BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEQUIM

In the Matter of the Application of	)	Nos. SUB-24-004; BLA-24-004
	)	
Bella Vista Estates, LLC	)	Bella Vista Estates Subdivision
	)	
	)	
For Approval of a Major Subdivision and Boundary Line Adjustment	)	FINDINGS, CONCLUSIONS, AND DECISION

SUMMARY OF DECISION

The request for a preliminary major subdivision to subdivide an approximately 7.5-acre property, located to the southwest of the intersection at Miller Road and Token Lane, into 24 single-family residential lots, with associated improvements, and for a boundary line adjustment, to facilitate the siting of an approximately 0.5-acre stormwater/open space tract at the northern portion of the site, are **APPROVED**. Conditions are necessary to address specific impacts of the proposal.

SUMMARY OF RECORD

Hearing Date:
The Hearing Examiner held an open record hearing on the request on February 27, 2025.

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

Travis Simmons, Senior City Planner
Nicholas Dostie, City Engineer and Deputy Director of Public Works
Brian Fields, Project Engineer
Chris Weymouth, Applicant Representative
Norma Peirce
Jim Davis
Mary Bell
Kris Ecklund
Elise Hoffman Taus

Exhibits:
The following exhibits were admitted into the record:

1. Application for a Major Subdivision, dated April 5, 2024
2. Application for a Boundary Line Adjustment, dated February 12, 2023
3. SEPA Environmental Checklist, prepared March 21, 2024

4. Title Insurance Report
5. Preliminary Major Subdivision Plan Set (23 Sheets), dated November 2024
6. Proposed Boundary Line Adjustment (2 Sheets)
7. Storm Drainage Report, Goldsmith Land Development Services, dated April 4, 2024
8. Updated Storm Drainage Report, Goldsmith Land Development Services, dated November 13, 2024
9. Geotechnical Report, Terra Associates, Inc., dated October 12, 2023
10. Traffic Impact Analysis, Transportation Engineering Northwest, dated March 6, 2024
11. Notice of Complete Application, dated May 13, 2024
12. Notice of Application, dated May 29, 2024
13. Statement of Mailing (Notice of Application), dated May 29, 2024
14. Affidavit of Posting Public Notice, posted May 31, 2024
15. Verification of Newspaper Publication for May 29, 2024 (Notice of Application)
16. Comment from Jamestown S'Klallam Tribe, dated February 5, 2025
17. Comment from Norma Peirce and Sharon Hall, dated February 13, 2025
18. Statement of Concurrency Evaluation, Transportation Engineering Northwest, dated January 29, 2025
19. Interlocal Agreement Between City of Sequim and Highland Irrigation District, dated December 12, 2016; Highland Irrigation District, Resolution No. 06-01-2024
20. Email from Ben Smith to Trish Clements re: release of right-of-way deed and recording of new 10-foot irrigation ditch, dated August 8, 2024
21. Highland Irrigation District Easement Agreement, dated December 13, 2024
22. Draft Preliminary Dedication, Easement, and Provisions Language
23. SEPA Environmental Checklist, with review comments, dated January 24, 2025
24. SEPA Mitigated Determination of Nonsignificance, dated January 28, 2025
25. Proposed SEPA MDNS Mitigation Measures
26. Verification of Newspaper Publication for January 28, 2025 (Notice of MDNS)
27. Verification of Newspaper Publication for February 8, 2025 (Notice of Public Hearing)
28. Statement of Mailing (Notice of Public Hearing), dated February 6, 2025
29. City PowerPoint presentation, presented at the hearing on February 27, 2025
30. Staff Report, dated February 20, 2025
31. Comment from Mary Bell, presented at the hearing

The Hearing Examiner enters the following findings and conclusions based upon the admitted testimony and exhibits:

FINDINGS

Application and Notice

1. Bella Vista Estates, LLC (Applicant) requests approval of a preliminary major subdivision to subdivide an approximately 7.5-acre property into 24 single-family residential lots. Associated improvements would include the construction of a looped internal public roadway providing access to the lots from Miller Road and a potential

future connection to adjacent property to the east; street frontage improvements along the south side of Miller Road, including curb, gutter, and sidewalk; landscaping; open space; stormwater management features, and utility infrastructure. The Applicant also requests a boundary line adjustment that would add approximately 0.2 acres to the subject property from an adjacent parcel to the east, which would accommodate the siting of an approximately 0.5-acre stormwater tract at the northern portion of the subject property, near the site's proposed access point at Miller Road. The currently unaddressed subject property is located to the southwest of the intersection at Miller Road and Token Lane.[1] *Exhibits 1 through 6; Exhibit 30, Staff Report, pages 1 through 5, and 12.*

2. The City of Sequim (City) determined that the application was complete on May 13, 2024. The City provided notice of the application by posting notice at the project site on May 31, 2024; by mailing notice to property owners within 300 feet of the subject property on May 29, 2024; and by publishing notice in the *Peninsula Daily News* on May 29, 2024, with a comment deadline of June 18, 2024. The City provided notice of the open record public hearing associated with the application by mailing notice to property owners within 300 feet of the subject property on February 6, 2025, and by publishing notice in the *Peninsula Daily News* on February 8, 2025. *Exhibits 11 through 15; Exhibits 27; Exhibit 28; Exhibit 30, Staff Report, pages 2 and 3.*

3. The City received one written comment on the proposal from members of the public in response to its notice materials. Norma Peirce and Sharon Hall expressed concerns about light impacts from a streetlight that would be installed at the entrance of the subject property and next to their property line. They also stated that a culvert next to Miller Road frequently causes a large amount of backed up water in the area. At the hearing, City Engineer and Deputy Director of Public Works Nicholas Dostie testified that streetlighting could include shielding to direct light downward and reduce light impacts to neighboring properties, which could be addressed by the developer during construction or, if requested, by the City after construction. He also stated that the Applicant's proposed stormwater management facilities would meet applicable regulations and would improve water flow through the culvert. The City also received a comment specific to the environmental review of the proposal from the Jamestown S'Klallam Tribe, which is discussed in detail below. *Exhibit 15; Exhibit 30, Staff Report, page 2; Testimony of Nicholas Dostie.*

State Environmental Policy Act

4. The City acted as lead agency and analyzed the environmental impacts of the proposal under the State Environmental Policy Act (SEPA), chapter 43.21C Revised Code of Washington (RCW). The City reviewed the Applicant's environmental checklist and

[1] The subject property is identified by Tax Assessor Parcel Nos. 033029240100 (Lot A) and 033029249015 (Lot B). *Exhibit 30, Staff Report, page 2.*

other information on file and determined that, with mitigation measures, the proposal would not have a probable significant adverse impact on the environment. Accordingly, the City issued a Mitigated Determination of Nonsignificance (MDNS) on January 28, 2025, with a comment deadline of February 11, 2025.

As noted above, the City received a comment specific to the environmental review of the proposal from the Jamestown S'Klallam Tribe, which noted that the project is within an area with a very high potential for encountering cultural resources and requested that a cultural resource survey be conducted prior to any ground disturbing activities on-site. In response to these concerns, the City imposed an MDNS mitigation measure requiring that the Applicant or developer show proof of a completed cultural resource survey prior to obtaining site construction permits. *Exhibit 3; Exhibit 16; Exhibits 23 through 26; Exhibit 30, Staff Report, pages 2, 3, 12, and 17.*

5. The MDNS was not appealed and includes the following mitigation measures:
   - All site construction shall be conducted in compliance with the most current Stormwater Manual for Western Washington per SMC 13.104.030.
   - Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or storm drains that lead to waters of the state. Sand, silt, clay particles, and soil damage aquatic habitat and are pollutants. Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington and is subject to enforcement action.
   - The following construction activities require coverage under the Construction Stormwater General Permit from the WA State Dept. of Ecology:
     1. Clearing , grading and/or excavation that results in the disturbance of one or more acres and discharges stormwater to surface waters of the State; and
     2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more and discharge stormwater to surface waters of the State. This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, and discharge to surface waters of the State; and

3. Any site construction activity discharging stormwater to waters of the State that Ecology:
    a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
    b) Reasonably expects to cause a violation of any water quality standard.

- If contamination is suspected, discovered, or occurs during the proposed SEPA action, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by testing, Ecology must be notified.
- If there are known soil/groundwater contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted.
- Potential air impacts shall be mitigated by watering the site as necessary, utilizing dust suppression options and techniques described in the WA Department of Ecology publication # 96-433, 2016.
- To mitigate the potential for noise impacts to surrounding properties, construction activities through complete buildout of this proposed development shall be limited from 7:00 am to 10:00 pm Monday through Friday and 9:00 am to 10:00 pm on weekends, consistent with Sequim Municipal Code 8.32.040.
- It shall be the responsibility of the Applicant to take all necessary steps to prevent the incidental taking of protected species under the Endangered Species Act through habitat modification or degradation during the life of the project or development authorized by this permit or approval. The Applicant shall notify the City through its Public Works Director or designee and the Federal Agencies with responsibility for enforcement of the Endangered Species Act immediately, in the event of damage of degradation to Endangered Species habitat by or from the project or the development subject to this permit or approval. In any such case, the applicant shall, at its sole cost and expense, take all action necessary to prevent the furtherance of the damage or degradation and to restore the habitat as required by the Federal, State, and local agencies with jurisdiction.
- While there are currently no known archaeological resources on this site, the Jamestown S'Klallam Tribal Historic Preservation Office highly recommends a cultural resource survey is conducted prior to ground disturbing activities due to high potential of encountering cultural resources. Based on this request, prior to issuance of City of Sequim Site

Construction permits, the applicant/developer must show proof of a completed cultural resource survey. After the completion of the survey, the applicant must still follow the applicable sections of the *Inadvertent Archaeological and Historic Resources Discovery Plan for Sequim, WA* (Copy available at the City of Sequim Department of Community Development).

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

Exhibit 24; Exhibit 30, Staff Report, pages 15 through 17.

Comprehensive Plan and Zoning

6. The property is designated "Low Density Residential" under the City Comprehensive Plan. The Low Density Residential land use designation is intended to "[m]aintain Sequim's 'friendly, small-town' qualities by fostering the growth of low-density neighborhoods consisting of single and small multi-family neighborhoods that are social, walkable, and safe and provide a variety of housing types." *City Comprehensive Plan - Land Use, page 8*. City staff reviewed the proposal and determined that it would be consistent with the Comprehensive Plan, identifying as relevant to the proposal the land use goal of fostering the growth of low-density residential neighborhoods (LU goal 3.2) and the land use policy of allowing "a range of lot sizes in low-density neighborhoods to meet the lifestyle interests of citizens while still maintaining minimum densities to keep Sequim's future both social and affordable" (LU policy 3.2.3). *Exhibit 30, Staff Report, pages 2, 4, 6, and 11.*

7. The subject property and all surrounding properties are zoned Residential R4-8. The intent of the R4-8 zone is to "provide land for residential development within the city. The R4-8 zone provides for consistency and predictability in the character of residential neighborhoods. New subdivisions must provide a minimum of four dwelling units per net acre." *Sequim Municipal Code (SMC) 18.20.050*. Detached single-family residences are permitted outright in the R4-8 zoning district, at a minimum density of four dwelling units per net acre. *SMC 18.20.050.* The Applicant proposes a residential density of 4.32 lots per net acre, in compliance with the minimum density requirement of the R4-8 zone. *Exhibit 30, Staff Report, pages 2, 3, and 7; Exhibit 5.*

8. Chapter 18.20 SMC provides dimensional and development standards for detached single-family residences within the R4-8 zoning district, generally requiring minimum lot

sizes of 5,400 square feet; maximum lot sizes of 14,500 square feet; maximum building heights of 25 feet; minimum front and rear yard setbacks of 15 feet; minimum side setbacks of 6 feet on each side; two off-street parking spaces per residence; and maximum lot coverage of 40 percent for lots measuring 10,000 square feet or larger, with an additional 0.4 percent of lot coverage for each 100 square feet of lot area less than 10,000 square feet. *SMC 18.20.050*. City staff reviewed the Applicant's project plans and determined that the proposed lots would meet these standards. City staff would review the Applicant's site plans to ensure that the individual lots would comply with applicable standards at the time of residential building permit submittal. *Exhibit 5; Exhibit 30, Staff Report, pages 6 and 8.*

Existing Site and Proposed Development

9. The approximately 7.5-acre site proposed for development consists of an approximately 7.33-acre undeveloped parcel fronting Miller Road to the north and a 0.2-acre portion of the approximately 4.7-acre adjacent parcel to the east, which are proposed to be combined through a boundary line adjustment. Existing vegetation on the site predominantly consists of grassy areas, with a few trees scattered along the perimeters of the site. The topography of the site consists of a moderate slope that descends from south to north, with an overall vertical relief of approximately 160 feet. Adjacent property to the north, across Miller Road, consists of an undeveloped parcel. Adjacent properties to the west and south are developed with single-family residential neighborhoods. The large adjacent parcel to the east is partially developed with a single-family residence at its southeast corner and contains associated outbuildings and septic system. Properties to the east of this adjacent parcel, across Token Lane, are developed with a single-family residential neighborhood. *Exhibits 5 through 9; Exhibit 30, Staff Report, pages 2 through 5, 12, and 13.*

10. Terra Associates, Inc., prepared a geotechnical report for the proposed development, dated October 12, 2023. The report determined that the site would not be suitable for stormwater infiltration due to existing soil conditions. The report further determined that the site does not contain any geologic hazard areas and that there are no geotechnical considerations that would preclude the planned development. The report provided recommendations related to site preparation, grading, excavations, foundation support, slab-on-grade floors, drainage, utilities, and pavements. *Exhibit 9.*

Landscaping and Open Spaces

11. SMC 17.28.050 requires major subdivisions in residential zoning districts to provide a minimum of 10 percent of open space, at least half of which must be designed for active recreation. The Applicant proposes to meet these requirements by setting aside 32,828 square feet (0.75 acres) of open space within Tracts A, B, and E, with Tracts A and B providing active recreation amenities such as benches, a picnic table, and interconnecting trails. The total open space that would be provided within the common open space tracts

would amount to approximately 10 percent of the gross area of the subject property, with 50 percent of that open space providing for active recreation opportunities. City staff reviewed the Applicant's open space and landscape plan and determined that no additional open space or public facilities would be necessary for the proposed development. *Exhibit 5; Exhibit 30, Staff Report, page 8.*

Access and Traffic

12. Access to each of the proposed lots would be provided by a new internal public road connecting to Miller Road at the northwest corner of the property, which would loop through the southern portion of the development and would include a stub-out providing for a potential future connection to the adjacent property to the east. The proposed new internal roadway would include sidewalks that would connect to new sidewalk improvements that would be required along the property's frontage with Miller Road. The required half street improvements along the property's frontage with Miller Road would not include bike lanes or shared use paths because this area was not identified for these improvements in the City's Transportation Master Plan. The City would review the Applicant's right-of-way improvements to ensure compliance with applicable standards during site construction review. *Exhibit 5; Exhibit 18; Exhibit 30, Staff Report, pages 6 through 8, 10, 11, and 15.*

13. Transportation Engineering Northwest (TENW) prepared a traffic impact analysis (TIA) for the proposed development, dated March 6, 2024. The TIA determined that the proposed development would generate 282 new average weekday trips, with 21 additional AM peak-hour trips, 29 additional midday peak hour trips, and 27 additional PM peak-hour trips. The TIA also determined that all studied intersections would operate at an acceptable level-of-service (LOS) following a full build out of the development, except for the intersection at South Sequim Avenue and the Highway 101 eastbound left-turn ramps, which would operate at a deficient LOS with or without the proposed development. The TIA noted, however, that the City's Six-Year Transportation Improvement Plan identifies traffic signal improvements to this intersection, which would allow it to operate at LOS B with or without the proposed development. The TIA therefore determined that the Applicant would not be required to provide for offsite traffic mitigation beyond the payment of transportation impact fees (TIF), which it calculated at $2,491 per single-family detached dwelling unit. The City would determine the actual amount of the TIF at the building permit stage. *Exhibit 10; Exhibit 18; Exhibit 30, Staff Report, page 11.*

14. Chapter 20.10 SMC requires a concurrency evaluation for certain new developments, including preliminary plats, to ensure that adequate public facilities are in place to serve the new development. TENW provided a concurrency evaluation letter, dated January 29, 2025, which determined that the City's concurrency standards would be met with the proposed development. The letter stated that Miller Road is not identified as pedestrian

priority route and determined that the proposed development would not significantly impact the existing pedestrian system, noting that the development would provide required pedestrian connections by including new sidewalks and curb-ramps along the property's frontage on Miller Road, as well as new internal sidewalks. The letter also stated that future bicycle facilities are not identified on Miller Road adjacent to the project site. In addition, the letter reiterated the TIA's determination regarding the project's impacts to affected intersections, as detailed in the finding above. *Exhibit 18; Exhibit 30, Staff Report, pages 10 and 11.*

Stormwater

15. The Applicant would be required to manage stormwater in compliance with the requirements of the most recent Stormwater Management Manual for Western Washington. *SMC 13.104.030*. Goldsmith Land Development Services prepared a Stormwater Drainage Report for the proposed development, updated November 13, 2024. The report indicates that stormwater runoff from structures, driveways, and the new internal roadway would be conveyed to stormwater cartridge systems to provide water quality control before entering a stormwater vault that would provide flow control before discharging to an existing stormwater ditch along Miller Road and eventually though an existing 12-inch concrete culvert under Miller Road and to offsite existing stormwater management systems. City staff has reviewed the Applicant's preliminary stormwater plans and has determined that it would be feasible to manage stormwater on-site in compliance with applicable regulations. *Exhibit 7; Exhibit 8; Testimony of Nicholas Dostie; Testimony of Brian Fields.*

Utilities and Services

16. The preliminary project plans submitted by the Applicant show the location of future utility infrastructure and required utility easements. In the submitted SEPA Checklist, the Applicant notes that the City would provide sanitary sewer service to the proposed development, Clallam County PUD – Evergreen Water District would provide public water service, Clallam County PUD would provide electricity service, and the City and Waste Connections – Olympic Disposal would provide garbage services. The Applicant has coordinated with Highland Irrigation District (HID) for any potential work that would interfere with HID infrastructure. HID and the Applicant have entered into an easement agreement, recorded December 20, 2024, to release a 20-foot public right-of-way deed for an irrigation ditch on the property that does coincide with the physical location of the ditch and to establish a 10-foot irrigation easement along the southern boundary of the site. *Exhibit 3; Exhibit 5; Exhibit 19 through 21; Exhibit 30, Staff Report, pages 8 and 10.*

Major Subdivision Review Criteria

17. City staff analyzed the proposal and determined that, with conditions, the proposal would meet the criteria for approval of a subdivision under SMC 17.20.040, and chapter 58.17 RCW, noting that, in addition to the information provided in the findings above:

- All lots within the proposed subdivision would be within the 5,400 square foot to 14,500 square foot range allowed within the R4-8 zoning district and would meet the lot design standards of chapter 17.40 SMC. The created lots would meet the intent of the underlying zone and Comprehensive Plan by complying with the implementing development regulations.
- All lots would directly access the newly created public street that would loop through the subdivision, with dedicated driveway access meeting minimum City driveway-width standards.
- The Applicant would be required to construct public right-of-way infrastructure and improvements to City engineering standards in effect at the time of development. The Applicant's plans show all required improvements in sufficient detail for preliminary approval. Further evaluation and addition of relevant conditions would be completed during the site construction permit review stage to ensure compliance.
- All necessary easements have been shown on the preliminary plat and would be required to be on the face of the final plat prior to recording. The Applicant would be required to use easement language as set forth in the City's Guidelines for Standard Land Use Dedications.
- Bonds would be necessary for all required improvements not completed at the time of final plat application, and bonds must be posted before final plat approval. Bonding may be coordinated through the site construction process to ensure that all required improvements are made or bonded prior to final plat recording.
- There are no critical areas or wetlands present on-site. The mitigation measures of the final MDNS address potential impacts related to water, air, noise, animals, historic resources, and transportation. These measures are incorporated as conditions of project approval.
- The Applicant would provide open space as required under SMC 17.28.050.
- The proposed development area is not within an identified floodplain and would not create a flooding hazard.
- The public interest would be served by providing more housing, improving the roadway, and providing active open space.
- The requirements in Titles 17, 18, and 20 SMC are congruent with the requirements of chapter 58.17 RCW. By meeting the requirements of the SMC, the proposal would meet the requirements of chapter 58.17 RCW.
- No phasing is being proposed with this project.
- The Applicant has coordinated with the Highland Irrigation District (HID) for any potential work that would interfere with HID infrastructure.

Exhibit 17; Exhibit 30, Staff Report, pages 7 through 10.

18. The Applicant also provided responses to the criteria for approval of a subdivision under SMC 17.20.040, which, as noted in the staff report, include:

- The Applicant acknowledges conformance with the Comprehensive Plan and zoning requirements for the proposal and notes that the single-family residential lots would comply with the requirements for the R4-8 zone, including those related to lots sizes and setbacks.
- A public neighborhood street would be constructed to serve the subdivision and to provide required access to the single-family residential lots.
- The public internal and frontage right-of-way infrastructure and improvements would be constructed in accordance with City engineering standards. There is no requirement to provide a transit stop for this project.
- The establishment of future public easement dedications, including franchise utility easements, would be dedicated on the final plat prior to recording.
- The internal roadway proposed as a future public right-of-way would be dedicated upon final plat recording. The Applicant's plan set includes a note describing the future dedication.
- The Applicant concurs with City staff's determination that no additional public open space facilities would be required for the project.
- The mitigation measures of the final MDNS are general in nature and specify compliance with state and local regulations related water, air, noise, animals, historic resources, and transportation.
- The project would result in the development of an additional 24 single-family residential lots and homes within the city. The proposed urban frontage improvements along the south side of Miller Road would include an additional segment of curb, gutter, and sidewalk, which would provide a new pedestrian safety element for the future residents and surrounding community.
- The project would be completed in a single phase.
- The Applicant and HID have undergone coordination efforts to resolve a 1916 recorded 20-foot public ROW deed for an irrigation ditch maintained by HID located on the project. The public right-of-way never coincided with the physical location of the irrigation ditch. The ditch was field verified by Goldsmith Land Development Services and is reflected in a topographic survey on file with the City. The 1916 right-of-way deed included self-extinguishing language if the irrigation ditch was not located therein. A Recorded Easement Agreement and Release (Recording #2024-1466614) was recorded on December 20, 2024, which released the original right-of-way deed and established a 10-foot irrigation easement along the south boundary of the project site for HID's use.

Exhibit 30, Staff Report, pages 7 through 10.

Boundary Line Adjustment

19. As noted above, the Applicant seeks a boundary line adjustment to facilitate the siting of an approximately 0.5-acre stormwater/open space tract at the northern portion of the site. Specifically, the Applicant requests to combine the approximately 7.33-acre undeveloped parcel fronting Miller Road with a 0.2-acre portion of the approximately 4.7-acre adjacent parcel to the east. City staff analyzed the proposed boundary line adjustment and determined that it would comply with the applicable criteria under SMC 17.22.020, noting:

- The proposed adjustment of the two parcels would not create any new lots.
- The two existing parcels were established before current zoning standards related to maximum lot size and are considered legally nonconforming with the maximum lot size requirement. The proposed boundary line adjustment would facilitate a preliminary subdivision that would create lots meeting current dimensional standards and would reduce the nonconformity of the resulting adjacent parcel to the east.
- The northernmost 220 feet of the line to be adjusted shifts at approximately 25 degrees from its original position and moves north 200.45 feet before intersection with the new front property line that was extended an additional 89.19 feet in relation to the lot-line adjustment. The cumulative angle at which the line would be adjusted is less than 90 degrees from its preexisting configuration.
- The approximately 7.33-acre lot is the larger of the two lots, and the maximum adjustment allowed would be just under 3.7 acres. The Applicant proposes adding approximately 0.2 acres to the larger lot through the boundary line adjustment, which would be well below the maximum allowed.
- The adjustment would comply with chapter 17.22 SMC by meeting the applicable criteria. RCW 58.17.040(6) provides an exemption for this action from the requirements of chapter 58.17 RCW.
- All potential environmental impacts would be addressed with the mitigation measures imposed with the final MDNS for the subdivision application. No additional potential environmental impacts would be created through the boundary line adjustment.
- The boundary line adjustment would not have any adverse impact on the public health, safety, or welfare.

Exhibit 6; Exhibit 30, Staff Report, pages 12 and 13.

Testimony

20. Senior City Planner Travis Simmons testified generally about the proposal and how, with conditions, it would comply with the City's Comprehensive Plan and zoning ordinances and would meet the specific criteria for approval of a major subdivision and boundary line adjustment. Mr. Simmons provided a detailed description of the subject property and surrounding area, consistent with the findings above. He explained that the proposal is for a 24-lot major subdivision on an approximately 7.54-acre property that would be

completed in a single phase and that the Applicant also requests a boundary line adjustment to acquire additional land necessary for stormwater facilities that would serve the development. Mr. Simmons stated that a SEPA review was conducted and that an MDNS was issued, noting that the mitigation measures of the MDNS have been incorporated with City staff's recommended conditions of approval. He confirmed that the SEPA appeal period had expired and that no appeals were filed. Mr. Simmons detailed how the proposal would meet applicable concurrency standards, stressing that the failing intersection at South Sequim Avenue and Highway 101 eastbound ramp has been identified for improvements in the City's transportation plans and that additional mitigation would not be required because the project would not significantly increase demand on the intersection. He explained that the proposed boundary line adjustment would effectively cut off access to the adjacent eastern parcel from Miller Road, and, therefore, the Applicant would be required to provide a stub-out to facilitate potential future access to the eastern parcel from the subject property. He further explained that, due to the existing grade of the site and the need to provide a stub-out, the fire code official has agreed to allow road grades to exceed the 10 percent maximum required in the International Fire Code, provided that approved automatic sprinkler systems are installed within the residential units. Mr. Simmons stated that, as a mitigation measure of the MDNS, a cultural resource survey would be required prior to the issuance of site construction permits, as requested by the Jamestown S'Klallam Tribe. *Testimony of Travis Simmons.*

24. City Engineer and Deputy Director of Public Works Nicholas Dostie testified about how streetlight shielding could be utilized to reduce light impacts to a neighboring property. He also explained that the Applicant's proposed stormwater management system would comply with the most recent DOE Stormwater Management Manual for Western Washington and would ensure that there is no increase in runoff from the site as compared to the current conditions. Mr. Dostie stressed that the proposal would improve how water flows through the culvert under Miller Road because the Applicant would install a catch basin and would pipe ditch runoff that runs upstream and east of the development. He noted that the required street frontage improvements to Miller Road would include sidewalks, which would improve walking conditions for future students residing within the subdivision. *Testimony of Nicholas Dostie.*

25. Project Engineer Brian Fields testified about how stormwater would be managed on-site and in compliance with applicable regulations. He noted that stormwater runoff from roofs and roads would be conveyed to water quality structures prior to entering a detention vault that would provide flow control before discharging the City's existing stormwater system within Miller Road. Mr. Fields stressed that the proposed system would be designed to ensure that water leaving the site meets duration and volume control to mimic existing conditions as best as possible. *Testimony of Brian Fields.*

26. Applicant Representative Chris Weymouth testified that he agrees with City staff's analysis of the proposal and would have no issue complying with City staff's recommended conditions of approval. *Testimony of Chris Weymouth.*

27. Norma Peirce testified that she lives on the corner of Miller Road and the proposed entrance to the subdivision. She inquired about why the proposed new roadway serving the development would run along the property line next to her home, rather than further east to reduce impacts to her home from vehicles utilizing the road. *Testimony of Norma Peirce.*

28. Jim Davis testified that water from his property enters the subject property and inquired about how that would integrate with the proposed stormwater management system for the development. *Testimony of Jim Davis.*

29. Mary Bell testified that her farm is located next to the subject property and inquired about who would be responsible for maintaining the proposed stormwater vault, noting that water discharging from the site would eventually enter a 12-inch culvert under Miller Road and to other existing stormwater management systems, including a small holding pond bordering her property. Ms. Bell presented a written copy of the comments she provided at the hearing, which the Hearing Examiner admitted into the record as Exhibit 31. *Testimony of Mary Bell; Exhibit 31.*

30. Kris Ecklund testified that she lives in a neighborhood to the west of the subject property and that the proposed development would be served by the same water service provider. She inquired about whether this would affect water pressure to the homes in her neighborhood. Ms. Ecklund also inquired about how the property line on the western side of the proposed development would be indicated. In addition, she inquired about how dust would be mitigated during construction. *Testimony of Kris Ecklund*.

31. Elise Hoffman Taus raised concerns about the proposal's impact on local schools. *Testimony of Elise Hoffman Taus.*

32. In response to the concerns expressed by members of the public, Mr. Fields testified that the proposed roadway needed to be located on the western property line to maintain the required minimum separation from the existing roadway of Token Lane and to maintain adequate space for the proposed stormwater facilities. Regarding concerns about stormwater management, he stressed that the proposal would not alter existing flows to or from the subject property. Mr. Fields stated that the proposed stormwater vault would be maintained by the City and that property owners would maintain the park facilities located on top of the vault. He stressed that the proposed stormwater vault would be designed to current standards, which likely exceeds the standards of existing stormwater management facilities within the city. Mr. Fields stated that water pressure to

neighboring homes should not be impacted by the proposal, noting that the Applicant would install a valve to reduce pressure to the lower elevation homes within the subdivision. He noted that, like all developments, the developer would be required to provide clearing limits and survey staking identifying the boundaries of the property. Regarding dust control measures, he explained that would be included as a function of the erosion control plans that would be approved with the engineering plans. *Testimony of Mr. Fields.*

33. Mr. Simmons stated that the City generally agreed with Mr. Fields's responses to the concerns raised at the hearing. He explained that the City does not impose school impact fees but noted that property taxes from the new homes would be used to help fund local schools. Mr. Simmons also noted that dust control measures would be required during construction as a mitigation measure of the MDNS. Mr. Dostie clarified that the City would not be responsible for maintaining the stormwater vault and that, instead, this would be the responsibility of the homeowner's association. *Testimony of Mr. Simmons; Testimony of Mr. Dostie.*

Staff Recommendation

34. City staff reviewed the proposal and determined that, with its recommended conditions, the proposal would be consistent with the City Comprehensive Plan and would comply with applicable requirements for approval of a boundary line adjustment and a major subdivision. *Exhibit 30, Staff Report, pages 7 through 18; Testimony of Mr. Simmons.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide applications for a preliminary major subdivision and, though the City's optional consolidated permit process, for a boundary line adjustment. *SMC 2.10.070.B; SMC 20.01.030; SMC 20.01.050; and SMC 20.01.100.* This review includes the Hearing Examiner ensuring that the proposed plat would satisfy the criteria of chapter 58.17 RCW. *SMC 17.20.040.K.*

Criteria for Review

Preliminary Plat

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

> The city will not approve applications for subdivisions unless it is demonstrated by the applicant that each of the following criteria has been met or will be met:
>
> A. Each lot resulting from the subdivision must conform with the comprehensive plan and zoning regulations;
> B. Each lot will adjoin a public street or a private street in the subdivision;
> C. Curb, gutter, sidewalk, trail connections, transit stops, streets, storm drainage, sanitary sewer lines, water lines and other utilities as required

must be installed at the expense of the applicant and meet city specifications and applicable ordinances and the city engineer must have certified or approved the proposed plans;

D. The applicant must provide an easement for utilities transmission services, if necessary;

E. Private property necessary for public use for streets will be dedicated by a deed of dedication acceptable to the city or by preparing a plat to be recorded;

F. A bond meeting city requirements (Chapter 3.78 SMC) is posted to ensure completion of those improvements required under these criteria but not yet installed or provided;

G. Adequate public facilities will be provided, as required by the adopted capital facilities plan. These facilities may include, but not necessarily be limited to, parks, playgrounds, schools, open spaces, transit stops, and trails and trail connections;

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

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

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

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

L. The proposed project phasing schedule, if applicable, meets the requirements contained in SMC 17.20.090; and

M. Only irrigation districts organized under Chapter 87.03 RCW may require improvements and only in accordance with RCW 58.17.310.

The Sequim Municipal Code incorporates the state subdivision criteria codified at chapter 58.17 RCW, which must also be met by the application before a decision of approval can be made. Specifically, RCW 58.17.110(2) provides:

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

Boundary Line Adjustment

SMC 17.22.020 sets forth the following criteria for approval of boundary line adjustment:

All approved boundary or lot line adjustments shall ensure that:

A. No additional lot, tract, parcel, site or division is created;
B. No lot, tract, parcel, site or division which does not meet the building lot criteria for dimensions and area within a zoning district is created;
C. No lot line or boundary line subject to adjustment is realigned equal to or more than 90 degrees from its pre-existing configuration;
D. The total area involved in the lot line adjustment is no greater than one-half of the area of the largest lot to be adjusted;
E. The cumulative effect of the proposed boundary and/or lot line adjustment and all previous boundary and lot line adjustments involving any of the subject properties would not serve to erode the purpose of this title and Chapter 58.17 RCW;
F. No environmental impacts would occur from allowing the boundary line or lot line adjustment; and
G. The health, safety and welfare of the public will be protected.

Reconsideration and Appeal

The Hearing Examiner's decision on applications for a major subdivision and boundary line adjustment is final. *SMC 2.10.090.*

Appeals of land use decisions to superior court are provided pursuant to chapter 36.70C RCW, which provides that appeals are timely if "filed and served on all parties listed in [RCW 36.70C.040.2] within 21 days of the issuance of the land use decision." *RCW 36.70C.040.3*. Parties with standing to file an appeal include the Applicant and owner of the subject property, and other aggrieved parties who meet the conditions required under RCW 36.70C.060.2. SMC 2.10.080.F specifically provides that the City is authorized to "appeal or seek review of a hearing examiner's decision in Clallam County Superior Court."

In addition to the right to appeal, SMC 2.10.100 allows any party of record to request reconsideration of a hearing examiner's decision prior to six days after the date a decision is issued.

Conclusions Based on Findings

1. With conditions, the proposed preliminary major subdivision satisfies the requirements of SMC 17.20.040. The Applicant submitted plans that ensure that, as proposed and conditioned herein, the subdivision would meet all requirements for preliminary plat approval under the municipal code. City staff analyzed the proposal and determined that appropriate provisions would be made for: the public health, safety, and general welfare; access to the newly created lots; street and utility infrastructure, including sidewalks, storm drainage, water supplies, sanitary waste service, and other

utilities; open space and active recreation; access to schools, including sidewalks and other planning features that ensure safe walking conditions for students who walk to and from schools or school bus stops. City staff also determined that the public use and interest would be served by the platting of this subdivision and dedication of public infrastructure. The Hearing Examiner concurs with City staff's assessment.

The City analyzed the environmental impacts of the proposed development and determined that, with mitigation measures, it would not have probable significant adverse impacts. Accordingly, the City issued an MDNS for the proposal, which was not appealed. The mitigation measures required in the MDNS are incorporated herein as conditions of approval for the major subdivision and boundary line adjustment.

The City provided reasonable notice and opportunity to comment on the proposal and to testify at the open record hearing. The City received a comment on the proposal from owners of a neighboring property, which raised concerns about the proposal's light impacts from street lighting at the proposed entrance to the property and about the proposal's stormwater impacts. Several members of the public also testified at the hearing and raised concerns about stormwater impacts, the proposed location of the new intersection providing access to the property at its western property line, impacts to neighboring properties' water pressure, dust control measures during construction, and impacts to local schools. The Applicant and the City addressed these concerns at the hearing.

The proposed location of the new intersection serving the development is necessary to maintain adequate distance from the existing intersection at Miller Road and Token Lane. Streetlighting at the new intersection may be shielded to appropriately direct light away from the neighboring home, and the Hearing Examiner imposes as a condition of project approval a requirement that the Applicant or developer utilize such light shielding measures to direct light away from neighboring properties to the extent feasible, while complying with applicable City streetlight requirements. The Applicant's project engineer stated at the hearing that the proposed development would not likely affect water pressure to other properties served by the same water provider and noted that the Applicant would install a valve to reduce pressure to the lower elevation homes within the subdivision. The Applicant would be required to utilize dust control measures during construction as a mitigation measure of the MDNS. City Senior Planner Travis testified at the hearing that, although the City does not impose school impact fees for new development projects, property taxes from the new homes would be used to help fund local schools.

The Applicant's stormwater drainage report indicates that stormwater from roofs and pollution-generating surfaces would by conveyed to a stormwater cartridge system providing water quality control and then enter a stormwater vault providing flow control

before discharging to existing stormwater infrastructure along Miller Road. City staff reviewed the Applicant's preliminary stormwater plans and determined that it would be feasible to manage stormwater on-site in compliance with the most recent version of the DOE Stormwater Management Manual for Western Washington. The proposed stormwater system would be designed to not alter existing flows to and from the property and is anticipated to improve water flow through the culvert under Miller Road. The proposed stormwater vault serving the development would be maintained by a homeowner's association.

City staff determined that there are no critical areas or wetlands on the site. The Applicant's geotechnical report determined that the subject property does not contain any geologic hazard areas and that there are no geotechnical considerations that would preclude the planned development. The subject property is not within a floodplain and City staff determined that there is no flooding risk with this proposal. The Applicant has shown that they are coordinating with the Highland Irrigation District.

The approximately 7.5-acre subject property is designated Low Density Residential under the Comprehensive Plan. The proposed residential development would be consistent with several Comprehensive Plan goals and policies by increasing the number and type of housing opportunities in a low-density neighborhood. The property is located in the R4-8 zone, which lists detached single-family residences as a permitted use. The Applicant's project plans demonstrate that the proposed development would comply with applicable development regulations for the R4-8 zone, including regulations related to lot dimensions, maximum lot coverage, and minimum structure setbacks.

The proposed development would include the construction of a new internal public road connecting to Miller Road, which would loop through the new development to provide access to each of the 24 new lots and would contain a stub-out to provide potential future access to the adjacent property to the east. The new internal road would include sidewalks connecting to new sidewalk improvements that would be required along the property's frontage with Miller Road, which would improve walking conditions for future students residing in the subdivision. The Applicant's Traffic Impact Analysis determined that all studied intersections would continue to meet required level-of-service standards following a full build out of the subdivision, except for the intersection at South Sequim Avenue and the Highway 101 eastbound left-turn ramps, which would operate at a deficient LOS with or without the proposed development. This deficient intersection has been identified for improvements in the City's Six-Year Transportation Improvement Plan, which would allow it to operate at an acceptable level-of-service with or without the proposed development. The Applicant would mitigate for impacts to the City's transportation network through the payment of traffic impact fees.

The preliminary plat shows all necessary easements, including those required for utility services, and indicates that the newly created internal roadway would be dedicated to the City. Public right-of-way and easements will be required to be shown on the final plat. Any necessary bonding would be coordinated through the site construction process to ensure that all required improvements are completed or bonded prior to final plat recording. The proposal would meet applicable open space requirements by setting aside tracts for dedicated common open space, including areas providing active recreation opportunities.

The Hearing Examiner determines that, as proposed and conditioned herein, the platting of the subdivision would be in the public interest. Conditions, as detailed below, are necessary to ensure that the proposal meets the requirements for preliminary plat approval under SMC 17.20.040. *Findings 1 – 34.*

2. **With conditions, the requirements of RCW 58.17.110 have been satisfied.** The criteria for preliminary plat approval under SMC 17.20.040 include the requirement that the provisions of the state subdivision act, chapter 58.17 RCW have been met. The proposal's compliance with these provisions has been addressed above in Conclusion 1. With conditions, as detailed in full below, the proposal would satisfy all local and state requirements for plat development. *Findings 1 – 34.*

3. **With conditions, the requested boundary line adjustment would satisfy the criteria for approval of SMC 17.22.020.** The requested boundary line adjustment would not create any additional lot, tract, parcel, site, or division, and is necessary to facilitate the siting of a stormwater detention vault at the northern portion of the property. The subject property and the adjacent property to the east involved in the boundary line adjustment are both legally nonconforming with current maximum lot size requirements, and the proposed boundary line adjustment would lessen the nonconformity by reducing the size of the eastern lot currently developed with a single-family residence and by facilitating a subdivision that would create lots meeting current lot size requirements. The boundary line subject to the adjustment would be realigned less than 90 degrees from its existing configuration. Only 0.2-acres of land would be added to the larger, 7.33-acre parcel, far less than the 3.7-acre maximum that would be allowed. The cumulative effect of the proposed boundary line adjustment and any previous boundary line adjustments involving the subject properties would not serve to erode the purpose of Title 17 SMC or chapter 58.17 RCW. The proposed boundary line adjustment would not have any adverse environmental impacts not addressed in the MDNS issued for the related subdivision request addressed in Conclusion 1 above. The Hearing Examiner determines that the boundary line adjustment would benefit the public, health, and welfare by reducing the nonconformity of the subject lots and by facilitating a subdivision meeting all applicable development regulations. *Finding 19.*

DECISION

Based on the preceding findings and conclusions, the request for a preliminary major subdivision to subdivide an approximately 7.5-acre property, located to the southwest of the intersection at Miller Road and Token Lane, into 24 single-family residential lots, with associated improvements, and for a boundary line adjustment, to facilitate the siting of an approximately 0.5-acre stormwater/open space tract at the northern portion of the site, are **APPROVED**, with the following conditions:

Subdivision Conditions

1. Within five years following approval of a preliminary major subdivision, or otherwise stipulated in RCW 58.17.140, a final plat shall be submitted to the City for review and approval prior to recording. A one-year extension may be granted by the Director of Community and Economic Development per SMC 17.20.090, or as subsequently amended.

2. Required improvements of curbs, gutters, and paving must be constructed consistent with City of Sequim Engineering standards for the street classifications outlined in this staff report at the time of Site Construction submittal.

3. All required easements and plat language must be clearly shown on the face of the final plat using language from the City's Guidelines for Standard Land Use Dedications, per SMC 17.04.040.

4. The Applicant shall coordinate with the U.S. Postal Service for the provision of mailboxes, if necessary.

5. Any future signage will require separate review by the Department of Community and Economic Development per chapter 18.58 SMC, at which time it will be reviewed for compliance with the City's sign regulations.

6. All fire hydrants must satisfy the requirements of the International Fire Code (IFC), specifically IFC Chapter 507, Appendix B, Appendix C, and Appendix D.

7. Appendix D Fire Apparatus Access Roads, Section D103.2 Grade reads as follows:

> Fire apparatus access roads shall not exceed 10 percent in grade. Grades steeper than 10 percent as approved by the fire code official.

The existing grade of the site, and the need to provide a road stub-out to the adjacent property to the east, causes the slope to exceed the IFC allowance of 10 percent. Per this plat, the fire code official has agreed to allow road grades to

reach a maximum of 13.1 percent with a requirement for fire suppression systems in all homes.

8. Required fire suppression systems must be an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2, or 903.3.1.3 of the Washington State Fire Code, or as amended. These will be reviewed with individual building permits for compliance.

MDNS Mitigation Measures:

9. All site construction shall be conducted in compliance with the most current Stormwater Manual for Western Washington per SMC 13.104.030.

10. Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or storm drains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are pollutants. Any discharge of sediment laden runoff or other pollutants to waters of the state is in violation of chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington and is subject to enforcement action.

11. The following construction activities require coverage under the Construction Stormwater General Permit from the WA State Dept. of Ecology:
    a. Clearing, grading and/or excavation that results in the disturbance of one of more acres and discharges stormwater to surface waters of the State; and
    b. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development will ultimately disturb one acre or more and discharge stormwater to surface waters of the State. This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, and discharge to surface waters of the State; and
    c. Any site construction activity discharging stormwater to waters of the State that Ecology:
        i. Determines to be a significant contributor of pollutants to waters of the State of Washington.
        ii. Reasonably expects to cause a violation of any water quality standard.

12. If contamination is suspected, discovered, or occurs during the proposed SEPA action, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by testing, WA Department of Ecology must be notified. Contact the Environmental Report Tracking System Coordinator for the Southwest Regional Office (SWRO) at (360) 407-6300. For assistance and

information about subsequent cleanup and to identify the type of testing that will be required, contact SWRO, Toxics Cleanup Program at (360) 407-7529.

13. If there are known soil/groundwater contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s) will be required to be submitted. You may apply online or obtain an application from Ecology's website at: http://www.ecy.wa.gov/programs/wq/stormwater/construction/ - Application. **Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.**

14. Potential air impacts shall be mitigated by watering the site as necessary, utilizing dust suppression options and techniques described in the WA Department of Ecology publication # 96-433, 2016.

15. To mitigate the potential for noise impacts to surrounding properties, construction activities through complete buildout of this proposed development shall be limited from 7:00 am to 10:00 pm Monday through Friday and 9:00 am to 10:00 pm on weekends, consistent with Sequim Municipal Code 8.32.040.

16. It shall be the responsibility of the Applicant to take all necessary steps to prevent the incidental taking of protected species under the Endangered Species Act through habitat modification or degradation during the life of the project or development authorized by this permit or approval. The Applicant shall notify the City through its Public Works Director or designee and the Federal Agencies with responsibility for enforcement of the Endangered Species Act immediately, in the event of damage of degradation to endangered species habitat by or from the project or the development subject to this permit or approval. In any such case, the Applicant shall, at its sole cost and expense, take all action necessary to prevent the furtherance of the damage or degradation and to restore the habitat as required by the Federal, State, and local agencies with jurisdiction.

17. While there are currently no known archaeological resources on this site, the Jamestown S'Klallam Tribal Historic Preservation Office highly recommends a cultural resource survey is conducted prior to ground disturbing activities due to high potential of encountering cultural resources. Based on this request, prior to issuance of City of Sequim Site Construction permits, the Applicant/developer must show proof of a completed cultural resource survey. After the completion of the survey, the Applicant must still follow the applicable sections of the

Inadvertent Archaeological and Historic Resources Discovery Plan for Sequim, WA (Copy available at the City of Sequim Department of Community Development).

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

Boundary Line Adjustment Conditions

19. The Applicant shall comply with the approval conditions of SUB-24-004, as conditioned above.

20. A mylar record of survey, prepared by a licensed surveyor, signed by the Community Development Director, and titled "BOUNDARY LINE ADJUSTMENT BLA-24-004 BELLA VISTA ESTATES," along with new legal descriptions for the subject lots shall be recorded with the Clallam County Auditor within ninety (90) days from the date of this approval. If the new survey is not recorded within 90 days, the approval shall become null and void.

21. One copy of the recorded survey and documents shall be submitted to the City of Sequim Department of Community Development. Electronic copies are accepted.

22. The final map shall include the statement that the adjustment has been made with free consent and in accordance with the desires of the owner.

23. All required easements and plat language must be clearly shown on the face of the final plat using language from the City's Guidelines for Standard Land Use

Dedications, per SMC 17.04.040.

Hearing Examiner Conditions

24. The Applicant/developer shall, to the extent possible and in compliance with all applicable City streetlight requirements, utilize streetlight shielding to direct light away from neighboring properties.

DECIDED this 13th day of March 2025.



PEREGRIN K. SORTER
Hearing Examiner
Laminar Law, PLLC