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DEPARTMENT OF COMMUNITY DEVELOPMENT
SUPPLEMENTAL STAFF REPORT, BSP-23-001

This Supplemental Staff Report has been prepared as an appendix to the staff report for BSP-23-001 and CDR-23-001 at the request of the Hearing Examiner at the project's January 16, 2024 public hearing. At the January 12, 2024 public hearing, the Hearing Examiner continued the hearing until February 16, 2024 and requested staff prepare a supplemental staff report addressing outstanding items of needed clarity, specificity, or revision for the Applicant's proposal to convey consistency with all applicable criteria of the Sequim Municipal Code (SMC), supporting staff's recommendation that the Hearing Examiner approve the Applicant's requested permit. All comments, findings, and conclusions stated in the original staff report remain valid, excepting that:

- The Applicant has requested that the projects requested Design Review permit application (file no. CDR-23-001) be removed from its previous consolidated review (see Exhibit 36). Whereas the Hearing Examiner had previously been requested to hear and issue a decision on BSP-23-001 and CDR-23-001 collectively (as provided for in SMC 20.01.050(D)), the Hearing Examiner is now requested only to consider and issue a decision on BSP-23-001, a Type C-2 decision. As per SMC 20.01.030, Type C-2 decisions require a public hearing and are decided on by the Hearing Examiner. All discussion of Design Review criteria included in the original staff report is now nullified from needed consideration from the Hearing Examiner.
- The Applicant has incorporated Open Space into the proposed 10-unit townhome development in a manner that complies with SMC 17.28.050(A)(3). Further discussion of staff's analysis, findings, and conclusions regarding the Applicant's proposed Open Space is provided in section 1.A of this supplemental staff report.
- Additional Exhibits have been incorporated into the project record. Continuing off of the list of Exhibits considered at the project's public hearing on January 16, 2024 (which included Exhibits 1-24 as written in the staff report and Exhibits 25-31 as entered into the record during the hearing), Exhibits 32-37 have been incorporated into the record and are listed on pages 5-6 of this supplemental staff report.
- Recommended conditions of approval previously documented by staff in the original staff report have been revised and are provided on pages 6-8 of this supplemental staff report.

1. STAFF DISCUSSION / ANALYSIS & FINDINGS AND CONCLUSIONS

1.A. BINDING SITE PLAN

17.24.090 Design Regulations

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.

Staff Discussion: As is described in the staff report, the use of land resulting from the adoption of the proposed binding site plan conforms with the germane regulations of SMC Title 18, Zoning, and the Comprehensive Plan. Applicant has shown adequate parking for proposed use and provided parking agreement between them and neighboring business that further addresses parking needs, considering the recorded abandonment of Easement D that was recorded with the Thompson PUD and previously provided for shared parking within the easement area. Off-street parking resulting from the abandonment of Easement D (Exhibit 14) and the regrading of eight (8) existing off-street stalls (Exhibit 25) is sufficient for each structure and its tenant subject to the Thompson PUD to comply with current off-street parking requirements administered by the SMC. Use of the land resulting from adoption of the proposed Binding Site Plan would conform with the Comprehensive Plan, as is described in the original staff report (Exhibit 22) and with the zoning regulations, as is described herein.

Applicant Response: The BSP has been rigorously reviewed and modified to conform with zoning, setbacks, building height, stormwater retention, parking requirements, lighting and landscaping.

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

Staff Discussion: Staff has reviewed the proposed project for consistency with adopted standards and requirements relative to on- and off-site circulation and connection with the surrounding road networks. The proposed project would provide adequate provisions for on- and off-site circulation and connection with the surrounding road and network, should the Hearing Examiner incorporate staff's recommended Conditions of Approval into a decision of approval.

Applicant Response: The proposed project configuration within the Binding Site Plan (BSP) is in conformance with the zoning standards for the LD, including lot coverage, building height/setbacks, off street parking, and traffic circulation, and would therefore satisfy these criteria of approval. The ingress/egress for the residences would be from 5th Ave, with traffic circulation as noted on the site plan. This traffic pattern has already been established and utilized by the existing commercial buildings. The existing traffic pattern has already been established and utilized by the existing commercial buildings. The existing (8) parking spaces will be utilized by the business to the East.

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.

Staff Discussion: Staff has reviewed the applicant's permit materials against all relevant provisions of the SMC and Public Works Standards. If the Hearing Examiner preliminarily approves this project and adopts Public Works' recommended conditions of approval provided in this staff report, the City's Public Works Department would require a site construction permit. Under this permit, the applicant must meet all city specifications related to curb, gutter, sidewalk, trail connections, transit stops, streets, storm drainage, sanitary sewer lines, water lines, and other utilities, which could be approved by the City Engineer.

Applicant Response: The City Engineer reviewed the proposal as it relates to curb, gutter, sidewalk, transit stops, utilities and stormwater drainage. Prior to final binding site plan approval, a site

construction plan for these improvements will be submitted for review and approval by the City. The plan will include all applicable designs for curb, gutter, sidewalks, streets and utilities. The engineered and approved stormwater drainage plan has been submitted by the applicant and is included in this application and preliminary binding site plan.

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

Staff Discussion: As proposed and with the adoption of recommended Conditions of Approval, the applicant will have provided necessary easements to the city to accommodate the establishment of municipal utilities.

Applicant Response: The preliminary BSP drawings provide for all necessary utility easements. The final BSP will ensure these conditions are met.

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.

Staff Discussion: As proposed and with the adoption of recommended Conditions of Approval, any private property necessary for public use as street rights-of-way will be dedicated to the city by an acceptable deed of dedication or by the recording of the project's final binding site plan.

Applicant Response: The preliminary BSP designates public right of ways for ingress/egress. At the time of the final BSP, all areas to be used by the public are required to be dedicated, conveyed to, and accepted by the City and all easements which are required as conditions of approval shall be granted in a form acceptable to the City.

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

Staff Discussion: Pursuant to SMC 17.64.010(A), bonds in a form consistent with the requirements set forth in SMC 3.78 is required before approval of a final plat and/or final binding site plan. Staff has recommended the Hearing Examiner adopt its recommended Conditions of Approval, which include condition(s) for the applicant to provide a bond (guarantee) to the City in appropriate form prior to approval of its application for final binding site plan.

Applicant Response: As per SMC 17.24.150 and 17.24.160 a final BSP will not be considered for approval unless the applicant has guaranteed to complete all required improvements within a reasonable period consistent with the approved drawings and specifications, and has guaranteed to maintain the improvements until they are accepted by the City.

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.

Staff Discussion: The Applicant has demonstrated conformance with the Open Space requirements governed by SMC 17.28.050(B)(3), which require the BSP to provide Open Space area equivalent to at least 10 percent of the site's area; this has been demonstrated by the inclusion of a Children's Play Area between the two proposed structures and the passive Open Space associated with the front yards of each proposed townhome unit (Exhibit 35). Staff has otherwise reviewed germane elements of the capital facilities plan against the proposal; should the Hearing Examiner adopt the Public Works

Department's recommended conditions of approval in this supplemental staff report, the proposed project would provide adequate public facilities required by the capital facilities plan.

Applicant Response: Per SMC 18.22.060 (D.3) a minimum of 200 sq ft of usable open space is required for each dwelling unit in the project. The BSP has met this requirement by providing a total of 1,624 sq ft (or 203 sq ft per unit) of open space/common area, as well as close proximity to the Olympic Discovery Trail, YMCA, Schools, and transit stops.

H. All requirements of the environmentally sensitive areas and wetlands sections of the SMC and the State Environmental Policy Act (SEPA) have been met.

Staff Discussion: Having reviewed the applicant's SEPA Checklist and other studies and resources available to inform the potential for the project to adversely affect the environment, Sequim's SEPA Responsible Official issued a Determination of Non-Significance on November 3, 2023. The SEPA threshold determination was noticed to agencies and to the public; no comments or appeals were timely filed with the City.

Applicant Response: This requirement has been previously covered and is available as Staff Finding #2[1].

I. No development can occur which causes a flooding hazard, and until any development occurring within an identified floodplain has been properly mitigated.

Staff Discussion: As the proposed project is not located within a floodplain or flood hazard area, development of the project would not reasonably cause a flood hazard and would not require mitigation for development within a floodplain.

Applicant Response: The proposed project is not within any mapped 100 year floodplain or any flood hazard area.

J. The public interest will be served by the proposal.

Staff Discussion: The project proposes the land division and development of 10 multifamily residential units, which aligns with housing goals and policies of the Sequim Comprehensive Plan to provide a variety of housing, and particularly to provide townhomes in Sequim's LD zone (Policy H 6.1.6, Comprehensive Plan 2015-2035). Furthermore, Sequim's Public Works Department staff have reviewed the proposed project; subject to the conditions of approval recommended by the Public Works Department, the proposed project would provide adequate public facilities, improvements, and provisions to serve the public interest. Given Sequim's interest to provide denser and more varied housing near its downtown area to expand attractive lifestyles to a growing and diversifying community, and given the project's proposed public improvements, the project would serve the public interest if approved, as conditioned consistent with staff's recommended conditions of approval.

Applicant Response: As proposed, this project would create (10) two-story condominium units within two buildings. These units would be maintained by the South Olympic View Condominium Association and would provide much needed housing at a higher density than the traditional single-family model. These units incorporate a very economically efficient design by utilizing the condominium structure and incorporating (10) units under one roof. Sequim is in need of much more housing than the traditional single family home model on a single tax parcel can accommodate. Also, with no 55+ age restriction, this development allows for the potential for the workforce housing need to be addressed.

[1] It is unclear what is represented by the applicant's use of the term "Staff Finding #2" in this instance. The preceding remarks provided in the Staff Discussion response confirm that the subject criterion has been met.

K. All the requirements of Chapter 58.17 RCW have been met; and

Staff Discussion: As conditioned, this proposal would be consistent with Chapter 58.17 RCW. The SMC is consistent with Chapter 58.17 RCW and does not omit any of the requirements provided therein. SMC 17.04.010 provides as follows: "*the provisions of this title are adopted pursuant to the authority delegated to the city of Sequim under Chapters 35A.58 and 58.17 RCW.*"

Applicant Response: As conditioned, this proposal would be consistent with the Zoning (Title 18), 2015-2035 Comprehensive Plan, Environmental Protection Standards (SMC 18.80), and Chapter 58.17 Revised Code of Washington. The City has adopted a hearing examiner system per RCW 58.17.330 which allows the City's Hearing Examiner to act as the legislative authority for review of BSP, Plat Alteration & Design Review. The applicant has submitted the project to the proper authority, and it has been reviewed by the City staff.

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

Staff Discussion: The requirements set forth in SMC 17.20.090 are inapplicable to the proposed project as the project does not propose a phased approach to the development.

Applicant Response: The submitted preliminary BSP shows this project will be developed in a single phase. This is only a small project compared to traditional single family sub-divisions. This project will not need to be built in phases, and the applicant is ready to commence construction as soon as the required applications have been approved, performance bonds acquired, and permits granted. Pursuant to SMC 17.24.140, the final BSP is to be approved and recorded with the County Auditor prior to development permits being issued.

Staff Finding #2: Staff finds that, based upon the review above, the proposed project would satisfy the requirements of SMC 17.24.090, should the Hearing Examiner incorporate staff's recommended Conditions of Approval into a decision of approval.

CONCLUSION

The City has reviewed the above proposed preliminary binding site plan application for compliance with the SMC. The City concludes that, with the incorporation of its recommended Conditions of Approval, the proposed preliminary binding site plan is consistent with the criteria of approval described in this staff report.

APPENDIX:

EXHIBITS

Exhibits 25-31 compiled into single PDF document

25. Parking Agreement between Pointer Properties and Nikola Engineering, signed November 28, 2023
26. SEPA DNS Notification List
27. Documentation of Public News Posting, Notice of Public Hearing
28. Documentation of Public News Posting, Notice of Application
29. Documentation of Public News Posting, Notice of SEPA DNS
30. Documentation of Mailing, Notice of Application
31. Documentation of Mailing, Notice of Public Hearing
32. Thompson PUD Documentation

33. Preliminary Site Plan (received by staff February 2, 2024)
34. Preliminary Landscape and Utility Plan (received by staff February 2, 2024)
35. Binding Site Plan (revised February 2024)
36. Applicant's Request for Independent Review of BSP-23-001
37. Supplemental Staff Report, prepared February 7, 2024.

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

DEPARTMENT OF COMMUNITY DEVELOPMENT CONDITIONS OF APPROVAL

The conditions of approval recommended by staff in the project's original staff report remain as-stated, with the following exceptions:

1. Condition nos. 10-12 provided in the original staff report were specific to the Applicant's requested Design Review permit application. As the applicant has requested its Binding Site Plan application and its Design Review permit application to be reviewed independently, the Applicant's Design Review permit application will be administratively reviewed and decided on by the Director of the Department of Community Development, as per SMC 20.01.030. As such, condition nos. 10-12 in the original staff report are no longer recommended by staff to be included in the Hearing Examiner's decision of file no. BSP-23-001.

2. The design of the proposed parking lot, as revised to comply with the Public Works Conditions of Approval included in this staff report, must conform with SMC 18.24.160(B)(2), which states that: *Parking lot design must include detailed information on nonmotorized and pedestrian access to and through the development. Demarcation shall be required by utilizing a combination of: (a) change in paving surface materials, (b) landscaping, or (c) safety and directional lighting*. The parking area must also utilize traffic calming techniques for pedestrian safety and must be well-signed for pedestrian queuing and movement, as per SMC 18.24.160(B)(7) and (12). These features must be submitted with the applicant's site construction permit and building permit application materials and will be reviewed by staff at that time for consistency with germane regulations.

PUBLIC WORKS CONDITIONS OF APPROVAL

GENERAL:

E1. City approval of detailed construction plans for the project and all public infrastructures is required for issuance of a Site Construction Permit in accordance with SMC 15.06 - Site Construction and Right-of-Way Permits. Plans must be signed and sealed by a professional, registered engineer licensed in the State of Washington. All improvements shall meet or exceed the City of Sequim development regulations.

E2. Final binding site plan approval requires that all required on-site, and off-site improvements have been installed, and approved by the city, and all outstanding conditions of the preliminary binding site plan approval have been satisfied. Development permits for on-site buildings and structures (excepting those required to accommodate utility infrastructure) may not be issued

until the final binding site plan has been filed by the applicant for the record with the county auditor. [SMC 17.24.140(B)]

E3. All materials to be permanently incorporated into the project components that are to be dedicated to the City require City approval. [SMC 17.24.090]

E4. A Traffic Impact Analysis is required at the time of the site construction permit application. [SMC 18.24.230, SMC 18.24.240] 17.24.040 -SMC 17.12.020(A).

SITE PLANS:

E5. Ensure areas for outdoor storage, truck parking, trash collection or compaction, recycling areas, cargo containers, loading, or other such uses are not visible from abutting properties and are not located within 20 feet of any public street or public walkway. [SMC 18.22.060(C)(5), SMC 18.24.190(B)]

E6. Provide continuous pedestrian ADA compliant links between buildings, sites and common areas. Pedestrian access from city sidewalks that do not access through driveways into the site shall be provided. Where possible, pedestrians and vehicles shall be separated through provision of a walkway. Where complete separation of pedestrians and vehicles is not feasible, hazards shall be minimized by using landscaping, bollards, special paving, lighting and other means to clearly delineate pedestrian areas. [SMC 17.24.090, SMC 18.22.030(B), SMC 18.22.060(C)(1,7,8), SMC 18.24.130(B)(2)(j), SMC 18.24.160(B)(4), SM C18.24.210(B)(4)].

E7. Where reasonable and practicable, all development will be designed in a manner which preserves the full use of neighboring properties (i.e., existing and potential structures, parking pads, driveways, roads, etc.). [SMC 18.22.040]

RIGHT-OF-WAY IMPROVEMENTS:

E8. Public improvements in the right-of-way must be completed prior to Final Binding Site Plan approval.

E9. Frontage Improvements along Garry Oak to “Local” Street Standards as detailed in City Standard 4-02, SMC 17.32.170, and SMC 18.24.180(B)(1) will be required. Existing approaches to be removed and landscaped.

E10. Ensure all public improvements to be dedicated to the city of Sequim are in the Right-of-way. [SMC 17.20.050, SMC 17.24.090, SMC 17.48.060]

E11. Follow the requirements of Sequim’s Inadvertent Discovery Plan (IDP).

E12. Street lighting design shall be submitted to the City of Sequim Public Works Department and shall be in conformance with Engineering Figures 4-00 and 4-13 and examples identified in the City of Sequim Streetscape Manual. [SMC 17.24.080, SMC 17.24.090]

UTILITIES:

E13. Domestic water supply must meet city standards. Provide design for City potable water service consistent with Sequim's adopted Water System Plan Water (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. [SMC 17.24.080, SMC 17.48, SMC Title 13]

E14. Fire hydrants and fire water supply shall be supplied separately from domestic water and shall be in accordance with Appendix C of the 2015 International Fire Code per SMC 17.48.040.

E15. 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 SMC17.48. [SMC Title 13, SMC 17.48, SMC 17.24.080]

E16. Stormwater facilities must meet the requirements of SMC 15.06 and must be placed in a separate stormwater easement. That easement must be shown, dedicated, and recorded on the Final Plat. [SMC 15.06.090(B)(8)]

E17. Stormwater management shall meet the requirements SMC 13.108. A stormwater site plan must be submitted with the Site Construction Permit application(s).

E18. An erosion control and stormwater pollution prevention plan shall be submitted to the City Public Works Department for approval prior to any on-site construction activity.

E19. Within the CC&R's, identify homeowners association as responsible for maintenance of the stormwater facilities located outside dedicated City street right-of-way in perpetuity.

E20. All plans submitted for final approval shall be titled:

CITY OF SEQUIM, PRELMINARY BINDING SITE PLAN (BSP-23-001)
FOR:
OLYMPIC VIEW CONDOMINIUMS
IN SECTION 19, TOWNSHIP 30 NORTH, RANGE 3 WEST, W.M.
CITY OF SEQUIM, CLALLAM COUNTY