

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

In the Matter of the Application of)	No. SUB 22-003
)	
Jeffrey Bruton, on behalf of)	Effie Estates Proposal
GMB USA Limited)	
)	
)	
<u>For Approval of a Preliminary Plat</u>)	DECISION ON REQUEST FOR RECONSIDERATION

TO: PARTIES OF RECORD

BACKGROUND

On November 21, 2022, the City of Sequim Hearing Examiner approved, with conditions, a request by Jeffrey Bruton, on behalf of GMB USA Limited (Applicant), for a preliminary plat to create a 15-lot subdivision for single-family residential development on an approximately 2.72-acre property located on the northeast corner of South 7th Avenue and West Hemlock Street. *Effie Estates Proposal, Findings, Conclusions, and Decision (No. SUB 22-003), dated November 21, 2022.*

Reconsideration Request

On December 1, 2022, the Applicant timely submitted a request for reconsideration of the Hearing Examiner’s decision approving the preliminary plat.¹ *Applicant’s Request for Reconsideration, dated December 1, 2022.* The Applicant’s request for reconsideration seeks corrections of certain factual findings in the decision, which would not affect the ultimate decision on the preliminary plat request, or the conditions imposed by the Hearing Examiner. Specifically, the Applicant requests the following corrections to the Hearing Examiner’s decision:

Findings #13, Page 9, Paragraph 1, Sentence 1. Submitted as error in fact.

The shared private driveway will only contain a sewer main as shown on C003 of the preliminary plat plan, so “...an irrigation main and a water main” should be removed from this sentence and the sentence should end with a period after “sewer main.”

¹ City staff determined that the Applicant’s request for reconsideration was timely submitted “[p]rior to six days after the date of the hearing examiner’s decision,” as required under Sequim Municipal Code (SMC) 2.10.100, in light of the Thanksgiving holiday.

Findings #14, Page 9, Bullet Point 2, Sentence 2. Submitted as error in fact.

Lots 9 and 10 do not abut South 7th Avenue so “9, 10,” should be removed from this sentence.

Findings #14, Page 9, Bullet Point 4, Sentence 1. Submitted as error in fact.

The word “show” in this sentence should be “shown.”
Applicant’s Request for Reconsideration, dated December 1, 2022.

RECONSIDERTATION

The Sequim Municipal Code (SMC) provides:

Prior to six days after the date of the hearing examiner’s decision, a party of record may request reconsideration. The request must be in writing and directed to the city clerk or designee, who will forward the request to the hearing examiner within three business days. The request must specifically set forth errors of procedure, errors of law or fact, errors in judgment, or the discovery of new evidence which was not reasonably available at the open record public hearing.

SMC 2.10.100.

In considering a request for reconsideration from a party of record, the Hearing Examiner shall do one of the following:

- A. Correct or amend the decision without an additional public hearing; or
- B. Set the matter for additional public hearing, in which case notice will be republished and provided to all parties or record; or
- C. Confirm the original decision.

SMC 2.10.100.

“The hearing examiner’s decision is subject to only one reconsideration, even if the hearing examiner reverses or modifies the original decision.” *SMC 2.10.100.*

DECISION

The Hearing Examiner has reviewed the record in this matter and determines that the Applicant has identified errors of fact warranting a grant of the request for reconsideration. Because the factual errors identified by the Applicant would have no bearing on the Hearing Examiner’s ultimate decision approving the preliminary plat request or the conditions imposed therein, an additional public hearing is unnecessary.

Accordingly, the Hearing Examiner **GRANTS** the Applicant's request for reconsideration and shall issue a corrected decision, concurrent with this decision on the request for reconsideration, that incorporates the corrections identified by the Applicant.

DECIDED this 12th day of December 2022.



ANDREW M. REEVES
Hearing Examiner
Sound Law Center