



Planning & Permitting Division
Permit Assistance Center

806 West Main Street, Monroe, WA 98272
Phone (360) 794-7400 Fax (360) 794-4007
www.monroewa.gov



CITY OF MONROE

APPEAL/RECONSIDERATION APPLICATION AND PROCESS

APPEAL - The appellant must submit an appeal within 15 working days of the decision or interpretation date.

RECONSIDERATION - The appellant or interested party must submit a request for reconsideration within 10 working days of the decision date.

DATE AND TIME OF SUBMITAL: October 18, 2013

PROJECT NAME / CITY FILE # OF APPEAL OR RECONSIDERATION: EAST MONROE COMPREHENSIVE PLAN AMENDMENT / FEIS

TYPE OF DECISION OR DETERMINATION BEING APPEALED OR RECONSIDERED:

- APPEAL OF ADMINISTRATIVE INTERPRETATIONS OR ADMINISTRATIVE APPROVALS TO THE HEARING EXAMINER
CODE VIOLATION
LAND USE
APPEAL TO CITY COUNCIL
RECONSIDERATION REQUEST

State the specific reasons why you believe the decision to be wrong. The appellant bears the burden of proof.

PLEASE SEE ATTACHED LETTER DATED OCTOBER 18, 2013 OUTLINING APPELLANT'S RATIONALE FOR APPEAL.

Your desired outcome or changes to the decision: FEIS IS DEEMED INADEQUATE

Property Address of project (If applicable)

Tax Parcel # of project (If applicable)

APPELLANT(S) / PETITIONER(S) INFORMATION

(If more than one person, attach information on separate sheet.)

PRINTED NAME: LOWELL ANDERSON

SIGNATURE: Lowell Anderson E-MAIL: N/A

ADDRESS: 129 E RIVINGTON DR MONROE WA 98272

PHONE: 360 794-7075 CELL #: -



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Permit #(s) \_\_\_\_\_  
\_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Your desired outcome or changes to the decision: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Property Address of project (If applicable) \_\_\_\_\_

Tax Parcel # of project (If applicable): \_\_\_\_\_

**APPELLANT(S) / PETITIONER(S) INFORMATION**

(If more than one person, attach information on separate sheet.)

PRINTED NAME: JEFFREY W. ROGERS

SIGNATURE: [Signature] E-MAIL: JEFF.ROGERS@COMCAST.NET

ADDRESS: 20002 HERMITAGE LN MONROE, WA 98272

PHONE: 425 377-6812 CELL #: \_\_\_\_\_

October 18, 2013

City of Monroe  
Attention: Melissa Sartorius, SEPA Official  
806 W. Main Street  
Monroe, WA 98272

**RE: Notice of Appeal of FEIS East Monroe Comprehensive Plan Amendment and Subsequent Rezone**

Dear Ms. Sartorius:

This letter constitutes our Notice of Appeal of the adequacy of the East Monroe Comprehensive Plan Amendment and Subsequent Rezone Final Environmental Impact Statement ("FEIS") in accordance with MMC 20.04 and MMC 21.60.

The bases for our appealing the adequacy of the FEIS are as follows:

1. The FEIS failed to consider and analyze, under the no action alternative, the site's existing use for agricultural purposes. Not considering the property's current usage and surrounding properties renders the FEIS inadequate as the identified options in the FEIS all contemplate development of the site.
2. The FEIS failed to adequately address the environmental impacts of securing compensatory flood storage on the East Monroe site. The extensive "cut and fill" required to bring the developable area of the property above the flood plain presents serious risks of erosion, slope degradation and landslides to the adjoining property owners to the north due to the steep slopes which will be jeopardized by the diversion and displacement of water caused by the cut and fill. Using the existing stream and slough areas as water storage has not been adequately analyzed in the FEIS as it has not provided any details of the relevant earth work calculations showing that the proposed grading and fill is property balanced, nor any detailed drawings of the areas to be graded.

We take exception to the claims outlined in the FEIS including Table 4 that there is adequate available fill on site to permit development of 10.17 contiguous acres. We dispute the assertion that the site has 46,500 cubic yards of available fill as stated in the FEIS.

3. The FEIS has not adequately addressed the issue of flooding that has historically occurred on the East Monroe site, including using the "best available science".
4. Given that the East Monroe site lacks public facilities and utilities, the FEIS fails to adequately address the environmental implications of extending sewer, water

and other utilities from existing locations within the City limits to the East Monroe site.

5. The FEIS has failed to adequately address issues identified in comments by the Washington Department of Ecology, as well as other commentators. Legitimate issues have been raised by the Department of Ecology and other commentators, and such comments have not been fully addressed in the FEIS.
6. The FEIS has failed to address the access to Highway 2 issues and related traffic and public safety issues associated with such access issues. Given the extensive back-ups that occur on Highway 2 during weekends and holidays, further analysis and consideration needs to be given to the access issues.
7. Given the economic and financial challenges any commercial development of the site faces, the FEIS and City Council need to address the environmental impacts of a developer commencing development of the site and not having the financial wherewithal to successfully conclude development that could leave the site and the critical areas on, and adjacent to the site, in jeopardy. As such, there needs to be assurances addressed in the FEIS and by the City Council to address such risks.
8. The FEIS has failed to address many issues raised by the commentators by simply noting that such comments were not applicable. For example, the FEIS claims that the property remained above water during a November, 2006 flood. We will provide ample evidence through testimony and photographic evidence that the property was substantially underwater during a major flood in 2006.
9. The FEIS does not include a correct FEMA map and fails to address the implications on increased flood insurance rates as a result of the City converting this Limited Open Space to General Commercial.
10. The FEIS uses a LIDAR methodology rather than the 1999 field survey which provides more accurate information concerning the elevations of the East Monroe site.
11. The FEIS summary asserts that the proposed comprehensive plan amendment would allow the site to be developed in an economically feasible manner. We dispute such a conclusion and will provide evidence supporting our position that the site is unable to be developed for commercial purposes in an economically feasible manner.
12. The FEIS is inconsistent with the Growth Management Act goals and requirements in that it does not adequately address protection of critical areas; retaining open space; conserving fish and wildlife habitat; and the site lacks public facilities to support development. Additionally, the process has not

encouraged citizen participation nor coordination between jurisdictions including Snohomish County, State of Washington and federal agencies.

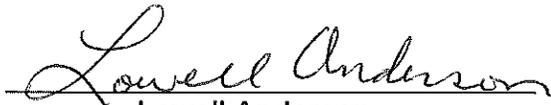
We request additional time for the planned appeal so we can adequately prepare and provide appropriate testimony at the public hearing.

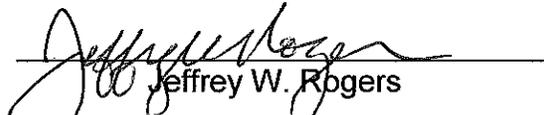
We also request the opportunity to file one or more briefs supporting our appeal of the adequacy of the FEIS and a prehearing conference.

Finally, we request leave to supplement this Notice of Appeal with additional issues and parties.

If we need to take any further steps to perfect this Appeal, please advise us as soon as possible.

Very truly yours,

  
Lowell Anderson

  
Jeffrey W. Rogers