on June 30, 2022, with a comment deadline of July 15, 2022, and an appeal deadline of July 21, 2022. The City received the following comments on the MDNS from reviewing agencies during the applicable comment period:

- The Washington State Department of Archaeology and Historic Preservation (DAHP) noted that the project area is adjacent to a previously recorded archaeological site and has a high sensitivity for archaeological resources. DAHP recommended that a professional archaeological survey of the project area be conducted prior to ground disturbing activities.
- The Jamestown S’Klallam Tribe similarly recommended that an archaeological survey of the project area be conducted prior to ground disturbing activities.
- The Washington State Department of Ecology (DOE) provided general comments noting that all grading and filling activity must utilize only clean fill; all removed debris must be disposed of at an approved site; and erosion control measures must be in place prior to any clearing, grading, or construction activity. DOE also provided guidance on construction activities that would require coverage under a Construction Stormwater General Permit.

*Exhibit 7; Exhibit 8; Exhibit 18; Exhibit 23, Staff Report, pages 2, 6, and 8 through 11.*

5. The MDNS was not appealed and would require that the Applicant comply with the following mitigation measures:

- To ensure against any potential for adverse environmental impacts from clearing and grading, or 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. This will be done through the Site Construction permit process.
- 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.
- The Applicant shall obtain coverage under the Construction Stormwater General Permit for certain construction activities.
- 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, DOE must be notified.
- 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.

- 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.
- To mitigate the potential for adverse environmental impacts to cultural resources, the proponent must have a professional archaeological survey of the project site completed and submitted prior to starting any ground disturbing activities. The requirement is being imposed after requests were made from the Department of Archaeology and Historic Preservation, as well as the Jamestown S’Klallam Tribe, for a survey to be done due to the presence of an adjacent archaeological site.
- To mitigate the potential for noise impacts to surrounding properties, construction activities through complete buildout of this proposed development shall be limited from 7:00 am to 7:00 pm Monday through Saturday.
- 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 immediately notify the City through its Public Works Director or designee, and the federal agencies with responsibility for enforcement of the Endangered Species Act, in the event of damage or 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.
- 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 Sequim Municipal Code (SMC) 17.20.040, the plans shall demonstrate to the satisfaction of the City engineer, that curb, gutter, sidewalk, trail connections, transit stops, streets, storm drainage, sanitary sewer lines, water lines, and other utilities as required, would be installed at the expense of the Applicant and would meet City specifications and applicable ordinances.

*Exhibit 8; Exhibit 23, Staff Report, pages 10 and 11.*

#### Comprehensive Plan and Zoning

6. The approximately 44.10-acre subject property is designated “Low Density Residential” under the City Comprehensive Plan. The Low Density Residential land use designation is intended to “[m]aintain Sequim’s ‘friendly, small-town’ qualities by fostering the growth of low-density neighborhoods consisting of single and small multi-family neighborhoods that are social, walkable, and safe and provide a variety of housing types.” *City Comprehensive Plan - Land Use, page 8.* City staff reviewed the proposal and



determined that it would be consistent with the Comprehensive Plan, identifying the following Comprehensive Plan goals and policies as relevant to the proposed development:

- In all new residential subdivisions, create local access streets that enhance neighborhood friendliness, safety, and visual quality. [LU 3.4.5]
- 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. [TR 4.4.3]
- Meet community quality-of-life expectations by institutionalizing the connections among citizens' desires, adopted levels of service, and city capital budgeting. [CFG Goal 5.1]
- Increase the number of housing options and opportunities to meet the needs of a diverse, growing community. [H Goal 6.1]
- Ensure availability of lands for residential development, including facilities to meet special housing needs throughout the City. [H Goal 6.4.3]

*Exhibit 23, Staff Report, pages 2 and 8.*

7. The property is within the "Single-Family Residence" (R4-8) zoning district. The intent of the R4-8 zone 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." *SMC 18.20.050*. Detached single-family residences are a permitted use within the R4-8 zone. *SMC 18.20.050*. The R4-8 zone generally requires a minimum density of four dwelling units per net acre and a maximum density of eight dwelling units per net acre. *SMC 18.20.050*. The Applicant proposes a net residential density of 8.25 dwelling units per acre, which exceeds the maximum density requirement of the R4-8 zone. The Applicant, however, proposes to develop the property under the planned residential development (PRD) provisions of the municipal code, Chapter 18.35 SMC, which allows for a residential density bonus of up to 25 percent when the PRD would provide certain enumerated benefits. Specifically, the Applicant proposes to include visible low impact development (LID) measures in the project design and stormwater facility construction to qualify for a seven percent increase above the maximum density allowed in the R4-8 zoning district. This density bonus would allow the Applicant to construct up to 222 dwelling units on the property. The Applicant proposes to create 215 residential lots. *Exhibits 1 through 5; Exhibit 23, Staff Report, pages 2, 4, and 5.*
8. Development standards for detached single-family residences within the R4-8 zoning district generally require minimum lot sizes of 5,400 square feet; maximum lot sizes of 14,500 square feet; maximum building heights of 25 feet; minimum front and rear yard setbacks of 15 feet; minimum side setbacks of 6 feet on each side; two off-street parking spaces per residence; and a maximum lot coverage of 40 percent for lots measuring

10,000 square feet or larger, with an additional 0.4 percent of lot coverage for each 100 square feet of lot area less than 10,000 square feet. *SMC 18.20.050*. The PRD provisions of the municipal code, however, allow for a modification of some of these development standards when a proposed development provides certain amenities not otherwise required for the underlying zoning district. Specifically, the PRD development standards would require minimum lot areas of 3,750 square feet, minimum lot widths of 30 feet, minimum lot depths of 70 feet, maximum lot coverage of 50 percent, minimum front yard setbacks of 10 feet, minimum side and rear yard setbacks of 5 feet, and street corner setbacks of 10 feet. *SMC 18.35.050*. The Applicant's project plans demonstrate that the proposed development would comply with the development standards for the R4-8, as modified in accordance with the PRD provisions of the municipal code. *Exhibits 1 through 5; Exhibit 21; Exhibit 22; Exhibit 23, Staff Report, pages 4 and 5.*

#### Existing Site, Critical Areas, and Surrounding Development

9. The 44.1-acre subject property is bound to the north by McCurdy Road, to the east by South 5th Avenue and residential developments, to the south by single-family residences, and to the west by South 7th Avenue, a single-family residence, and undeveloped pasture. The property is currently undeveloped except where South 5th Avenue runs through a portion of the property at the eastern edge and where an existing gravel road runs south from McCurdy Road until the approximate northern edge of vegetation. The topography of the site is comprised of a bench area in the southwestern portion of the property that descends north approximately 50 feet in elevation to floodplain channels of the Dungeness River. The floodplain channels extend in a northeasterly direction through the site with an elevation change of about 30 feet across the site. The north parcel and the southeastern portion of the south parcel are primarily vegetated with grass, with the remainder of the site vegetated with trees and mixed brush. The Riley Group, Inc., prepared a geotechnical engineering report for a previous residential development proposal for the site, dated August 5, 2021, which determined that the property does not contain any geologic hazard areas and that the site would be suitable for the proposed construction from a geotechnical standpoint. *Exhibit 9; Exhibit 12; Exhibit 23, Staff Report, pages 1 through 4.*
10. Ecological Land Services prepared a critical areas report (CAR) for the proposed development, dated March 8, 2022. The CAR noted that the United States Fish and Wildlife Service (USFWS) National Wetlands Inventory maps a linear wetland in the general configuration of a stream across the northwestern portion of the site, the Washington State Department of Natural Resources (DNR) Forest Practices Application Mapping Tool maps a Type F stream in the same location as the wetland mapped by USFWS, and the Washington Department of Fish and Wildlife (WDFW) Priority Habitat and Species website identifies the presence of priority habitat and species within the wetland and stream mapped by USFWS and DNR. After conducting two site reconnaissance visits, however, Ecological Land Services determined that there were no

indicators for either flowing or standing surface water in this area and, instead, this area contains only an irrigation ditch that is part of the Highland Irrigation District, which is not a regulated critical area. The CAR also noted that the Clallam County Critical Area map shows an irrigation ditch across the southern portion of the subject site. Following the two site visits, however, Ecological Land Services determined that there was no evidence of a stream or irrigation ditch in this area. In addition, the CAR noted the presence of a ditch along the southern half of the subject property's eastern property line, which Ecological Land Services determined was not a regulated critical area because it was created to convey water down the slope and into the downslope irrigation system. Accordingly, the CAR determined that the subject property does not contain any regulated streams or wetlands.

On April 19, 2022, WDFW Habitat Biologist Danielle Zitomer informed the City that the designation of documented species within a stream in the northwest portion of the site was a mapping error. On July 27, 2022, Ms. Zitomer indicated that she would need to conduct a site visit to confirm the CAR's determination that this northwest portion of the property does not contain a regulated waterbody. On July 21, 2022, Ecological Land Services provided additional analysis of the irrigation ditch running along the eastern border of the property, which reaffirmed its prior determination that this feature is an unregulated irrigation ditch. Following the open record hearing held on August 4, 2022, Ms. Zitomer conducted a site visit on August 5, 2022, and determined that the mapped feature across the northwest portion of the property is not a regulated watercourse of the state. Specifically, Ms. Zitomer noted that there was a watercourse-like depressional area that aligned approximately with the mapped feature but that it did not contain a defined bed and bank and did not connect with any upstream regulatory watercourse. Ms. Zitomer also analyzed the eastern portion of the property containing what the CAR identified as a non-regulated irrigation ditch and confirmed the CAR's determination that this is not a regulated watercourse. In addition, Ms. Zitomer noted that she did not observe suitable habitat for Northern Spotted Owl at the site and that she did not have any concerns about the proposal impacting Northern Spotted Owl. *Exhibit 10; Exhibit 23, Staff Report, pages 4 and 5; Exhibit 24; Exhibit 25; Exhibit 27; Exhibit 29; Exhibit 30.*

#### Planned Residential Development

11. As noted above, the Applicant proposes to develop the property utilizing the planned residential development provisions of the municipal code, Chapter 18.35 SMC. The purpose of the City's planned residential development provisions is to:
  - encourage creative and superior site design in residential, lifestyle and economic opportunity (EOA) zones which also promotes the preservation of open space, preservation of native vegetation, protection of critical areas and a variety of housing types at a variety of price points in such development by permitting greater flexibility in zoning requirements than

is permitted by other chapters of this title, while ensuring compliance with the goals and policies of the Sequim comprehensive plan.

*SMC 18.35.010.*

City staff reviewed the proposal and determined that it would meet the requirements for approval of a PRD under Chapter 18.35 SMC, noting:

- The proposed development would satisfy the standards of the current zoning regulations and would be consistent with the goals and policies of the Comprehensive Plan.
- The proposal would comply with all applicable provisions of the zoning code as modified by the municipal code's PRD provisions.
- The Applicant proposes to provide 287,929 square feet of open space within 17 different tracts, with connections through pedestrian walkways and connections made up of over 4,500 lineal feet of trails. The project would include over 111 dwelling units, which would require three Group 1 amenities and two Group 2 amenities under SMC 18.35.100. The proposal would include seven Group 1 amenities and five Group 2 amenities, which would include gardens, play equipment, a multi-purpose sport, walking paths, dog parks, and trails.
- The proposed development is within the Single-Family R4-8 zone and would consist exclusively of detached single-family residential homes that match the surrounding properties. The proposed use would not impair the integrity or character of the zoning district.
- This property is zoned for single-family residential development, and the proposed project would be built as it was designated in the 2015-2035 Comprehensive Plan and would therefore fit the surrounding area. The intensity of the development would not exceed what the municipal code allows.
- The proposal would include screening consistent with the requirements of SMC 18.35.070.B. Specifically, the Applicant proposes to install a six-foot sight-obscuring fence around the perimeter of the project and a ten-foot landscaping buffer as an easement on lots adjacent to South 7th Avenue as required under SMC 18.35.060.F.
- The proposed project would have limited tree retention. The Applicant has stated that grading of most of the property would be required to adequately serve the site with utilities and roads that meet the requirements for access and fire safety. The Applicant would, however, install 470 new street trees and 24 trees in identified open space areas. The proposed landscape plan includes incorporating native vegetation of local significance such as Garry oaks and lavender. A final landscaping plan would be submitted prior to final plat approval.
- This proposal has been reviewed by City engineers, and utility locations have been preliminarily approved. A Site Construction permit would be required for the construction of this public infrastructure.

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- The proposal will connect to four existing City streets – South 7th Avenue, McCurdy Road, South 5th Avenue, and West Norman Street. This would be more than adequate for this development and for future connectivity in surrounding areas.
- The Comprehensive Plan identifies this project location in the Future Land Use Map as Low Density Residential, and the Zoning Map identifies it as R4-8; meaning that the project is consistent with the Comprehensive Plan and zoning for future single-family residential development.
- There would be no harmful effects based on the geotechnical engineering report and critical areas report that were provided with the application. The SEPA Mitigated Determination of Non-Significance (MDNS) that was issued addresses environmental resources.
- This property would be built as it was designated in the 2015-2035 Comprehensive Plan with single-family residential units and would therefore not be seen as a detriment. The proposal is being built as intended for the location.

*Exhibit 23, Staff Report, pages 6 through 8.*

#### Preliminary Plat

#### *Access, Parking, and Traffic*

12. Access to the property during the first phase of development would be provided from McCurdy Road to the north and from South 7th Avenue to the west. The second phase of development would include an additional access location from South 5th Avenue to the east, and the third phase of development would include an additional access location West Norman Street to the south. South 5th Avenue runs south from McCurdy Road along the subject property’s eastern border before turning into the property, running further south, and then east where it exits the property at the gated private road of Big Leaf Loop, which serves the adjacent Maple Ridge Estates development to the east. This existing roadway on the property would be improved with the proposed development and would continue to provide access to the gated Maple Ridge Estates development, but Applicant Representative Levi Holmes clarified at the hearing that residents of the subdivision would not be provided access from Big Leaf Loop.

Access to individual lots within the subdivision would be provided by a system of new internal public roadways (Roads A through L). Proposed Roads A, B, and J would be constructed to “Local” street standards, which would require sidewalks on both sides of the roadways, and the remaining proposed roads would be required to be constructed to “Neighborhood” street standards, which would require sidewalks on one side of the roadways. City Development Engineer Shawnie Peters testified at the hearing that the Applicant would also be required to construct half-street improvements along all roadways bounding the site, which would include the installation of sidewalks that would connect with internal street sidewalks. The Applicant would be required to provide a minimum of two off-street parking spaces per dwelling unit. *SMC 18.48.050.B.1.a.* The

Applicant would exceed this requirement by providing two-vehicle garages with each unit and space for two vehicles within each unit's driveway. *Exhibit 3; Exhibit 21; Exhibit 22; Exhibit 23, Staff Report, pages 3, 5, 7, 13, and 14; Exhibit 29.a; Testimony of Mr. Holmes; Testimony of Ms. Peters.*

13. Heath and Associates, Inc., prepared a traffic impact analysis (TIA) for the proposed development, dated March 4, 2022. The TIA determined that proposal would generate 2,122 new average weekday daily trips, with 158 new AM peak-hour trips and 212 new PM peak-hour trips. The TIA further determined that all studied intersections would continue to operate at acceptable levels of service (LOS) following a full build out of the project, except for the intersection at South Sequim Avenue and the SR-101 eastbound ramps, which would operate at a deficient LOS under future conditions with or without the proposed development.

Specifically, this intersection would operate at a deficient LOS E under future conditions without the project and would operate at LOS F with the project. The TIA noted that the City's Transportation Master Plan identifies this intersection as encompassing substandard service levels and that the City's six-year transportation improvement plan outlines planned improvements to the intersection that would include construction of a signal that would address the anticipated deficiency. The TIA recommends mitigation in the form of the Applicant paying a pro-rata share toward the City's planned signalization improvements to the intersection. The TIA further noted that, if deemed necessary by the City, a potential interim mitigating control could include employing stop-controls at all intersection legs, which would allow the intersection to operate at an acceptable LOS with the proposed development until the City completes its planned signalization improvements. This potential interim mitigating measure would require approval by the Washington State Department of Transportation (WSDOT).

City Development Engineer Shawnie Peters testified at the hearing that the City is currently working with WSDOT to determine whether an all-way stop would be warranted at the intersection and that the Applicant may be required to contribute toward the funding of the all-way stop improvement should it be approved by WSDOT. In addition, to mitigate for the project's impacts to the City's transportation network, the Applicant would be required to pay traffic impact fees at the time of building permit issuance, which are currently calculated at \$560,475. *Exhibit 11; Exhibit 23, Staff Report, pages 7 and 17; Testimony of Ms. Peters.*

#### *Stormwater*

14. Core Design, Inc., prepared a Preliminary Storm Drainage Report for the proposed development, dated March 21, 2022. Stormwater runoff would be collected and conveyed to a stormwater pond at the northeast corner of the property and then fully infiltrated on-site. All such stormwater would be appropriately treated prior to

infiltration. The City would review the Applicant's final stormwater management plan to ensure compliance with the City's currently adopted stormwater regulations. *Exhibit 12; Exhibit 23, Staff Report, page 16.*

#### *Trees, Open Space, and Landscaping*

15. As noted above, the Applicant would provide open space areas meeting the requirements for a PRD. Specifically, the Applicant would satisfy the requirement to provide open space on a minimum of 15 percent of the gross project area by providing a total of 287,929 square feet of open space. *SMC 18.35.090.* The proposed open space areas would include both passive and active amenities as required under *SMC 18.35.100*, including gardens, play equipment, a multi-purpose sport court, walking paths, dog parks, and trails. The proposed development would also include screening and landscaping features required for a PRD, including a six-foot sight-obscuring fence around the perimeter of the project site and a minimum 10-foot landscaping buffer on lots adjacent to South 7th Avenue. *SMC 18.35.070.B; SMC 18.35.060.F.* The Applicant indicates that the ability to retain existing trees on-site would be limited because the project would require grading of most of the property to adequately serve the site with utilities and roads that meet the requirements for access and fire safety. The Applicant proposes to install 470 new street trees and to install 24 trees in identified open space areas. The Applicant's proposed landscape plan includes incorporating native vegetation of local significance such as Garry oaks and lavender. The City would review the Applicant's final landscape plan for compliance with applicable landscaping requirements prior to final plat approval. *Exhibit 3; Exhibit 23, page 7; Exhibit 29.a.*

#### *Utilities and Services*

16. The materials submitted with the application do not provide sufficient detail about how the proposed development would be adequately served by water, sanitary sewer, or other public utilities such as electric, gas, and telecommunications. The staff report analyzing the proposal similarly does not provide details about how the proposed development would be served by public utilities or about whether there is sufficient capacity to serve the development with public utilities. Rather, in analyzing the requirement for a PRD, the staff report notes that the City engineers have reviewed the proposal and preliminarily approved utility locations. In addition, although the project plans indicate that all internal roadways would include sidewalks on at least one side, and that all existing bordering roadways would be improved with sidewalks, the Applicant's materials and the City staff report do not provide details about schools that would serve students residing in the subdivision; whether such schools are located within walking distance of the proposed development; and, if not within walking distance, where school bus stops would be located.

The staff report does, however, recommend the following condition addressing safe walking conditions to schools or school bus stops:

A Safe Walk Route to Schools review/discussion, and/or access to school bus stops must be provided. Update mitigations as needed after completion of traffic safety and safe walk to school analyses. The TIA should note the safe walk routes to school or the closest existing school bus stop for the elementary, middle, and high schools. The existing conditions of the walk route or the route to the bus stop should be described, noting whether there is a safe walk route and if there is a paved area for students to wait that is separated from the adjoining roadway with lighting present. Potential improvements to the walk route and bus stop should be included as part of the recommended mitigation.

*Exhibit 3; Exhibit 23, Staff Report, page 17.*

#### *Preliminary Plat Criteria*

17. The City's staff report does not include an analysis of the proposal's compliance with the requirements for a preliminary plat under SMC 17.20.040 or under the state subdivision criteria of RCW 58.17.110(2). As noted above and discussed later in this decision, the Hearing Examiner left the record open until August 4, 2022, to allow for the submission of additional comments on the proposal and until August 11, 2022, to allow the Applicant to provide a response to any additional submitted comments. The Applicant provided a response to additional public comments on August 11, 2022, consistent with the Hearing Examiner's oral ruling.

The Applicant's response also addressed the specific criteria for approval of a preliminary plat under SMC 17.20.040, which asserts:

- The proposed subdivision configuration complies with the zoning standards and the applicable provisions for areas designated by the Comprehensive Plan for single-family residential development within a planned residential development.
- The proposal includes the creation of 12 new public streets within the plat, and every proposed lot would adjoin and have direct access to these newly created public streets.
- The City Engineer reviewed the proposal and provided comments related to traffic impacts, street configurations, impact fees, water, sewer, stormwater, utilities, and permitting requirements. A site construction plan would be required to be submitted for review and approval by the City Engineer. The plan would be required to include all applicable designs for the curb, gutter, sidewalks, streets, storm drainage, sanitary sewer lines, water lines, streetlights, and all other required utilities, which would be installed at the expense of the Applicant unless a bond is posted to ensure completion pursuant to Chapter 17.64 SMC. The Applicant would also be required to provide for the necessary utility easements and for the dedication of streets and other infrastructure to the City upon



- recording the final plat/PRD for each phase of development.

  - The preliminary plat plan designates a 10-foot utility easement along all lot frontages. In addition, the final plat and site construction process would ensure that all necessary utility easements would be established and shown on the face of the final plat prior to recording of the map. It would be the Applicant's responsibility to demonstrate that all necessary utility transmission easements have been obtained, consistent with City standards.
  - The preliminary plat plan designates public rights-of-way for all proposed roads. At the time of final plat, all areas to be used by the public are required to be dedicated, conveyed to, and accepted by the City, and all easements that are required as conditions of approval shall be granted in a form acceptable to the City.
  - The site construction and final plat review process would ensure that the requirement that a bond be posted to ensure completion of required improvements would be met.
  - A PRD requires more extensive public facilities than the capital facilities plan. The Applicant would exceed public facilities requirements by providing 6.61 acres of open space on the 44.10-acre property with amenities that would include gardens, play equipment, a multi-purpose sport court, walking paths, dog parks, and trails. In addition, the Applicant would be required to pay park and traffic impact fees as the individual lots are developed. *SMC 22.12.110; SMC 22.04.100.*
  - All requirements of SEPA and the environmentally sensitive areas and wetlands section of the municipal code would be met.
  - The proposed development would not be located within any mapped 100-year floodplain or any special flood hazard area.
  - The public interest would be served by the proposal. As proposed, the project would create 215 single-family residential lots as a PRD and subdivision with dedicated internal public streets and improved connections to the City's existing road system. The City has an estimated two percent annual growth rate through 2035 that would require additional housing supply. This project would increase the housing supply to meet the growing demand for housing.
  - The proposal would meet the land division requirements under Chapter 58.17 RCW. The proposal would provide adequate utilities, open spaces, streets, and sidewalks ensuring safe walking conditions. The project would be served by City of Sequim municipal water.
  - The proposed phasing schedule would meet the requirements of SMC 17.20.090.
  - The site would be served by public water as well as the Highland Irrigation District, which was created in accordance with Chapter 87.03 RCW.

*Exhibit 29.a.*

### Testimony

18. City Director of Community Development Steven Lachnicht testified generally about the proposal and how, with conditions, it would be consistent with the Comprehensive Plan and would meet the criteria for approval of a planned residential development. He provided a description of the subject property and a brief overview of the proposed development project, consistent with the findings above. Mr. Lachnicht acknowledged that the staff report addressed the requirements for a PRD but did not include an analysis of the proposed project's compliance with the requirements for a preliminary subdivision under the municipal code or state law. He noted, however, that the criteria for approval of a PRD overlap to a great extent with the criteria for approval of a traditional subdivision. Mr. Lachnicht stated that the Applicant held a neighborhood and community presentation of the project on June 2, 2022, consistent with the requirements of SMC 20.01.100.H. He noted that WDFW reviewed and generally agreed with the Applicant's critical areas report but that a site visit would be required to confirm the report's determinations. Mr. Lachnicht also acknowledged that City staff had not yet conducted a concurrency analysis for the proposal but that the project could be conditioned to require such analysis. *Testimony of Mr. Lachnicht.*
19. City Development Engineer Shawnie Peters testified that, following City staff's initial review of the application and the City's third-party peer review of technical reports submitted with the application, City staff provided the Applicant with review comments and conditions related to the requirements for preliminary plat approval and the requirements to be met at site construction. She noted that the Applicant provided responses and additional documentation related to the preliminary plat requirements. Ms. Peters stated that the Applicant is working with WDFW to set up a site visit for the purpose of confirming the determinations in the Applicant's critical areas report. She stressed that, based on all current documentation in the record, City staff believes that the site does not contain any critical areas and that the WDFW site visit would confirm that determination.<sup>2</sup> Ms. Peters explained that preliminary phasing plans must demonstrate that each phase of development would independently meet the applicable development standards. She stated that she reviewed the Applicant's preliminary phasing plan and determined that it would meet this requirement with conditions requiring that the Applicant demonstrate that each phase of the subdivision would independently meet applicable utilities and amenities standards.

With regard to the intersection at South Sequim Avenue and the SR-101 eastbound ramps, Ms. Peters noted that WSDOT informed the City that the City would be required

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<sup>2</sup> As noted above (in Finding 10), following the open record hearing, WDFW Habitat Biologist Danielle Zitomer conducted a site visit on August 5, 2022, and determined that the mapped feature across the northwest portion of the property is not a regulated watercourse of the state, and that there is a non-regulated irrigation ditch on the eastern portion of the property that is not a regulated watercourse. *Exhibit 30.*

to conduct an intersection control evaluation to determine if signalization improvements would be warranted, and she explained that the Applicant may be required to contribute to funding for such signalization improvements. She noted that the Applicant would be required to construct half-width street frontage improvements along all boundary roadways and to construct all new internal roadways to applicable City standards.

*Testimony of Ms. Peters.*

20. Applicant Representative Levi Holmes testified that the proposed planned residential development would include several open space amenities throughout the site, with some of the open space amenities providing screening from existing adjacent residential development. He stated that the PRD would provide single-story housing, with open spaces and a variety of recreational amenities designed for the demographic of city residents. Mr. Holmes noted that the proposed development would meet applicable density requirements through the density bonus allowed for PRDs. He stated that WDFW would conduct a site visit to verify that the property does not contain any regulated critical areas. Mr. Holmes provided a description of the preliminary phasing plan, consistent with the findings above, noting that the Applicant would provide the City with additional details about how each phase of the development would individually meet applicable requirements for utilities. He detailed how the proposed development would meet or exceed applicable development standards through the application of the City's PRD provisions. Mr. Holmes confirmed that the Applicant provided notice of, and held, a neighborhood and community presentation of the project on June 2, 2022, consistent with the requirements of the municipal code. He noted that the Applicant expects to complete all three phases of the project within five years of approval, explaining that the Applicant is utilizing a phased approach to allow homes within the plat to be constructed prior to completing all infrastructure improvements for the entire property. Mr. Holmes stressed that each phase of the development would be completed to independently meet applicable development standards. *Testimony of Mr. Holmes.*
21. Aaron Van Aken, of Heath and Associates, Inc., testified about the traffic impact analysis (TIA) prepared for the proposed development. He noted that the City typically conducts a concurrency review of development proposals but explained that this may have not occurred here due to the original City traffic engineer working with the Applicant team leaving the City part way through the TIA process. Mr. Van Aken stated that concurrency is commonly a function of level of service and noted that, of the 13 off-site intersections evaluated in the TIA, only the intersection at South Sequim Avenue and the SR-101 eastbound ramps is projected to operate at a deficient level of service, with or without the proposed development. He explained that this intersection has been identified in the City's six-year transportation improvement plan and that the City's planned improvements would address the anticipated deficiency. Mr. Van Aken further explained that the TIA recommended interim improvements that would address the expected deficiency while awaiting the City's planned intersection improvements, which

would involve the installation of an all-way stop. He noted that the proposed interim improvements would require approval by the City and WSDOT. *Testimony of Mr. Van Aken.*

22. Senior Biologist Joanne Bartlett, of Ecological Land Services, testified that she conducted site visits and did not observe any indicators for flowing or standing surface water and did not identify any wetlands or streams on the property. She stated that WDFW Habitat Biologist Danielle Zitomer stated her belief that the site was incorrectly mapped as having the presence of a fish-bearing stream. *Testimony of Ms. Bartlett.*
23. Joan Cotta testified that she is the current president of the Dominion Terrace Homeowners Association. She raised concerns that notice of the proposal was not adequately provided to residents of Dominion Terrace. Ms. Cotta acknowledged that notice of the proposal was posted at two locations on the subject property but stated that public notice signs were located on McCurdy Road and South 7th Avenue, which she stated are roadways not often utilized by residents of Dominion Terrace. She also raised concerns about extending West Norman Street to serve the proposed development, explaining that the roadway does not contain pedestrian infrastructure, is often used as a walking path for Dominion Terrace residents, and would be inadequate to support the large development project. In addition, Ms. Cotta noted that a similar development proposal was withdrawn due to environmental concerns and inquired about how the circumstances have changed. *Testimony of Ms. Cotta.*
24. Stephanie Nead testified that she is a resident of Dominion Terrace and raised similar concerns that notice of the proposal was not adequately provided to Dominion Terrace residents and about extending West Norman Street to serve the proposed development. She also raised concerns about the proposal's environmental, stormwater, and traffic impacts. *Testimony of Ms. Nead.*
25. Janet Humphrey testified that South 3rd Avenue, which is located on the east side of the Dominion Terrace, is heavily used by pedestrians, and she raised concerns about increased traffic generated by the proposed development impacting pedestrian safety. She also raised concerns that the increased density and traffic generated by the proposal would not be compatible with the existing neighborhood. In addition, Ms. Humphrey raised concerns that, contrary to the determinations of the City staff and the Applicant, the subject property contains a regulated stream. She echoed concerns about inadequate notice being provided about the proposal. *Testimony of Ms. Humphrey.*
26. Kelly Clark testified that he owns property adjacent to the southwest edge of the subject property. He raised concerns about the tree removal that would occur with the proposed development and stated that the Applicant should made greater efforts to preserve existing trees on-site. *Testimony of Mr. Clark.*

27. Severne Johnson testified that he has concerns about the determination that the property does not contain a regulated stream along the eastern border, referencing photographs of stream features that he had submitted prior to the open record hearing, and stating that water often flows through this area. He also raised concerns about the determination that the property does not contain any regulated wetlands. *Testimony of Severne Johnson.*
28. Darryll Nestor inquired about how access to the gated Maple Ridge Estates development to the east of the subject property may be impacted during site construction activities. *Testimony of Mr. Nestor.*
29. John W. Johnson, of The JWJ Group, LLC, testified in response to concerns raised by members of the public during the hearing. He noted that he walked the eastern property line with Severne Johnson and observed that the irrigation ditch that runs down the hill completely disappears and that there is no evidence of water flow. *Testimony of John W. Johnson.*
30. In response to public testimony, Ms. Bartlett testified that the ditch running along the eastern border of the subject property is mapped as an abandoned irrigation ditch by the Highland Irrigation District. She stated that the irrigation ditch contains some wetland vegetation features but that it does not meet the criteria for a regulated, protected wetland under regulatory requirements. *Testimony of Ms. Bartlett.*
31. Mr. Holmes also testified in response to public concerns, clarifying that the gated access to the Maple Ridge Estates would remain and that future residents of the proposed subdivision would not obtain access to the subject property from the private Big Leaf Loop roadway. He acknowledged that there may be some disruptions to the access to the Maple Ridge Estates development during construction, but he stressed that the proposed development would ultimately improve access to the Maple Ridge Estates by the construction of improvements to the access roadway. Mr. Holmes noted that the proposed extension of West Norman Road is a connectivity requirement by the City and is unnecessary to serve the traffic generated by the proposal. He also noted that all streets fronting the property would be improved with sidewalks, which would help to ensure pedestrian safety in the area. *Testimony of Mr. Holmes.*
32. Holli Heavrin, of Core Design, Inc., testified that stormwater would be managed by collecting and conveying runoff to a stormwater pond that would be constructed at the northeast corner of the property before fully infiltrating on-site. She stressed that the proposed pond would not impact irrigation channels running through the property. *Testimony of Ms. Heavrin.*
33. In response to concerns that residents of the Dominion Terrace development did not

receive proper notice of the proposal, Mr. Lachnicht explained that the development is under a single ownership and that the City provided notice to the sole property owner, in compliance with code requirements. *Testimony of Mr. Lachnicht.*

#### Additional Materials

34. As noted above, the Hearing Examiner left the record open until August 4, 2022, to allow for the submission of additional comments on the proposal and until August 11, 2022, to allow the Applicant to provide a response to any additional submitted comments. The City received the following additional comments on the proposal from members of the public during this applicable period:

- Bill Page raised concerns about the existing conditions of West Norman Street and about the increased traffic to the road that would be generated from the development. He requested that either the City or the developer construct improvements to the roadway.
- Eileen Deutsch raised concerns about that the proposed development would not be compatible with the existing character of the neighborhood and about whether there would be adequate water supply to serve the development.
- Deborah Borgen raised concerns about the traffic impacts of the proposal, particularly with regard to South 3rd Avenue, which she states is a popular walking route. She also raised concerns about the proposal's noise and wildlife impacts. In addition, Ms. Borgen raised concerns about the affordability of the proposed residential units.
- Bert and Sandra Aronsen raised concerns about impacts to what was determined to be an irrigation ditch along the eastern border of the subject property. They also raised concerns about construction activity temporarily impacting access to the Maple Ridge Estates development and about existing roadways being insufficient to handle the additional traffic that would be generated by the proposed development.
- Gail Clark raised concerns about the project's impacts to existing trees and vegetation on-site. She also raised concerns about the proposal's traffic impacts and impacts to pedestrian safety.
- Patricia McCleary raised concerns about dust that would be generated from clearing of the site, tree removal, wildlife impacts, and impacts to what was determined to be an irrigation ditch along the eastern border of the subject property.
- Sarah Whelchel echoed concerns about the proposal's traffic and safety impacts to South 3rd Avenue, which she states is consistently used by pedestrians, dog walkers, and bicyclists.
- Robert Bevins raised concerns about the density of the proposal being compatible with the existing character of the neighborhood and about the proposal's traffic impacts.
- Janet Humphrey echoed concerns about the proposal's traffic impacts, particularly

with regard to South 3rd Avenue and Brownfield Road. She also raised concerns about the density of the proposal and about impacts to existing trees and vegetation on-site.

- Terri Smeltzer raised concerns about tree and vegetation removal and about dust that would be generated from clearing the site.
- Steven Brown raised concerns about notice being adequately provided to neighboring residents, tree removal, and the proposed developments' compatibility with the existing character of the neighborhood. He also raised concerns that the Applicant's TIA and CAR contained flaws.
- Joan Cotta raised concerns about the CAR's and City staff's determination that the subject property does not contain any regulated waterways and about traffic and pedestrian safety impacts to West Norman Street, South 3rd Avenue, and Brownfield Road.
- Chris Clark echoed concerns about the notice that was provided for the proposal, the proposed density of the project, and traffic impacts.
- Stephanie Nead echoed concerns about the notice that was provided for the proposal, impacts to potentially regulated streams on-site, impacts to wildlife, traffic impacts, the proposed density of the project, and the project's compatibility with the existing character of the neighborhood. She also provided several recommendations for conditions should the project be approved.
- Greg Madsen raised concerns about the density of the proposal, the removal of trees and vegetation on-site that would be required for the development, and about the proposal's traffic impacts.

*Exhibit 28; Oral Ruling of Hearing Examiner.*

35. The Applicant provided a response to these additional public comments, which notes:
- The public has mentioned a previous project on this property that was declined. Another project was previously proposed by the same applicant. This was a five-phase development with mixed-use elements and a higher density. The current application reduces the density and changes the proposal to include only single-family residential uses. This change was not a result of any environmental concerns but, rather, a decision made by the developers of this project to meet the current market needs of the community.
  - After public comments raised concerns about an abandoned irrigation ditch, Joanne Bartlett of Ecological Land Services returned to the site and provided additional analysis, which is included in the record.
  - Danielle Zitomer of WDFW, Joanne Bartlett, members of the Applicant team, and a previous assistant planning director for the City visited the site on August 5, 2022. Upon completion of the site visit, it was determined that the property does not contain any regulated waterways or comparable critical areas.
  - There were several comments regarding public notice for this project. Notices were mailed by the City to the list provided by the Clallam County Assessor's

Office, which included property owners within a 300-foot radius around the exterior property lines. No one came forward to allege that they did not receive notice such that they did not have the opportunity to comment on this project. The comments received about notice were from members of the public who are apparently concerned that other individuals did not receive proper notice. Additionally, there were concerns about residents of the adjacent Dominion Terrace development not receiving notice. The Clallam County Assessor's Office identified the property owner as the Dominion Terrace HOA. Three of the letters submitted during the initial comment period came from members of this development and the Dominion Terrace HOA President appeared and testified at the open record hearing. Public notice was provided by publishing in the newspaper, the City mailed notices and posted information on their website, and signs were installed on the subject property. In addition, the record was left open for an additional seven days to allow for any additional comments to be submitted.

- Many residents had concerns about traffic. In addition to the extensive traffic study previously submitted, the Applicant's traffic engineer prepared an additional traffic memorandum addressing traffic concerns, dated August 9, 2022, which notes:
  - The TIA's comprehensive analysis included an evaluation of a total of 16 intersections. We examined both existing conditions and forecast 2026 conditions. All but one intersection was shown to meet City LOS standards. This single intersection – South Sequim Avenue and SR-101 eastbound ramps – would be deficient with (LOS F) or without (LOS E) the project.
  - This intersection is listed in the City's Six-Year Transportation Plan as planned for traffic signal improvements. Interim mitigation in the form of an all-way stop control has been included in the TIA should the City and WSDOT deem it necessary. The City has stated its intent to pursue an Intersection Control Evaluation to be completed by the City in conjunction with WSDOT. Mitigation in the form of traffic impact fees would be applicable because the intersection is listed on the Six-Year Transportation Plan.
  - Speed assessment is not a standard component that would be included in a TIA, and a speed assessment was not requested by the City Engineer during the scoping process. Speeding is an enforcement issue that should be addressed with City officials.
  - Concerns have been expressed about the walkability along South 7th Avenue, South 3rd Avenue, and other nearby streets. The proposed development would include construction of over 2,000 lineal feet of new sidewalk collectively along South 7th Avenue, McCurdy Road, and West Norman Street. This would improve mobility over the present conditions



where all roadways currently lack non-motorist facilities. Moreover, all internal roadways within the plat would also be public and would offer complete sidewalks along both sides.

- Concerns have been expressed with providing access and extending West Norman Street due to an increase in traffic along this roadway. It should be noted that this was a City requirement for the project to provide an east/west connection. Moreover, according to the City's Six-Year Transportation Plan, West Norman Street is planned to extend from South 7th Avenue to South 3rd Avenue, which indicates that the road would be constructed regardless of the subject development proposal.
- The TIA was prepared in concert with the City's input and consistent with the municipal code. The additional traffic that would be generated from the project was not shown to have a material impact to the study area. The single intersection not meeting LOS standards has been listed in the City's Comprehensive Plan as deficient and has planned improvements according to the Six-Year Transportation Plan. Frontage improvements and payment of traffic impact fees would improve non-motorist conditions in the area.

*Exhibit 29.*

#### Staff Recommendation

36. At the hearing, Mr. Lachnicht testified that City staff recommends approval of the preliminary plat and planned residential development, with conditions. Mr. Holmes testified that the Applicant understands and would comply with City staff's recommended conditions. *Exhibit 23, Staff Report, pages 12 through 17; Testimony of Mr. Lachnicht; Testimony of Mr. Holmes.*

### **CONCLUSIONS**

#### Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide applications for preliminary plats and for planned residential developments. *SMC 2.10.070.B; SMC 18.35.020; SMC 17.25.030; SMC 17.25.050; SMC 20.01.100.*

#### Criteria for Review

##### Preliminary Plat

SMC 17.20.040 sets forth the criteria for approval of a preliminary plat application:

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

- A. Each lot resulting from the subdivision must conform with the comprehensive plan and zoning regulations;
- B. Each lot will adjoin a public street or a private street in the subdivision;

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- C. Curb, gutter, sidewalk, trail connections, transit stops, streets, storm drainage, sanitary sewer lines, water lines and other utilities as required must be installed at the expense of the applicant and meet city specifications and applicable ordinances and the city engineer must have certified or approved the proposed plans;
- D. The applicant must provide an easement for utilities transmission services, if necessary;
- 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;
- F. A bond meeting city requirements (Chapter 3.78 SMC) is posted to ensure completion of those improvements required under these criteria but not yet installed or provided;
- 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;
- H. All requirements of the environmentally sensitive areas and wetlands sections of the SMC and the State Environmental Policy Act (SEPA) have been met;
- I. No development may occur which causes a flooding hazard, and until any development occurring within an identified floodplain has been properly mitigated;
- J. The public interest will be served by the proposal;
- K. All the requirements of Chapter 58.17 RCW have been met;
- L. The proposed project phasing schedule, if applicable, meets the requirements contained in SMC 17.20.090; and
- M. Only irrigation districts organized under Chapter 87.03 RCW may require improvements and only in accordance with RCW 58.17.310.

The criteria set forth in the Sequim Municipal Code are similar to the state subdivision criteria codified at Chapter 58.17 RCW, which must also be met by the application before a decision of approval can be made. Specifically, RCW 58.17.110(2) provides:

A proposed subdivision and dedication shall not be approved unless the city, town, or county legislature body makes written findings that: (a) appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication.

*Planned Residential Development*

SMC 18.35.140 provides the criteria for approval of a planned residential development and states:

In approving a planned residential development, the review authority must find that the proposal meets all of the following criteria:

- A. The proposal, through its design and submitted supporting documents, has clearly demonstrated it meets the stated purposes of this chapter.
- B. The proposal complies with all of the applicable provisions of this title, except those provisions from which deviation has been allowed under this chapter and SMC Title 17.
- C. The proposal provides overall site design features through its conceptual architectural renderings for the entire project, and has included open space areas, pedestrian walkways and connections, recreational amenities, and outdoor features.
- D. The proposal would not impair the integrity and character of the zoning district in which it is to be located.
- E. The site is physically suited for the type and intensity of land use(s) being proposed.
- F. The proposal would be compatible with existing and future land uses within the general area in which the proposal is to be located by providing screening or buffering between parcels and providing consistency between any existing single-family subdivisions and the proposal.
- G. The proposal would preserve natural features and critical areas and would preserve and incorporate existing significant stands of trees (SMC 18.24.032(C)(2)) within the project design as much as possible.
- H. There are adequate provisions for water, sanitary sewer, and public utilities (electric, gas, phone) and services to ensure that the proposal would not be detrimental to public health and safety.
- I. There will be adequate provisions for public access to serve the subject proposal, as well as providing for neighborhood connectivity as appropriate and as required by the city.
- J. The proposal is consistent with the comprehensive plan and the city's adopted development standards.
- K. There will not be significant unmitigated harmful effects upon environmental quality and natural resources.
- L. The proposed location, size and design of the proposal would not be detrimental to the public interests, health, safety or welfare of the city.

The criteria for review adopted by the Sequim City Council are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW

36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with City development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040*.

### Conclusions Based on Findings

#### *Preliminary Plat*

- 1. With conditions, the proposed preliminary plat would satisfy the requirements of SMC 17.20.040.** As an initial matter, the Hearing Examiner notes that he had expressed concerns at the outset of the hearing about the lack of detailed analysis provided in the record regarding the proposal's compliance with the criteria for approval of a preliminary plat under the municipal code and state law. Upon review of the testimony provided at the hearing and of the additional materials submitted by the Applicant, however, the Hearing Examiner determines that the Applicant has met its burden of demonstrating that, with conditions, these criteria have been satisfied, as detailed in these conclusions.

The City provided reasonable notice and opportunity to comment on the proposal and to testify at the open record hearing. Although concerns were expressed about the adequacy of the notice provided by the City, the record indicates that the City provided notice consistent with the requirements of the municipal code, and the effectiveness of the City's notice materials is further evinced by the numerous public comments submitted prior to the hearing and by the significant public participation at the hearing. Moreover, the Hearing Examiner left the record open for seven days following the open record hearing to allow for the submission of additional public comments on the proposal, alleviating any concerns about the notice provided in this matter.

The City received numerous comments expressing opposition to the proposed development from members of the public, and several members of the public raised concerns about the proposal at the open record hearing. Members of the public opposing the project generally raised concerns about the density of the proposed development, its compatibility with the existing character of the neighborhood, the proposal's traffic and pedestrian safety impacts, existing road conditions, proposed street extensions, tree and vegetation removal that would be required to facilitate the development, and the proposal's impacts to critical areas on-site. Although several members of the public expressed opposition to the proposed development, it must be noted that community displeasure, alone, cannot be the basis of a permit denial. *Kenart & Assocs. v. Skagit Cy.*, 37 Wn. App. 295, 303, 680 P.2d 439, *review denied*, 101 Wn.2d 1021 (1984). Rather, the Hearing Examiner must review the proposal for compliance with governing regulations. As detailed below, the Hearing Examiner determines that, as conditioned, the proposed preliminary plat satisfies the requirements for preliminary plat approval.

The 44.1-acre subject property is designated Low Density Residential under the Comprehensive Plan. The proposed multi-phase planned residential development would

be consistent with several Comprehensive Plan goals and policies by increasing housing opportunities on an unutilized residentially zoned property while providing needed pedestrian infrastructure. The property is located in the R4-8 zone, which lists detached single-family residences as a permitted use. As detailed further in Conclusion 3, the proposed development would comply with applicable development regulations for the R4-8 zone as modified by the planned residential development provisions of the municipal code, including regulations related to maximum permissible density, lot dimensions, maximum lot coverage, and minimum structure setbacks. Although concerns were raised about the proposed density of the project and its compatibility with the existing character of the neighborhood, the Applicant would be allowed to develop up to 222 single-family dwelling units on the property under the seven percent density bonus allowed for PRDs that include LID measures in the project design and stormwater facility construction, but the Applicant proposes to develop 215 dwelling units.

The City analyzed the environmental impacts of the proposal; determined that, with conditions, it would not have a probable significant adverse impact on the environment; and issued an MDNS that was not appealed. The mitigation measures required under the MDNS address concerns raised by DAHP, the Jamestown S’Klallam Tribe, and DOE, and are incorporated in the Hearing Examiner’s conditions of preliminary plat approval. Several concerns were expressed by members of the public regarding the proposal’s impacts to potentially regulated critical areas on-site. The Applicant’s geotechnical engineering report determined that the subject property does not contain any geologic hazard areas. Although various critical areas maps identified potentially regulated streams and wetlands on the property, including a potential fish bearing stream and wetland across the northwestern portion of the site and an irrigation ditch across the southern portion of the site, the Applicant’s environmental consultant, Senior Biologist Joanne Bartlett of Ecological Land Services, conducted multiple site visits and determined that there were not any indicators of regulated wetlands or streams on the property. Ms. Bartlett also evaluated whether the property contained a regulated waterway along the eastern border in response to concerns raised by members of the public and ultimately determined that this area contained only an abandoned irrigation ditch that is not regulated under the City’s critical areas ordinance. Ms. Bartlett’s determination that the subject property does not contain any regulated wetlands or streams was confirmed by WDFW Habitat Biologist Danielle Zitomer following a site visit conducted shortly after the open record hearing in this matter. This evidence supports the determination that the project site does not contain any critical areas or associated buffers.

Several concerns were expressed about the traffic impacts of the proposed development. The Applicant’s TIA determined that the proposed development would generate 2,122 new average weekday daily trips, with 158 new AM peak-hour trips and 212 new PM peak-hour trips. The TIA further determined that all studied intersections would continue

to operate at acceptable levels of service following a full build-out of the project, except for the intersection at South Sequim Avenue and the SR-101 eastbound ramps, which would operate at a deficient level of service under future conditions – with or without the proposed development. The City’s six-year transportation improvement plan, however, outlines planned signalization improvements to the intersection that would address this anticipated deficiency. Moreover, interim measures to address the anticipated deficiency through the installation of an all-way stop control are currently being explored by the City in consultation with WSDOT. In addition, the Applicant would be required to pay traffic impact fees to mitigate for the project’s impacts to the City’s transportation network. These fees would be assessed at the time of building permit issuance and are currently calculated at \$560,475.

Appropriate access to the site would be provided through each phase of the development, with the first phase providing access to the site from both McCurdy Road to the north and from South 7th Avenue to the west, the second phase providing an additional access location from South 5th Avenue to the east, and the third phase providing an additional access location from West Norman Street to the south. Access to the neighboring gated private road of Big Leaf Loop serving the adjacent Maple Ridge Estates development would continue to be provided through the subdivision, but residents of the subdivision would not be provided access from Big Leaf Loop. The extension of West Norman Street to serve the development is a requirement by the City to provide connectivity. Although several members of the public expressed concerns about the increased traffic generated by the development impacting pedestrian safety due in part to the current lack of pedestrian infrastructure on existing streets in the area, the Applicant would be required to construct the new internal public roadways to City standards that would require the installation of sidewalks and would be required to construct half-street frontage improvements along all existing bordering roadways, which would include sidewalk installation. These new public roadways and half-street improvement would provide much needed pedestrian infrastructure in the area and, as conditioned herein, would ensure safe walking conditions for students residing within the subdivision. A condition requiring the Applicant to provide additional analysis about walking routes to schools or school bus stops is necessary to ensure compliance with the requirements for a preliminary plat.

The Applicant has indicated, and City staff agrees, that the retention of existing trees on-site would be limited due to the significant grading that would be required to adequately serve the site with utilities and roads that meet the requirements for access and fire safety. The Applicant would, however, install 470 new street trees, as well as 24 trees within identified open space areas. In accord with the requirements for a PRD, the Applicant would provide 287,929 square feet of open space within 17 tracts located throughout the subdivision. These open space areas would provide both passive and active amenities that would include gardens, play equipment, a multi-purpose sport court, walking paths,

dog parks, and trails. The proposed development would also include screening and landscaping features required for a PRD, including a six-foot sight-obscuring fence around the perimeter of the project site and a minimum 10-foot landscaping buffer on lots adjacent to South 7th Avenue. The Applicant proposes to manage stormwater on-site by collecting and conveying runoff to a stormwater pond at the northeast corner of the property before fully infiltrating on-site. Water quality treatment would be provided by Contech StormFilters that would be placed prior to the stormwater pond. The City would review the Applicant's final stormwater management plan to ensure compliance with the City's currently adopted stormwater regulations.

The City's engineers have reviewed the proposal and have preliminarily approved the utility locations, with conditions. Some concerns were expressed about whether there would be sufficient water supply to serve the development. The record does not currently contain information about whether there is sufficient capacity to serve the development with water, sanitary sewer, or other necessary public utilities. Accordingly, the Hearing Examiner determines that it would be appropriate to impose a condition requiring the Applicant to provide documentation to the City demonstrating that the proposed development would be adequately served by such services.

The Applicant's preliminary phasing plan, as supplemented by testimony at the hearing and the Applicant's additional submissions, and as conditioned herein, demonstrate that each phase of the development would independently meet applicable development regulations. The Hearing Examiner determines that, as proposed and conditioned herein, the platting of the subdivision would be in the public interest. Conditions, as detailed below, are necessary to ensure that the proposal meets the requirements for preliminary plat approval under SMC 17.20.040. *Findings 1 – 36.*

2. **With conditions, the requirements of RCW 58.17.110 have been satisfied.** The criteria for preliminary plat approval under SMC 17.20.040 include the requirement that the provisions of the state subdivision act, Chapter 58.17 RCW have been met. The proposal's compliance with these provisions has been addressed above in Conclusion 1. With conditions, as detailed in full below, the proposal would satisfy all local and state requirements for plat development. *Findings 1, 3 – 10, and 12 – 36.*

#### *Planned Residential Development*

3. **With conditions, the proposal meets the requirements for approval of a planned residential development under SMC 18.35.140.** City staff reviewed the proposal and determined that, with conditions, it would meet the requirements for a PRD. The Hearing Examiner concurs with City staff's analysis. As addressed above in Conclusion 1, the proposed development would be consistent with several goals and policies of the Comprehensive Plan and would comply with applicable development regulations for the R4-8 zoning district as modified in accordance with the PRD provisions. Specially, the

proposed development would comply with the maximum density allowed for the 44.1-acre property through the seven percent bonus allowed for PRD projects that include certain LID measures. The Applicant's project plans also demonstrate that the proposal would comply with PRD provisions that modify the underlying R4-8 development standards to require minimum lot areas of 3,750 square feet, minimum lot widths of 30 feet, minimum lot depths of 70 feet, maximum lot coverage of 50 percent, minimum front yard setbacks of 10 feet, minimum side and rear yard setbacks of 5 feet, and street corner setbacks of 10 feet.

The proposal would satisfy the PRD requirement to provide open space on a minimum of 15 percent of the gross project area by providing 287,929 square feet of open space within 17 tracts located throughout the subdivision. The proposed open spaces would provide both passive and active amenities in excess of that required for a PRD with more than 111 dwelling units by providing seven Group 1 amenities and five Group 2 amenities, which would include gardens, play equipment, a multi-purpose sport court, walking paths, dog parks, and trails. The Applicant proposes to provide only detached, single-family residences and provided architectural renderings of the proposed dwellings, which demonstrate that the proposed development would be consistent with the character of the area and of the R4-8 zoning district.

As further discussed above in Conclusion 1, the proposed development would include screening and landscaping features required for a PRD, including a six-foot sight-obscuring fence around the perimeter of the project site and a minimum 10-foot landscaping buffer on lots adjacent to South 7th Avenue; tree retention would be limited due to necessary grading of the site, but the Applicant would install 470 new street trees, as well as 24 trees within identified open space areas; the proposal would provide, in phases, access connections to four existing City streets and would include sidewalks along the new internal streets and along the property's frontage with existing City streets; and the City's engineers have reviewed and preliminary approved utility locations, with conditions. As a condition of approval, the Applicant would be required to provide documentation to the City demonstrating that the proposed development would be adequately served by water, sanitary sewer, and other necessary utilities. The project site does not contain any critical areas or associated buffers. The Hearing Examiner determines that, as proposed and conditioned herein, the proposal would not be detrimental to the public interest, health, safety, or welfare. Conditions, as detailed below, are necessary to ensure that the proposal complies with the requirements for approval of a PRD. *Findings 1, 4 – 36.*

## **DECISION**

Based on the preceding findings and conclusions, the request for a preliminary plat to create, in three phases, a 215-lot subdivision for single-family residential development, using the planned residential development provisions of the Sequim Municipal Code, on two parcels totaling 44.10



acres, located to the southeast of the intersection of McCurdy Road and South 7th Avenue, is **APPROVED**, with the following conditions:<sup>3</sup>

MDNS Mitigation Measures:

1. To ensure against any potential for adverse environmental impacts from clearing and grading or 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. This will be done through the Site Construction permit process.

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:

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

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

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.

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<sup>3</sup> Conditions include both legal requirements applicable to all developments and requirements to mitigate the specific impacts of this development. For ease of reference, this decision has renumbered the conditions recommended by City staff in a manner providing each imposed condition with its own number.

Contact the Environmental Report Tracking System Coordinator for the Southwest Regional Office (SWRO) at (360) 407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Matthew Morris with the SWRO, Toxics Cleanup Program at (360) 407- 7529.

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

You may apply online or obtain an application from Ecology's website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> - Application. Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

2. Potential air impacts shall be mitigated by watering the site as necessary, utilizing dust suppression options and techniques described in the WA Department of Ecology publication # 96-433, 2016.
3. To mitigate the potential for adverse environmental impacts to cultural resources, the proponent must have a professional archaeological survey of the project site completed and submitted prior to starting any ground disturbing activities. The requirement is being imposed after requests from both the Department of Archaeology and Historic Preservation, as well as the Jamestown S'Klallam Tribe were made for a survey to be done due to the presence of an adjacent archaeological site.
4. To mitigate the potential for noise impacts to surrounding properties, construction activities through complete buildout of this proposed development shall be limited from 7:00 am to 7:00 pm Monday through Saturday.
5. 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 or 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.

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

General Conditions:

7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. If a Homeowners Association is formed, the final plat shall include a statement that 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.
  13. 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.
  14. The Applicant shall coordinate with the U.S. Postal service for the provision of mailboxes.
  15. A final as-built landscaping plan must 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.
  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 on-site 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 MDNS shall be conditions for the Rolling Hills Planned Residential Development - Preliminary Major Subdivision (SUB 22-002).

External Roadway Improvements:

22. Half-width frontage (to the centerline of the road right-of-way) improvements are required for South 7th Avenue to Collector street standards. [July 2013 Transportation Master Plan, SMC 17.20.040, Chapter 17.48 SMC and RCW 58.17.110(2)].
23. The Transportation Master Plan shows South 7th Avenue as a “Future Bike Lane/Wide Shoulder/Asphalt path,” a “Pedestrian and Mobility Scooter Priority Route,” and a “Recommended Shared Use Path.” Demonstrate how a bike path and shared use path are being accommodated along the 7th Avenue frontage. [July 2013 Transportation Master Plan].
24. Half-width frontage (to the centerline of the road right-of-way) improvements are required for the McCurdy frontage to Local street standards. [July 2013 Transportation Master Plan, SMC 17.20.040, Chapter 17.48 SMC and RCW 58.17.110(2)].
25. The West Norman Avenue extension must be improved to Local street standards with full width improvements to the west boundary of the subdivision entrance, and half with improvements to the west property line. [July 2013 Transportation Master Plan, SMC 17.20.040, Chapter 17.48 SMC and RCW 58.17.110(2)].

Utility Easements:

26. Prior to site construction permit approval, all existing water mains on (and those adjacent the property on the east boundary) will be surveyed, shown as existing on the plans, and a utility easement will be provided. The water mains must be contained within a 20’ utility easement dedicated to the City [SMC 17.20.050]. The water mains in question may lie on the neighboring parcel, however, 20’ of access is required, and the easements must extend 10’ beyond the water mains which may require a utility easement. A survey of the location of the water mains will be required so that the appropriate easement can be shown on the final plat. Maintenance and operation access must be provided by having the easement in an open space, not on individual lots. The water mains in question are:
  - a. The multiple existing water mains running along the eastern property line
  - b. In the area of lot 165-166, there are at least 4 water mains
  - c. Any other city owned utility infrastructure located on the parcel. Coordination with the city utilities manager for location will be required.

Internal Roadways Improvements:

27. Internal roadways A, B, and J must follow “Local” street standards. All other internal roadways must follow “Neighborhood” street standards. All roadway improvements must meet the adopted City Street Standards.

Landscaping and Buffer:

28. A minimum 10-foot-wide landscaping strip will be required for all public street frontage classified as a neighborhood collector. This will include the South 7th Avenue street frontage. [SMC 18.35.060 (F)]

Open Space:

29. Open space areas not proposed to be improved with recreational amenities or purposes will remain as natural vegetation or landscaped with groundcover, shrubs, and trees consistent with the type and location of open space. Natural vegetation removal in preserved and approved open space will only be permitted for public safety reasons and after review and approval of the DCD director and a qualified professional arborist certified by either the International Society of Arboriculture or the National Arborist Association. Enhancement of critical area buffer vegetation will be as allowed and prescribed in Chapter 18.80 SMC, Critical and Environmentally Sensitive Areas Protection. (Ord. 2019-006 § 1 (Ex. A)) [SMC 18.35.90(I)].

Trees:

30. Forest Practice Permit may be needed prior to any land disturbing activity approval through the Department of Natural Resources (DNR). Provide communication with the DNR.
31. Existing significant individual trees and groups of trees should be preserved, where possible. Please demonstrate how every reasonable effort has been made to preserve existing trees. [SMC17.28.030 (A), SMC18.22.040(B), SMC18.35.010, SMC18.35.140 G].

Archaeological Considerations:

32. Department of Archaeology and Historic Preservation has indicated that the proposed site is adjacent to a previously recorded archaeological site, which may extend into the proposed project area. A professional archaeological survey of the project site for the benefit of DAHP must be completed and submitted prior to any site construction permits being issued.
33. A professional archeological survey of the project site for the benefit of the Jamestown S’Klallam Tribes cultural resources is required to be completed and submitted prior to any site construction permits being issued.

Phasing Plan:

34. Per SMC 17.26.030(B), the final phasing plan must be submitted to the department of community development before any ground disturbing activity.

35. Demonstrate that each phase of the subdivision is “stand alone” for utilities including water, sewer, and stormwater.
36. The amenities must be listed by phase to show compliance with SMC 18.35.100 and Chapter 17.26 SMC. Each phase must be self-sufficient and must not be dependent on subsequent phases to fulfill infrastructure requirements. [SMC 17.20.040, SMC 18.35.100, SMC 17.26].
37. Fire Department #3 approval needed for Road A stub out in Phase 1 and Road B stub out in Phase 2.

General Utilities:

38. The Applicant shall provide documentation to the City that demonstrates, to the satisfaction of the City, that the proposed development would be adequately served by water, sanitary sewer, and other necessary utilities.
39. All water and sewer mains must be contained within city dedicated public streets, or within open space tracts with utility maintenance and operation easements dedicated to the city.
40. Demonstrate the minimum horizontal separation of 10-feet between sewer piping and water piping. All pipes must have 10-foot horizontal separation. Water pipes must be located on the north and east side of streets. Sewer must be constructed on the south and west side of streets. See City Standard Drawing Figure 4-15 Standard Utility Location, for pipe location and separation requirements.
41. Provide utility profiles including pipe size, slope, depth, separation, etc.
42. Provide a lighting plan. Lighting must meet spacing requirements as set forth in the Engineering Standards Figure 4-00 and must be consistent with SMC [SMC17.48.020, SMC17.48.030, SMC18.35.130].

Sewer Main:

43. Washington State Department of Ecology (Ecology) review and approval is required.
44. Washington Department of Health review and approval is required.
45. Provide pipe size, slope, depth, and separation on plans and profiles for sewer conveyance piping on the plans. After this information is provided, a hydraulic analysis will be conducted by a third party to verify adequacy of the system. This will be payable by the Applicant. Sewer hydraulic modeling results will be given to the Applicant along with additional requirements, if any.

Water Main:

46. Moving the exiting water main running east from Silberhorn Road will require approval from the City Engineer. Show all existing utilities adjacent to the existing location (and proposed location) of the water main.
47. Provide size and type of the proposed water system piping on the Plans. Please include details for water system piping on the plans including burial depth, valve box locations, pipe size, vertical and horizontal separation from sewer line, and meter box locations. After this information is provided, a hydraulic analysis will be conducted by a third party to verify adequacy of the system. This will be payable by the Applicant. Water hydraulic modeling results will be given to the Applicant along with additional requirements, if any.

Fire Hydrants:

48. Comments from Fire Department #3 from Mike Mingee on 04-19-2022 illustrates the approved location of fire hydrants. Show approved fire hydrant locations.

Stormwater:

49. Provide documentation showing safety of pond design for downgradient properties. Include the following per the current Department of Ecology's Stormwater Management Manual for Western Washington. [SMC Table 17.12.020(A), SMC 13.108, SMC 18.82.070, SMC 18.82.090(E), SMC 13.104, IBC 1801, IBC 1803, IBC 1804]
  - a. Berm/Levee seepage
  - b. Overflow weir design
  - c. Pond berm stability, slope inclination/stability
  - d. Overflow weir design when design is exceeded including path of travel
  - e. Evaluate the depth to seasonal high groundwater and/or impermeable layers
  - f. Groundwater mounding analysis
  - g. Show base of infiltration pond is  $\geq 5$  feet above the seasonal high-water mark, bedrock (or hardpan) or other low permeability layer
  - h. Provide a Seepage Analysis
  - i. Provide evidence of protecting adjacent properties from pond hydraulic gradient
  - j. Show setback Criteria for Infiltration Ponds is achieved.
50. Provide calculations and narrative of what design criteria the pond is designed to. Pond design must be per the currently adopted SWMMWW. [SMC 13.104]
51. Stormwater Report and plan must account for all on-lot stormwater drainage by prescribing the method of permanent stormwater management for each lot. [SMC 13.104]



52. A Construction Stormwater General Permit (CSWGP) from WA State Dept. of Ecology is required at least 60 days prior to ground disturbing activities
53. National Pollutant Discharge Elimination System (NPDES) construction stormwater permit may be required. Please contact the NPDES permitting authority to find out if this is needed. Provide coordination to the city.
54. Provide a Construction Stormwater Pollution Prevention Plan per Minimum Requirement #2.
55. Provide an Operations and Maintenance Manual per Minimum Requirement #9.

Critical Areas Report:

56. Provide communication with Clallam County, the lead regulatory authority regarding buffers and setbacks using Site Potential Tree Height (SPTH). Coordination with Greg Ballard of Clallam County about the SPTH and buffers must be provided to the city.

Geotechnical Analysis:

57. The pilot infiltration test (PIT) was completed in July 2021. Per Section III-3.3.4 of the 2014 SMMWW, PITs should be completed between December 1 and April 1. Because the PIT was completed outside of the required testing window, the Applicant must repeat the infiltration during the required wet season window.
58. A correction factor for site variability and the number of locations tested (CFv) equal to 1.0 is inappropriate due to an inadequate number of explorations within the proposed pond footprint. Additionally, the base of the proposed pond is 6 ft bgs and most of the July 2021 test pits were terminated 5 ft bgs. There is limited site subsurface data below 5 ft bgs. RGI should amend its report to either, 1) reduce CFv to a more conservative correction factor and amend its report with an updated infiltration rate, or 2) complete additional explorations or infiltration tests within the infiltration pond footprint to confirm consistent subsurface conditions beyond 5 ft bgs and thereby justification of for using the correction factor of 1.0.

Irrigation:

59. Highland Irrigation ditch communication providing verification that the ditch is abandoned.

Traffic Impact Analysis:

60. Sight Distance and intersection stop control analysis consistent with AASHTO's Green Book (2018) must be provided. The entering and stopping sight distance triangles need to be included for all proposed accesses and internal intersections. A summary of the sight distance analysis results should be included in the TIA in table format to better

understand the available site distance as compared to the required entering and stopping sight distance standards. Include stop control proposals/analysis for internal and external intersections.

61. A Traffic Safety review must be provided. Complete a traffic safety review of the most recent 5 years of collision data at all study intersections and along adjoining roadways around the site.
62. A Safe Walk Route to Schools review/discussion, and/or access to school bus stops must be provided. Update mitigations as needed after completion of traffic safety and safe walk to school analyses. The TIA should note the safe walk routes to school or the closest existing school bus stop for the elementary, middle, and high schools. The existing conditions of the walk route or the route to the bus stop should be described, noting whether there is a safe walk route and if there is a paved area for students to wait that is separated from the adjoining roadway with lighting present. Potential improvements to the walk route and bus stop should be included as part of the recommended mitigation.
63. The City shall ensure concurrency review occurs prior to site development.

Draft CC&Rs including HOA stormwater O&A Manual

64. Drainage Facility Maintenance Covenant must be provided. Please make clear who is responsible for the stormwater system and each element of this system. Add the stormwater filter systems and all other elements of the stormwater system. Reference the Stormwater Operation and Maintenance Manual.
65. A Stormwater Operation and Maintenance Manual must be provided.

**DECIDED** this 25<sup>th</sup> day of August 2022.



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Andrew M. Reeves  
Hearing Examiner  
Sound Law Center