

SEQUIM PLANNING COMMISSION

Public Meeting

Sequim Civic Center

152 West Cedar Street

Sequim, WA 98382

6:00 P.M.

Tuesday, July 16, 2019

MINUTES

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

Chairwoman Mahalick called the meeting to order at 6:00 p.m., led those present in the pledge of allegiance to the flag, and took roll call. A quorum was present.

Commissioners Present:

David Lotzgesell
Gary Smith
Jeff Carter
Karen Mahalick
Roger Wiseman
Thomas Ferrell

Commissioners Excused:

Olaf Protze

Staff Present:

Alisa Hasbrouck, DCD Specialist
Barry Berezowsky, Community Development Director
David Garlington, Public Works Director
Matt Klontz, Engineer/Assistant Public Works Director
Tim Woolett, Senior Planner

2. APPROVAL OF MINUTES: July 18, 2019

Motion: By Commissioner Lotzgesell and seconded by Commissioner Smith to approve the minutes of the July 18, 2019 Planning Commission meeting.

Motion Carried unanimously.

3. PUBLIC COMMENT

Commissioner Mahalick addressed the audience, stating: there will be a 20 minutes public comment period; the City Council will host a meeting about a potential MAT (medication assisted treatment) clinic at 6:00 pm on July 29th at the Guy Cole Center; and, Jamestown S'Klallam Tribe will host a meeting at 6:00 pm on August 8th at Red Cedar Hall on the same topic.

Jodi Wilke of Port Townsend voiced concerns regarding the potential MAT clinic, including: the structure is inappropriate in concept and location, Sequim has avoided blight, perhaps thanks to Police and City officials; the clinic would serve up to 400 clients and Sequim does not have the need; City planners stated clients would be bussed to the facility; the effect would be devastating; studies show increased crime, homelessness, and drug use near such services; planners demonstrate knowledge of this when they state that clients will not be allowed to loiter, yet there is no way to prevent or mitigate this; planners should demonstrate the need for this service or explain why Sequim is responsible for caring for addicts from far away; Jefferson and Clallam Counties have 45 practitioners in 25 unique locations authorized to prescribe this medical regimen according to DSHS; if existing facilities cannot meet the need perhaps money would be better spent improving them; locally focused treatment would be better; Seattle refuses to arrest people who possess illegal drugs under a certain amount and does not prosecute some low level crimes; police need authority to defend the law; and, if we err, we should err to the side of tranquility and preserving the present state of our town for generations to come.

Bobbie Piety read from an article in a Jamestown S'Klallam Tribe Newsletter which stated that the Tribe purchased property for a behavioral health campus and that the City of Sequim reviewed an initial proposal and told the Tribe that the potential project meets current zoning code. Piety stated that she requested City records related to the Tribe purchasing land near Costco and discussions regarding it with the Mayor, Council, and other departments from 2010 through present; that she received a response stating the City has no records responsive to the request and suggesting that she contact Clallam County; and, that somebody is lying.

Wendy Goldberg addressed Berezowsky, stating that at a Council meeting he referred to a zoning code that all clinics meet in Sequim, that he would expect the MAT clinic to meet, and asked what part of the code refers to external impacts. Berezowsky discussed the matrix of various uses found in SMC Chapter 18 for the River Road and Bell Creek Economic Opportunity Areas and High Tech Light Industrial zone. Goldberg asked what part of the code talks about external impacts. Berezowsky stated he was unclear on what she was referring to, that she might be referring to SEPA. Goldberg stated that she was interested in traffic impacts for example, that these are considered in an environmental impact statement, and asked if human impacts such as bringing in people who may be criminal, homeless, or addicted would be included in external impacts. Berezowsky stated that in terms of traffic impacts SEPA is sometimes used, that under GMA impacts can be assessed through SEPA or through ordinance, that Sequim has an ordinance addressing offsite traffic impacts so SEPA is not used for that, and depending on the nature of external impacts perhaps using SEPA to try to mitigate impacts would be appropriate.

Inga Able stated that she founded a Facebook group that opposes MAT; she prepared a package for the board; the 1st document is an ad from OMC from 5/31/19 advertising open slots in their MAT program; the 2nd document is a newspaper article about a new MAT facility opening in Port Angeles; asked, if Port Angeles has openings and they are building another, why is there a need for a facility in Sequim?; stated that the answer is in the 3rd document, an article about a company that drives people from Seattle to smaller communities for treatment, and once they complete the program they are taken back to Seattle; asked, what happens to the 50% that drop out of the program and relapse?; the 4th document is an article about a shooting at a Baltimore methadone clinic; a study was published prior to the shooting showing that crime went down because of the clinic; the 5th document is a study showing 70% decline in property values in areas near opioid specialized treatment clinics; the last document shows an increase in crime; MAT is not the way to help local addicts; Suboxone is just about as addictive as Oxycontin; the maker of Suboxone settled on a \$1.4 billion lawsuit because Suboxone is not doing what it is supposed to; and, we need to focus on counseling, group psychiatric care, and inpatient detox.

Tom Fenner stated that he is not against a facility; he understands how addiction can destroy an individual, a family, and a community; he is not against people getting help, he is against the proposed location; he heard Berezowsky say that no application has been received, but then heard him say you cannot change the rules when something is "in the hopper". Mr. Berezowsky clarified that he had stated that when a project comes in, it must be evaluated based on the rules that are in effect at the time. Fenner stated that civil servants serve businesses and residents of Sequim, read the Preamble to the U.S. Constitution aloud, and stated that this is not ensuring domestic tranquility or promoting the general welfare, and that Sequim is a retirement community and the elderly will not be able to defend themselves against addicts.

Cherly Kusha stated that a multi-billion dollar lawsuit was settled with the pharmaceutical company that manufactured the drug that this MAT is planning to give to addicts; that MAT is trading one addiction for another; and, that this shows that greed is at the bottom of this.

Mahalick announced that the time for comments on this topic for tonight has expired.

Lotzgesell stated that he was born and raised here and is a 5th generation of his pioneer family; that he is sensitive to peoples concerns; that the slogan for his campaign for non-partisan County Charter Review Commission is "Preserve our Community"; that as a sales representative the Tribal properties are among his customers; and, if an application is submitted by the Tribe and is brought forward to this Commission, he will recuse himself.

Mahalick stated that the Council is the best source of addressing these issues and that meeting has been scheduled regarding this. People in the audience stated that they were told by the Council to voice concerns to the Planning Commission. Berezowsky stated that there is a matrix in the code that outlines the process for various applications; it is unknown what type of application will be received, if any; the type of application determines procedures that must be followed to process the application; and, it is unknown at this time whether the application will be for an outpatient clinic our an inpatient hospital, or what size.

Jodi Wilke stated that there was a high level of confidence this would go forward for the Tribe to invest in the property. Berezowsky stated that in the EOA (Economic Opportunity Area) medical clinics are permitted, and if a project exceeds certain thresholds, such as in terms of square footage or parking spaces, it would be subject to SEPA, and that when the Tribe met with staff, based on what they were suggesting, we could say that that it looked like a proposal that could get approved.

Mahalik requested that people contact Berezowsky with further questions.

Berezowsky stated that staff would hold any application to the highest level of review possible, and do all that is possible, within legal abilities, to address impacts this project may have on the community; there is a project on tonight's agenda that the applicant has been working toward approval on for 5 years; and, it's not unusual for staff to look at drawings and say that a project appears to meet requirements prior to the submittal of the actual application.

Mahalick encouraged everyone to go to the Council meeting, and to talk to the Tribe.

Wilke stated there should be consideration for the difference between a MAT clinic and other types of clinics. Berezowsky stated that it is a question for the City Attorney, but that he would venture to suggest that under Federal law there is not much we can do to distinguish one kind of clinic from another. A man asked whether, now that the Tribe owns the land, it becomes

sovereign, and Berezowsky stated that it does not, and that there is a Federal process they would have to work through for it to become sovereign.

Addressing Berezowsky, Wilke stated that she would like him to memorialize dates and times of meetings and discussions for the record. Berezowsky stated that an information request was submitted to which staff responded, and he believed dates were included in that response. Wilke asked if details of the meeting were included, and Berezowsky stated there was nothing memorialized regarding details, that staff meet with people regularly, and taking notes and tape recording conversations is not required.

A man read from a document (he was not at the microphone), and Berezowsky stated that it sounded like he was reading something from when Council adopted interim uses for the EOA areas, which were later formally adopted. The man asked about cases when projects come in in two phases, whether the total impacts are considered, and Berezowsky stated that courts have ruled that it is possible under SEPA for the impacts of the entire project to be reviewed and mitigated.

A woman asked about Berezowsky's earlier statement, regarding the City not always using SEPA. Berezowsky stated that earlier he was referring to how some jurisdictions use SEPA to collect traffic impact fees and park impact fees; other jurisdictions adopt ordinances that provide for collection of those impact fees; Sequim has an ordinance that provides the methodology to calculate impact fees; and, the developer still has to build all of the new infrastructure within the subdivision.

Councilor Janisse announced that records related to this topic are posted on the City's website, under Public Records/Trending Topics.

4. NEW BUSINESS

a. Public Meeting for 2020-2025 Transportation Improvement Program

Continued to next meeting.

b. Public Meeting for Conformity Review of the Proposed 6-year Capital Improvement Program (CIP)

Continued to next meeting.

c. Public Meeting on "Legacy Ridge" Preliminary Major Subdivision application (SUB 15-001)

Woolett presented, stating that the project is a 97-lot subdivision on about 38.5 acres including 2.71 acres of open space and park, 12.59 acres of open space/critical area/wetland/wetland buffer, 6.59 acres of public right of way, 0.32 acres of stormwater management tracts, and 15.38 acres of residential area; the application was originally submitted in 2015 and many issues were identified; the applicant went back to the drawing board in order to meet City standards; 3rd party review has been done on critical area, traffic studies, and stormwater plans; the application was deemed complete May 6, 2019; staff are processing the application under R4-8 zoning standards; stormwater facilities located outside of the plat will be bound by covenant; staff recommends approval with conditions, including a condition that heavy equipment and large construction vehicles not be allowed to use Reservoir Road during construction; a revised condition for transportation, parks, water,

and sewer impact fees to be collected at time of building permit issuance for each lot with the applicant eligible to receive a credit for transportation impact fees in accordance with SMC 22.04.050 for the construction of South 7th Avenue and associated infrastructure; the applicant notified him today that her address changed, and for the record, it is: Anita Searcy, 382 N Nightfall Ave, Tucson AZ; a preliminary plat date has been changed; a commitment to serve water has been obtained, however, clarification on interrelationship with PUD will be worked out prior to final plat approval and through construction plan approval; there is no need for a boundary line adjustment; and, there are no phases proposed.

Lotzgesell asked how increased traffic will be handled on 7th Avenue and Silberhorn Road. Woolett stated there would be minor improvements, including installation of a stop sign; the City must meet level of service "D"; if it degrades below a "D" the cost to developer must be proportionate, not for the total cost of improvements, per case law. Smith asked how 7th Avenue will change, and Woolett showed how the road will be extended and curved. Carter asked if rights-of-way have been purchased, and Woolett stated that those will be given to the City, and all are within the applicant's property. Lotzgesell asked about the HOA, stating that he is concerned about maintenance. Woolett stated that there would be provisions for maintenance, and for what happens if required maintenance is not done. Ferrell asked if the curve on 7th Avenue has been studied to ensure it will not be hazardous in ice and snow, and Woolett stated that an extensive geotechnical report was prepared and reviewed. Carter asked about the original problems related to flooding, and Woolett stated that the stormwater system has been well reviewed by staff, and by a third party.

Steve Calhoun, proponent, stated that the project was submitted in 2015; groundwater studies were conducted throughout multiple seasons; the Boyd family owns the property; no variances are requested; an architect or builder has not yet been identified; the proposal is for 97 lots; about 50% of the homes will have views of the water; 30% of the homes will abut features such as wetlands or wetland buffers; the requirement for two or more entries has been met, providing emergency access for first responders; there is a buffer running along the top of the slope; and, the stormwater treatment system has been well reviewed.

Ferrell asked if 7th Avenue will be immediately accessible to the public, and Calhoun stated that it would not be available immediately, that it becomes a public street upon final plat approval. Ferrel asked what type of housing is planned, and Calhoun stated that it would be determined later. Ferrel asked if it was known whether it would be modular, or otherwise. Berezowsky stated that the City does not place a limit. Calhoun stated that since it is highly valued land, and it would probably be a higher value house.

Carter asked about the green circles on the drawing, and Calhoun stated the green circles indicate street trees in the public right-of way. Carter asked what type of trees, and Calhoun stated that they are prescribed by the City to reduce potential impact to underground utilities, and that there is a list of candidate trees.

Public Comment

Tom, President of Home Estates Property Owners Association, stated that he has concerns about water runoff coming down the ridge; his Association owns the parcel to the northeast and plans to develop it; he is concerned that people may use private streets to get to the new development; and water pressure is already low in the area.

Bob Cain stated that he has concerns about the potential for mosquitoes in stormwater basins; is concerned what will happen in large snow events because the ditch on Mockingbird floods onto Falcon past the mailboxes and down the road; and, maintenance of stormwater facilities is important and it may be "out of sight, out of mind".

Mark Hannigan, president of the Sea Sun and Sierra Vistas HOA stated that he is concerned about the accuracy of calculations used in the design of the stormwater system; sediment must be cleaned out regularly; on Happy Lane a plan approved by the City was found to be inadequate; many people needing go east on Highway 101 would use Brownfield Road; and, Brownfield Road has two blind corners.

Matt Nash stated that he and his son ride bikes on South 7th Avenue; the City's TIP plan includes a long-term plan to build sidewalks; and, he encourages the Council and Commission to consider moving up plans to put in amenities or partnering with the developer and others to connect this for the benefit of children.

Pat MacRobbie stated that she understands a road will be put through and would like to know where; people with walkers and dogs use Norman street to walk; she heard that Reservoir Road would not be used because it was in poor condition; and, if Norman Street is used for heavy equipment, it too may become damaged.

Nancy Metzcalfe stated that nine lots on Eastgate Place are on septic; if the stormwater system fails those septic systems will be compromised; asked, if that happens, how can we be guaranteed that we will be compensated?; on land adjacent to the ponds there a proposed maintenance road, and residents will lose their privacy because it is easier to walk on a roadway than through blackberries and pasture.

Steven Shrader stated that he is concerned about traffic on Reservoir Road; he does not understand why a road cannot be a dead end; and, he shares the concerns about the water.

Larry Dudley stated that there has been more traffic on Reservoir Road since 7th Avenue was fixed; and, asked why owners of this property couldn't make a road out to River Road and preserve serenity on South 7th Avenue and Reservoir Road.

Joe Shear stated that he would like to not have construction traffic going up Sequim Avenue onto Brownfield Road; and, wants to know whether a study been done to assess potential impacts from new development pulling irrigation water from Highland, because existing residents use that water.

Dan Long stated that a seasonal stream feeds the pond; when snow melted there was a large flow of water; there is a seep that floods and joins that stream and feeds the pond; he

brought up the issue and sent pictures to the City; and, 7th Avenue is being diverted around the pond to preserve the pond, but the flow that feeds the pond is being cut off.

Karla Morgan stated that there is a grove of Garry Oaks on the parcel and hopes they are not going to be destroyed; she did not receive a notice; and asked, could meetings be held on Wednesdays so she would not have to miss Music in the Park?

A person stated that traffic flow on Reservoir Road is not well thought out; it seems like public opinions don't count; the owner did not contact anyone; Reservoir Road is narrow, and full of kids; and asked, will there be an increase in fire and other resources needed in the area, and who will pay?

Gary Minch stated that he shares concerns about the lack of sidewalk on 7th Avenue; a lot of people use that as their daily walk; the City should improve sidewalks there for everyone, including those in Legacy Ridge; and, stormwater is out of control in the area, and there is flooding in front of apartments on Silberhorne.

Candy Deisen stated that this reminds her of when 118 homes were built in Sun Meadows, and she lost her bluff and driveway in a bad snowstorm because water was not contained.

A man stated that in 1958 -1959 his father built a home in the area; shortly before he died his property was annexed; they were promised that they would have fire protection; and, the fire plug has no water pressure and is bagged.

David Rice stated that a stormwater catch basin is shown in the proposal but it was never said where the water will eventually get released; the fields flood every year; a dam will be needed; private dams are not well maintained; if it fails there will be a lot of damage; and, homes north of the proposed development have basements that flood every year.

Further discussion

Woolett stated that the applicant has agreed to replace Garry Oaks at a ratio of 3 to 1.

Klontz stated, regarding fire protection, there are pressure limitations so PUD serves this area to the City's standards, which include a fire protection standard of 1,000 GPM at 20 psi; that improvement that will be made by the applicant; the City's main turns the corner and ends at a hydrant which has been bagged because it does not meet fire flow requirements; as part of the subdivision we will try to connect it; and, the hydrant may need to be moved as part of the 7th Avenue construction. Regarding stormwater and flooding, historically the Highland Irrigation district had open canals with breaches and in winter the water would flow into this area; to build existing subdivisions the breaches were repaired by the District; there is a stormwater cutoff system at the bottom of the slope that still functions; there is a known stormwater deficiency at an existing townhome development with where water bubbles up out of drywells and floods Silberhorn; and, the new development will discharge on the east side of 7th Avenue, away from existing stormwater problems; a wet cell must be sized for 50% of a 2 year stormwater event (based on a weather station in PA); the stormwater

system has been vetted multiple times, including taking a year to do a groundwater analysis to ensure there would be no impact to septic systems. Regarding traffic, 7th Avenue is designated as a future "collector" street so it will eventually have sidewalks; all roads built by the developer will have sidewalks on both sides; and, there are no restrictions on Silberhorn Road or on 7th Avenue and they can be used for construction.

Garlington stated that he knows development can be concerning; all City standards have been met; and, residents had concerns that a road was being built, but what was happening was that the City was mowing Eunice Street.

Motion: By Commissioner Ferrell and seconded by Commissioner Smith to recommend approval to the City Council, of the "Legacy Ridge" Preliminary Major Subdivision application (SUB 15-001), with the modifications described in tonight's presentation by Senior Planner Tim Woolett, whether articulated or not in the staff report.

Motion carried unanimously.

5. **UNFINISHED BUSINESS**

None

6. **DIRECTOR'S REPORT**

None

7. **GOOD OF THE ORDER**

None

8. **ADJOURNMENT**

Motion: By Commissioner Smith to adjourn the meeting, seconded by Commissioner Carter.

Motion carried unanimously.

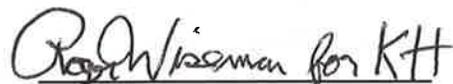
The meeting was adjourned at 8:57 p.m.

Next meeting: August 6, 2019 at 6:00 p.m.

Respectfully submitted,



Alisa Hasbrouck
Secretary to the Commission



Karen Mahalick
Chair