



CITY OF SEQUIM DEPARTMENT OF COMMUNITY DEVELOPMENT

STAFF REPORT AND DIRECTOR'S DECISION

"Jamestown S'Klallam Tribe Outpatient Clinic" Design Review Application

File No. CDR 20-001

Owner/Applicant: Jamestown S'Klallam Tribe contact: Brent Simcosky
808 N. 5th Avenue
Sequim, WA 98382

Project Representative: Suzanne Pontecorvo
275 Fifth Street, Suite 100
Bremerton, WA 98337

Project Description: The Jamestown S'Klallam Tribe is proposing to build an approximately 16,806 square foot outpatient medical clinic on the northwest 3.3 acres of an 18.19-acre subject parcel located in the River Road Economic Opportunity Area (RREOA) located immediately southeast of Costco in Sequim, WA. (see Figure 1) Medical clinics are a permitted use within the RREOA. (SMC 18.33.031) The medical clinic will provide medication assisted treatment program which offers FDA approved dosing, primary care services, consulting services, dental health services and childwatch services while clients are seen. The use will be conducted within a single building and will be approximately twenty-six feet, eight inches high. The proposal includes ninety-six (96) off-street parking spaces within a parking lot landscaped to city standards.

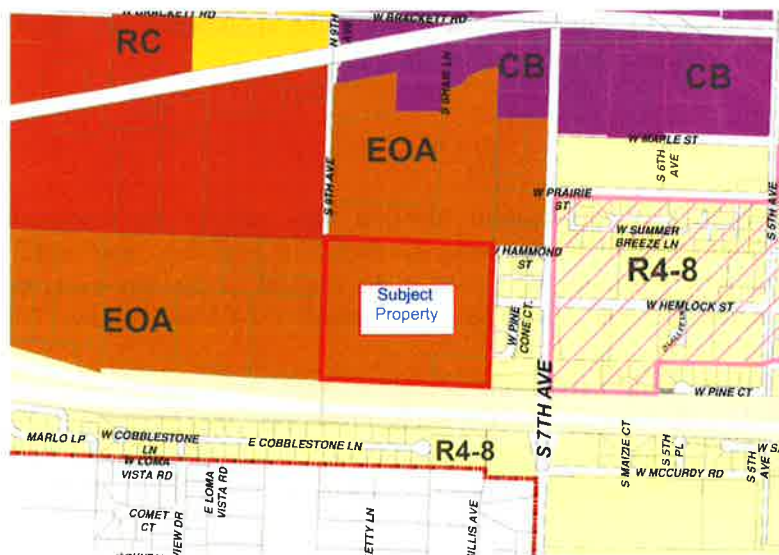


FIGURE 1 - SITE LOCATION/ZONING

Proposed Use and process in the RREOA: The proposed use is medical clinic that will provide a medication assisted treatment program (MAT) which offers FDA approved dosing, primary care services, consulting services, dental health services and childwatch services while patients receive medical treatment. Pursuant to the definitions provided in SMC 18.08.020, “Clinic” means a building designed and used for the diagnosis and treatment of human outpatients excluding overnight care facilities. The Use Table in SMC 18.33.031 provides that “Ambulatory and outpatient care services (physicians, outpatient clinics, dentists)” are a *permitted* use.

A “permitted use” is defined in SMC 18.08-020 as “...any use authorized or permitted alone or in conjunction with another use in a specified zoning district and subject to the limitations and regulations of that zoning district.” As such, a permitted use is allowed outright without the need for any additional land use approvals such as a conditional use permit or special use permit. However, as required in SMC 18.24.031.A “[d]esign review is required for all new commercial, industrial, mixed use and residential structures with more than four dwelling units with common walls. No building permit shall be issued for any development or construction requiring design review until design approval has been granted.”

Therefore, although listed as a permitted use in the underlying RREOA zone, the building permit cannot be issued until such time as Design Review has been granted approval by the Community Development Director. The purpose of Design Review is not to evaluate the proposed use, which is otherwise permitted, but to provide guidance and standards for the site and structural development of the proposed project.

Due to triggering SEPA review, this project is subjected to a A-2 administrative permit review process (SMC 20.01.030, Table 2)¹.

In accordance with SMC 20.01.030.B., a Type A-2 process is an administrative process that requires public notice. Pursuant to SMC 20.01.090 *Administrative approvals subject to notice (Type A-2) – Process overview*, the Director shall approve, approve with conditions, or deny (with or without prejudice) all Type A-2 permit applications, subject to the determination of completeness, the notice of application, the notice of decision and appeal requirements therein.

The administrative decision of the Director is final unless the applicant or any other party with standing files an appeal within 21-days from the date of the decision.

1. **Project History:**

On October 31, 2019, a pre-application Meeting was held in the Department of Community Development conference room as required by SMC 18.24.032.A. and SMC 20.01.110.B. Two application pre-submittal meetings were held at the request of the applicants to review application materials for completeness which were held on December 5, 2019 and January 7, 2020.

The applications for Building Permit and Design Review were submitted together on January 10, 2020 at a scheduled intake meeting and the applications were determined to be complete on January 27, 2020. Public notice was issued pursuant to SMC 20.01.140 effective February 2, 2020. The twenty-day comment period for this application ended on February 24, 2020 (The 20-day comment

¹ See DCD Director’s Project Typing Memo, 1/24/2020

period pursuant to SMC 20.01.140(D) ended on a Saturday; therefore, comments were accepted until the close of business the following Monday).

A SEPA Mitigated Determination of Non-Significance (MDNS) was issued on March 25, 2020 with a fourteen-day comment period pursuant to WAC 197-11-340(2)(a) and comments were accepted until April 8, 2020. The MDNS was distributed and notice was issued on March 25, 2020 in accordance with WAC 197-11-340(2)(b) and SMC 20.01.140 and published in the Peninsula Daily News. The MDNS was transmitted to the SEPA Register on March 23, 2020. A modified SEPA MDNS was issued in conformance with WAC 197-11-340(2)(f) on May 8, 2020 following review of the comments submitted during the SEPA comment period and transmitted to agencies with jurisdiction and no further public comment period is required.

2. Site Description:



FIGURE 2 - SUBJECT PROPERTY

- a. Location: The project site consists of the northwest 3.3 acres of an 18.19-acre ownership of land located adjacent to the east side of the South 9th Avenue extension, situated in the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 19, Township 30 North, Range 3 West, W.M., Clallam County, Washington; Assessor's Parcel No. 033019-330000 and 033019-339010.
- b. Size and Description: The property consists of two (2) Assessor parcels covering approximately 18.19 acres and the project will encompass a 3.3 acre piece located at the northwest corner abutting S. 9th Avenue. The property is currently cleared and undeveloped and is mainly vegetated with grasses and a row of trees that run through the central portion of the property.
- c. Access: The property is currently accessed from the southern terminus of S. 9th Avenue approximately 1,020 feet south of the intersection of S. 9th Avenue with West Washington Street.
- d. Comprehensive Plan/Zoning Designation: The property is currently zoned *Economic Opportunity Area* (EOA), which is consistent with the Comprehensive Plan's *Economic Opportunity Area* (EOA) land use designation.

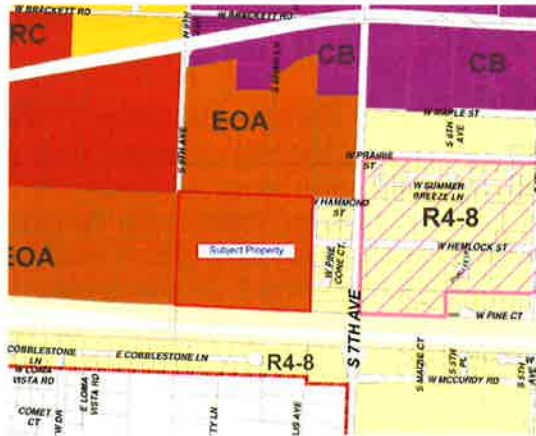


Figure 3 - ZONING MAP

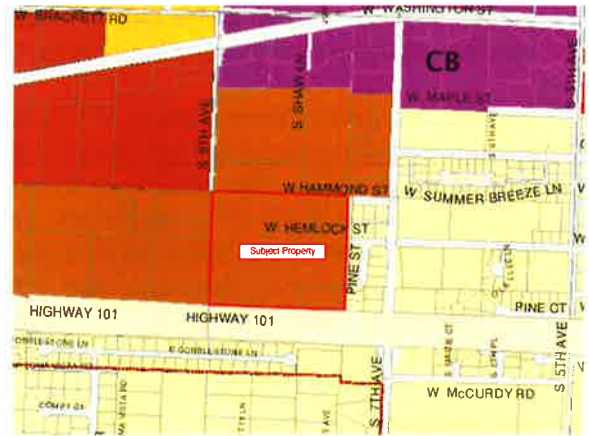


Figure 4 - COMPREHENSIVE PLAN MAP

- e. Existing Development: The abandoned barn and house (Photo 1 & 2) below) were demolished following issuance of Building [demolition] Permit number CBP19-028 on July 25, 2019 which was finalized on September 9, 2019. The property currently is currently undeveloped.



Photo 1



Photo 2

- f. Critical Areas: The property is not located within any known or mapped critical areas.
 - g. Flood Zone: The subject property is not located within any mapped floodway or 100-year floodplain.
- 3. Agency Comments:** A request for comment was distributed to the parties listed below on February 3, 2020 (*Agency Comments-Exhibit 3*).
- a. Building Department: The Building Department had no comments.
 - b. Public Works Department/City Engineer: The Public Works Department responded to the request for comments and the SEPA MDNS in their memo dated April 1, 2020 (*Agency Comments-Exhibit 3*).
 - c. Fire District 3: The Fire District had no comments.
 - d. City of Sequim Police Department: The Police Dept. provided a response to the request for comment, which was received March 4, 2020 (*Agency Comments-Exhibit 3*).

- e. Clallam County Sherriff's Department: The Clallam County Sheriff's Department had no comments.
- f. Clallam County Department of Community Development: The Clallam County Department of Community Development had no comments.
- g. City of Port Angeles: The City of Port Angeles had no comments.
- h. Clallam Transit: Clallam Transit had no comments.
- i. Washington State Department of Ecology: The State Department of Ecology responded to the request for comment in their letter dated February 24, 2020 (*Agency Comments-Exhibit 3*).
- j. Washington State Department of Archaeology and Historic Preservation: The State Department of Archaeology and Historic Preservation had no comments.
- k. Washington State Department of Health: The State Department of Health had no comments.
- l. Washington State Department of Social and Health Services: The State Department of Social and Health Services had no comments.

4. **Public Notice**: Public notice was issued by mail to adjacent property owners within 300 feet on January 30, 2020 and published in the Peninsula Daily News on February 2, 2020, and the notice of application sign was posted by the property owner at the site on February 2, 2020. An optional third public notice of application sign was posted on February 7, 2020 approximately 2,000 feet north of the property near the intersection of W. Washington Street and 9th Avenue. The twenty-day comment period for this application ended on February 24, 2020 (The 20-day comment period pursuant to SMC 20.01.140(D) ended on Saturday February 22, 2020; thus, comments were accepted until the close of business the following Monday, February 24, 2020). Public notice of the SEPA threshold determination of non-significance was mailed to property owners within 300' and agencies with jurisdiction on March 23, 2020, published in the Peninsula Daily News on March 25, 2020, and posted on the site on March 25, 2020.

5. **Public Comments**: A high volume of public comments were received within the twenty (20) day Notice of Application comment period. Many comments were simply an expression of approval or disapproval by the commenter. Many concerns raised through the public comments were social issues that are outside the purview of this land use matter. During the SEPA comment period, several the public comments raised concerns over land use issues such as traffic, stormwater, critical areas, aesthetics, fish and wildlife, and public safety. Staff considered all the public comments in their review of the application for Design Review and addressed the issues such that they satisfy the applicable standards and regulations of the City of Sequim Municipal Code and supporting policies (*Public Comments-Exhibit 4*).

6. **Applicable Criteria for Approval**: Design review is required for all new commercial, industrial, mixed use and residential structures with more than four dwelling units with common walls. No building permit shall be issued for any development or construction requiring design review until design approval has been granted. Review and City approval for a Design Review Permit requires consistency with the following:

1. SMC 18.24.037 Criteria for approval – Required findings.
2. SMC 18.24.031 Design approval required.
3. SMC 18.24.032 Design review application.
4. SMC 18.24.033 Design review procedure.
5. SMC 18.24.034 Administrative approval.
6. SMC 18.24.036 Design review approval expiration.
7. SMC 18.24.037 Criteria for approval – Required findings.

ANALYSIS

1. SMC 18.24.037 Criteria for approval – Required findings.

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

B. General Review Criteria.

1. The community development director or his/her designee will review the detailed architectural design with respect to materials and surface textures, colors, fenestration pattern, wall planes, roof form and pitch and expression of detailing.
2. The community development director or his/her designee will review the site design to determine how the proposed development melds into the existing environment, judging applications with respect to scale and proportion, orientation of buildings and other site features to streets and surrounding properties, and the placement and types of landscaping.

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

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

1. **Comprehensive Plan Compliance.** Find that the proposal complies with Sequim’s Comprehensive Plan and other adopted city policies.

Staff comment: As provided in the Comprehensive Plan, “*Economic Opportunity Areas*” ... are comprised of large, underdeveloped lands with good access to US 101 and other infrastructure as venues to expand and diversify the city’s economic base and increase living-wage employment opportunities [Land Use Policy LU 3.6.1 Economic Opportunity Areas]. The proposed use will employ forty staff members (*Environmental Checklist - Exhibit 7*) and occur on a large underdeveloped ownership of land situated adjacent to Highway 101 with available public infrastructure.

2. **Zoning Regulation Compliance.** Find that the proposal meets the requirements of the regulations for the appropriate zoning district.

Staff Comment: As described on page 2, the proposed medical clinic is a permitted use in the RREOA and is designed to comply with the zoning regulations of the district. Therefore, the proposed medical clinic is compliant with the district's zoning regulations.

3. Design Review Compliance. Find that the proposal, as approved or conditionally approved, satisfies the criteria and purposes of this chapter.

Staff comment: The proposed project complies the requirements of Chapter 18.24 SMC, Design Review as demonstrated by the following analysis.

a. **SMC 18.24.050 Facades, exterior walls and entryways.**

Staff comment: The facade providing primary access to the building will have a clearly defined, highly visible projecting glass entrance with a corniced portico. The building façade also has architectural details including tile work and moldings which are integrated into the building structure and design and there is no uninterrupted length of façade in excess of fifty feet. The proposal satisfies the standards for facades, exterior walls and entryways.



ILLUSTRATION 1

b. **SMC 18.24.060 Smaller structures in regional centers.**

Staff comment: The proposed project is the lone principal structure and there are no additional, separate structures which occupy less than 20,000 square feet of gross floor area; therefore, this standard does not apply to the subject proposal.

c. **SMC 18.24.070 Site planning and compatibility.**

Staff comment: The proposed development has been designed to be functional, visually coherent, and visually compatible with surrounding permitted uses and to provide a high-quality appearance.

The project site has one Garry Oak² that is located close to the irrigation ditch near the north boundary line. The project protects this Gary Oak with a 20-foot protection zone. In the event the Garry Oak does not survive the proponent will preplace the tree at a 3:1 ratio.

Therefore, the proposal satisfies the standards for site planning and compatibility.

d. SMC 18.24.080 Detail features.

Staff comment: The design of the proposed building employs color change, texture change, material module change, and wall plan change. Canopies are uniform and integrated into the building design (See Illustration 1 above).

Therefore, the proposal satisfies the standards for detail features.

e. SMC 18.24.090 Roofs.

Staff comment: There is no proposed rooftop HVAC equipment. Plumbing vents will be the only rooftop penetrations. Roof material will be standing-seam material and the proposed color will be dark gray. Rooflines vary in height and scale based on the various program functions of the building and to take advantage of the site conditions. Proposed rooflines do not exceed 80 feet in length and the roofline interruptions follow the shifts in the building footprint with a minimum a 5-foot transition in height from an adjacent roofline. Roof forms will be a true reflection of interior space and there are no proposed unusual or atypical roof forms.



ILLUSTRATION 2

Therefore, the proposal satisfies the standards for roofs.

f. SMC 18.24.100 Materials.

Staff comment: The exterior building materials consist of fiber cement panels, both thin and wide wood cladding, log columns, metal fascia, metal standing seam (roof), cedar panel soffit, wood carved art, and glulam beams. The proposed design provides generous amounts of windows that will create ground floors with a “transparent” quality that enhances the use of natural light and should reduce energy consumption. There are no proposed polished (mirrored) or highly reflective colored glass windows or doors (See Illustrations 1 and 2 above).

² Gary Oaks are designated as historically important trees and are afforded special protections under SMC 17.24.070.B.2.

Therefore, the proposal satisfies the standards for materials.

g. SMC 18.24.110 Windows and doors.

Staff comment: As provided above, there are no proposed polished or highly reflective colored glass windows or doors. Windows are well balanced and integrated into the building design in a manner that is harmonious with the other architectural features of the façade (reference Illustrations 1 and 2 above).

Therefore, the proposal satisfies the standards for windows and doors.

h. SMC 18.24. 120 Colors.

Staff comment: The project proponent has graphically submitted a proposed color palette along with the proposed materials for their project on page 4 of the plan set. The palette includes all the materials and colors proposed for the project. As shown on the plan set pages 5 and 6, there are no more than three distinct colors used on the proposed building (stained cedar, dark red, and dark gray). All colors will have low reflectivity and blend well with the surrounding environment (See Illustrations 1 and 2 above).

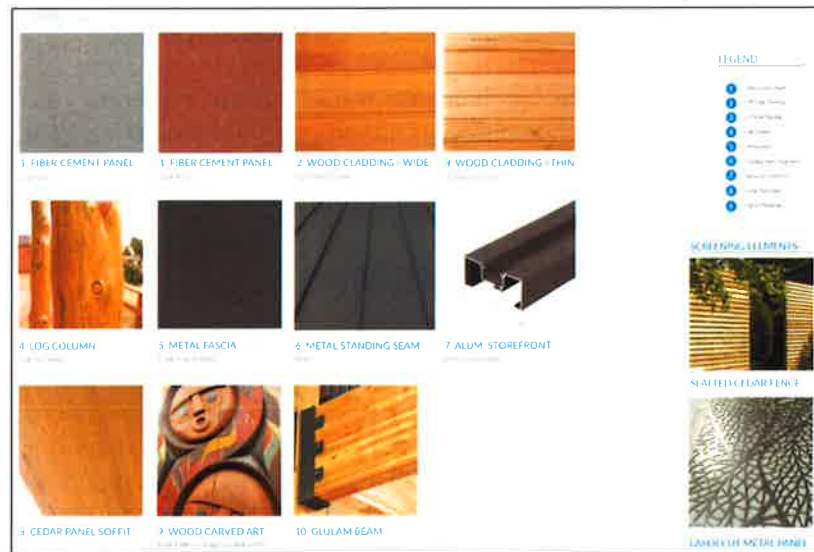


ILLUSTRATION 3

Therefore, the proposal satisfies the standards for colors.

i. SMC 18.24.130 Landscaping and buffering.

Staff comment: A landscaping plan has been submitted that successfully integrates stormwater management features and contributes to the visual quality and continuity within the project and between the proposal and surrounding land uses both existing and projected (i.e. those uses allowed in the underlying RREOA zone). Staff has reviewed the landscaping plan and finds that it adequately mitigates visual impact to surrounding properties, contains a mix of indigenous and native plants, provides a permanently installed irrigation system, and the parking lot includes the

provision of curbed and bioretention planting areas separating the parking spaces as required by city standards³ (i.e., no more than 12 spaces abutting each other without a curbed or bioretention planting area dividing the spaces).

Ongoing future maintenance of landscaping will be in accordance with accepted maintenance practices and any landscape element that dies, or is otherwise removed, will be promptly replaced with the same, if not similar to, height, width and texture as originally approved.

As previously discussed, the plan design provides protection for the single Garry Oak tree on the site and with the condition to replace the tree at a 3:1 ratio in the event the tree does not survive whether related or not related to the project.

Therefore, the proposal satisfies the standards for landscaping and buffering.

j. SMC 18.24.140 Fences.

Staff comment: There are no proposed fences within or around the project site shown on the site plan for this proposal, although one of the SEPA mitigations requires the proponent to construct a fence off site acceptable to the Tribe and a neighboring property owner to mitigate visual impacts and protect a small farm to the north.

k. SMC 18.24.150 Environmentally conscious development.

Staff comment: The project includes the use of “green” materials in construction where practical and low impact development techniques are proposed for stormwater containment and treatment.

Therefore, the proposal satisfies this standard for environmentally conscious development.

l. SMC Parking lot design and orientation.

Staff comment: The design for the project’s off-street parking would minimize visual impact to streets and adjacent spaces/properties by providing landscaping and creative low impact stormwater management techniques. Parking areas are designed to have safe and efficient ingress and egress for vehicles and have been configured and designed to reduce the overall mass of paved surfaces. The off-street parking for 96 vehicles has been visually and functionally divided into smaller parking areas throughout the parking lot. Parking is setback no less than ten feet from abutting properties and rights-of-way with landscape buffers and no off-street parking is located forward of the front façade of the proposed building.

³ SMC 18.24.160.B.6.

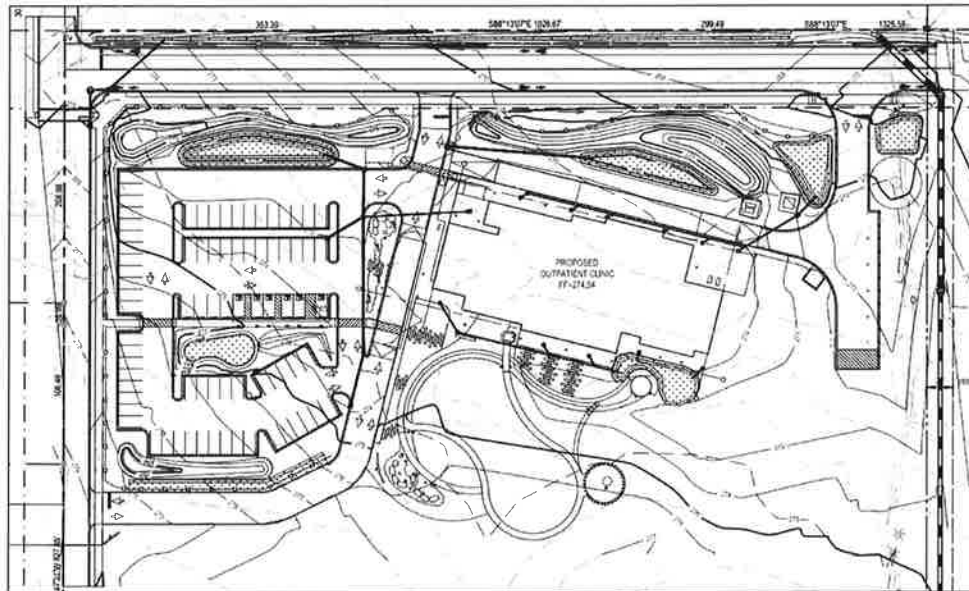


ILLUSTRATION 4-SITE PLAN WITH PARKING LOT LAYOUT

Therefore, the proposal satisfies the standards for parking lot design and orientation.

m. SMC 18.24.170 Lighting and glare.

Staff comment: Staff has reviewed the photometric plan provided in the plan set submitted with the application for building permit and design review. Signage and exterior building lighting will be compatible with the architecture of the project and will not detract from the visibility of surrounding buildings. The plan includes landscape and architectural lighting which would illuminate building facades, building entrances, and courtyard spaces. Night lighting is proposed to be provided for all pedestrian walkways, curbs, ramps, and crosswalks.

Therefore, the proposal satisfies the standards for lighting and glare.

n. SMC 18.24.180 Pedestrian flows.

Staff comment: The project has been reviewed for, and will be inspected for, compliance with the city requirements for pedestrian flows, amenities, and standards. Pursuant to SMC 12.08.060 and SMC 18.24.180.B.1., walkways at least eight feet in width must be provided along all sides of the lot that abut a public street and will provide human-scale lighting. The internal pedestrian walkways are continuous and no less than eight feet in width and access the public right-of-way leading to the customer entrance of the proposed building. Walkways feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, groundcovers, and other such materials for no less than 50 percent of its length. The internal pedestrian crosswalks will be distinguished using durable, low maintenance surface materials such as pavers, bricks, stamped asphalt, or scored concrete to enhance pedestrian safety and comfort, and meet the ADA guidelines.

The project is conditioned to provide bicycle lanes, where appropriate, on ingress and egress routes, trash receptacles and bicycle racks as specified in the City of Sequim streetscape manual, and that all pedestrian amenities satisfy ADA guidelines.

Therefore, the proposal satisfies the standards for pedestrian flows.

o. SMC 18.24.190 Outdoor storage, trash collection, recycle and loading areas.

Staff comment: A trash enclosure is proposed to be located east of the proposed building, opposite of 9th Avenue, and approximately 130 feet from the W. Hammond Street right-of-way. There is no proposed outdoor storage or truck parking, and all outdoor features have been incorporated into the overall design of the building and landscaped setting so that the visual and acoustic impacts of these functions occur to the extent possible out of view from adjacent properties and public streets.

Therefore, the proposal satisfies the standards for outdoor storage, trash collection, recycle and loading areas.

p. SMC 18.24.200 Central features and community spaces.

Staff comment: The guidelines and standards of this section only apply when three or more buildings are planned in a development; therefore, the standards of this section do not apply to this proposal.

q. SMC 18.24.230 Transportation consistency requirements.

Staff comment: A traffic impact analysis (*Exhibit 1.n.*) was submitted by the applicant, reviewed by staff and peer reviewed (*Exhibit 6*). Staff found the expected traffic generation will be adequately mitigated through the assessment of Transportation Impact Fees paid for directly by the developer and collected by the City all in accordance with Sequim Municipal Code Title 22 – Impact Fees.

CONCLUSIONS

1. The proposed project is to build a 16,806 square foot outpatient medical clinic on 3.3 acres of property within the underlying River Road Economic Opportunity Area (RREOA) zone. “Ambulatory and outpatient care services (physicians, outpatient clinics, dentists)” are listed as a permitted use in the RREOA in Table 18.33.031 SMC.
2. This application for Design Review has been reviewed as a Type A-2 permit in accordance with SMC 20.01.090 (*Administrative approvals subject to notice (Type A-2) – Process overview*). A Type A-2 permit is subjected to an administrative review process that includes public notice and the decision authority is the Department of Community Development Director.
3. This application for Design Review has been reviewed for conformance and consistency with the City of Sequim’s Design Review standards and the General Review Criteria under Chapter 18.24 and has been found to comply with the intent, standards, and guidelines for non-residential buildings in the City of Sequim.
4. Public Notice was issued in accordance with the notice requirements of Chapter 20.01.140 SMC.
5. All comments received in response to the notice of application were duly considered.

6. This application for Design Review proposes development of a commercial structure greater than 4,000 square feet; therefore, this proposal exceeds the threshold established for categorical exemptions from environmental review under the State Environmental Policy Act [WAC 197-11-800(1)(b)(iv)]. A mitigated determination of non-significance (MDNS) was issued pursuant to WAC 197-11-350 and 197-11-340(2) on March 25, 2020.
7. All comments received during the SEPA comment period were duly considered, and a request for clarification was sent to the applicant for consideration based on some of the received comments. After receiving the applicant's clarifications, the City issued a revised MDNS on May 8, 2020, which was transmitted to agencies with jurisdiction.
8. The property subject to this request is not within 200 feet of the Dungeness River or its 100-year floodplains; therefore, the proposal is not within the jurisdiction of the City of Sequim Shoreline Master Program.
9. The Community Development Director or his/her designee has reviewed the architectural design with respect to materials and surface textures, colors, fenestration pattern, wall planes, roof form and pitch and expression of detailing. This review also included the site design to determine how the proposed development would blend into the existing environment with respect to scale and proportion, orientation of buildings and other site features to streets and surrounding properties, and the placement and types of landscaping. This project is found to be consistent with the standards for Design Review as set forth in SMC 18.24.
10. As conditioned, the submitted Design Review application has been reviewed for and found to be in conformance with the criteria for approval in SMC 18.24.037.

DECISION

Following review of the subject Design Review permit application by the City's: Department of Community Development; Public Works Department; Engineering Department; Police Department and Fire District #3 for consistency with the City of Sequim's Comprehensive Plan, Zoning regulations, and the standards and guidelines for design review, application number CDR 20-001 is hereby granted **APPROVAL**, subject to the following Conditions of Approval & SEPA Mitigations:

Conditions of Approval

1. All construction and site development activities related to the design review will not commence until the decision becomes effective and until authorized by any subsequent required permits.
2. A site construction permit will be required prior to ground disturbing activities. Site construction drawings must demonstrate consistency with the 2014 Washington State Department of Ecology Stormwater Management Manual for Western Washington (SWMMWW) and include a Stormwater Design meeting minimum requirements 1 through 9.
3. In the event that any ground-disturbing activities or other project activities related to this development or in any future development uncover protected cultural material (e.g., bones, shell, antler, horn or stone tools), the applicant must follow the procedures outlined in the Inadvertent Archaeological and Historic Resources Discovery Plan for Sequim, Washington.

4. The proposed use will be developed in substantial conformance with the submitted site plans and elevations included with the application for Design Review permit as modified through this review process (*Exhibit I*).
5. Prior to construction activities the applicant must obtain an approved building permit from the City of Sequim and satisfy all other site construction permit requirements.
6. General Facilities Charges assessed for water and sewer based upon required water service size must be paid prior to building permit issuance. These fees are subject to change annually.
7. Transportation impact fees will be assessed, based upon a use of medical office, at the time of building permit issuance, at a rate of \$7.69 per square foot of gross floor area [*SMC 22.04.110*]. These fees will be paid prior to building permit issuance unless otherwise deferred.
8. Any proposed non-exempt signage will require a sign permit and corresponding building permit.
9. The proponent will satisfy the requirements for right-of-way frontage improvements in accordance with the City of Sequim street standards prior to final occupancy or bonded for in accordance with the bonding provisions of the Sequim Municipal Code.
10. Prior to building permit issuance, a Landscaping Plan in substantial conformance with the plans provided in the submitted plan set (*Exhibit I.k.*), must be submitted by the applicant and approved by the DCD. Prior to building permit issuance of the Certificate of Occupancy, the landscaping must be installed as approved.
11. A landscaping maintenance bond or other acceptable surety must be provided to serve as a warranty against defects in labor and material to warrant all required improvements, either installed or to be installed, against defects in labor and material for a period of 24 months after acceptance by the City. The surety will be submitted prior to final occupancy and must be 15 percent of the estimated value of the improvements, as determined by the Director. The maintenance bond or surety is in addition to any warranty or surety provided to guarantee the installation of required improvements. The City Attorney will approve the form, sufficiency and manner of execution of the maintenance bond, or other surety, prior to the issuance of final occupancy. Upon the termination of the warranty period, the Director will authorize the release of the maintenance bond by written notice to the person or entity posting the guarantee and to the surety.
12. The proponent will make every effort to ensure protection of existing Garry Oak tree during construction unless it is determined that the tree is sick, dying or dead by an ISA-certified arborist or in the way of required elements that cannot be avoided [*SMC 18.24.070.B.2.*]. In the event the Garry Oak does not survive the applicant must replace the tree at a 3:1 ratio with replacements being sited at a location most suitable for survival.
13. The landscape design plans must incorporate a mix of indigenous and native plants that are hardy and drought-tolerant and will include a minimum of 40 percent evergreen plantings (trees, shrubs, groundcovers, ornamental grasses, and evergreen herbs). Lavender plants must be a part of the landscape plan [*SMC 18.24.070.B.2.c.*].
14. The landscape plan will include permanently installed irrigation systems [*SMC 18.24.130.B.2.c.*].

15. Where possible, pedestrians and vehicles will be separated through provision of a walkway. Where complete separation of pedestrians and vehicles is not feasible, hazards will be minimized by using landscaping, bollards, special paving, lighting and other means to clearly delineate pedestrian areas [SMC 18.24.070.B.2.j].
16. Approval for design review is valid for two years from the date of the notice of decision. The community development director or his/her designee may grant one extension of time not to exceed one year, upon the filing of a timely request for extension by the applicant. No extension will be granted if any local zoning or design review regulation has been amended in a manner that would have an impact upon the proposed development [SMC 18.24.036].
17. Where conditions do not specifically address an element of the proposed development, the content of the *findings* and *analysis* in this report shall be used together with the applicable Sequim Municipal Code provisions to determine what is required.

SEPA Mitigation:

The following mitigation measures have been imposed by the Responsible Official to address and mitigate to a point of non-significance the identified potential environmental impacts.

1. To mitigate the potential for adverse impacts to air quality due to dust emissions during construction, the proponent shall employ the use of watering all dust generating surfaces a minimum of three times daily or more as needed during the construction phase of the project. Alternative non-chemical methods may be considered for approval by the City of Sequim.
2. To mitigate the potential for adverse environmental impacts to cultural resources, the proponent shall work with the Jamestown S’Klallam Tribe and the Washington State DAHP to determine the need for a cultural survey prior to site disturbing work. In any case, as required by the Sequim Municipal Code, the project proponent and/or their contractors shall stop work and immediately notify the City of Sequim, the Jamestown S’Klallam Tribe, and the Washington State Office of Archaeology and Historic Preservation if any historical or archaeological artifacts are uncovered during development.
3. To mitigate the potential for adverse environmental impacts to public services and land use, the proponent shall follow the procedures and recommendations of the submitted Jamestown S’Klallam Tribe Preliminary Medical Outpatient Clinic and Community Response Plan as conditions of operation for the proposed outpatient clinic.
4. To mitigate the potential for adverse impacts to environmental impacts to plants and animals, the proponent must contact the Washington State Department of Fish and Wildlife (WDFW) and verify the presence or absence of any threatened or endangered species. Prior to authorization of any site disturbing activities, the proponent must provide written verification from the WDFW that all concerns have been satisfied.
5. To mitigate the potential for adverse environmental impacts to public services the proponent must:
 - a. Prior to occupancy, a monitoring and evaluation program will be developed by a Community Advisory Committee (committee) made up of, but not limited to, health professionals, community-based organizations, elected leaders, and public safety officials as provided in the Jamestown S’Klallam Tribe Preliminary Medical Outpatient Clinic and Community Response

Plan. Committee membership to be determined by mutual agreement between City and Tribal representatives. The Committee will remain in place for the first three-years of the operation of the clinic. The Committee will meet monthly for the first year and then the committee can decide on a meeting schedule for subsequent years. Recommended committee size is no more than seven members.

- b. Prior to occupancy, the “committee” will develop a contingency plan that identifies potential courses of action and any corrective measures to be taken when monitoring or evaluation indicates expectation and standards are not being met.
- c. Prior to occupancy, the Tribe must post a bond in the amount of \$250,000 to guarantee public safety services can be made immediately available if necessary (City Police, Fire District 3 EMT services, for example). This bond will be in effect for a term of 5-years and may be extended at the request of the City of Sequim and Fire District 3.
- d. Tribe agrees to reimburse City for all lost tax revenue if, and when, the property is taken off County tax roll. If it is determined that additional public safety staff, such as police, EMTs or fire officers, are needed due to activity resulting directly from the clinic’s operation. The Tribe agrees to fund these public safety (EMT, Fire & Police) positions for as long as they are necessary.
- e. Prior to occupancy, the Tribe will enter into a “Good Neighbor” agreement with the City (see attached example and be aware that some of these items would be included in that agreement, such as no loitering).
- f. Prior to occupancy, a Social Services Navigator will be funded by the Tribe to provide social service assistance to patients and other persons in need of Substance Use Disorder (SUD) and mental health assistance within the City of Sequim.
- g. Prior to occupancy, the Tribe will develop a plan acceptable to the City regarding ramping up patient care during the first year of the clinic’s operation.
- h. The Navigator will be notified when patients leave the program for possible intervention and/or assistance in transitioning to another program or returned to their place of residence or location where they spent the previous evening.
- i. Patients who chose to leave the clinic program and do not have personal or pre-arranged transportation will be provided transportation by the clinic to their place of residence or location where they spent the previous evening.
- j. Tribe agrees to notify the City 1-year prior to applying to place the land upon which the clinic is built into Tribal Trust land. The Tribe agrees to only place the developed portion of the subject property into trust by short platting out the undeveloped portion of the property.
- k. The Tribe agrees to execute & file with city limited waiver of sovereign immunity to allow enforcement of the City’s nuisance ordinance if any portion of the subject property is placed into Tribal Trust.
- l. All patients will be prescreened before treatment.

- m. All patients must be accommodated within the building, and there will be no outdoor line ups or congregating of patients outside of designated areas.
- n. The Tribe will strictly enforce a no loitering policy through on-site security.
- o. Prior to occupancy the tribe will secure fulltime on-site security to maintain order on-site. With neighboring property owner permission on-site clinic security will also make sweeps through neighboring commercial properties on a schedule determined cooperatively between the clinic and adjacent property owners. Sweeps of adjacent residential neighborhoods will also occur on a regularly scheduled basis.
- p. Prior to occupancy, the Tribe will distribute direct access information/complaint line provided to all adjacent property owners within 300 feet of the subject property.
- q. JST will ensure no graffiti on the JST Healing Center site, and JST will immediately report any such vandalism to the city if any occurs on nearby properties. JST will take steps to immediately remediate the graffiti on their property.
- r. The Tribe will prohibit camping, overnight sleeping or overnight parking on the property of the Healing Center.
- s. Prior to occupancy the Tribe will have installed a fence at a mutually agreeable location and out of mutually agreeable materials between the clinic property and the Shaw family farm.

THEREFORE, after project review by City Staff including the City's: Department of Community Development; Public Works Department; Police Department; Engineering Department and Fire District #3, the Director of Community Development finds the proposed medical clinic to be in conformance with the City of Sequim's zoning and regulatory requirements.

Design Review Application CDR20-01, as described above, is hereby **APPROVED** subject to the Conditions of Approval and SEPA Mitigations listed above. This approval may be deemed null and void by the Director as a result of failure to comply with the Conditions of Approval, SEPA Mitigations or to meet the requirements of applicable local, state and federal law.

SIGNED THIS 15 DAY OF May, 2020.



Barry Berezowsky, Director
Department of Community Development

APPEALS: This decision may be appealed by filing an appeal consistent with SMC 20.01.240 within twenty-one (21) days after the decision to the Dept. of Community Development, located at 152 W. Cedar St. All appeals of this decision must be filed by 4:00 P.M. on June 5, 2020. THERE IS A \$600.00 FEE TO APPEAL THIS DETERMINATION.

If a Type A-2 decision is appealed, an open record public hearing will be held before the Hearing Examiner consistent with the requirements of SMC 20.01.200.

If you have any questions or need additional information, please contact Tim Woolett at 360-681-3435 or at twoolett@sequimwa.gov.

Attached:

1. Exhibit Log

EXHIBIT LOG
Jamestown S'Klallam Tribe
Design Review Application No. CDR 20-001

- 1 Complete Design Review Application received January 27, 2020; including the following:**
 - a. Application.
 - b. Assessor's Map.
 - c. Fill Quantities.
 - d. Legal Description.
 - e. Open Water Map.
 - f. Ownership Statement.
 - g. SEPA Checklist.
 - h. Architectural Drawings.
 - i. Civil Drawings.
 - j. Electrical Drawings.
 - k. Landscape Drawings.
 - l. Full Drawing Package.
 - m. Proposed MAT Facility Geotech Report (final).
 - n. JST Outpatient Clinic Traffic Impact Report [Analysis].
- 2. Notice of complete application issued January 27, 2020.**
- 3. Agency Comments.**
- 4 Public Comments.**
- 5. Correspondence**
- 6. 3rd Party Review Comments on the Traffic Impact Analysis and Utility Plans.**
- 7. SEPA Environmental Checklist & SEPA MDNS Review Packet.**
- 8. SEPA Comments.**
- 9 Revised MDNS issued May 8, 2020**
- 10 Legal Notices/Affidavits;**
- 11 DCD Director's Project Typing Memo issued January 24, 2020**
- 12 Pre-Application File No. PRE 19-016.**
- 13. Community Response Plan.**
- 14. Good Neighbor plan example.**