BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEQUIM

In the Matter of the Application of	)	Nos. SUB-23-002; BSP-22-001;
	)	CDR-22-001
	)	
Caleb Grubb, Pointer Properties, Inc.,	)	**North Olympic View Condominiums**
	)	**Project**
	)	
For Approval of a Plat Alteration, Binding	)	FINDINGS, CONCLUSIONS,
Site Plan, and Design Review	)	AND DECISION

SUMMARY OF DECISION

The request for an alteration to a final plat to remove plat notes that: (1) restrict development of Parcels A, B-1, and B-2 to professional office or medical/dental clinic uses; (2) require an access easement for Parcels B-1 and B-2; and (3) require a 20-foot building setback from the northern property line on Hendrickson Road, on the previously approved and recorded "Revised Plat of Phase One of Hendrickson Park," and for Design Review and Binding Site Plan approval to allow for the construction of eight attached single-family residential units as condominiums or townhomes, on a 0.42-acre property located to the south of the intersection of West Hendrickson Road and North 7th Avenue, is **APPROVED**. Conditions are necessary to address specific impacts of the proposal and to ensure compliance with applicable legal requirements.

SUMMARY OF RECORD

Hearing:
A previous Hearing Examiner for the City of Sequim (City) held an open record hearing on the request on July 27, 2023.[1]

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

Charisse Deschenes, Deputy City Manager and Director of Community and Economic Development
Travis Simmons, City Assistant Planner
Caleb Grubb, Applicant
Ben Grubb

[1] Due to the previous Hearing Examiner not issuing a decision on the request, the current Hearing Examiner was assigned to the matter in December of 2023. The Hearing Examiner has reviewed the existing record and hearing recording in this matter and has determined that it would be appropriate to issue a decision on the request based on the existing record and hearing. The Applicant, Pointer Properties, Inc., and the City of Sequim agree that it would be appropriate for the Hearing Examiner to issue a decision based on the existing record and hearing recording.

Exhibits:
The following exhibits were admitted into the record:

1. Binding Site Plan Application, dated August 31, 2022
2. Design Review Application, dated December 2, 2021
3. Original Preliminary Binding Site Plan
4. Original Landscape and Lighting Plan, dated September 21, 2021
5. Traffic Impact Report, Jake Traffic Engineering Inc., dated October 4, 2022
6. Trash Collection Letter, dated February 5, 2023
7. Statutory Warranty Deed, dated July 20, 2021
8. Geotechnical Report, Zenovic and Associates, Inc., dated October 21, 2021; Technical Information Report and Hydrology Calculations, Sisul Engineering, dated November 15, 2021
9. SEPA Environmental Checklist, dated August 6, 2022
10. Determination of Nonsignificance (DNS), dated November 3, 2022
11. Notice of Complete Application, dated September 30, 2022
12. Notice of Application, dated October 14, 2022
13. Affidavit of Mailing, dated October 14, 2022
14. Plat Alteration Application, dated May 2, 2023
15. Proposed Plat Alteration Site Plan
16. Proposed Plat Alteration Notes
17. Proposed Binding Site Plan
18. Proposed Binding Site Plan Notes
19. Project Plans (8 Sheets), dated September 21, 2021
20. Utility Plan, dated September 21, 2021
21. Landscaping Plan, dated September 21, 2021
22. Technical Information Report and Hydrology Calculations, Sisul Engineering, updated May 15, 2023
23. Colored Drawing
24. Lighting Plan, dated February 21, 2023
25. Revised Plat of Phase One of Hendrickson Park, dated August 28, 1996
26. Notice of Complete Application, dated May 30, 2023
27. Notice of Application, dated June 9, 2023
28. Notice of Application Classified Proof, for publication in the *Peninsula Daily News* on June 9, 2023
29. Affidavit of Posting, dated June 5, 2023
30. Affidavit of Mailing (Notice of Application), dated June 9, 2023
31. Notice of Hearing
32. Affidavit of Mailing (Notice of Hearing), dated July 14, 2023
33. Notice of Hearing Classified Proof, for publication in the *Peninsula Daily News* on July 18, 2023

34. Agency Comments:
    a. Comment from Washington State Department of Ecology, dated November 17, 2022
    b. Comment from Jamestown S'Klallam Tribe, dated November 29, 2022
    c. City Resubmittal Review Letter, dated October 31, 2022
    d. City Resubmittal Review Letter, dated July 11, 2023
35. Public Comments:
    a. Comment from Charlie Beall, dated June 18, 2023
36. Staff Report, dated July 20, 2023
37. *Hearing Examiner Findings, Conclusions, and Decision, Hendrickson Park Plat Alteration (No. SUB 22-001),* dated July 8, 2022
38. Staff Presentation

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

FINDINGS

Background

1. The subject property consists of a vacant 0.42-acre parcel (Parcel B-2) at the northeast corner of the final "Revised Plat of Phase One of Hendrickson Park," a planned unit development (PUD) located to the south of the intersection of West Hendrickson Road and North 7th Avenue that was approved on August 28, 1996.[2] All the other parcels within the plat have been fully developed consistent with the approved PUD. *Exhibit 25; Exhibit 36, Staff Report, pages 1 through 6; Exhibit 37.*

2. On July 8, 2022, a former Hearing Examiner approved, with conditions, the request for a plat alteration to remove a note restricting development of Parcels A, B-1, and B-2 to professional office or medical/dental uses. Specifically, the former Hearing Examiner approved the request to remove Note 8 from the final plat, which states "PARCELS 'A' 'B-1' AND 'B-2' SHALL BE RESTRICTED TO PROFESSIONAL OFFICES, OR MEDICAL/DENTAL CLINICS, AS PROVIDED AT CHAPTER 18.24.030 OF THE SEQUIM MUNICIPAL CODE." *Exhibit 37.* In approving the request, the Hearing Examiner determined that the plat alteration would serve the public use and interest by allowing the remaining vacant parcel to be developed consistent with the goals and policies of its current "Lifestyle District" Comprehensive Plan land use designation and consistent with the development regulations applicable to its current "Lifestyle District" (LD) zoning classification. The previously approved plat alteration request has not been finalized, however, because it has not yet been officially recorded in accordance with Sequim Municipal Code (SMC) 17.25.070. *Exhibit 36, Staff Report, page 6; Exhibit 37.*

[2] The subject parcel (Parcel B-2) is identified by Tax Assessor Parcel No. 033019-820570. *Exhibit 7; Exhibit 36, Staff Report, page 2.*

Application and Notice

3. Caleb Grubb, of Pointer Properties, Inc., (Applicant), renews the previous request for a plat alteration to remove Note 8 from the final Revised Plat of Phase One of Hendrickson Park and requests to remove Note 9, which would require a shared 30-foot by 60-foot access easement for Parcels B-1 and B-2, and a portion of Note 11, which would require a 20-foot building setback from the northern property line along Hendrickson Road. In addition, the Applicant requests Design Review and Binding Site Plan (BSP) approval to allow the property to be developed with an eight-unit, attached single-family residential condominium or townhome structure, with associated improvements. *Exhibits 1 through 4; Exhibit 14 through 21; Exhibit 23 through 25; Exhibit 36, Staff Report, pages 1 through 12.*

4. The City of Sequim (City) determined that the application was complete on May 30, 2023. The Applicant posted notice of the application on or near the subject property on June 5, 2023. On June 9, 2023, the City provided notice of the application by mailing notice to property owners within 300 feet of the subject property and by publishing notice in the *Peninsula Daily News*, with a comment deadline of June 23, 2023. On July 14, 2023, the City mailed notice of the open record hearing associated with the application to property owners within 300 feet of the subject property. On June 18, 2023, the City published notice of the hearing in the *Peninsula Daily News. Exhibits 16 through 33; Exhibit 36, Staff Report, pages 2 and 3.*

5. The City received a comment from a member of the public, nearby property owner Charles Beall, who raised concerns about whether the proposed development, including the installation of utilities required to service the development, would impact eight fir trees located offsite. The Applicant's submitted project plans, including the submitted utility plan, do not show any impacts to the offsite trees from the proposed development. City Assistant Planner Travis Simmons confirmed at the hearing that the offsite trees would not be impacted by the proposal. *Exhibits 17 through 21; Exhibit 35; Testimony of Mr. Simmons.*

State Environmental Policy Act

6. The City acted as lead agency and analyzed the environmental impacts of an earlier iteration of the proposed development, which did not include the current plat alteration requests, under the State Environmental Policy Act (SEPA), chapter 43.21C Revised Code of Washington (RCW). The City consolidated notice of the SEPA review and the earlier iteration of the application under the optional process provided for by Washington Administrative Code (WAC) 197-11-355. The City's notice materials stated that the City anticipated issuing a Determination of Nonsignificance (DNS) for the proposal following the close of the comment period on November 3, 2022. The City received two agency comments specific to the environmental review of the proposal.

The Jamestown S'Klallam Tribal Historic Preservation Office noted that it agreed with the City's determination that the proposal would not have cultural resource impacts but requested that the Applicant be required to follow an Inadvertent Discovery Plan. The Washington State Department of Ecology (DOE) provided general comments noting that all grading and filling activity must utilize only clean fill; that all removed debris must be disposed of at an approved site; and that 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.

The City reviewed the Applicant's environmental checklist and other information on file, including the agency comments described above, and determined that the proposed development would not have a probable significant adverse impact on the environment. Accordingly, the City issued a DNS on November 3, 2022, with an appeal deadline of November 3, 2022. The determination was not appealed. The City later analyzed the environmental impacts of the current iteration of the proposal, including the requests for a plat alteration, and adopted its previously issued DNS. *Exhibits 9 through 13; Exhibit 27; Exhibit 36, Staff Report, pages 2 and 3.*

Comprehensive Plan and Zoning

7. The property and all surrounding properties are designated "Lifestyle District" under the City Comprehensive Plan. The Lifestyle District land use designation is intended to "[e]nhance and foster continued growth of lifestyle options for seniors in a neighborhood setting that provides a broad range of housing types, services, mobility options and healthcare facilities to support 'living-in-place' through the many stages of senior life." *City Comprehensive Plan - Land Use, page 18.* City staff reviewed the proposal and determined that it would be consistent with the Comprehensive Plan, identifying as relevant the following Comprehensive Plan goals and policies:
   - Focus market-rate multi-family development to locate with-in Downtown and in the existing Lifestyle District. [LU 3.3.1]
   - 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]
   - 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 36, Staff Report, page 12.

8. The property and all surrounding properties are within the City's "Lifestyle District" (LD) zone. The intent of the LD zone is to "[p]romote growth of lifestyle options for

seniors in a neighborhood setting that provide a broad range of housing types, services, mobility options and healthcare facilities to support 'living-in-place' through the many stages of senior life." *SMC 18.20.130.* Attached residences are listed as permitted uses in the LD zoning district. *SMC 18.20.130.* Development regulations specific to the LD zoning district are discussed in detail later in this decision. *Exhibit 36, Staff Report, pages 2, 3, and 5.*

Plat Alteration

9. As noted above, the Applicant renews the previously approved request to remove a plat note (Note 8) restricting development of the vacant 0.42-acre parcel to professional office or medical/dental clinic uses. This plat restriction also applies to Parcels A and B-1, which are located to the west of Parcel B-2 and have already been fully developed consistent with the plat restriction. In addition, the Applicant requests to remove Note 9, which would require a shared 30-foot by 60-foot access easement for Parcels B-1 and B-2, and to remove a portion of Note 11, which would require a 20-foot building setback from the northern property line along Hendrickson Road. *Exhibits 14 through 16; Exhibit 25; Exhibit 36, Staff Report, pages 1 through 6; Exhibit 37; Exhibit 38.*

10. SCC 17.25.050.B provides the criteria for approval of an alteration to a final plat and provides:

> The alteration may be approved, approved with conditions or denied after a written determination, with findings and conclusions, is made whether the public use and interest will be served by the alteration. If any land within the alteration area is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

The Applicant provided a project narrative asserting that the requested plat alterations meet these criteria, noting:

- The public use and interest would be served by the requested plat alterations by removing restrictions that minimize developmental use and feasibility.
- Removing the plat note that restricts development to medical/dental use would bring the parcel into alignment with the property's current LD zoning classification, which allows for detached and attached residential uses.
- Removing the plat note that requires a joint access easement with Parcel B-1 would eliminate the need for improving that easement, which is

unnecessary because this easement has never been utilized and because 7th Avenue provides access to Parcel B-1.

- Removing the plat note that requires a 20-foot building setback from Hendrickson Road would allow the project to be developed consistent with the fully developed Parcels A and B-1. Removing the restriction would also allow for parking to be provided at the rear of the lot, which would better conform to City design standards.

Exhibit 36, Staff Report, pages 5 and 6.

11. As noted in the former Hearing Examiner's decision approving the plat alteration request to remove Note 8, City staff determined that the request would satisfy the criteria under SCC 17.25.050.B, noting:

- The proposed plat alteration would be consistent with the intent of the LD zone.
- The current LD zoning regulations allow for residences – attached and detached, health care, offices – personal and professional, retail/service, public facilities and services, and communication facilities/towers.
- The proposal would satisfy the standards of the current zoning regulations and the goals and policies of the Comprehensive Plan.
- The land is not part of an assessment district and does not contain any dedications to the general use of persons residing within the subdivision.
- The alteration would serve the public use and interest by allowing it to be developed to the underlying zoning requirements.

Exhibit 37.

City staff continues to support the Applicant's plat alteration request to remove Note 8 and has further determined that the Applicant's additional plat alteration requests would satisfy the criteria of SCC 17.25.050.B, noting:

- The final plat contains notes that would require setback and use standards that do not align with the zoning regulations and goals and policies of the Comprehensive Plan that currently apply to the property. The Applicant is proposing changes that would remove the notes to meet current standards.
- The final plat also shows a joint access easement equally straddling Parcels B-1 and B-2. The notes would require full access to be developed prior to issuing building permits for the parcels. The neighboring lot was developed without the access being built, and access is not needed in that specific location under the City's current standards.

Exhibit 36, Staff Report, pages 5 and 6.

Binding Site Plan

12. The City has adopted procedures for the approval of a binding site plan, as permitted under Revised Code of Washington (RCW) 58.17.035. *Chapter 17.24 SMC.* The

Applicant requests approval of a binding site plan to allow for the development of an eight-unit, attached single-family residential condominium or townhome structure, with associated improvements. *Exhibit 1; Exhibits 3 through 8; Exhibits 17 through 25; Exhibit 36, Staff Report, pages 1 through 12.*

Existing Site and Proposed Development

13. As noted above, the 0.42-acre subject property is currently zoned LD and is located at the northeast corner of the final "Revised Plat of Phase One of Hendrickson Park" PUD that was approved on August 28, 1996. No wetlands or other environmentally sensitive areas were identified on, or in the vicinity of, the property during the City's environmental review of the proposal. The property is not located within an identified floodplain, and there is no flooding hazard associated with the proposed development. All surrounding properties are also zoned LD and are currently developed with a mix of residential and commercial uses. *Exhibit 9; Exhibit 10; Exhibit 25; Exhibit 27; Exhibit 36, Staff Report, pages 1 through 5, and 9; Exhibit 37.*

14. The LD zone does not have a lot size restriction for detached and attached residential uses. *SMC 18.20.130*. The maximum building height for attached residential structures in the LD zone is 40 feet. *SMC 18.20.130*. The Applicant's project plans show that the proposed attached residential structure would be approximately 28 feet in height, well below the maximum permitted building height. As applicable to the proposed development, the LD zone requires a minimum rear yard setback of 10 feet and minimum side yard setbacks of 6 feet. *SMC 18.20.130*. The Applicant's project plans demonstrate compliance with these setback requirements. The LD zone does not have a minimum front yard building setback requirement for residential structures but requires a maximum front yard building setback of 20 feet for residential structures. *SMC 18.20.130*. The proposed attached residential structure would be set back no more than 20 feet from the front property line. The Applicant's proposed site plan, as revised, shows that the structure would protrude into the 20-foot setback currently required under Note 8 of the approved final plat, but as discussed above, the Applicant requests a plat alteration to remove this requirement. City staff reviewed the proposal and determined that, with conditions, it would comply with all applicable development regulations for the LD zoning district. *Exhibit 1; Exhibit 3; Exhibits 14 through 19; Exhibit 36, Staff Report, pages 1 through 7.*

Stormwater

15. Zenovic and Associates, Inc., performed an on-site soils analysis of the property, dated October 15, 2021, which calculated a long-term design infiltration rate of 4.9 inches per hour. Sisul Engineering reviewed the soils analysis and prepared a stormwater technical information report for the proposed development, updated May 17, 2023. All stormwater runoff from new impervious surfaces on the property would be conveyed to a StormTech chamber system located underneath the parking lot at the rear of the property to fully

infiltrate on-site. The City Engineer reviewed and preliminarily approved the Applicant's stormwater drainage plan. The City would review the Applicant's site construction plan for compliance with applicable stormwater management requirements prior to final binding site plan approval. *Exhibit 8; Exhibit 22; Exhibit 36, Staff Report, pages 7 and 8.*

Access, Parking, and Traffic

16. Vehicular access to the individual units within the residential structure would be provided from a new, paved, shared-access driveway connecting to West Hendrickson Road to the north. The new access driveway would be located along the west property line and would lead to attached garage structures and additional parking spaces at the rear of the building. The Applicant would install a paved pathway along the eastern property line to provide pedestrian access to the rear of the structure, as well as sidewalks connecting each individual unit to a public sidewalk that would be installed along the property's frontage with West Hendrickson Road. Attached residential structures with five or more units require 1.5 off-street parking spaces per unit. *SMC 18.48.050.B.1.b.* The proposed development would exceed this requirement by providing a one-vehicle garage and one additional dedicated parking space for each unit. Garbage trucks serving the site would collect individual bins along West Hendrickson Road. City staff reviewed the Applicant's project plans and determined that emergency vehicles would have adequate access to the residential units and that the proposal would meet applicable off-street circulation standards. The City would review the Applicant's driveway design in detail for compliance with engineering standards during the site construction stage. *Exhibit 3; Exhibit 6; Exhibits 17 through 19; Exhibit 36, Staff Report, page 7.*

17. Jake Traffic Engineering, Inc., conducted a trip generation analysis for the proposed development, dated October 4, 2022, which determined that the proposal would result in a total of 54 new average daily weekday trips, with three new AM peak-hour trips and four new PM peak-hour trips. Based on the low number of new trips that would be generated from the proposed development, the City determined that a full traffic impact analysis would not be required. The Applicant would mitigate for the project's impacts to the City's transportation network through the payment of traffic impact fees. The Applicant would also dedicate a 14-foot easement to the city along the property's frontage with West Hendrickson Road to accommodate road improvements meeting Collector Street standards, including paving, curb, gutter, and an ADA-compliant sidewalk. City staff indicates that the required paving, curb, and gutter have been installed and that, on approval of the project, the Applicant would install the required eight-foot-wide sidewalk and four-foot landscaping strip. The City would review the Applicant's proposed road frontage improvements in detail for compliance with engineering standards during the site construction stage. *Exhibits 3 through 5; Exhibits 17 through 19; Exhibit 36, Staff Report, pages 7 through 10.*

Landscaping and Open Spaces

18. City staff indicates that the City's open space requirements need to be updated and cannot currently be enforced. Although the project is not subject to open space requirements under the City code, the project would include a total of 1,624 square feet of open space within areas located in the front of each unit. In addition to the required four-foot landscaping strip that would be installed along the West Hendrickson Road frontage and dedicated to the city, the Applicant would install landscaping in the front and along the sides of the building, as well as in areas separating dedicated parking spaces. City staff reviewed the Applicant's landscaping plans and determined that, with conditions, it would meet the City's landscaping requirements. The City would review the Applicant's final landscaping plan for compliance with applicable landscaping requirements prior to the issuance of site constriction permits. *Exhibits 17 through 19; Exhibit 21; Exhibit 36, Staff Report, pages 5 through 9.*

Utilities and Services

19. The City would provide water and sewer services to the property. City staff reviewed the Applicant's preliminary utility plans and determined that all necessary utility easements have been identified. The City would review the Applicant's final utility plans for compliance with applicable regulations prior to final binding site plan approval. City staff has determined that the area is adequately served by transit stops and that Clallam Transit offers a dial-a-ride service to the area. A connection to the Olympic Discovery Trail is located near the property, at the corner of West Hendrickson Road and North 7th Avenue. *Exhibit 20; Exhibit 36, Staff Report, pages 7, 8, and 17.*

Binding Site Plan Criteria

20. City staff reviewed the Applicant's proposed binding site plan for compliance with the specific design criteria under SMC 17.24.090 and determined that, with conditions, it would meet these criteria, noting:

- The proposed development, with conditions, would be consistent with the Comprehensive Plan and applicable zoning regulations. Additional site construction and building permits required for the development would ensure compliance with the approved design plans.
- The City Public Works Department has determined that, with conditions, the Applicant's proposed design would provide for adequate on- and off-site circulation. The City would review the Applicant's driveway access design for compliance with engineering standards at the time of site construction.
- All utilities and streets information has been evaluated for the level of compliance needed during this stage of review. Final plans will be submitted with the site construction permit.
- All necessary existing easements have been identified on the plat alteration or conditioned as such prior to recording. All additional utility easements have been identified through the binding site plan review process and conditioned as such.

Easements for the preliminary binding site plan will be subject to review prior to approval of the final binding site plan for recording.

- The Applicant is requesting a plat alteration to remove a required 30-foot by 60-foot shared-access easement and would dedicate a 14-foot easement to the city at the Hendrickson Road frontage. The City Engineer would work with the Applicant to ensure that the 14-foot easement is shown and dedicated to the City on the binding site plan prior to recording.
- The Applicant would work with the City Public Works Department and would post required bonds at the time of site construction.
- The City cannot currently enforce open space requirements because they are in need of updating to determine appropriate levels of service. The Applicant would not be required to provide any new public facilities, such as parks, trails, and playgrounds, but the lot owners would be required to pay park and traffic impact fees.
- No environmentally sensitive areas or wetlands were found in this location.
- No flooding hazard has been identified in this location, and the property is not within an identified floodplain.
- The public interest would be served by the proposal. This housing option would bring more available housing to the city at a time when housing is scarce. Additional road frontage improvements, including ADA-compliant sidewalks and transitions would be provided.
- With conditions, the proposal would satisfy the requirements of the State Subdivision Act, chapter 58.17 RCW.
- The project would be constructed in a single phase and is not subject to the phased development requirements of SMC 17.20.090.

Exhibit 36, Staff Report, pages 6 through 10.

Design Review

21. All new residential development projects in the city involving more than four dwelling units are subject to design review approval. *SMC 18.24.031.* Applications for design review approval are generally reviewed administratively by the City Department of Community Development but may be reviewed by the Hearing Examiner as part of the City's consolidated permit application process. *SMC 18.24.037; SMC 20.01.050.* City staff has worked with the Applicant through several revisions of the project design to ensure compliance with applicable design review requirements, including site design requirements related to lot coverage, setbacks, height, mass and scale, and parking, as well as architectural design requirements related to materials, surface textures, colors, fenestration pattern, wall planes, roof form and pitch, and expression of detailing. Following this iterative process, City staff determined that the Applicant's current design, with conditions, would meet the specific criteria for design review approval under SMC 18.24.037, noting:

- With conditions, the project design would be consistent with the design review requirements related to: facades, exterior walls, and entryways (SMC 18.24.050); site planning and compatibility (SMC 18.24.070); detail features (SMC 18.24.080); roofs (SMC 18.24.100); materials (SMC 18.24.100); windows and doors (SMC 18.24.110); colors (SMC 18.24.120); landscaping and buffering (SMC 18.24.130); fences (SMC 18.24.140); lighting and glare (SMC 18.24.170); pedestrian flows (SMC 18.24.180); outdoor storage, trash collection, recycle, and loading area (SMC 18.24.190); multi-building and multifamily projects (SMC 18.24.210).
- With conditions, the proposal would be consistent with the Comprehensive Plan.
- With conditions, the proposal would be consistent applicable zoning regulations.

Exhibit 2 through 4; Exhibits 19 through 25; Exhibit 36, Staff Report, pages 10 through 12.

Testimony

22. Community and Economic Development Director Charisse Deschenes testified generally about the proposal and how, with conditions, it would be consistent with the Comprehensive Plan, would comply with the requirements of the zoning code, and would meet the specific criteria for approval of a plat alteration and binding site plan, as well as for design review approval. She provided a detailed description of the property, the surrounding area, and the proposed development, consistent with the above findings. Director Deschenes discussed the permitting history for the property, noting that the request for a plat alteration to remove the use restriction in Note 8 was previously approved but was not recorded. She noted that the use restriction, and the other restrictions that the Applicant's seeks to remove from the final plat, are no longer necessary, are inconsistent with current zoning regulations, and are contrary to the City's current vision for properties within the Lifestyle District land use designation, as expressed through the goals and policies of the Comprehensive Plan. Director Deschenes stressed that all the requested revisions to the final plat would be consistent with the property's current Lifestyle District zoning classification and Comprehensive Plan land use designation.

She provided an overview of the Applicant's proposed binding site plan, noting that the Applicant seeks to construct eight attached single-family residential units as condominiums or townhomes, with associated improvements including paved access ways, stormwater management features, landscaping, and improvements to the West Hendrickson Road public right-of-way. Director Deschenes stressed that the proposed development would help meet the need for more housing in the area and would be consistent with current development regulations for the Lifestyle District zone and with

the vision for properties designated Lifestyle District under the Comprehensive Plan. She explained that requests for design review approval are typically addressed administratively but that the request was before the Hearing Examiner as part of the consolidated permit process. *Testimony of Director Deschenes*.

23. City Assistant Planner Travis Simmons testified about the environmental review of the proposal, noting that the City issued a DNS on November 3, 2022, which was not appealed. He noted that the City issued the DNS with respect to the binding site plan and design review proposals and then adopted the DNS for the consolidated request for a plat alteration. Mr. Simmons noted that the owner of property to the southwest of the subject property raised concerns that utilities necessary for the proposed development could affect a row of trees located on an adjacent lot. He explained that the proposed development would not impact these offsite trees. *Testimony of Mr. Simmons.*

24. Applicant Caleb Grubb testified that he agrees with City staff's analysis of the proposal. He stated that the project would bring much needed housing to the community and was designed to maximize the potential of the lot, which he noted had remained vacant for more than a decade due to the lack of need for professional offices or medical/dental clinics in that area. Mr. Grubb explained that he worked with City staff to ensure that the proposed development would be consistent with all applicable development regulations and would be compatible with existing surrounding development. *Testimony of Caleb Grubb.*

25. Ben Grubb testified that he is a partner on the project with his brother, Applicant Caleb Grubb, and that they anticipate beginning construction as soon as possible. He stated that they have had discussions with City staff regarding their recommended conditions of approval and that they would have no issue complying with those recommended conditions. *Testimony of Ben Grubb.*

Staff Recommendation

26. Director Deschenes testified that City staff recommends approval of the requested plat alteration, binding site plan, and design review, with conditions. Ben Grubb testified that the Applicant understands and would comply with City staff's recommended conditions. *Exhibit 36, Staff Report, pages 14 through 17; Testimony of Director Deschenes; Testimony of Ben Grubb.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide applications for an alteration to a final plat, for a binding site plan, and, as part of the consolidated permit process, for design review approval. *SMC 2.10.070.B; SMC 17.24.090; SMC 17.24.100; SMC 17.25.030; SMC 17.25.050; chapter 18.24 SMC; SMC 20.01.050; SMC 20.01.100.*

Criteria for Review

Plat Alteration

SCC 17.25.050.B provides the criteria for approval of an alteration to a final plat and states:

> The alteration may be approved, approved with conditions or denied after a written determination, with findings and conclusions, is made whether the public use and interest will be served by the alteration. If any land within the alteration area is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

Alterations to a final plat are also subject to the requirements of RCW 58.17.215, which provides:

> When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the legislative authority of the city, town, or county where the subdivision is located. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.
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> Upon receipt of an application for alteration, the legislative body shall provide notice of the application to all owners of property within the subdivision, and as provided for in RCW 58.17.080 and 58.17.090. The notice shall either establish a date for a public hearing or provide that a hearing may be requested by a person receiving notice within fourteen days of receipt of the notice.
>
> The legislative body shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within

the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

After approval of the alteration, the legislative body shall order the applicant to produce a revised drawing of the approved alteration of the final plat or short plat, which after signature of the legislative authority, shall be filed with the county auditor to become the lawful plat of the property.

This section shall not be construed as applying to the alteration or replatting of any plat of state-granted tide or shore lands.

Binding Site Plan

The Revised Code of Washington provides for an alternative method of land division – binding site plans:

> A city, town, or county may adopt by ordinance procedures for the divisions of land by use of a binding site plan as an alternative to the procedures required by this chapter. The ordinance shall be limited and only apply to one or more of the following: (1) The use of a binding site plan to divisions for sale or lease of commercially or industrially zoned property as provided in RCW 58.17.040(4); (2) divisions of property for lease as provided for in RCW 58.17.040(5); and (3) divisions of property as provided for in RCW 58.17.040(7). Such ordinance may apply the same or different requirements and procedures to each of the three types of divisions and shall provide for the alteration or vacation of the binding site plan, and may provide for the administrative approval of the binding site plan.

RCW 58.17.035.

The hearing examiner may not approve applications for binding site plan approval unless it is demonstrated by the applicant that each of the following criteria has been met or will be met:

A. Each use of the land resulting from the adoption of the binding site plan conforms with the comprehensive plan and with zoning regulations, including lot coverage, setbacks, building heights, off-street parking requirements, landscaping buffering and permitted uses within zoning districts;

B. Adequate provisions for on- and off-site circulation and connection with the surrounding road net have been proposed, consistent with adopted city standards;

C. Curb, gutter, sidewalk, trail connections, transit stops, streets, storm drainage, sanitary sewer lines, water lines and other utilities will be installed at the expense of the applicant and meet city specifications and

applicable ordinances and the city engineer has certified or approved the proposed plans for the construction;

D. The applicant has provided, if necessary, easements to the city to accommodate the establishment of municipal utilities;

E. Private property necessary for public use as street rights-of-way have been dedicated to the city by an acceptable deed of dedication or by preparing a plat to be recorded;

F. A bond meeting city requirements (Chapter 3.78 SMC) has been posted to ensure completion of those unconstructed improvements required consistent with the criteria found in this chapter;

G. Adequate public facilities are provided as required by the adopted capital facilities plan; these facilities may include, but are not necessarily 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 can 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; and

L. All proposed project phasing schedules meet the requirements contained in SMC 17.20.090.

SMC 17.24.090.

Design Review

"Design review is required for all new commercial, industrial, mixed use and residential structures with more than four dwelling units with common walls." *SMC 18.24.031.A.*

SMC 18.24.037 provides the following criteria for design review approval:

A. Minimum Criteria. The city of Sequim department of community development shall review the site design for compliance with approved lot coverage, setbacks, height, mass and scale, parking, land use and other appropriate regulations in the Sequim Municipal Code. These minimum requirements must be met before further review takes place.

B. General Review Criteria.

1. The community development director or his/her designee will review the detailed architectural design with respect to materials

and surface textures, colors, fenestration pattern, wall planes, roof form and pitch and expression of detailing.

2. The community development director or his/her designee will also review the site design to determine how the proposed development melds into the existing environment, judging applications with respect to scale and proportion, orientation of buildings and other site features to streets and surrounding properties, and the placement and types of landscaping.

C. Specific Review Criteria. Specific review criteria will vary from project to project. Design standards established in this chapter shall be incorporated and used for detailed structure and site analysis.

D. Required Findings. The community development director or his/her designee must make the following findings before approval of any proposed development:

1. Comprehensive Plan Compliance. Find that the proposal complies with Sequim's Comprehensive Plan and other adopted city policies.
2. Zoning Regulation Compliance. Find that the proposal meets the requirements of the regulations for the appropriate zoning district.
3. Design Review Compliance. Find that the proposal, as approved or conditionally approved, satisfies the criteria and purposes of this chapter.

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

1. With conditions, the proposal would meet the requirements for a final plat alteration under the Sequim Municipal Code and under the Revised Code of Washington. The City provided reasonable notice of the application and opportunity to comment on the proposal. The City received one comment from a member of the public that raised concerns about the proposal's potential impacts to a row of offsite trees. The Applicant's project plans demonstrate, and City staff has confirmed, that the proposal would not result in any impacts to the offsite trees. The City received agency comments from the Jamestown S'Klallam Tribal Historic Preservation Office and from DOE that were specific to the environmental review of the proposal. The City reviewed the Applicant's environmental checklist and other information on file, including the agency comments; determined that the proposal would not have a probable significant adverse impact on the environment; and issued a DNS on November 3, 2022. That determination

was not appealed. City staff determined that the application meets all the procedural requirements for an alteration to a final plat under chapter 58.17 RCW. City staff also determined that the property is not within an assessment district and that there are no restrictive covenants that would be violated by granting the requested plat alteration.

The property is designated "Lifestyle District" by the Comprehensive Plan and is within the "Lifestyle District" (LD) zone. The proposed plat alteration would further several goals and policies of the Comprehensive Plan by allowing the currently vacant property to be developed with eight attached dwelling units within an appropriate location in the city, which would increase the number of housing options and opportunities within the city. The currently vacant property would be well-suited for the broad mix of uses allowed in the LD zone, which include attached residences, and the requested alterations to remove certain development restrictions and requirements from the final plat would allow the property to be developed consistent with current development regulations applicable to the LD zoning district and in harmony with existing and planned development within the vicinity and LD zone. The Hearing Examiner determines that the proposed plat alteration to remove from the final Revised Plat of Phase One of Hendrickson Park Note 8, Note 9, and the portion of Note 11 requiring a 20-foot building setback from the northern property line along Hendrickson Road would serve the pubic use and interest by allowing the currently vacant property to be developed with needed housing in the area, consistent with the current development regulations of the LD zoning district, and consistent with the goals and policies of the Comprehensive Plan's Lifestyle District land use designation of the property. Conditions, as detailed below, are necessary to ensure that the proposal complies with the requirements for a plat alteration and with all applicable state and local regulations. *Findings 1 – 11, 22 – 26.*

2. With conditions, the proposal would meet the requirements for approval of a binding site plan under the Sequim Municipal Code and under the Revised Code of Washington. The 0.42-acre property is located at the northeast corner of the final Revised Plat of Phase One of Hendrickson Park and is the only remaining undeveloped parcel within the plat. As discussed above in Conclusion 1, the property is currently designated Lifestyle District under the Comprehensive Plan and is in the LD zoning district. The proposal to develop the currently vacant property with an eight-unit attached townhome or condominium structure would be consistent with several Comprehensive Plan goals and policies calling for an increase in the number of housing options in the city and encouraging multi-unit residential development in this area of the city, with appropriate improvements to pedestrian infrastructure. The project, as proposed and conditioned herein, would comply with all applicable development regulations for the LD zone, including regulations related to lot coverage, setbacks, building heights, off-street parking, and landscaping.

Vehicular access to the residential units would be provided from a new, paved, shared-access driveway connecting to West Hendrickson Road, with additional pedestrian access provided from internal paved pathways connecting the individual units and the rear parking area to West Hendrickson Road. In addition, the proposal would include frontage improvements to the West Hendrickson Road right-of-way, which would include paving, curb, gutter, and ADA-compliant sidewalks and transitions. The Applicant would dedicate a 14-foot-wide easement to the city to accommodate the required improvements to West Hendrickson Road. City staff reviewed the Applicant's trip generation analysis and determined that, based on the low number of new trips that would be generated from the proposed development, a full traffic impact analysis would not be required. The Applicant would mitigate for the project's impacts to the city's transportation network through the payment of traffic impact fees. City staff reviewed the Applicant's project plans and determined that, with recommended conditions, the proposed development would provide adequate provisions for on- and off-site circulation. The City would review the Applicant's final construction plans for compliance with engineering standards as part of the site construction permit process. Stormwater generated on the property would be conveyed to an infiltration system located underneath the proposed parking area to fully infiltrate on-site. The City Engineer reviewed and preliminarily approved the Applicant's stormwater drainage plan. The City would review the Applicant's site construction plan for compliance with applicable stormwater management requirements prior to final binding site plan approval.

The City does not currently enforce open space requirements, but the Applicant proposes to provide a total of 1,624 square feet of open space within areas located in the front of each unit. City staff reviewed the Applicant's landscaping plans and determined that, with conditions, it would meet the City's landscaping requirements. The City would review the Applicant's final landscaping plan for compliance with applicable landscaping requirements prior to the issuance of site constriction permits. The City would provide water and sewer services to the property. Garbage trucks serving the site would collect individual bins along West Hendrickson Road. City staff reviewed the Applicant's preliminary utility plans and determined that all necessary utility easements have been identified. The City would review the Applicant's final utility plans for compliance with applicable regulations prior to final binding site plan approval. The property would be adequately served by transit stops and dial-a-ride transit service. A connection to the Olympic Discovery Trail is located near the property, at the corner of West Hendrickson Road and North 7th Avenue. The Applicant would not be required to provide any new public facilities, such as parks, trails, and playgrounds, but would be required to pay park impact fees.

As discussed above in Conclusion 1, the City issued a DNS for the proposal that was not appealed. The property is not located within an identified floodplain, and the property does not contain wetlands, flood hazards, or other environmentally sensitive areas. The

Applicant does not propose phased development and would post any required bonds at the time of site construction. The Hearing Examiner determines that the public interest would be served by the proposed development by providing needed housing consistent with applicable development regulations for the LD zone and compatible with existing and planned development that is characterized and promoted by the Lifestyle District Comprehensive Plan land use designation. Conditions, as detailed below, are necessary to ensure that the proposal complies with the requirements for approval of a binding site plan under SMC 17.24.090 and the State Subdivision Act, chapter 58.17 RCW, as well as with all other applicable state and local regulations. *Findings 3 – 8, 12 – 20, and 22 – 26.*

3. **With conditions, the proposal meets the requirements for design review approval.** All new residential development projects in the city involving more than four dwelling units are subject to design review approval. City staff performed design review and worked with the Applicant through several revisions of the project design to ensure compliance with all applicable design review requirements. Following this iterative process, City staff determined that the Applicant's current design, with conditions, would meet the specific criteria for design review approval under SMC 18.24.037. The Hearing Examiner concurs with City staff's assessment of the design of the proposal and incorporates its recommended conditions of approval. *Findings 1 – 5, 7, 8, 21, and 22 – 26.*

DECISION

Based on the preceding findings and conclusions, the request for an alteration to a final plat to remove plat notes that: (1) restrict development of Parcels A, B-1, and B-2 to professional office or medical/dental clinic uses; (2) require an access easement for Parcels B-1 and B-2; and (3) require a 20-foot building setback from the northern property line on Hendrickson Road, on the previously approved and recorded "Revised Plat of Phase One of Hendrickson Park," and for Design Review and Binding Site Plan approval to allow for the construction of eight attached single-family residential units as condominiums or townhomes, on a 0.42-acre property located to the south of the intersection of West Hendrickson Road and North 7th Avenue, is **APPROVED**, with the following conditions:

1. The Applicant must have the plat officially recorded in accordance with SMC 17.25.070, which provides:

> After approval of the alteration or vacation, the city shall order the applicant to produce a revised drawing of the approved alteration or vacation of the short plat, final plat or binding site plan. The council shall authorize the mayor to sign the approved short plat or final plat, and then the city shall file it with the county auditor at the applicant's cost, to become the lawful plat of the property (or to vacate the previously approved plat). The director of the department of community

development shall sign the approved binding site plan and arrange for filing with the county auditor at the applicant's cost.

2. Approval of the proposed plat alteration does not allow for construction or development. The Applicant shall submit plans to the City to obtain necessary permits for development.

3. Approval of this preliminary binding site plan will expire within three years following approval, per SMC 17.24.110, unless a proposed final plan, in proper form, is submitted to the city planning department; provided, however, per SMC 20.01A.030(A), after approval of a permit application, within 14 calendar days before the date the permit expires, the property owner may make a written request for an extension of time. The director of the department of community development (DCD director), upon consultation with other development review departments, may grant an extension of time for the permit approval, up to but not exceeding one year.

4. Development of the site shall require the subject plat alteration, if approved, to be recorded prior to issuance of any construction permits, and must be in conformance with the revised preliminary Binding Site Plan received May 19, 2023, with all subject revisions as presented in the included exhibits.

5. Development of the site shall require the subject plat alteration to be approved and recorded prior to issuance of any construction permits related to the Binding Site Plan development (right-of-way or site improvement permits) and must be in conformance with the revised preliminary Binding Site Plan drawings received May 19, 2023, with all subject revisions as presented in the included exhibits and as altered through the conditions of approval.

6. All dedications to the public or easements granted to the city and/or lot owners shall be clearly and correctly indicated on the face of the final plan. Proposed plat alteration of Volume 13, pages 29-30 under Amendment Note states, "This plat is also being amended to add a 10ft. utility easement shown on Survey Volume 78, Page 13." The plat alteration shows the northern portion of this easement but not the southern portion of this easement – both will need to be shown on the recorded alteration.

7. A final Binding Site Plan must be approved by the City prior to recording. An electronic version of the final BSP must be submitted to the City of Sequim DCD. The electronic version can be sent to the City in PDF file. Once approved, the Applicant will be required to produce a mylar copy for signature.

8. The Applicant must remove from the notes a dedication of common areas and the stormwater infrastructure to the city on the final Binding Site Plan. These facilities serve the residence and lot owners, not the city, and shall be privately held and maintained by the Homeowners Association or Lot Owners Association. Per the requirements of SMC

18.22.060(D), open space on a binding site plan is for privately owned open spaces and recreational areas only and shall not be dedicated to the city. The Applicant must also remove Note 4 from the BSP because it is not correct or necessary.

9. Development of the property must comply with the restrictions on the face of the recorded plat, but anything not addressed by the plat will be subject to review of SMC 18.20.130, for setbacks, building lot coverage, and building height for attached residences.

10. After recordation of the plat alteration with the Clallam County Auditor, one reproducible copy (electronic PDF accepted) of the recorded plat shall be returned to the city clerk who shall retain the reproducible copy in the files of the department of community development.

11. The CC&Rs or equivalent document, if necessary, will be provided with the final binding site plan submittal for review by the City. The City's review and approval of the CC&Rs or equivalent document does not imply that the City will assume any responsibility for enforcing private covenants between the lot owners or that the City will maintain any roads or other amenities not specifically dedicated to the City on the public's behalf.

12. The Applicant must coordinate with the U.S. Postal service for the provision of mailboxes.

13. Landscaping materials must be those that best serve the intended function and must be appropriate for the soil and other environmental conditions of the site. Drought-tolerant, low water plant materials will be encouraged. Lavender plants must be part of the final landscaping plan per SMC 18.24.130(B)(2)(c).

14. It is the responsibility of the property owner to maintain all landscape areas consistent with the provisions of SMC 18.22.020(A)(3). Additionally, all landscape areas – including within the public right-of-way – must contain permanently installed irrigation per SMC 18.24.130(B)(2)(c).

15. Final lighting and photometric plan must be submitted and approved prior to issuance of any construction permits. The Applicant must add lighting to the western façade of the building per SMC 18.24.170(B)(2) and must demonstrate that spillover glare beyond site boundaries is being avoided per SMC 18.24.170(B)(5).

16. All fire hydrants must satisfy the requirements of Clallam County Fire District #3.

17. 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.

18. Prior to final binding site plan approval, the Applicant must comply with the Public Works (engineering) conditions of approval, as modified through the final plat submittal and construction site plan process as follows:

Public Works Conditions of Approval:

E1. Public improvements in the right-of-way must be completed prior to final Binding Site Plan approval.

E2. Frontage improvements will be required at Hendrickson Road to "Collector" Street standards as set forth in the City Standard Figure 4-03, SMC 17.32.170 and SMC 18.24.180(B)(1). Because the paving, curb, and gutter have been installed and meet city standards, only improvements past the curb will be required, as follows:

- A four-foot landscape strip (the 6-inch curb is considered part of the 4-foot landscape strip)
- An eight-foot sidewalk per SMC 17.32.170 and SMC 18.24.180(B)(1).
- A minimum one-foot buffer at back of sidewalk meeting City Standard Street Drawing Figure 4-03.
- Landscaping including street trees in right-of-way landscape strip. (SMC 18.24.130(B)(2)(c), Figure 4-00)
- Pedestrian scale streetlight in landscape strip. (Figures 4-00, 4-28A, and 4-28B)

E3. Ensure all public improvements to be dedicated to the City of Sequim are in the right-of-way and a 14-inch easement along the frontage of Hendrickson is dedicated to the City of Sequim. In this case, because there is 11 feet, 10 inches to accommodate the 13 inches needed for public improvements (a 4-foot landscape strip, an 8-foot sidewalk, and a 1-foot buffer), the minimum dedication of easement along the frontage is 14 inches. (SMC 17.20.050, SMC 17.48.060)

E4. Provide an ADA compliant sidewalk transition to the west and east, with particular attention to the east end of the proposed sidewalk in the Hendrickson Road right-of-way. (SMC 18.22.030(B), SMC 18.22.060(C)(8))

E5. At minimum, one pedestrian scale street lighting will be required in the right-of-way of West Hendrickson per Engineering Standard Figures 4-00, 4-28A, and 4-28B. (SMC 17.48.020, SMC 18.24.180(B)(1))

E6. Irrigation must be provided in right-of-way, and irrigation meter to be dedicated and transferred to the City of Sequim upon completion of the project. SMC 18.24.130(B)(2)(c).

E7. Domestic water supply must meet city standards. Provide design for City potable water service consistent with Sequim's adopted Water System Plan (capital facility plan) and utility standards per SMC 17.20.040(C), SMC Title 13, Division I. Water System, 17.48. The proposed design shall include a hydraulic analysis to verify the adequacy of the design to meet Sequim's service and life safety (fire flow) requirements.

E8. Fire Hydrant locations and access shall be in accordance with Appendix C of the 2015 International Fire Code per SMC 17.48.040.

E9. Proposed domestic sewer supply must meet city standards. Provide design for City sewer service consistent with Sequim's adopted sewer System Plan and utility standards per SMC 17.20.040(C), SMC Title 13, "Division II. Sewer System," and chapter 17.48 SMC.

E10. Note regarding water and sewer lateral on Binding Site Plan shall be removed or corrected to state "4-inch sewer lateral" per SMC 13.60.040(D).

E11. Stormwater facilities must be placed in a separate stormwater easement. That easement must be shown, dedicated, and recorded on the Binding Site Plan. (SMC 15.06.090(B)(8))

DECIDED this 27th day of December 2023.



PEREGRIN K. SORTER
Hearing Examiner
Laminar Law, PLLC