CITY OF SEQUIM
152 West Cedar Street Sequim, WA 98382
City Hall (360) 683-4139 FAX (360) 681-3448
Public Works (360) 683-4908 FAX (360) 681-0552

DEPARTMENT OF COMMUNITY DEVELOPMENT
HEARING EXAMINER
STAFF REPORT
SUB-24-005

REPORT SUMMARY

PROJECT NO.(S)	SUB-24-005 (Partial Plat Alteration)
OWNER / APPLICANT / PROJECT LEAD	Maliandra Apartments LLC & Paragon Residential Real Estate LLC
PROJECT NAME	Partial Plat Alteration – Lots 5-15 of Heckman Subdivision
PROJECT DESCRIPTION	This proposal is for a partial plat alteration for Heckman Subdivision. It will revise the layout of lots 5-15 to re-orient and ease lot development and to provide a shared private road consistent with the terms of the Maliandra Settlement of Tort Claim (Settlement). The plat alteration consists of reconfiguring lot lines and private driveways for the remaining undeveloped lots 5-15, and eliminating private open spaces within proposed private easements on lots 7 and 8. The reconfigurations are necessary per the Settlement to ensure the development of the remaining portion of the plat with multiplexes and infrastructure improvements consistent with City Engineering Standards. Public street access to the site is from 7th Avenue and secondary access is from Comfort Way. While Comfort Way is a private street, the property has legal easement rights to utilize it. Stormwater will be reviewed in the site construction permit process and will be consistent with the City's adopted stormwater management manual and best management practices. No alterations are proposed to the existing built portion of the plat on lots 1-4; these lots are not included in the proposed plat alteration, therefore the application is for a partial plat alteration.
REPORT DATE	3/27/2025
DATE OF HEARING	4/3/2025
ATTACHMENTS	1. Application 2. Additional Owner Signature 3. Original Decision and SEPA Checklist 4. Updated SEPA Checklist 5. Maliandra Settlement of Tort Claim 6. Existing Plat

7. Altered Plat
8. Current CC&Rs
9. Vicinity Map
10. Preliminary Project Plans
11. Preliminary Stormwater Control Plan
12. Road Maintenance Agreement 2004-1139552
13. Determination of Completeness
14. Notice of Application
15. Newspaper Publishing
16. Statement of Mailing
17. Statement of Posting
18. SEPA DNS Adoption
19. Public Comments

	Any documents, ordinance, statute, law or reference to case law, or other article referenced herein shall be incorporated by reference into this record.
SEPA DETERMINATION	SEPA #: 202500854, issued on February 28, 2025, re-adopt existing SEPA (SEPA05-002) with new documents.
STAFF CONTACT	Travis Simmons, Senior Planner – (360) 683-4908 tsimmons@sequimwa.gov
STAFF RECOMMENDATION	Approval with conditions as outlined in the Settlement.

1. PROJECT SUMMARY

1.A.: PROJECT SITE SUMMARY / OVERVIEW

LOCATION	The parcels are located west of S 7th Ave, east of Cherry Blossom Estates subdivision, north of Comfort Way and south of E Silberhorn Rd.
PARCEL	033030-550120, 033030-550150, 033030-550130, 033030-550140, 033030-550110, 033030-550100, 033030-550090, 033030-550080, 033030-550070, 033030-550060, 033030-550050
ZONING	Residential R4-8 (R4-8)
ADJACENT ZONING	North: R4-8 South: R4-8 East: R4-8 West: R4-8
COMPREHENSIVE PLAN DESIGNATION	Low Density Residential
STREET DESIGNATION	Internal Private Street, consistent with Settlement
BACKGROUND	Final recorded Plat SUB 05/001

1.B.: PUBLIC NOTICE & COMMENT

COMMENTS, LETTERS & KEY ISSUES	Original Plat Approval: March 2, 2005 Determination of Completeness: July 22, 2024 Notice of Application: August 20, 2024 Statement of Mailing: August 20, 2024 PDN Proof of Posting: August 20, 2024 Affidavit of Posting Public Notice: August 20, 2024 Public Comment Responses: Comments received focused on issues such as updates to stormwater plans, and access to the existing private street network via Comfort Way. Agency Comments: None received at the time of writing.
APPLICATION PROCESS	Type C-2 Process[1]

1.C. **PROJECT CONTEXT:**

FIGURE 1 & 2
ZONING / COMP. PLAN DESIGNATION

Zoning Map



[1] Sequim Municipal Code (SMC) 17.25.020 Administration identifies the city council as the review authority for plat alterations or vacations. After adoption of this section, the City adopted SMC 20.01.030 "Procedural Framework Table" that identifies Plat alterations/vacations as a Type C-2 permit and identifies the Hearing Examiner as the review authority. This is consistent and allowed by RCW 58.17.217 and 58.17.330 which provides jurisdictions to authorize Hearing Examiners to administer the required public hearings for alterations or vacation of subdivisions.

Comprehensive Plan Future Land Use Map

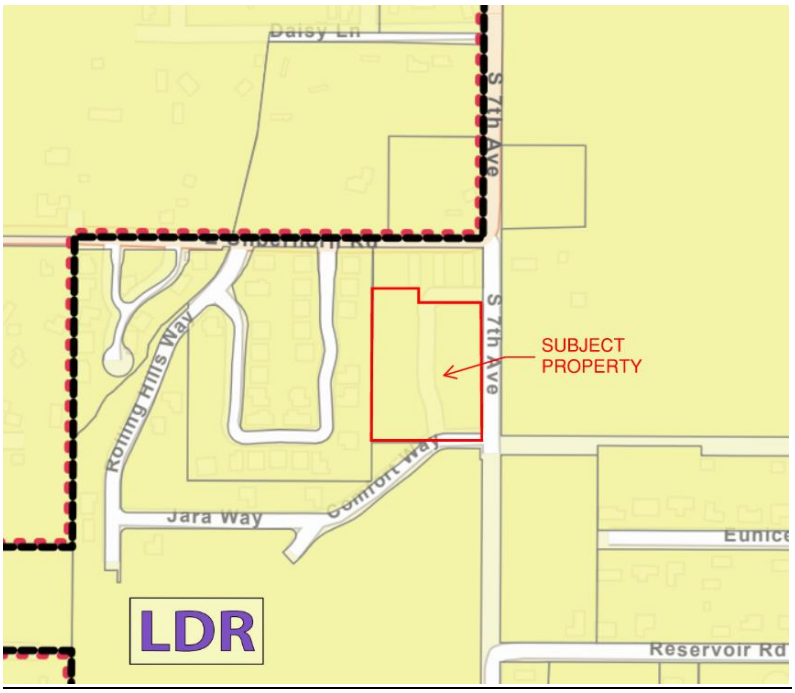
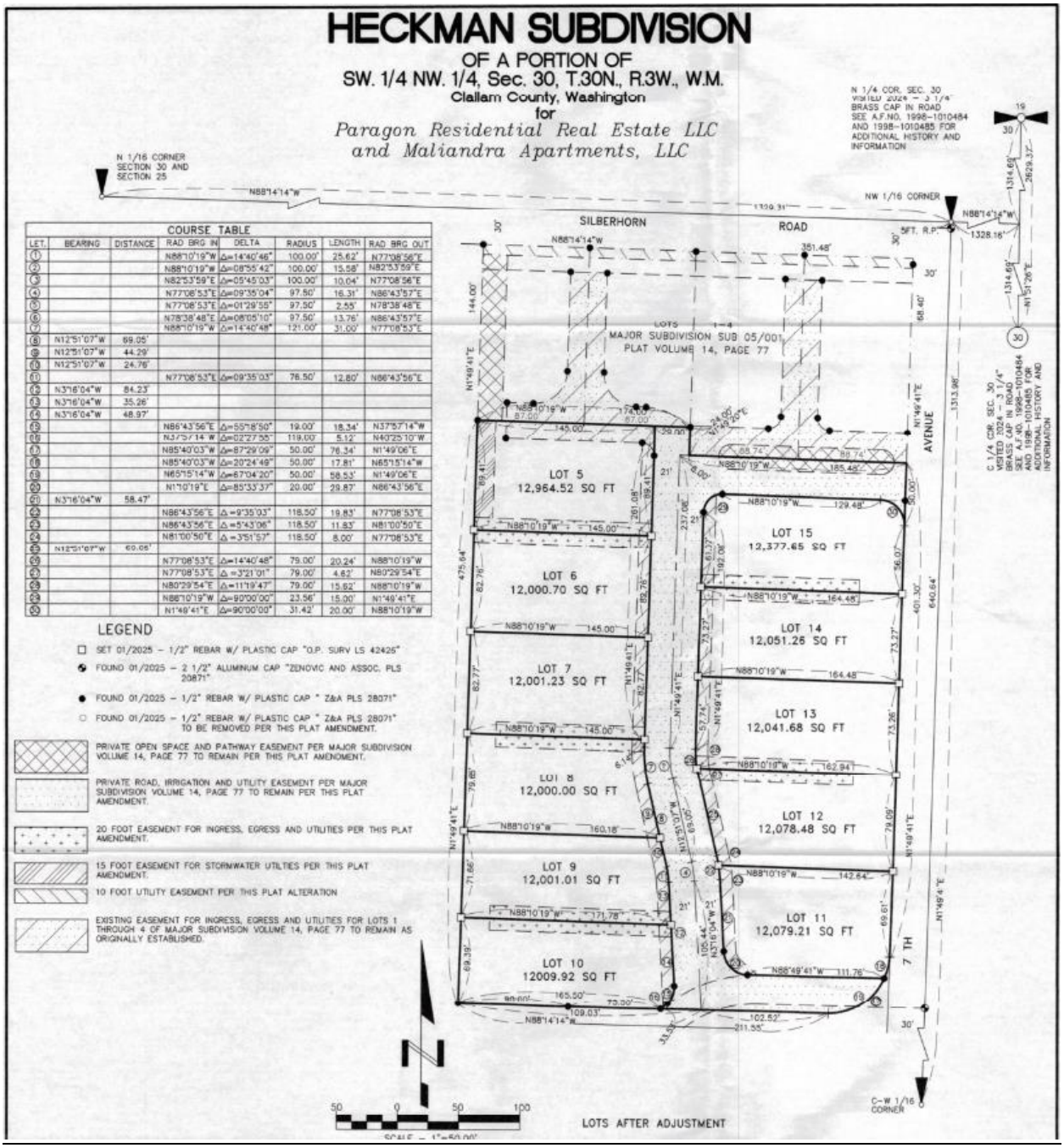
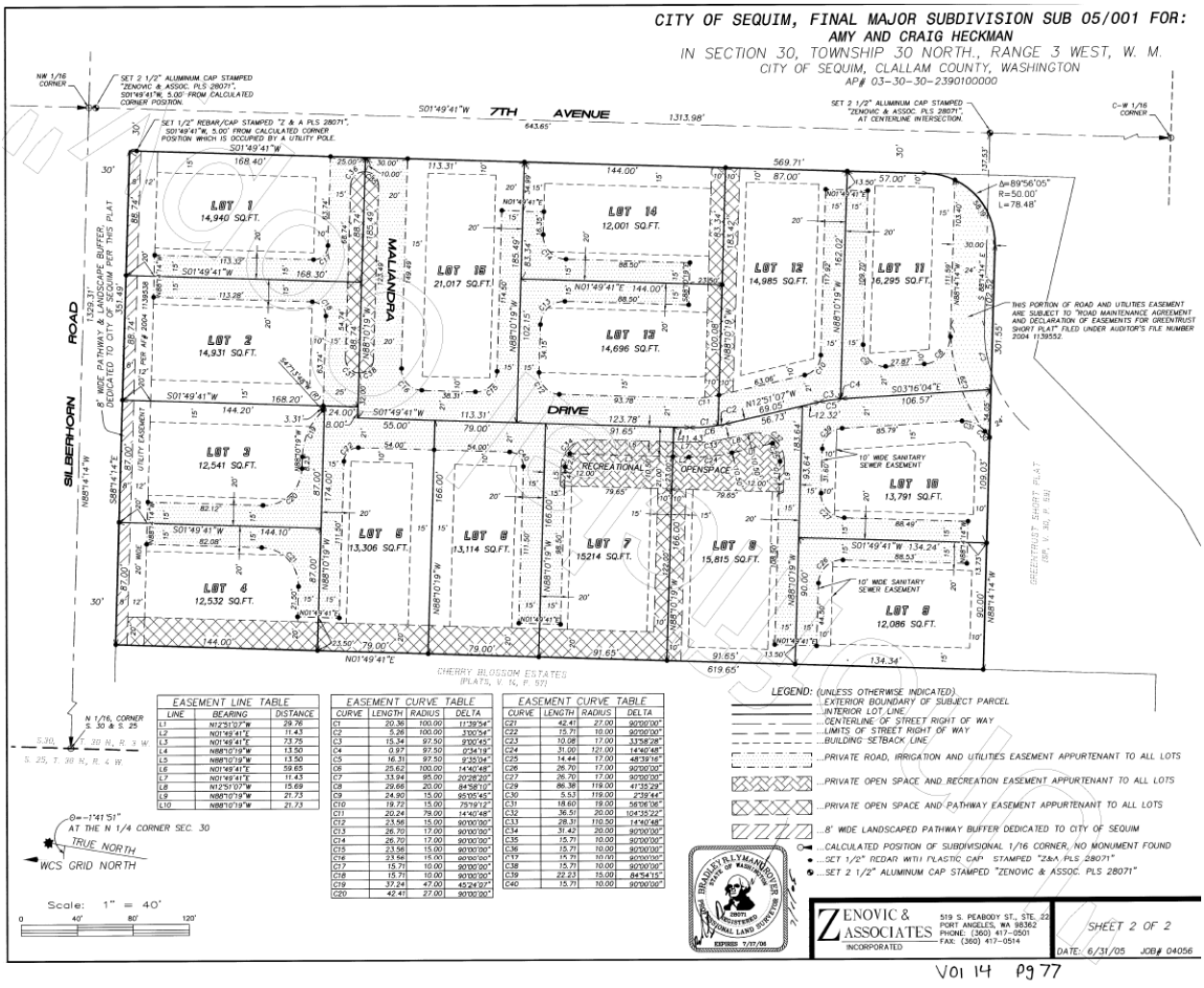


FIGURE 3

PRELIMINARY PLANS

Proposed Heckman Subdivision Partial Plat Alteration – See also Attachment 7 of the Staff Report





2. REVIEW AUTHORITY

This is a type C-2 quasi-judicial process under the Sequim Municipal Code Title 20.01.030(B)(2). The Hearing Examiner is responsible for conducting hearings on and adjudicating quasi-judicial cases involving a variety of complex land use and regulatory compliance issues, and other issues which the City Council may designate to the Hearing Examiner by ordinance or resolution. The Hearing Examiner must issue decisions or recommendations based on relevant ordinances, regulations, policies, statutes, and other authorities within ten (10) days of the publicly noticed hearing.

The Hearing Examiner may approve, deny, or approve with conditions, modifications, and restrictions as the Hearing Examiner finds necessary to make the application compatible with its environment, the Comprehensive Plan, other official policies, objectives, and land use regulatory enactments.

3. STAFF DISCUSSION / ANALYSIS & FINDINGS AND CONCLUSIONS

3.A. ZONING, LAND USE, DENSITY & DEVELOPMENT STANDARDS:

Discussion: The project's underlying zoning is Residential R4-8 (R4-8), and the Future Land Use Designation is Low-Density Residential (LDR). Zoning standards in the R4-8 require a minimum of 4

units per net acre to be developed. Per SMC 18.20.050 the Zone Intent reads, "*The R4-8 zoning district 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."* The LDR is considered to have the opportunity to maintain 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.

- Property Size: Approximately 3.7 acres between all lots included in the alteration.
- Current Land Use: Final Plat Major Subdivision, all lots included in the alteration are currently vacant.
- Proposed Use: Plat Alteration of Major Subdivision, future lot development subject to uses permitted in SMC 18.20.050.
- Lot size: As proposed, all lots will be between 12,001 square feet to 12,955 square feet; The lots were established before the current zoning standards but have been modified to meet what the current zone would allow. See also Section 3.D.
- Density Requirements: Minimum 4 lots per acre.
- Building Height Limit: 25 feet, as per SMC 18.20.050.
- Front Yard Setback: 15 feet, as per SMC 18.20.050.
- Other Yard Setback: 6 feet each side, 15 feet rear, as per SMC 18.20.050.
- Parking Requirements: 2 spaces per residence, as per SMC 18.48.050.
- Maximum Lot Coverage: Depends on future lot use. Table in 18.20.050 provides the requirements.
- Site Requirements: Site plan review per Chapter 18.22 SMC. If the applicant desires to construct multiplexes in the future (as was approved with the original plat) then an Administrative Conditional Use Permit would be required.
- Buffers: Residential development does not require buffers between existing residential lots; no buffers required.
- Open Space & Recreation: Required per SMC 17.28.050; subject to conditions of the Settlement Agreement.

Staff Finding #1: The proposal meets all the zoning requirements and development standards contained in SMC 18.20 and 18.22 and satisfies this portion of the review.

3.B. PLAT ALTERATION REVIEW:

17.25.050(B) Criteria for Approval; Alteration Criteria

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

Staff Discussion: The proposed alteration will serve the public use and interest by updating the infrastructure serving the currently platted. As currently platted, the lots do not have built-out street access or utilities on the lots included in this alteration. Through this plat alteration, the City is requiring

that the uninstalled infrastructure meet current City standards and that satisfies the Settlement between the applicant and the City.

The land is not part of an assessment district and thus there are no outstanding assessments to be levied against the lots within the subdivision. Additionally, the only land dedicated by the original plat was dedicated to the City of Sequim. While there were open space easements depicted on Lots 7 & 8 on the original plat, these areas were not designated as open space tracts and therefore not dedicated at final plat recording. These easements are proposed for elimination and the underlying lots are unencumbered on the plat alteration drawing. The open space easement elimination is acceptable to the City as there is not a requirement for common open space for the plat.

Staff Finding #3: Staff finds that the project is consistent and satisfies all the listed approval criteria from SMC 17.25.050(B) as described above.

3.C. CONCURRENCY REVIEW

Per SMC 20.10.010, concurrency review is the necessary regulatory mechanism for determining that a development meets the concurrency provisions of the City's Comprehensive Plan, as amended, as required by the Washington State Growth Management Act.

Staff Finding #4: Due to this application being for a Plat Alteration, a full concurrency review is not needed. Concurrency, or as otherwise required at the time of original approval, was reviewed and approved for the original project. With the cumulative changes proposed resulting in reoriented lot lines and updated right-of-way (ROW) standards that more closely meet current development standards, it was determined that no new concurrency review would be necessary.

3.D. CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Discussion: As discussed in 3A. above, the property falls within the Low-Density Residential land use designation in the current Comprehensive Plan. This designation is part of Land Use (LU) Goal 3.2 low-density residential, and states, "Maintain 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." However, this project was approved under a previous Comprehensive Plan, which allowed for the creation of larger lots than what would be approved under the current Comprehensive Plan and zoning code. The plat alteration remains consistent with this goal, as it is building out a previously approved plat with a housing type needed in the community, and the lots have been modified to meet what the current zone would allow. The Settlement ensures that existing utility infrastructures can be retained and utilized, and the proposed plat alteration acknowledges that further development of the plat will require additional infrastructure installation necessary to support the build-out of the plat. This plat alteration is restrained by the existing sewer main that runs north/south through the middle of the development. The ROW alignment cannot be altered without removing existing active utilities (sewer and water), which impacts lot layout and size. The current sewer main location and the proposed ROW alignment are consistent with current City standards. Adjusting the ROW alignment to account for current lot size requirements may result in the sewer line being outside of the proposed ROW, which would not comply with current City standards.

Staff Finding #5: Staff finds that, based on the review above, the proposed project is consistent with the vision and applicable goal of the Comprehensive Plan.

3.E. STATE ENVIRONMENTAL POLICY ACT (SEPA)

A notice of adoption of existing documents was issued on February 27, 2025, which provided that the previous Subdivision Approval (SUB 05/001) and SEPA Record 200500598 are being adopted. An updated SEPA Checklist was provided for the project, and the changes from the original have been highlighted and included as Exhibit 4. The changes and updated SEPA checklist were reviewed by the SEPA Responsible Official and determined not to be substantial as to merit a new SEPA determination, and thus the original was adopted with the inclusion of the updated checklist, as allowed by WAC 197-11-600.

Staff Finding #6: ***This application does not pose a probable significant adverse environmental impact as determined during the original application approval, and no changes have been proposed to change that determination.***

3.F. PUBLIC COMMENT

Public comments received expressed concerns about access from a private street (Comfort Way), as well as concerns relating to stormwater runoff. City staff responses include: 1) the property owns legal access easement rights to Comfort Way, and the original plat also provided access to Comfort Way. The plat alteration is continuing the secondary access into the plat from Comfort Way. Included as Exhibit 12 is a Road Maintenance Agreement that predates the original approval of the Heckman Subdivision and establishes the use and maintenance of the roadway. 2) Stormwater management review will occur subsequent to plat alteration review, and prior to site construction. The City will require adherence to its most recent adopted stormwater management manual and site construction will employ appropriate best management practices. This is established as Condition of Approval #6.

4. RECOMMENDATION

THEREFORE, after project review by City Staff including the City's Department of Community and Economic Development and Public Works Departments; the Director of Community and Economic Development finds the proposed development to be in conformance with the City of Sequim's regulatory requirements.

Partial Plat Alteration, Application SUB-24-005, is hereby **RECOMMENDED FOR APPROVAL** subject to the attached Conditions of Approval listed below.

SIGNED THIS 27th DAY OF March, 2025.



Karla Boughton, City Consultant, for Kristina Nelson-Gross, Interim Director of Community and Economic Development

REVIEW AUTHORITY: A Type C-2 decision is reviewed and approved by the Hearing Examiner. They are responsible for conducting hearings on and adjudicating quasi-judicial cases involving a variety of complex land use and regulatory compliance issues, and other issues which the City Council may designate to the Hearing Examiner by ordinance or resolution. The Hearing Examiner must issue decisions or recommendations based on relevant ordinances, regulations, policies, statutes, and other authorities. See Section 2. Review Authority, for more details.

If you have any questions or need additional information, please contact the Department of Community and Economic Development, (360) 683-4908.

5. CONDITIONS OF APPROVAL

DEPARTMENT OF COMMUNITY DEVELOPMENT CONDITIONS OF APPROVAL

1. Prior to recording the Plat Alteration, the applicant must apply and receive approval for a Site Construction permit to complete the buildout of the necessary infrastructure as detailed in the Settlement Agreement and City Standards and Code.

2. All conditions of the previous Subdivision Approval SUB 05/001 are still in effect unless otherwise noted in these conditions.

3. Conditions 7, 11-15, 17-21 and 23-25 from SUB 05/001 must be completed in accordance with current City of Sequim development standards to the extent practicable as outlined in the Settlement Agreement.

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

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

6. Development must comply with the City's current stormwater regulations.

7. All required easements identified by the City during the final plat review must be clearly shown on the face of the final plat drawing before the final recording.

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

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

10. All terms outlined in the Settlement Agreement (Section III. Agreement and Release and Indemnification(2)(a-i)) are incorporated as conditions of approval.

11. Upon approval, a final plat depicting all relevant and required information must be presented to the City for approval and signature within 60 calendar days. The City will record the plat at the applicant's cost as per SMC 17.25.070. The applicant must reimburse the City within 30 calendar days of invoicing by the City.