BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEQUIM

In the Matter of the Application of	)	Nos. BSP-24-001; CUP-24-001; SEPA-24-001
Habitat for Humanity of Clallam County	)	**Sequim Avenue BSP ACUP**
For Approval of a Binding Site Plan and Administrative Conditional Use Permit	)	FINDINGS, CONCLUSIONS, AND DECISION

SUMMARY OF DECISION

The request for approval of a binding site plan and administrative conditional use permit to allow for a 48-unit residential development, consisting of eight fourplex townhomes, two triplex townhomes, and five duplex townhomes, with associated improvements, on an approximately 6.5-acre property, located to the east and south of the intersection at South Sequim Avenue and East Brownfield Road, is **APPROVED**. Conditions are necessary to address specific impacts of the proposal.

SUMMARY OF RECORD

Hearing:
The Hearing Examiner held an open record hearing on the request on May 22, 2025.

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

Travis Simmons, City Senior Planner
Nicholas Dostie, City Engineer and Deputy Director of Public Works
Tyrell Bradley, Applicant Representative
Colleen Robinson, CEO of Habitat for Humanity of Clallam County
Stephanie Goodwin
Sandra Strafford
Mary Bell
Teresa Glen

Exhibits:
The following exhibits were admitted into the record:

1. Code Consistency Table
2. Binding Site Plan Application, dated October 20, 2023
3. Applicant Response to Administrative Conditional Use Permit Criteria, undated

4. SEPA Materials:
    a. SEPA Mitigated Determination of Nonsignificance (MDNS), issued April 25, 2025
    b. SEPA and Environmental Analysis Memorandum
    c. Environmental Review Packet
    d. SEPA Environmental Checklist, dated October 18, 2024, reviewed April 24, 2025
5. Preliminary Plan Set (8 Sheets)
6. Preliminary Drainage Design Report, LDC, Inc., dated March 2025
7. Traffic Impact Analysis Materials:
    a. Traffic Impact Analysis, Heath and Associates, dated September 20, 2023
    b. Traffic Impact Analysis Third-Party Review Comment Letter, Transpo Group, Inc., dated February 10, 2025
8. Critical Areas Report Materials:
    a. Wetland Delineation and Critical Area Assessment, Land Services Northwest, dated March 5, 2025
    b. Washington State Department of Ecology Review Comments, dated April 21, 2025
    c. Building Setback Clarification Letter, Land Services Northwest, dated April 14, 2025
9. Notice of Complete Application Letter, dated November 4, 2024
10. Title Report
11. Elevation Plans
    a. Schematic Elevations Plan Set (18 Sheets), dated November 26, 2024
    b. Applicant Elevations Letter, dated May 6, 2025
12. Notice Materials:
    a. Notice of Application Classified Proof, for publication in the *Peninsula Daily News* on November 8, 2024.
    b. Posted Public Notice Signage Photographs
    c. Statement of Mailing, dated November 5, 2024
    d. Notice of MDNS Classified Proof, for publication in the *Peninsula Daily News* on April 29, 2025
    e. Statement of Mailing, dated April 29, 2025
    f. Affidavit of Publication, dated May 9, 2025
    g. Notice of Public Hearing Classified Proof, for publication in the *Peninsula Daily News*, on May 9, 2025
    h. Posted Public Notice Signage Photographs
    i. Statement of Mailing, dated May 7, 2025
13. Public and Agency Comments:
    a. Comment from Washington State Department of Ecology, dated November 26, 2024
    b. Comment from Olympic Region Clean Air Agency, dated November 12, 2024
    c. Comment from Mary Bell, received November 26, 2024

d. Comment from Jamestown S'Klallam Tribe, dated May 9, 2025
e. Comment from Rebecca Coon, dated May 12, 2025
f. Comment from Washington State Department of Archaeology and Historic Preservation, dated May 13, 2025

14. Cultural Resources Assessment, Willamette Cultural Resources Associated, Ltd., dated April 19, 2024
15. Staff Report, dated May 14, 2025
16. City Staff Presentation
17. Proposed Revision to City Staff Recommended Condition Language, dated May 23, 2025

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

FINDINGS

Application and Notice

1. Tyrell Bradley, of LDC, Inc., on behalf of Habitat for Humanity of Clallam County (Applicant), requests approval of a Binding Site Plan (BSP) and Administrative Conditional Use Permit (ACUP) to allow for a 48-unit residential townhome development. The proposed townhome units would be contained within eight fourplex buildings, two triplex buildings, and five duplex buildings. Associated improvements would include street frontage improvements along South Sequim Avenue and East Brownfield Road, a new internal roadway providing access to the townhome units from South Sequim Avenue and East Brownfield Road, stormwater management facilities, utility infrastructure, a playground, and landscaping. As discussed in further detail below, the subject property contains an approximately one-acre Category IV wetland with a standard 25-foot protective buffer and an additional 15-foot building setback from the buffer edge. The Applicant does not propose any development within the wetland or associated buffer. The proposed development, however, would encroach into a portion of the 15-foot building setback. As mitigation for the proposed encroachment into the building setback, the Applicant would restore and enhance the wetland and buffer through the removal of invasive species and planting of native vegetation. The approximately 6.5-acre subject property is located to the east and south of the intersection at South Sequim Avenue and East Brownfield Road.[1] *Exhibits 1 through 6; Exhibit 8; Exhibit 10; Exhibit 11; Exhibit 15, Staff Report, pages 2 through 5, 7, and 26 through 29; Exhibit 16.*

2. The City of Sequim (City) determined that the application was complete on November 4, 2024. On or around November 8, 2024, the City provided notice of the application by mailing notice to property owners within 300 feet of the subject property, posting notice

[1] The subject property is identified by Tax Assessor Parcel No. 033029229020. *Exhibit 15, Staff Report, page 7.*

on-site, and publishing notice the *Peninsula Daily News*, with a comment deadline of November 28, 2024. On or around May 7, 2025, the City provided notice of the open record hearing associated with the application in the same manner. *Exhibit 12; Exhibit 15, Staff Report, page 6.*

3. The City received comments on the proposal from two members of the public in response to its notice materials. Neighboring property owner Mary Bell requested that the City require the Applicant to install a wooden fence on the subject property to protect new residents and pets from an existing electric fence on her adjacent farm property to the east. In response to Ms. Bell's comment, City staff recommends a condition requiring that the Applicant install a fence barrier along the full length of the eastern property line. Neighboring property owner Rebecca Coon raised concerns that the proposed development would encroach onto her property. City Senior Planner Travis Simmons testified at the hearing that, as proposed, the project would not encroach onto any neighboring property or easements. *Exhibit 13.c; Exhibit 13.e; Exhibit 15, Staff Report, pages 6 and 34; Testimony of Mr. Simmons.*

4. The City also received comments from interested agencies and tribes in response to its notice materials, which were specific to the environmental review of the proposal. Specifically:
   - The Washington State Department of Ecology (DOE) provided general comments noting the requirements for handling hazardous materials during any demolition activities; 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 Olympic Region Clean Air Agency (ORCAA) provided general comments, noting that the installation of an emergency generator may require prior ORCAA approval and providing guidance on the handling of fugitive dust during construction activities.
   - The Jamestown S'Klallam Tribe noted that it concurred with a cultural resources assessment's findings and its recommendations for no further cultural resources identification efforts, but requested that an inadvertent discovery plan be in place for all ground-disturbing activities on-site.
   - The Washington State Department of Archaeology and Historic Preservation (DAHP) noted that the Applicant would be required to obtain a DAHP permit prior to ground-disturbing activities due to the project's proximity to an identified archaeological site.

   Exhibit 13.a; Exhibit 13.b; Exhibit 13.d; Exhibit 13.f; Exhibit 15, Staff Report, page 6.

State Environmental Policy Act

5. 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 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 April 25, 2025, with a comment deadline of May 14, 2025. As noted above, the City received comments on the environmental review of the proposal from interested agencies, as detailed above. The MDNS was not appealed and includes mitigation measures that are detailed in full in the conditions for project approval provided in this decision, below. *Exhibit 4; Exhibit 13; Exhibit 15, Staff Report, pages 8 through 10, and 35 through 38.*

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 consisting of single and small multifamily neighborhoods that are social, walkable, and safe and provide a variety of housing types," (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 15, Staff Report, page 30.*

7. The subject property and adjacent properties to the west and south are zoned Residential R4-8. Adjacent property to the northeast is zoned Highway Commercial and adjacent property to the east is within unincorporated Clallam County. 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*. Attached residential structures not exceeding a fourplex are allowed in the R4-8 zone with an ACUP, at a minimum density of 4 units per acre and maximum density of 8 units per acre. *SMC 18.20.050.* The proposed 48-unit development of the 6.52-acre subject property would provide a residential density of 7.36 units per acre, in compliance with the density requirements for the R4-8 zone. *Exhibit 1; Exhibit 2; Exhibit 5; Exhibit 15, Staff Report, pages 3, 7, and 13 through 15.*

8. SMC 18.20.050 provides dimensional and development standards for attached residences within the R4-8 zoning district, generally requiring maximum building heights of 25 feet, maximum lot coverage of 50 percent, minimum front and rear yard setbacks of 15 feet, minimum side setbacks of 6 feet on each side, and two off-street parking spaces per residence. The Applicant's project plans demonstrate compliance with these requirements. SMC 18.20.050 also requires minimum lot sizes of 9,000 square feet for duplex structures, 10,500 square feet for triplex structures, and 12,000 square feet for fourplex structures. "Multiplex projects with two or more buildings must provide at least the same developed area per each building type." *SMC 18.26.020.A.* Here, the proposed eight fourplex units, two triplex units, and five duplex units, would require a minimum area of 162,000 square feet (3.72 acres), well under the approximately 284,011 square foot (6.52 acre) area of the project site. Accordingly, as proposed, the project would meet applicable minimum lot size requirements for multiplex development within the R4-8 zone. SMC 18.22.030 provides that sidewalks shall be established consistent with City Streetscape Standards. As discussed in further detail later in this decision, the Applicant would construct sidewalks along the property's entire frontage with South Sequim Avenue and East Brownfield Road, as well as along both sides of the new internal roadway, in compliance with applicable City standards. SMC 18.22.040 provides general development standards related to grading, tree retention, and site repair. The proposed development would not impact any existing significant trees or other major natural features on-site. The Applicant proposes to install a retaining wall along the southern boundary of the subject property, which would be designed by a licensed engineer to ensure stability and compliance with City requirements for surcharge loads, topography considerations, and preservation of neighboring property uses to the south. *Exhibit 1; Exhibit 2; Exhibit 5; Exhibit 15, Staff Report, pages 14, 15, and 18.*

Multifamily Residential Development Standards

9. SMC 18.22.060 provides standards for multifamily residential development related to orientation; off-street parking; and residential services, including mailboxes, garbage and recycling, transit stops, and lighting for walkways and parking areas. City staff reviewed the proposal and determined that it would satisfy these standards, noting:
   - The proposed development would meet orientation standards by incorporating a modified street grid connecting South Sequim Avenue with East Brownfield Road, with all units fronting onto the roadway tract that would primarily serve on-site traffic. Each unit would have an individual driveway providing direct pedestrian access to sidewalks and streets, which would ensure connectivity within the development and to surrounding neighborhoods.
   - Minimum off-street parking standards would be met through individual driveways and garages. Due to site constraints and road access, locating parking behind or beneath buildings would not be practical. Parking is distributed throughout the site with no large parking lots and would be oriented interior to the lot to minimize visual impact on surrounding streets and developments. Landscaping

would be installed around driveways to enhance aesthetics and soften the development's appearance.

- The proposed development would include a comprehensive pedestrian network, with sidewalks along South Sequim Avenue, East Brownfield Road, both sides of the new roadway tract, and in front of each unit, ensuring safe pedestrian access to residential services. Street lighting would be included along walkways and around the playground area. Trash and recycling storage would be provided within each unit's garage. Although no sidewalk connections are available to the north along East Brownfield Road, the proposed sidewalk along South Sequim Avenue would extend southward to enhance pedestrian connectivity to an existing neighborhood.
- The proposed development would meet landscaping requirements by providing landscaping around buildings and between driveways and by installing street trees along internal roadways and between buildings and the street.
- Standards related to building design and open space and recreation are governed by the more specific development and design standards for multiplex developments under chapter 18.26 SMC.

Exhibit 1; Exhibit 5; Exhibit 11; Exhibit 15, Staff Report, pages 16 and 17.

Multiplex Development and Design Standards

10. Chapter 18.26 SMC provides specific development and design standards for multiplex residential projects within the R4-8 zoning district, including standards related to minimum lot area, open space, play space for children, multiplex front façade modulation, multiplex entrance design, setbacks, roof pitches, roof lengths, front-forward garage design, single-family home appearance, and maximum lot coverage. City staff reviewed the proposal and determined that it would satisfy the specific development and design standards for multiplex projects within the R4-8 zone, noting:
    - The project would comply with minimum lot standards. The total required area for the proposed units mix is 162,000 square feet, while the total provided site area is 284,011 square feet.
    - The project would provide 33,120 square feet of open space, exceeding the 9,600 square feet of open space required for the 48-unit townhome development.
    - The project would provide a 1,950 square foot children's play area, which would be located outside of driveways, parking areas, required landscaping areas, porches, and balconies, with a minimum 10-foot setback from roads, driveways, alleys, parking areas, and adjacent single-family residential uses. Pedestrian walkways would connect the play area, and lighting would be incorporated for visibility and safety.
    - The project would incorporate two required façade modulation features to ensure architectural variety and compatibility with surrounding single-family homes.
    - The project would meet entrance treatment requirements by incorporating covered porches for all structures, which would ensure a defined and inviting entryway,

and by featuring a distinct door color and varied siding colors for each unit, which would provide differentiation between individual units.

- The project would comply with the setback, lot coverage, and design requirements of SMC 18.20.050.
- The Applicant's building elevations indicate that the fourplexes and triplexes would have a 4:12 roof pitch, while the duplexes would have a steeper 5:12 roof pitch, which exceeds the minimum roof pitch requirement.
- The Applicant's building elevations, together with the Applicant's confirmation that the triplex structures would utilize the same roof form as the fourplex structures, demonstrate compliance with roof length requirements.
- The project would not incorporate a front-forward garage design and, therefore, is not subject to front-forward garage design standards.
- The Applicant's building elevations show that the corner-lot multiplex buildings would incorporate multi-pitched rooflines and street-facing window openings, reinforcing a single-family residential character. Additionally, the building height would be 22.1 feet, which is below the maximum allowed height of 25 feet for residential structures in the R4-8 zone. These design elements ensure compatibility with surrounding single-family homes and maintain a cohesive neighborhood aesthetic.
- The Applicant's civil plans show a proposed lot coverage of 41.2 percent, which would be within the maximum allowed 50 percent lot coverage.

Exhibit 5; Exhibit 11; Exhibit 15, Staff Report, pages 18 through 21.

Binding Site Plan

11. 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.* As noted above, the Applicant requests approval of a binding site plan to allow for a 48-unit residential townhome development that would consist of eight fourplex buildings, two triplex buildings, and five duplex buildings. *Exhibit 2; Exhibit 5; Exhibit 11; Exhibit 15, Staff Report, pages 2 through 5, and 10 through 13; Exhibit 16.*

Existing Site and Critical Areas

12. The approximately 6.5-acre irregularly shaped subject property is currently undeveloped and contains vegetation consisting of grass and shrubs. The property is bordered by South Sequim Avenue to the west, East Brownfield Road to the north, undeveloped farmland to the east, and a residential neighborhood to the south. The topography of the site is generally level and close to the same elevation as the adjacent roads, with a gentle slope to the north and to the east, and a steeper slope along the southern boundary line. Quality Geo NW, PLLC, prepared a geotechnical report for the proposed development, dated September 15, 2023, which did not identify any geologically hazardous areas on-site.

As noted above, the property contains an approximately one-acre wetland (Wetland A) in the northern central portion of the site. Land Services Northwest prepared a wetland delineation and critical area assessment for the proposal, dated March 5, 2025, which identified Wetland A as a mostly disturbed Category IV wetland with a standard 25-foot protective buffer and additional 15-foot building setback from the buffer edge. The critical area assessment noted that Wetland A was previously altered by agricultural activities and has been maintained as pastureland, which has disrupted the natural features of the wetland and its associated buffer. The Applicant does not propose any development within Wetland A or its 25-foot buffer. Two of the proposed triplex buildings and the proposed playground area would, however, slightly encroach onto the 15-foot building setback. SMC 18.80.070.F.6 provides in pertinent part:

> Minor structural intrusions into the area of the building setback may be allowed if the department of community development director or authorized designee determines, supported by objective written evidence, that such intrusions will not negatively impact the wetland. If the wetland buffer is already heavily impacted, building setbacks may be reduced in exchange for buffer enhancement – see SMC 18.80.080.

As noted above, the Applicant's critical area assessment determined that the wetland buffer has been previously altered, and, therefore, the 15-foot building setback may be reduced in exchange for buffer enhancement. To mitigate for the encroachment into the building setback, the Applicant proposes restoration and enhancement of the wetland and buffer through the removal of invasive species and planting of native vegetation, at more than a one-to-one ratio relative to the setback area impacted. The Applicant would also conduct and submit annual monitoring for a minimum of five years to ensure a performance standard of at least 80 percent of installed plantings. The critical area assessment determined that the proposed mitigation would improve wetland functions and values over its current condition. DOE reviewed and indicated that it had no concerns with the Applicant's critical area assessment and mitigation plan. *Exhibit 6; Exhibit 8; Exhibit 15, Staff Report, pages 26 through 29.*

Stormwater

13. 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.* LDC, Inc., prepared a preliminary drainage design report for the proposal, dated March 2025. The report summarizes the current site conditions, and the proposed stormwater management system, as follows:

> Currently, stormwater runoff within the project area appears to sheet flow to the northeast towards the on-site wetland and an existing vegetated ditch along the eastern property line that discharges through a culvert on East Brownfield Road. The stormwater runoff that does not infiltrate as it sheet flows across the parcel or within the on-site wetland will enter the

stormwater ditch along East Brownfield Road via the existing culvert. The East Brownfield Road ditch discharges to Bell Creek, a tributary to the Lagoon and the Salish Sea. Additionally, the project parcel uses a French drain system to collect stormwater runoff from the steep slopes along the southern property line. This system outlets to the neighboring eastern parcel to an existing drainage swale that outlets to the existing ditch along East Brownfield Road.

After construction, the stormwater runoff from the proposed impervious surfaces and new pervious surfaces on-site will utilize three infiltration trenches, a detention pond that outlets to the existing culvert, and sheet flow dispersion to the existing wetland. The existing French drain system will be realigned and will continue to discharge to the eastern neighboring parcel as it does today. It is important to note that the realignment will reduce the volume of stormwater runoff utilizing the French drain system, thereby reducing the volume of water discharging to the neighboring parcel. Since the proposed project will utilize infiltration, this project is anticipated to reduce the volume of stormwater runoff entering the existing ditch along East Brownfield Road, thus increasing capacity of the downstream systems.

Exhibit 6.

Access, Parking, and Traffic

14. Vehicular access to the individual townhome units would be provided from a new internal roadway tract connecting to South Sequim Avenue to the west and to East Brownfield Road to the north, which would be dedicated as public right-of-way. The new internal roadway would be designed to meet City engineering construction standards and would include sidewalks along both sides and in front of each residential unit to ensure safe and accessible pedestrian routes throughout the site. The Applicant would also construct sidewalks along the entire length of the property's frontage with South Sequim Avenue and East Brownfield Road. There are existing bike lanes along the property's frontage with East Brownfield Road, and the Applicant would not be required to install any new bicycle network improvements as part of the proposed project. The property is not within a school walking route, and the inclusion of sidewalks along both sides of the internal roadway and along the property's frontage with South Sequim Avenue and East Brownfield Road would ensure safe conditions for students walking to school bus stop locations.

As currently designed, the proposed access location from South Sequim Avenue would not meet the minimum 125-foot intersection spacing requirement due to a future intersection that would be constructed as part of an approved subdivision project on the west side of South Sequim Avenue. City staff has therefore recommended a condition

that would require the Applicant to either obtain an engineering deviation from the intersection spacing requirement or to revise the project layout to meet or exceed the intersection spacing requirement. SMC 18.48.090 provides design standards for residential driveways. City staff reviewed the Applicant's project plans and determined that, with conditions, the access and driveway design would meet applicable standards of SMC 18.48.090. The City engineer would review the Applicant's final engineering drawings to ensure compliance with applicable roadway and driveway design standards prior to issuance of site construction permits. *Exhibit 1; Exhibit 5; Exhibit 15, Staff Report, pages 11, 12, 15, 17, 22, 23, 29, and 35.*

15. Heath and Associates prepared a traffic impact analysis (TIA) for the proposed development, dated September 20, 2023, which determined that the proposal would result in a total of 407 new average daily weekday trips, with 26 new AM peak-hour trips and 32 new PM peak-hour trips. The TIA noted that the Applicant would mitigate for the project's impact to the City's transportation network through the payment of traffic impact fees, which would be calculated and determined by the City prior to building permit issuance. The TIA determined that the additional traffic generated by the proposed development would not cause any studied intersections to operate at a deficient level of service. Due to the proximity of the project to an approved subdivision project to the west, the Applicant's TIA was reviewed for the need to install a center/left turn lane providing access to the project site. The City's third-party review consultant, Transpo Group, Inc., confirmed that a left/center lane would not be necessary. City staff reviewed the proposal and determined that it would meet the concurrency standards of SMC 20.10.050. *Exhibit 7; Exhibit 15, Staff Report, pages 11, 29, and 30.*

Landscaping and Open Spaces

16. As discussed above, the proposal would meet landscaping requirements for multifamily developments under SMC 18.22.060.F, as well as for driveway approaches under SMC 18.48.090.A.3, by providing landscaping between driveways and surrounding the buildings, with street trees along internal roadways and between the buildings and the street. As also discussed above, the proposal would exceed the minimum open space requirements for multiplex developments under SMC 18.26.020.B by providing 33,120 square feet of dedicated open space, which would include common, usable open space areas, and by providing a 1,950 square foot children's play area. *Exhibit 5; Exhibit 15, Staff Report, pages 17, 18, 22, and 23.*

Utilities and Services

17. City staff determined that the proposed development would be served by public utilities, including sewer, water, and power, and that there is adequate fire protection, refuse collection, and emergency response services available to serve the proposed development. As discussed further below, the Applicant proposes to utilize a grinder pump station as part of the development's sanitary sewer system, which would be

required to remain in private ownership and operation. *Exhibit 5; Exhibit 15, Staff Report, pages 11, 24, 25, and 35.*

Binding Site Plan Criteria

18. 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.
    - As currently designed, the proposed access location from South Sequim Avenue would not meet minimum intersection spacing requirements. This is addressed through a City staff recommended condition, which would require that the Applicant either revise the layout of the project or obtain a deviation from the intersection spacing requirement at the site construction review permit stage.
    - Streets, curb, gutter and sidewalk, and utilities would be installed by the Applicant in accordance with City engineering construction standards. The City engineer would review and approve site construction permit final engineering drawings to ensure compliance.
    - The Applicant proposes a grinder pump system as part of the sanitary sewer system. The City Public Works Department would, however, not own and operate this type of system because City staff are not trained and do not have experience with the operation and maintenance of grinder pumps. Therefore, City staff has recommended a condition establishing that the proposed grinder pump system would remain privately owned and operated. 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 would be subject to review prior to approval and recording of the final binding site.
    - Any public and private utilities, including stormwater, not shown in the public right-of-way would be required to be detailed in a recorded tract or easement for the preliminary and final binding site plan.
    - The Applicant has proposed a roadway tract of sufficient size that would be dedicated as public right-of-way.
    - The Applicant has not yet posted a bond to ensure completion of unconstructed improvements. City staff has recommended a condition that would require the Applicant to post a bond meeting City requirements before issuance of site construction permits.
    - The proposed development includes several provisions for public facilities. The Applicant would pay park impact fees to contribute to the City's park system at the time of building permit issuance. The infrastructure provided with the project would include streets, stormwater management systems, and utility connections, with provisions for water, sewer, and drainage. These improvements would align

with the City's infrastructure needs and would ensure adequate support for the development and its residents. The City does not require school impact fees.

- The Applicant has completed a thorough review of the site to ensure compliance SEPA and with applicable provisions of the City's critical areas regulations.
- The subject property is not within a designated floodplain, and no flood hazard mitigation measures are required.
- The proposed development would serve the public interest by adding much-needed housing options to the local market, helping to address the community's housing demand. Required improvements along South Sequim Avenue and East Brownfield Road would enhance these existing streets, providing benefits to both the new residents and current community members who utilize these roads.
- 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. Without a development agreement, any portion of the project subject to preliminary approval would need to submit for final plat within three years of that approval unless extensions are approved under SMC 20.01A.030.

Exhibit 15, Staff Report, pages 10 through 13.

Administrative Conditional Use Permit

19. As noted above, attached residential structures not exceeding a fourplex are allowed in the R4-8 zone with an administrative conditional use permit. *SMC 18.20.050.* City staff reviewed the proposal and determined that it would meet the specific criteria for approval of an ACUP under SMC 18.60.070, noting:

- The proposal is for a low-density residential development consisting of duplexes, triplexes, and fourplexes, which would maintain a compatible scale with the single-family residential development to the south. The project would include appropriate setbacks, landscaping, and other site design measures to minimize any potential impacts related to privacy, noise, or visual character. Infrastructure improvements, sidewalks, street lighting, and adequate parking provisions would support safe and efficient circulation within the neighborhood. The overall project would align with established zoning and land use policies, ensuring that it would not create adverse effects on surrounding properties.
- The proposed development has been designed to be visually compatible with the surrounding area, incorporating materials and colors that reflect the character of existing residential properties in the vicinity. A retaining wall and associated

slope easement create a defined transition between this development and the adjacent neighborhood, helping to mitigate visual and physical impacts.

- The proposed development would be connected to public utilities, including sewer, water, and power. Fire protection, refuse collection, and emergency response services are available to the site. The development would take access from existing public streets, which provide connectivity for residents and service providers. No known capacity issues have been identified for the public facilities serving this area.
- The proposed development would provide vehicular ingress and egress through two access points on South Sequim Avenue and East Brownfield Road. The proposed internal roadway layout includes a knuckle along a curve to facilitate emergency vehicle access and to improve overall traffic flow. Pedestrian access would be provided on both sides of the internal streets, with the goal of reducing the need for mid-block crossings.
- Off-street parking would be provided at a ratio of two spaces per unit, with a total of 96 parking spaces. An additional 26 on-street parking stalls are proposed along the northern and western portions of the site.
- The proposed development would consist solely of residential units and is not expected to generate noise, glare, or odors beyond the typical residential use. Exterior lighting is planned at key locations along the front façade and would be directed downward to minimize glare and light pollution onto adjacent properties.
- Refuse collection would be managed through individual roll-out bins that would be stored within garages and placed at the curb for collection, consistent with standards residential practices.
- Common open space would be provided throughout the site and would include a walking path around the townhouses on the north side of the internal road and the stormwater infiltration pond. The Applicant proposes installing signage around the perimeter of the wetland related to wetland buffers and elk habitat preservation. These features would contribute to the overall accessibility and livability of the development.

Exhibit 15, Staff Report, pages 23 through 26.

Testimony

20. City Senior Planner Travis Simmons 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 binding site plan and administrative conditional use permit. He provided a detailed description of the property, the surrounding area, and the proposed development, consistent with the above findings. Mr. Simmons provided information about the on-site wetland and its associated buffer and building setback, explaining how the Applicant would mitigate for the development's encroachment into the building setback. He provided an overview of the Applicant's proposed binding site plan, noting that the

Applicant seeks to build a 48-unit multifamily residential unit, comprised of eight fourplex townhomes, two triplex townhomes, and five duplex townhomes, with associated improvements that would include drive aisles, drainage facilities, a playground, utility infrastructure, and frontage improvements along South Sequim Avenue and East Brownfield Road. Mr. Simmons stated that the Applicant is seeking a binding site plan because the Applicant intends to provide the units for individual ownership. He explained how the proposal would meet the requirements for approval of a binding site plan, noting that, although the required bond has not yet been posted, there is a recommended condition that would require posting of the bond prior to ground-disturbing activities or site construction permit issuance.

Mr. Simmons testified about the environmental review of the proposal, noting that the City issued an MDNS on April 25, 2025, which was not appealed. He noted the mitigation measures in the MDNS have been incorporated into City staff's recommended conditions of approval. Mr. Simmons stressed that the proposed development would support the housing market by providing another housing type and would also provide some improvements to public infrastructure along South Sequim Avenue and East Brownfield Road. He testified about the approval criteria for the administrative conditional use permit and how the criteria would be met, noting that the density of the proposed project would not exceed the density allowed for single-family residential development. Mr. Simmons described how the project would meet concurrency requirements for pedestrian safety, bicycle network connectivity, and traffic capacity. He detailed how several of City staff's recommended conditions would ensure compliance with applicable development regulations and regulations of the City critical areas ordinance. *Testimony of Travis Simmons*.

21. City Engineer and Deputy Director of Public Works Nicholas Dostie testified that the project's proposed South Sequim Avenue approach would not meet the City's 125-foot intersection spacing standard due to future intersection that would be installed on South Sequim Avenue as part of an approved residential development project to the west. He stated that reconfiguration of the access approach may be possible but would not be preferred because it would likely result in a loss of units. Mr. Dostie noted that a deviation from the minimum intersection spacing requirement would require a written request from the Applicant, with justification for why the deviation is needed. He stated that he is willing to work with the Applicant on whichever path they choose and that he does not foresee an issue with either option. *Testimony of Nick Dostie.*

22. Applicant Representative Tyrell Bradley testified that he agrees with City staff's analysis of the proposal, as detailed in the staff report and City staff's presentation. He provided a description of how stormwater would be managed on-site. Mr. Bradley stressed that the proposed development would not encroach onto any neighboring properties. Mr. Bradley noted that the Applicant has no concerns with City staff's recommended conditions, but

he requested a minor change to the language of a condition related to utilizing shared driveways to minimize curb cuts and potential traffic conflicts (Condition 9). The Hearing Examiner requested that the Applicant work with City staff to propose modified language for the condition at issue and to provide the Hearing Examiner with any proposed modified language following the hearing. City staff and the Applicant later submitted to the Hearing Examiner their agreed modification language to the recommended conditions, which the Hearing Examiner admits into the record as Exhibit 17. *Testimony of Tyrell Bradley; Oral Ruling of Hearing Examiner; Exhibit 17.*

23. CEO of Habitat for Humanity Colleen Robinson testified that this project would bring more permanent affordable housing to the area, noting that they would utilize a land-lease model that will allow the homeowners to own the improvements above the ground while Habitat for Humanity will retain the land. She stated that there would be a deed restriction so that the homes can only be sold to people that are 80 percent or below area median income. She testified that they are very excited about bringing this project forward for the community. *Testimony of Colleen Robinson.*

24. Stephanie Goodwin testified that she is a property owner within the Alpine Meadows subdivision to the south, and she expressed concerns that the proposed development might encroach into the slope setback that protects the Alpine Meadows retaining wall. She requested more information about any possible encroachment onto property within the Alpine Meadows subdivision and raised concerns that property owners within the subdivision were only recently advised of this project. Ms. Goodwin inquired about whether there have been any impact studies completed that are available for residents of Alpine Meadows to review. *Testimony of Stephanie Goodwin.*

25. Sandra Strafford testified that she is also a property owner within the Alpine Meadows subdivision and that she shares the concerns raised by Ms. Goodwin. She noted that the Alpine Meadows subdivision is supposed to be maintaining an area along the common property line for emergency purposes such as fire-truck access. *Testimony of Sandra Strafford.*

26. Mary Bell testified that she owns the adjacent property to the east and has requested that the Applicant install a six-foot, solid wooden fence along the subject property's eastern property line prior to any construction to protect people from her farm property, which contains a bull and an electric fence. *Testimony of Mary Bell*.

27. Teresa Glen testified that she agrees with the concerns raised by members of the public at the hearing, including concerns about protection from the electric fence to the east. She noted that this is the first that she has heard about this project and would like to further discuss the project with the City and the Applicant. *Testimony of Teresa Glen.*

28. In response to the concerns raised at the hearing by members of the public, Mr. Simmons noted that City staff has recommended a condition requiring that the Applicant install a fence barrier along the full length of the eastern property line. Regarding concerns related to the proposed development's potential encroachment onto neighboring property to the south, he stated that there is a 15-foot fill easement on each of the adjacent properties within the Alpine Meadows subdivision and that the subject property has a 20-foot-wide slope easement, which would not be disturbed by the proposed development. Mr. Simmons further noted that, as designed, there would be not construction within 20 feet of the slope easement, and that the Applicant proposes constructing a retention wall along the southern property line to further reinforce the slope. Mr. Simmons testified that, in the City's assessment, the proposed project would not encroach on any neighboring properties or easements. *Testimony of Travis Simmons.*

29. In response to concerns raised by members of the public, Mr. Bradley provided details about the fill and slope easements, consistent with Mr. Simmons's testimony. He noted that the project has been designed to provide 43 feet of distance between the southern property line and any proposed buildings. Mr. Bradley testified that the Applicant had worked with the City to maximize this separation distance. He also noted that, pursuant to City staff's recommended conditions of approval, any retaining wall would need to go through a full structural review. *Testimony of Tyrell Bradley.*

Staff Recommendation

30. Mr. Simmons testified that City staff recommends approval of the requested binding site plan and administrative conditional use permit, with conditions. As noted above, Mr. Bradley testified that the Applicant agrees with City staff's recommended conditions, apart from the language of one of the conditions, which the City staff and the Applicant later agreed to modify. *Exhibit 15, Staff Report, pages 32 through 38; Exhibit 17; Testimony of Travis Simmons; Testimony of Tyrell Bradley.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide applications for a binding site plan and, as part of the consolidated permit process, for an administrative conditional use permit. *SMC 2.10.070.B; SMC 17.24.090; SMC 17.24.100; SMC 18.60.20; SMC 18.60.070; SMC 20.01.050; SMC 20.01.100.*

Criteria for Review

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.

Administrative Conditional Use Permit

The review authority may approve, or approve with conditions, the application for an ACUP . . . if it meets the following criteria. Applications that do not meet all decision criteria will be denied.

A. The use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and
B. The design is compatible with the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and
C. The use will be served by adequate public facilities including streets, fire protection and utilities; and
D. Satisfactory provisions and conditions have been made concerning the following matters, where applicable:
    1. Ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow;
    2. Off-street parking and loading areas where required, with particular attention to subsection (D)(1) of this section;
    3. The noise, glare, or odor effects of the special use permit on surrounding properties;
    4. Refuse and service areas, with particular reference to location and screening;
    5. Screening and buffering with reference to type, dimensions and character;
    6. Sign, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;
    7. Required yards and other common space;
    8. Any special requirements set forth in this SMC for the particular use involved.

SMC 18.60.070.

Conclusions Based on Findings

1. **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 City provided reasonable notice of the application and opportunity to comment on the proposal. The City received written comments on the proposal from members of the public, and several neighboring residents testified at the hearing, generally expressing concerns about the proposed development's proximity to adjacent farmland to the east containing an electric fence and its potential encroachment onto adjacent properties or associated easements to the south. City staff has recommended, and the Hearing Examiner adopts, a condition requiring that the Applicant install a fence barrier along the entire length of the subject property's eastern property line to protect future residents from the neighboring electric fence. The Applicant's project plans demonstrate that all proposed development would not encroach onto the neighboring properties or associated easements to the south, with all proposed structures to be located a minimum of approximately 43 feet from the southern property line. The City also received comments on the proposal from interested agencies, which were specific to the environmental review of the proposal and have been addressed through the mitigation measures included with the Mitigated Determination of Nonsignificance (MDNS) issued for the proposal. The City reviewed the Applicant's environmental checklist and other information on file; determined that, with mitigation measures, it would not have a probable significant impact on the environment; and issued an MDNS on April 25, 2025. That determination was not appealed.

   The property is designated "Low Density Residential" under the City Comprehensive Plan and is within the R-4-8 zoning district. The proposed development would be consistent with Comprehensive Plan by providing a variety of housing types to the area, which, as designed, would be compatible with the existing and planned low density residential character of the area. City staff determined, and the Applicant's project plans demonstrate, that the proposed development, as conditioned herein, would comply with applicable zoning regulations, including: (1) dimensional and development regulations for attached residences within the R4-8 zone related to maximum building heights, maximum lot coverage, minimum structural setbacks, off-street parking, and minimum lot sizes; (2) general development regulations related to grading, tree retention, and site repair; (3) multifamily residential development standards related to orientation, off-street parking, and residential services; and (4) multiplex development and design standards related to minimum lot area, open space, play space for children, multiplex front façade modulation, multiplex entrance design, setbacks, roof pitches, roof lengths, front-forward garage design, single-family home appearance, and maximum lot coverage.

Vehicular access to the individual townhome units would be provided by a new internal roadway tract connecting to South Sequim Avenue to the west and to East Brownfield Road to the north, which would be dedicated as public right-of-way. The internal roadway would include sidewalks along both sides, which would connect to sidewalks that the Applicant would install along the property's frontage with South Sequim Avenue and East Brownfield Road as part of required street frontage improvements. This would ensure safe walking conditions for new residents, including students walking to local school bus stops. As currently designed, the Applicant's proposed access location from South Sequim Avenue would not meet the City's required 125-foot minimum intersection spacing requirement due to future development of an approved residential project on the west side of South Sequim Avenue. Accordingly, as a condition of project approval, the Applicant would be required to either revise the project layout to meet the spacing requirement or obtain approval of an engineering deviation from the spacing requirement. The proposal otherwise meets all required standards for roadway and sidewalk design, which would be reviewed by the City engineer prior to site construction to ensure compliance with City engineering construction standards.

The Applicant's TIA determined that traffic generated by the development would not cause any studied intersection to operate at a deficient level-of-service, and the Applicant would be required to mitigate for the project's impact to the City's transportation network though the payment of traffic impact fees, which would be assessed at the building permit phase. City staff reviewed the proposal and determined that it would meet applicable concurrency standards. The Applicant proposes to manage stormwater on-site through a combination of infiltration trenches, a detention pond that would outlet to an existing culvert, and sheet flow dispersion to the on-site wetland, as well as realignment of an existing French drain system. The Applicant's final stormwater management design would be required to comply with the requirements of the most recent Stormwater Management Manual for Western Washington.

City staff determined that there are adequate public utilities and services to serve the proposed development. The Applicant's proposed grinder pump station would remain within private ownership and operation. Any public and private utilities not shown in the public right-of-way would be required to be detailed in a recorded tract or easement for the final binding site plan. Easements for the preliminary binding site plan would be subject to review prior to final binding site plan approval and recording. The proposal would exceed open space requirements for multiplex developments by providing 33,120 square feet of open space. The Applicant would also install a 1,950 square foot children's play area, in compliance with multiplex development requirements. The Applicant would be required to pay park impact fees at the time of building permit issuance. The Applicant would be required to post a bond to ensure completion of required infrastructure improvements prior to the issuance of site construction permits.

The subject property contains an approximately one-acre Category IV wetland, with a standard 25-foot protective buffer and additional 15-foot building setback from the buffer edge, which has been previously altered by agricultural activities. The Applicant does not propose any development within the wetland or buffer, but a portion of the development would encroach into the building setback. To mitigate for the encroachment, the Applicant proposes to restore and enhance the wetland and buffer through the removal of invasive species and planting of native vegetation, at more than a one-to-one ratio, which would improve the wetland's functions and values over its current, degraded condition. The Applicant's proposed mitigation for the project's impacts would comply with the City's critical areas regulations. The property is not within an identified floodplain. The Applicant proposes to complete the project in a single phase.

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 multiplex projects in the R-48 zone and compatible with existing and planned development that is characterized and promoted by the Low Density Residential 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 1 – 18 and 20 – 30.*

2. **With conditions, the proposal meets the requirements for an administrative conditional use permit under the municipal code.** As addressed in Conclusion 1 above, the proposed development has been designed consistently with all applicable zoning standards and regulations, including general development regulations for the R4-8 zone, dimensional and development regulations for attached residences within the R4-8 zone, multifamily residential development standards, and multiplex development and design standards. The project's consistency with these standards and regulations would ensure that the proposed development, as conditioned herein, would not be materially detrimental to the uses or property in the immediate vicinity, and that it would be compatible with the existing and planned character of the surrounding area.

As also addressed in Conclusion 1 above, City staff has determined that the proposal would meet all applicable concurrency requirements and that there are adequate public utilities and services to serve the proposed development. The proposed residential townhome development would not generate noise, glare, or odors beyond that of a typical residential use, and exterior lighting would be directed downward to minimize glare onto adjacent properties. Garbage and recycling bins would be stored within garages and placed at the curb for collection. Common open space would be provided throughout the site and would include a walking path around the proposed townhomes on the north side

of the new internal roadway. The Applicant would install critical areas signage around the perimeter of the on-site wetland. Conditions, as detailed below, are necessary to ensure that the proposal complies with the requirements for approval of an administrative conditional use permit. *Findings 1 – 30.*

DECISION

Based on the preceding findings and conclusions, the request for approval of a binding site plan and administrative conditional use permit to allow for a 48-unit residential development, consisting of eight fourplex townhomes, two triplex townhomes, and five duplex townhomes, with associated improvements, on an approximately 6.5-acre property, located to the east and south of the intersection at South Sequim Avenue and East Brownfield Road, is **APPROVED**, with the following conditions:

Department of Community Development Conditions of Approval:

1. The approval of this preliminary Binding Site Plan (BSP) shall expire three years from the date of approval unless a proposed final BSP is submitted to the City in proper form for review and approval prior to recording. The Hearing Examiner may grant up to two extensions of up to one year each, upon recommendation from the Planning Director. Any extension may be subject to additional review and conditions if determined necessary by the Hearing Examiner.

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.

3. All required easements must be clearly shown on the face of the final plat. See Condition No. 22 in regard to required 10-foot utility easement.

4. Final plat language must be consistent with adopted "Guidelines for Standard Land Use Certification, Dedication and Declaration Language," per SMC 17.04.040.

5. The Applicant will coordinate with the U.S. Postal service for the provision of mailboxes, if necessary.

6. 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.

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

8. The proposed retaining wall along the southern parcel boundary shall be designed and engineered by a licensed professional to account for surcharge load considerations. Prior to site construction permit issuance, the retaining wall design must be submitted for review and approval by the City to ensure compliance with applicable engineering and safety standards.

9. Duplex and fourplex units shall consider utilizing shared driveways where feasible to minimize curb cuts and reduce potential traffic conflicts. Driveway access shall be designed to limit the number of curb cuts along the internal roadway while ensuring safe and functional access for all units.

10. All street and walkway lighting within the development shall be downward-facing and fully shielded to minimize glare and light spill onto adjacent properties.

11. All site driveways, including those serving duplex, triplex, and fourplex units, shall comply with the applicable driveway width standards set forth in SMC 18.48.090. Specifically, no driveways serving individual residential units shall exceed the maximum width of 20 feet, and site entrances shall be constructed within the code-allowed range of 9 to 30 feet. Final compliance shall be verified and approved by the City Engineer during civil site construction plan review.

12. Parking and play area lighting shall be directed away from neighboring properties to minimize glare and ensure compliance with city lighting standards.

13. The Applicant shall post a performance bond in accordance with the requirements of Chapter 3.78 SMC to guarantee the timely completion of all required public improvements, including infrastructure such as streets, sidewalks, stormwater facilities, utilities, and any other improvements required by the City. The bond shall be submitted in a form acceptable to the City Attorney and the Public Works Director or Community and Economic Development Director, as applicable, as a cash bond or a surety bond underwritten by a company licensed to do business in the State of Washington. The amount of the bond shall be determined by the City Engineer to cover the cost of uncompleted improvements.

14. In addition, the Applicant shall post a maintenance/warranty bond to ensure the satisfactory operation and maintenance of these improvements for a period of two years following their completion and final acceptance by the City. The maintenance bond shall guarantee that the improvements remain free from defects in labor, materials, and workmanship during this period. The bond shall also meet the requirements outlined in SMC 3.78.060, and a written agreement must accompany the bond, outlining the scope of work and timelines for completion.

15. The Applicant shall ensure that all residential parking stalls are designed and constructed to meet the minimum size requirements of 9 feet by 19 feet, as specified in SMC 18.48.040

16. The developer shall include a Notice to Title as required under SMC 18.80.090 on the face of the final binding site plan. This notice shall inform potential property purchasers of any restrictions or protective tracts imposed by the City regarding the critical and environmentally sensitive areas on-site.

17. Prior to any ground-disturbing activities, the Applicant shall obtain all necessary archaeological permits from the Washington State Department of Archaeology and Historic Preservation (DAHP) in accordance with RCW 27.53.060. No grading, excavation, or construction activity may begin until such permits are granted, if required. It is the Applicant's responsibility to coordinate directly with DAHP regarding compliance with this requirement. All special conditions included in the DAHP Permit must be followed.

18. To protect the health and safety of future residents from a neighboring electric fence located along the eastern boundary of the site, the Applicant is required to install a physical fence barrier along the full length of the eastern property line. The fence must be constructed of permitted materials per SMC 18.24.140.A. This condition is imposed pursuant to SMC 18.60.050, which authorizes the City to apply conditions necessary to protect the health, safety, and welfare of the neighborhood and community.

    The fence must be fully installed and inspected prior to final approval and recording of the binding site plan (BSP). Fence location and material specifications must be shown on the civil or landscape plans submitted with the final BSP application and are subject to approval by the Community Development Department.

19. Wetland plantings and plan:

    A. Wetland enhancement plantings shall be implemented in accordance with the planting plan depicted in Figures 6 and 6A on page 30 of Exhibit 8.A.

    B. Installation of the enhancement plantings shall be completed and inspected by the City prior to the recording of the Binding Site Plan, unless otherwise authorized by the Director of Community and Economic Development (DCED) upon submittal of a written request and justification demonstrating a valid reason.

    C. The wetland buffer mitigation plan shall be subject to a minimum monitoring period of five years, as outlined in Section 3.5 of Exhibit 8.A.

Public Works Conditions of Approval:

20. Minimum 125-foot spacing between all existing and proposed intersections (including pipeline projects) is not met. The Applicant will need to submit a written request of deviation prior to or concurrent with site construction permit, and provide justification, to allow their proposed approach to remain as detailed (less than 125 feet from Bell Creek's approach to the south) or revise their layout to meet or exceed the 125-foot spacing threshold.

21. Design, location, ownership, and operation and maintenance of the proposed pressure sewer system will need to be coordinated with the City of Sequim at the time of site construction permit final design. The City Public Works Department will not own and maintain a grinder pump system and therefore the proposed system will remain in private ownership by Applicant and its successors and assigns.

22. Non-City utilities are to be located outside of City right-of-way per Engineering Standards. Applicant to provide a 10-foot utility easement along the proposed frontage for non-City utilities on the final BSP drawings prepared for recording.

23. All improvements within the development and along the frontage are to provide stormwater mitigation compliant with the City standards and the Washington State Department of Ecology Stormwater Management Manual for Western Washington (SMC 13.104.030).

SEPA Mitigation Measures:

EARTH

24. The project will implement erosion and sediment control best management practices (BMPs) throughout construction to minimize off-site impacts. All work will comply with the City of Sequim's Engineering Design and Development Standards. Additionally, a final grading plan must be submitted for review and approved by the Public Works Department before any ground disturbance occurs.

WATER

25. All site construction shall be conducted in compliance with the most current Stormwater Manual for Western Washington.

    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.

The following construction activities require coverage under the Construction Stormwater General Permit:

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

You may apply online or obtain an application from Ecology's website at:

http://www.ecy.wa.gov/programs/wq/stormwater/construction/ - Application. Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

AIR

26. 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.

ENVIRONMENTAL HEALTH-NOISE

27. 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.

ANIMALS

28. The Applicant is responsible for avoiding any incidental harm to protected species under the Endangered Species Act (ESA) through habitat modification or degradation during all phases of the approved project. If any damage or degradation to ESA-listed species habitat occurs as a result of the project, the Applicant must immediately notify the City's Public Works Director (or designee) and the appropriate federal agencies. The Applicant must, at their own expense, take all necessary actions to stop further damage and restore the habitat in accordance with requirements from the relevant federal, state, and local agencies.

29. The designated open space area must be maintained to allow wildlife movement and remain free of fencing over four feet in height.

30. Landscaping must include native vegetation to support habitat functions for birds and small wildlife.

HISTORICAL AND CULTURAL RESOURCES

31. A professional cultural resource survey will be completed prior to any land disturbance on the project site. This survey will be conducted in coordination with the Washington State Department of Archaeology and Historic Preservation (DAHP) and the Jamestown S'Klallam Tribe. In the event that human remains or any evidence of cultural or historical significance is discovered during construction, work will be immediately halted. The appropriate authorities will be notified, and work may only resume once all applicable state and federal requirements are met. This condition will be clearly stated in the SEPA determination and referenced in the project approval documentation.

    Notification to the Jamestown S'Klallam Tribe:

    The Applicant shall provide advanced written notification to the Jamestown S'Klallam Tribal Historic Preservation Office (THPO) at least 5 business days prior to the commencement of any archaeological survey, fieldwork, or ground-disturbing activities. Notification shall be sent to the THPO via email at ataylor@jamestowntribe.org or by phone at (360) 681-4638.

Coordination and Tracking Number:

The project Applicant shall ensure that all cultural resource consultants include the DAHP Project Tracking Number in communications, reports, and submissions.

TRANSPORTATION

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

SOLID WASTE MANAGEMENT

33. All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from your local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department or Department of Ecology for proper management of these materials.

PLANTS

34. The Applicant is required to remove all Himalayan blackberry and other invasive plant species prior to installing new landscaping. The final landscape plan must incorporate drought-tolerant and native species where feasible, in accordance with SMC 18.24.130. All disturbed areas not occupied by impervious surfaces shall be revegetated. Compliance with the approved landscape plan will be verified through inspection prior to final occupancy.

DECIDED this 6th day of June 2025.



PEREGRIN K. SORTER
Hearing Examiner
Laminar Law, PLLC