

1 **BEFORE THE HEARING EXAMINER FOR THE CITY OF MONROE**

2 Emily Terrell, Hearing Examiner

3

RE: Belmont Terrace Preliminary Plat & PRD PDPRD2019-01	FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECISION
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7 **SUMMARY**

8 The applicant is requesting preliminary plat and planned residential development
9 approval of a 4.75-acre (206,910sf) property into a 19-lot subdivision. Access will be
10 via a new cul-de-sac (189th Avenue SE) from 134th Street SE and three private access
11 tracts. There will also be a 23,498sf open space tract (Tract A), a 3,301sf landscaping
12 tract (Tract B) and a 43,210sf storm drainage tract (Tract C). The examiner
13 recommends Council approval of the preliminary plat and planned residential
14 development subject to conditions.

15 The PRD provides a design superior to that which would be required by the subdivision
16 criteria. As testified by staff at the hearing, the benefits derived from the PRD
17 application are additional park and recreational spaces and additional landscaping. No
18 park improvements would be required if it were just a subdivision application. The
19 proposal also includes a small amount of open space that is centrally located in the
20 subdivision. The benefit to the developer is a bonus density, which allows 19 lots
21 instead of 17 in this instance.

22 **ORAL TESTIMONY**

23 Anita Marrero, Monroe Senior Planner, summarized the staff report. In response to
24 examiner questions, Ms. Marrero stated the comment from the Public Utilities District
25 should be a condition of approval. She also stated the applicant had provided clarifying
information regarding a deviation request. The new information did not provide a
substantial change in the proposed design. Ms. Marrero also stated the City could not
require the applicant to provide a grid street layout to the south because the subdivision
to the south is already developed with homes blocking the entire southern property line
of the subject property. Ms. Marrero stated the proposed PUD is superior in design
because it provides a significant amount of useable open space whereas a standard
subdivision would not require this open space. There is also additional landscaping
along the cul-de-sac. The applicant will be required to meet design standards for the
houses. Also in response to examiner questions, Ms. Marrero stated the City would
work with the applicant to provide a marked crossing area between the entrance to the
subdivision and the development across the street since both will contain usable open
space adjacent to 134th Street SE.

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Matt Hough, applicant, stated the project met all design standards for the PUD and the subdivision. The amended exhibit for the PUD was for signage. Another deviation request shrinks the southern access tract (PAT) from 30-feet wide to 20-feet wide to allow Lot 8 to have a side yard. He noted though the street could not be gridded, they will stub the utilities to the east boundary for future extension.

Jennifer Reiner, DR Horton, stated the open space tract is over a utility easement. It will also allow for better territorial views.

Doreen Likness, a neighbor, stated she lives in one of the houses on the south end of the proposed subdivision. She asked several questions regarding the drainage facility including whether there would be landscaping, a fence and/or a berm. She also asked about maintenance of the landscaping around the pond. Mr. Hough stated there would be a 10-foot landscape buffer with a 4-foot berm on the south side of the pond. No fence was planned because the 3:1 slopes of the pond did not pose a danger and therefore didn't warrant a fence. The storm tract would be maintained by the HOA. Ms. Marrero stated the City requires a 2-year bond for public improvements and then the City takes over maintenance of the pond itself. The HOA remains in charge of the landscaping. The City's code enforcement officer monitors landscaping around storm facilities.

Ms. Likness asked about drainage and erosion. The City staff stated the project will have to comply with the Department of Ecology Stormwater Manual for Western Washington including all Best Management Practices for Temporary Erosion and Sediment Control. Likely there will be less sheet flow with the project than the current condition. The Storm Drainage Report (Ex. 12) requires that all subsurface flows be monitored.

Ms. Likness asked if the significant trees along the southern property boundary would be retained. City staff noted there are no tree retention requirements in the code. Mr. Hough stated that most trees will be removed. There are not many significant trees located on the site, though they would retain as many as were feasible.

Bill McCain, a neighbor, stated he owns the eight acres to the east of the subject property. The whole group of parcels used to belong to one family. Mr. McCain stated that he attended the hearing to state the same thing he does at all similar hearings for projects in this vicinity. There is not enough access of the hill for all of these subdivisions. A fire a few years ago blocked residents from using the hill for an entire day. The City staff stated there are no current projects for providing improved access or concurrency. The City Council has considered a project to continue 191st Street to the south but had subsequently decided it was too expensive and removed it from the capital project list. Staff noted the Eaglemont VII subdivision will be providing another outlet to the north when it's constructed.

1 Kathy McCain, Mr. McCain's wife, stated there is no real safe way to get off the hill
2 and that there is a lot of construction traffic in the area. As empty land fills in with
3 subdivisions, the problem only gets worse. There are too few access points for too many
4 homes. Ms. Marrero noted the applicant had provided a Traffic Impact Report for the
5 project (Ex. 14) and that the project itself meets concurrency requirements.

6 **EXHIBITS**

7 Exhibits 1-17 in the "List of Exhibits" attached as Exhibit A to this decision were
8 admitted into the record during the hearing.

9 **FINDINGS OF FACT**

10 **Procedural:**

- 11 1. Applicant. The applicant is CPH Consultants of 11431 Willows Road NE, Suite
12 120, Redmond, Washington.
- 13 2. Hearing. The examiner held a hearing on July 16, 2019 at 3:00 pm at the Monroe
14 City Hall in the Council Chambers.

15 **Substantive:**

- 16 3. Site Proposal/Description. The applicant is requesting preliminary plat and planned
17 residential development approval for a 19-lot subdivision on approximately 4.75 acres
18 (206.910sf) in the Urban Residential (UR9600) zoning district with associated grading,
19 drainage improvements, landscaping, and street frontage improvements. Access will
20 be via a new cul-de-sac (189th Avenue SE) from 134th Street SE and three private
21 access tracts. There will also be a 23,498sf open space tract (Tract A), a 3,301sf
22 landscaping tract (Tract B) and a 43,210sf storm drainage tract (Tract C). The existing
23 single-family residence will be demolished. The proposed development will take
24 access from 134th Street SE. The subject property is addressed at 18830 134th Street
25 SE, Monroe, Washington.

The site is rectangular in shape. The site is sloped and flows downhill to the south. The elevation at 134th Street SE is approximately 370 feet above sea level. The lowest part of the site at the southwest corner is approximately 302 feet above sea level. Slopes range from 8-14% (Ex. 16). There are no critical areas on or affecting the subject property. The site is not within the jurisdiction of the City's Shoreline Master Program.

The property has street frontage on 134th Street SE. Frontage improvements will be required along 134th Street SE including pavement, widening, curb, gutter, planter and sidewalk.

A gas pipeline easement runs through the tip of the northwest corner of the site. This area is undevelopable for residential units and is proposed for open space.

1 Puget Sound Energy provides gas service. Electricity is provided by Snohomish County
2 PUD No. 1. Comcast and Verizon provide cable/internet and telephone service,
3 respectively. Republic Services provides garbage service. It is also within the Monroe
4 Public Schools district.

5 Under strict application of MMC 18.10.050 and 18.10.140, the maximum number of
6 dwelling units permissible on the site would be 17 single-family lots. Under the PRD
7 provisions, the developer can achieve up to 22 units by dedicating additional open
8 space (MMC 18.84.150). However, due to the presence of utilities easements on site,
9 the applicant is proposing a Planned Residential Development totaling 19 single-family
10 lots. Monroe's code does not set a minimum density. The project is consistent with the
11 zoning code in that the proposal is below the maximum density for the zone. As
12 proposed, the project meets all other bulk and dimensional requirements.

13 4. Characteristics of the Area. The subject is zoned Urban Residential (UR9600). The
14 properties on all sides of the subject are zoned Residential 4 Dwelling Units per Acre
15 (R4) with a Low Density Single-family Residential Comprehensive Plan designation.
16 The subject is surrounded by single family homes at varying densities with developed
17 subdivisions to the north and south and large lot single family development to the east
18 and west.

19 5. Adverse Impacts. There are no adverse impacts associated with the development.
20 The primary focus in subdivision is adequacy of infrastructure and as determined in
21 Finding of Fact No. 6 the proposed subdivision will be served by adequate
22 infrastructure. The SEPA review staff concluded that the proposal will not create any
23 significant adverse environmental impacts. There are no critical areas near or on the
24 subject property.

25 6. Adequacy of Infrastructure/Public Services. The project will be served by adequate
infrastructure and public services. All applicable level of service standards for services and
facilities are met as identified at pages 10-12 of the staff report. Adequacy is more specifically
addressed as outlined below:

A. Water and Sewer Service. The City of Monroe will provide water, sewer and
stormwater service. As noted in the staff report, there is sufficient capacity available
in the City's public water and sanitary sewer system to serve the proposed
subdivision. All lots will connect to the City's water and sewer system. Sanitary
sewer and water lines will be constructed in the proposed public rights-of-way in
accordance with the City's Public Works Design and Construction Standards (Ex
11).

B. Fire and Police Protection. Fire protection will be provided by Snohomish
County Fire District No. 7. Police protection will be provided by the City of Monroe
Police Department. Neither the Fire District nor the police chief cited any concerns
when they reviewed the proposal.

1 C. Drainage. Stormwater runoff from the new public road and future lots will be
2 collected (catch basins) and conveyed to the detention/water quality system for the
3 project. Roof runoff from each future single-family will directed to an individual
perforated stub out connection before discharging into the conveyance system
within the future road right-of-way (Ex. 12).

4 As part of the civil plan review process, the applicant will install improvements to
5 the stormwater system. Stormwater management will be designed to meet the
6 requirements of the Department of Ecology Storm Water Management Manual for
Western Washington (2014) as administered by the City Engineer.

7 D. Parks/Open Space. The proposed subdivision provides one private
8 neighborhood park within the development. Tract A (23,498 square feet) will
9 contain a concrete walk, a play structure, and bench (Exhibit 10). Maintenance of
the park and open space tract will be the responsibility of the homeowner's
association.

10 Impacts to the City park and recreation system from the anticipated additional
11 public park users will be mitigated. In accordance with the City's park impact
12 mitigation fees established under MMC Chapter 20.10, impact fees require a
13 standard fee amount per dwelling unit as a condition of residential development
within the city. Park impact fees shall be paid in accordance with MMC 20.10. Park
impact fees shall be based on the fee amount in effect at the time of payment.

14 E. Schools. Impacts to the Monroe Public Schools and the Snohomish School
15 District in the form of additional students are addressed through mitigation
16 programs. The City of Monroe has adopted the Monroe and Snohomish School
District 2016 - 2021 Capital Facilities Plan and imposes impact fees for schools in
17 accordance with the plan and MMC Chapter 20.07. School mitigation fees require
18 a standard fee amount per dwelling unit as a condition of residential development
within the city. School impact fees are based on the amount in effect at the time of
payment.

19 RCW 58.17.110(2) requires the City to make a finding that the proposed
20 subdivision assures "safe walking conditions for students who only walk to and
21 from school." Students will be bussed from the development to Park Place Middle
School and Monroe High School by the Monroe School District. Most grade school
22 students will be bussed to Chain Lake Elementary School. The public streets
23 created within the subdivision generally include sidewalks on all sides of the street
where residential lots front public roadways as well as a sidewalk along the property
frontage adjacent to the north of 134th Street SE.

24 F. Streets and Traffic. Access to the subdivision is proposed via 134th Street SE.
25 Internal access to individual lots will be provided through public roads. The new
plat road will extend south and align with 189th Avenue SE to the north. Three
private access tracts area also proposed to serve some of the perimeter lots from the
public Local Access street (189th Avenue SE). The proposed public roads will

1 comply with the City's Public Works and Design Construction Standards. The
2 proponent has submitted a deviation request for a modified roadway section from
the City of Monroe Public Works Design and Development Standards (PWDDS)
standard drawing 303A for the on-site private roads (PAT1, PAT2, and PAT3).

3 The proponent shall dedicate right-of-way for streets as shown on the proposed
4 preliminary plat map. Frontage improvements, including curb, gutter, sidewalk and
5 street trees shall be provided for all streets within the subdivision. Frontage
6 improvements along 134th Street SE includes curb and gutter, a landscape strip
7 with street trees, and a five (5) foot wide sidewalk along the entire length of the
8 property frontage. Traffic control devices and street signs shall be installed prior
9 to final plat approval, and all private roads within the subdivision shall be
constructed in accordance with the City's Public Works Design and Construction
Standards and installed by the developer to the satisfaction of the City Engineer
prior to final plat approval.

10 Based on the Traffic Impact Analysis dated November 2018 (Exhibit 14), the
11 development is anticipated to generate approximately 13.32 AM peak-hour trips
and 17.82 PM peak-hour trips. The level of service analysis shows that all of the
12 study intersections in the TIA are anticipated to operate within acceptable level of
service thresholds.

13 Impacts to the City's transportation system are mitigated through the collection of
14 traffic mitigation fees. In accordance with the City's traffic impact fee program
15 under MMC Chapter 20.12, impact fees require a standard fee amount per dwelling
16 unit as a condition of residential development within the City. Traffic impact fees
17 shall be paid in accordance with MMC Chapter 20.12 and shall be based on the
18 amount in effect at the time of payment. Frontage improvements and paving,
including curb, gutter, sidewalk, and street trees shall be installed along all private
streets within the subdivision in accordance with the City's Public Works Design
and Construction Standards.

19 7. Superior Design. The PRD provides a design superior to that which would be
20 required by the subdivision criteria. As testified by staff at the hearing, the benefits
21 derived from the PRD application are additional park and recreational spaces and
22 additional landscaping near the cul-de-sac. There will be perimeter landscaping on the
23 south side boundary of the project site adjacent to the storm facility. No park
improvements or perimeter landscaping would be required if it were just a subdivision
application. The proposal includes a 0.54-acre park space that is located at the entrance
to the subdivision. The park will contain a concrete walk, a play structure, and bench
(Exhibit 10).

24 8. Density Bonus. The proposed number of dwelling units is authorized by PRD
25 regulations. As outlined at Page 4 of the staff report, the Applicant is authorized to
build 17 dwelling units at the project site under R4 zoning. However, the Applicant
qualifies for a 30% PRD density bonus for the reasons identified at Pages 4-5 of the
staff report, which increases the authorized number of dwelling units to 24. Since the

1 Applicant proposes 19 dwelling units, the proposed density is consistent with PRD
standards.

2 CONCLUSIONS OF LAW

3 **Procedural:**

4 1. Authority of Hearing Examiner. MMC 21.20.050(F) provides that the Examiner
5 shall hold hearings and make recommendations to the City Council on applications for
6 preliminary plat and PRD approval.

7 **Substantive:**

8 2. Zoning and Comprehensive Plan Designation. The project site is zoned Urban
9 Residential (UR9600). The Comprehensive Plan land use designation is Low Density
Single Family Residential.

10 3. Review Criteria and Application. Subdivision criteria are specifically governed by
11 MMC 17.12.030(H). PRD standards are governed by MMC 18.84.080. In addition,
12 MMC 21.50.030(C) imposes standards that apply to all development reviewed by the
13 hearings examiner. Applicable code provisions are quoted below in italics and applied
through corresponding Conclusions of Law.

14 **Subdivision Criteria**

15 **MMC 17.12.030(H):** ... *The hearing authority shall inquire into how the public interest*
16 *of future residents of the preliminary plat are to be served by the subdivision and its*
17 *dedications. It shall determine if provisions are made to protect the public health, safety*
18 *and general welfare by the provision of open spaces, drainage ways, streets, alleys,*
19 *other public ways, water supplies, sanitary waste, parks, playgrounds, sites for schools*
and school grounds and shall consider all other relevant facts and determine whether
the public interest of the future residents of the subdivision will be served by the
dedications therein:

- 20 *1. The hearing authority shall consider if the proposed subdivision conforms to the*
comprehensive plan and the Shoreline Master Program;
21 *2. The hearing authority shall consider the physical characteristics of a proposed*
subdivision site and may recommend disapproval of a proposed plat because of
22 *improper protection from floods, inundation or wetland conditions;*
23 *3. All identified direct impacts must be mitigated or meet concurrency as set forth*
in MMC Title 20.

24 4. Adequate provisions are made for infrastructure and there are adequate public
25 services available as determined in Finding of Fact No. 6. Beyond infrastructure and
public service needs, the project adequately provides for the public health, safety and
general welfare because there are no significant adverse impacts associated with the

1 proposal as determined in Finding of Fact No. 5 and the proposed infill serves to satisfy
2 the City's obligations to accommodate its growth population targets assigned by
3 Snohomish County under the GMA. The project is consistent with the comprehensive
4 plan as outlined in the staff report and also for the reason that the proposal provides for
5 residential development with design features that assure its compatibility with
6 surrounding residential uses. The project is more than 200 feet from any shoreline of
the state or associated wetland and is, therefore, not subject to the jurisdiction of the
Shoreline Management Act. The site is not in a floodplain. There are no critical areas
on or affecting the project site. The proposal meets all applicable level of service
standards as determined in Finding of Fact No. 6.

7 **MMC 21.50.030(C): Required Findings.** *In drafting a recommendation, the hearing
8 examiner shall address the following, as required in the findings of fact:*

9 *1. The development is consistent with the comprehensive plan and meets the
10 requirements and intent of this code.*

11 *2. The development makes adequate provisions, if appropriate, for open space,
12 drainage ways, streets and other public ways, transit stops, water supply, sanitary
13 wastes, parks and recreation facilities, playgrounds, sites for schools and school
14 grounds.*

15 *3. The development adequately mitigates impacts identified under Chapters 17.12,
16 18.84, and 20.04 MMC, and the sensitive area guidelines adopted by resolution.*

17 *4. The development is beneficial to the public health, safety and welfare and is in
18 the public interest.*

19 *5. The development does not lower the level of service on the following public
20 facilities and services below the minimum standards established within the
21 comprehensive plan:*

22 *a. Potable water;*

23 *b. Wastewater;*

24 *c. Storm water drainage;*

25 *d. Police and fire protection;*

e. Parks and recreation;

f. Arterial roadways; and

g. Public schools.

*If the development results in a level of service lower than those set forth in the
comprehensive plan, the development may be approved if improvements or
strategies to raise the level of service above the minimum standard are made
concurrent with the development, subject to the requirements of Chapter 20.06
MMC.*

*6. The area, location, and features of land proposed for dedication are a direct
result of the development proposal, are reasonably needed to mitigate the effects of
development, and are proportional to the impacts created by the development.*

1 5. As noted in Finding of Fact No. 6, the proposal does not lower level of service
2 standards for public services below adopted levels. The proposal is also consistent with
3 the densities required by the applicable comprehensive plan land use designation as
4 outlined at pages 3-5 of the staff report. As conditioned, there are no significant adverse
5 impacts associated with the proposal as determined in Finding of Fact No. 5. Since
6 there are no significant adverse impacts associated with the proposal and proposed infill
7 help to accommodate GMA required growth targets, the proposal is beneficial to public
8 health, safety and welfare and is in the public interest. The streets required for
9 dedication are necessary to provide safe access to the lots proposed by the subdivision
10 and are, therefore, needed to mitigate the effects of the proposal. As the dedicated right
11 of way is only necessary because of the proposed development and will be almost
12 entirely and exclusively used by vehicles accessing or departing the proposed
13 subdivision, the required right of way is proportional to the impacts created by the
14 development.

PRD Criteria

10 **MMC 18.84.120(A):** *The city shall approve a preliminary development plan if the plan*
11 *meets the following criteria:*

12 *A. The PRD is in accordance with the comprehensive plan; and*

13 6. As previously concluded, the PRD is consistent with the comprehensive plan.

14 **MMC 18.84.120(B):** *The PRD accomplishes a development that is better than that*
15 *resulting from traditional development and provides a net benefit to the city. A net*
16 *benefit to the city may be demonstrated by the following:*

- 17 *1. Conservation of natural features and sensitive area,*
- 18 *2. Placement, style or design of structures,*
- 19 *3. Recreational facilities,*
- 20 *4. Interconnected usable open space,*
- 21 *5. Provision of other public facilities,*
- 22 *6. Aesthetic features and harmonious design, and*
- 23 *7. Energy-efficient site design and/or building features.*

21 7. As determined in Finding of Fact No. 7, the PRD provides for superior design. As
22 noted in Finding of Fact No. 8, the project qualifies for the density bonus. The benefits
23 derived from the PRD application are additional park and recreational spaces and
24 increased landscaping that would not otherwise be required by the City's subdivision
25 standards. The prominent location of the open space should also be considered a
superior design feature. However, the examiner notes that the play structure will be at
the front of the subdivision adjacent to a similar open space in the new subdivision to
the north. To ensure that children are adequately protected, a condition of approval will
require the developer and contractor to work with the City to create a visible street
crossing from the subdivision across the street to the north in the vicinity of the project

1 open space. This may consist of special striping, flags, signage or any other strategy
2 that is amenable to the City. Additionally, in order to promote conservation of natural
3 features, a further condition of approval will require the developer and contractor to
4 delineate any significant trees on site and preserve these trees to the extent feasible.
5 The PRD also provides for superior design because it satisfies the PRD standards set
6 by MMC 18.84.080, for the reasons identified in the staff report.

7 **MMC 18.84.120(C):** *The PRD will be served by adequate public facilities including
8 streets, fire protection, water, storm water drainage, and sanitary sewer for acceptable
9 waste controls, as demonstrated by the submittal and review of plans for such facilities
10 as described under MMC 18.84.060; and*

11 8. As determined in Finding of Fact No. 6, the proposal is served by adequate public
12 facilities as required by the criterion above.

13 **MMC 18.84.120(D):** *The proposed landscaping within the PRD's perimeter is
14 superior to that normally required by the city; and*

15 9. The PRD project did not propose to retention existing trees. As noted in Conclusion
16 of Law No. 7, a condition of approval will require the developer to retain significant
17 trees to the extent feasible. The PRD will provide a 3,301sf landscape tract adjacent to
18 the cul-de-sac that would not otherwise be required by the subdivision code. The
19 project also proposes street trees located within five-foot landscape strips along the new
20 interior public streets. The PRD will provide a 10-foot landscape buffer.

21 **MMC 18.84.120(E):** *At least one major circulation point is functionally connected to
22 a public right-of-way; and*

23 10. All the interior roads ultimately connect to exterior public roads.

24 **MMC 18.84.120(F):** *The open space within the PRD is integrated into the design of
25 the project rather than an isolated element; and*

11. The open space of the PRD is scattered throughout the PRD in the northwest corner,
center and southern portions of the site. This is largely due to the presence of a utility
easement in the northwest corner of the site. The open space to the south is mainly a
stormwater pond. Though the larger open space is somewhat isolated, the overall size
of the development is small. The open space is easily accessible within a short walk
from every lot.

MMC 18.84.120(G): *The PRD is compatible with the adjacent development; and*

12. The PRD is compatible with adjacent development. Surrounding development is
predominantly single-family residential. All of the surrounding properties are
developed with single-family residences. To the north and south are subdivisions with

1 similar density and lot sizes. To the east and west are large lot single family residences
2 that may eventually also be developed into subdivisions.

3 **MMC 18.84.120(H):** *Undeveloped land adjoining the PRD may be developed in
4 coordination with the PRD; and*

5 13. There is no proposal for coordinated planning and the criterion above doesn't
6 mandate any such proposal.

7 **MMC 18.84.120(I):** *The PRD is harmonious and appropriate in design, character and
8 appearance to the existing or intended character of development in the immediate
9 vicinity; and*

10 14. For the reasons identified in Conclusion of Law No. 12, the proposal is harmonious
11 and appropriate in design etc. with surrounding development. The extensive amount of
12 open space and superior landscaping amenities further enhances the compatibility of the
13 proposal.

14 **MMC 18.84.120(J):** *Roads, streets and sidewalks, existing and proposed, comply with
15 the standards and requirements of this chapter and the Monroe Municipal Code; and*

16 15. City public works staff have reviewed the plat drawings and found the proposed
17 design for streets and sidewalks to be consistent with applicable City standards.

18 **MMC 18.84.120(K):** *Each phase of the PRD, as it is completed, shall contain the
19 required parking spaces, open space, recreation facilities, landscaping, and utility area
20 planned for that phase.*

21 16. Compliance with the amenities proposed in the PRD shall be required for final PRD
22 approval as required by MMC 18.84.070(C).

23 **DECISION**

24 The proposed preliminary plat and PRD are found to be consistent with all applicable
25 development regulations for the reasons identified in the Conclusions of Law. It is
recommended that the City Council approve the Belmont Terrace preliminary plat and
PRD applications (PLPRD2019-01) subject to the following conditions:

1. All improvements shall be constructed in accordance with the approved preliminary plat map with the date stamp of May 14, 2019. Minor modifications of the plans submitted, as described in MMC 18.84.210 (e.g. BLA or reduction in total number of lots), may be approved by the Community Development Director or his/her designee if the modifications do not change the Findings of Fact or the Conditions of Approval.

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2. Final engineering drawings depicting the street improvements, water and sewer improvements, and drainage design shall be submitted to the City's Public Works Director for final review and approval before issuance of any grading permits. The street, water and sewer, and drainage improvements shall be designed in accordance with the City's most current Public Works Design and Construction Standards.
 3. The project shall implement all of the applicable recommendations contained in the following technical reports submitted to the City:
 - a. Stormwater Drainage Report, prepared by CPH Consultants, dated May 13, 2019 (Exhibit 12).
 - b. Geotechnical Report, prepared by Terra Associates, Inc., dated December 4, 2018 (Exhibit 13).
 - c. Traffic Report, prepared by GTC, dated November 2018 (Exhibit 14).

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CLEARING AND GRADING

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4. A comprehensive erosion and sedimentation control plan to ensure appropriate on-site and off-site water quality control shall be developed and implemented for all construction activities. The Best Management Practices outlined in the 2014 DOE Stormwater Management Manual for Western Washington shall be incorporated into the design. At a minimum, the plan shall include the following elements:
 - a. Exposed soils shall be stabilized and protected with straw, hydro-seeding or other appropriate materials to limit the extent and duration of exposure;
 - b. Disturbed areas shall be protected from storm water runoff impacts through the use of silt fence. Other means of filtration of storm water runoff and for limiting erosion/sedimentation such as check dams, and sediment traps may be required and are recommended.
 - c. Clearing and grading activities shall not be performed in the winter-wet season when soils are unstable.

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STORM DRAINAGE IMPROVEMENTS

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5. The stormwater system design and stormwater discharge shall utilize the Best Management Practices of the 2014 DOE Stormwater Management Manual for Western Washington.
 6. Stormwater pollution prevention measures shall be employed per the approved Stormwater Pollution Prevention Plan and as necessary to ensure appropriate on-site and off-site water quality control. Site runoff during construction shall be handled and treated as to quantity and quality impacts by utilizing Best

1 Management Practices, as defined in the 2014 DOE Stormwater Management
2 Manual for Western Washington.

- 3 7. The developer shall obtain a General Construction Stormwater NPDES Permit
4 from the WA Department of Ecology (DOE) prior to beginning construction.

5 ROAD IMPROVEMENTS

- 6 8. Frontage improvements, including curb, gutter, sidewalk, street trees, and
7 traffic control devices shall be provided for all streets within the subdivision;
8 shall be constructed in accordance with the City's most current Public Works
9 Design and Construction Standards; and are to be installed by the developer to
10 the satisfaction of the City Engineer prior to final plat application.

11 UTILITIES

- 12 9. New service for this project shall be from the west. Existing PUD facilities may
13 need relocations or modifications at the developer's expense. Any relocation,
14 alteration or removal of District facilities to accommodate this project shall be
15 at the expense of the project developer and must be coordinated with the PUD
16 in advance of final design. Cost of any work, new or upgrade, to existing
17 facilities that is required to connect this proposed development to the District
18 electric system shall be in accordance with the applicable District policy. The
19 developer will be required to supply the District with suitable
20 locations/easements upon its property for any electrical facilities that must be
21 installed to serve the proposed development.

22 LANDSCAPING

- 23 10. A final landscape plan shall be submitted to the City. No clearing, grading, or
24 building permit shall be issued before the submittal and approval of this final
25 plan. Street trees shall be planted when a street frontage is fully owner occupied
and as directed by the City of Monroe Planning Department. The City will
coordinate tree plantings to the most favorable time of the year for plant
survival. All street frontage landscaping/irrigation improvements shall be
bonded until such time that housing construction is completed, and bonded
work may be completed without risk of construction damage.
11. Irrigation is required for all street trees and newly planted vegetation within the
right-of-way and within Tracts (where applicable and required by the City). The
applicant shall submit an irrigation plan prior to construction for review and
approval by the City.

FIRE

12. The following requirements shall be adhered to during construction and completed before occupancy of any structure in accordance with the 2015 International Fire Code:

- a. Fire hydrants shall be provided in accordance with city standards and the direction of the Fire Marshal
- b. Fire Hydrants shall be installed as per fire flow and spacing requirements specified for the type of development with regards to distances to structures;
- c. Fire hydrants shall be equipped with four (4) inch quarter-turn Storz adapters;
- d. An access route, for firefighting apparatus, must be provided at the start of construction. Minimum access route requirements include a 20' width, 13'6" vertical height clearance, and the ability to support a load up to 75,000 pounds;
- e. All buildings must be addressed visibly and legibly from the road. When buildings are not visible from the street, appropriate provisions must be made to identify clearly which road or drive serves the appropriate address including private roads.

FEES

13. Prior to approval of the final plat, all landscaping associated with the plat shall require the submittal of an acceptable warranty surety to warrant all required landscaping improvements against defects in labor materials for a period of 24 months after acceptance of those improvements by the City. The warranty amount shall be equal to fifteen (15) percent of the costs of the improvements, as determined by the Community Development Director.

14. Prior to approval of the final plat, the developer shall submit an acceptable warranty surety to warrant all required public improvements, installed, against defects in labor and materials for a period of 24 months after acceptance of those improvements by the City. The warranty amount shall be equal to ten (10) percent of the costs of the improvements, as determined by the Public Works Director. The surety shall be submitted to and approved by the City of Monroe and executed prior to final plat approval.

15. Park, Traffic and School impact fees assessed in accordance with MMC Chapters 20.07, 20.10 and 20.12 shall be required and paid at the rate in effect at the time of building permit issuance.

16. The water system capital improvement charge, in accordance with MMC Section 13.04.025, shall be required and paid prior to building permit issuance.

17. The wastewater system capital improvement charge, in accordance with MMC Section 13.08.270, shall be required and paid prior to building permit issuance.

FINAL PLAT

18. Prior to Final Plat submittal, all improvements shall be installed, inspected, and approved by the City Engineer per the approved plans. All improvements shall be constructed in accordance with the approved engineering plans and preliminary plat map. Minor modifications of the plans submitted may be approved by the Community Development Director or Public Works Director if the modifications do not change the Preliminary Plat Findings of Fact or Conditions of Approval.

19. All lot corners shall be installed with rod and cap or other City-approved survey method prior to Final Plat approval.

20. All existing and proposed easements and maintenance agreements shall be clearly shown and labeled on the final plat.

21. The following note shall appear on the face of the Final Plat Map:

“The Homeowners Association is responsible for maintaining, in a uniform manner, all landscaping and irrigation within all commonly owned Tracts and easements.”

22. The following Waiver of Claims for Damages Statement shall appear on the face of the Final Plat Map:

“This dedication includes conveyance of roads, tracts, utility and storm drainage infrastructure, and other areas of right-of-way intended for public use and/or ownership as shown on or otherwise referenced by the plat. The [insert name here] hereby waives all claims against the City of Monroe and/or any other governmental authority for damages which may occur to the adjacent land as a result of the construction, drainage and maintenance of such facilities and improvements.”

23. If the final plat contains dedication of land for public purposes, it shall contain the following statement:

“Know all men by these presents that (name of developer) do hereby declare this plat and dedicate to the public forever all roads and ways and other public property shown hereon, and the use thereof for any and all public purposes, with the right to make all necessary slopes for cuts and fills, and the right to continue to drain the roads and ways over and across any lot or lots, where water might take a natural course, in the original reasonable grading of the roads and ways shown hereon.

1 Following original reasonable grading of roads and ways hereon, no
2 drainage waters on any lot or lots shall be diverted or blocked from their
3 natural course so as to discharge upon any public road rights-of-way, or to
4 hamper proper road drainage. Any enclosing of drainage waters in culverts
or drains or rerouting thereof across any lot as may be undertaken by or for
the owner of such lot shall be done by and at the expense of such owner, but
only after approval by the city engineer.”

5 24. The following shall be shown on the recording block section of the plat map:

6 “Refer to Auditor Recording Number.”

7 25. The final plat shall provide space for the approving signatures of the community
8 development director, city engineer and the mayor, and the city clerk shall attest
9 the signatures.

10 26. The title block on the final plat map shall have the names of all the legal owners
11 of the property named on the plat and the name of the surveyor/engineering firm
which prepared the final plat map.

12 27. An Auditor’s Certificate shall be shown on the final plat map.

13 28. The following are required to be shown on the face of the final plat map:

- 14 a. Surveyor Certificate;
15 b. Correct legal description of all lots as set out in Chapter 58.17 RCW;
16 c. Owners Statement;
17 d. All new easement(s) over the property, their legal description(s) and
associated dedication block(s);
18 e. Recording block/Certification blocks for City approval;
19 f. North arrow;
20 g. Certification of Payment of Taxes and Assessments;
21 h. Auditor’s Certificate; and
22 i. The survey control scheme, monumentation, basis of bearing and
23 references.

21 MISCELLANEOUS

22 29. Preliminary plat approval shall be effective for a maximum time period of five
23 years upon which a final plat that meets all conditions of the preliminary plat
24 approval must be submitted, in accordance with MMC 17.12.020(A).

25 30. The developer shall apply to the Snohomish County Auditor at 3000
Rockefeller Avenue, Everett, WA 98201-4060 for a plat name reservation
certificate and furnish the City with a copy of the approved reservation
certificate at the time of final plat submittal.

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- 31. If applicable, at the time of final plat submittal the developer shall submit a group mailbox plan, approved by the U.S. Post Office, to the Planning Department for final addressing.
- 32. Mail routes, including mailbox types and locations, shall be approved by the Postmaster prior to construction.
- 33. The developer shall submit a paper copy of the final plat to the Snohomish County Assessor's at 3000 Rockefeller Avenue, Everett, WA 98201-4060 with a segregation letter for land segregation and property tax review.
- 34. All construction equipment, building materials, and debris shall be stored on the applicant's property, out of the public right-of-way. In no case shall the access to any private or public property be blocked or impinged upon without prior consent from the affected property owners and the City of Monroe.
- 35. If at any time during clearing, grading and construction the streets are not kept clean and clear, all work will stop until the streets are cleaned and maintained in a manner acceptable to the Public Works Director.
- 36. Construction noise is not allowed between the hours of eight (8) p.m. and seven (7) a.m. Monday through Friday, and between the hours of eight (8) p.m. and nine (9) a.m., Saturday, Sunday, and legal holidays.
- 37. All signs shown on the approved plans for the subdivision are for illustrative purposes only. Pursuant to Monroe Municipal Code 18.80, a sign permit must be obtained for the placement of any non-exempt signage. Application for that sign permit shall include an approved site plan specifying the location of all signs.
- 38. The developer and contractor shall attend a pre-construction meeting with City staff to discuss expectations and limitations of the project permit before starting construction.
- 39. The developer and contractor shall work with the City to create a visible street crossing from the subdivision across the street to the north in the vicinity of the project open space. This may consist of special striping, flags, signage or any other strategy that is amenable to the City.
- 40. The developer and contractor shall delineate any significant trees on site and preserve these trees to the extent feasible.

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Dated this 29th Day of July 2019.



City of Monroe
Hearing Examiner Pro Tem