CITY OF MONROE
ORDINANCE NO. 012/2016

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING ZONING DESIGNATIONS IN THE IRON EAGLE REZONE AREA FROM URBAN RESIDENTIAL 9600 (UR 9600) AND MULTI-FAMILY RESIDENTIAL 6000 (MR 6000) TO URBAN RESIDENTIAL 6000 (UR 6000); SETTING FORTH SUPPORTIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE

WHEREAS, the proponent submitted a rezoning application for 5.90 acres on March 16, 2015, to initiate a rezone of certain property located at 16691 Currie Road, on Snohomish County tax parcel number 27060200301900, commonly known as the Iron Eagle Area; and

WHEREAS, the City of Monroe SEPA Responsible Official issued a Determination of Non Significance (DNS) for this proposal on April 19, 2016; and

WHEREAS, the Monroe Hearing Examiner held a duly advertised public hearing to consider the proposed rezone on June 9, 2016; and

WHEREAS, the Monroe Hearing Examiner forwarded a recommendation to approve the rezone to the Monroe City Council; and

WHEREAS the above-referenced recommendation was based on Findings and Conclusions recommended by City Staff and adopted by the Monroe Hearing Examiner dated June 21, 2016, in support of the rezone; and

WHEREAS, the City Council reviewed the Hearing Examiner's recommendation at the July 12, 2016, City Council meetings; and

WHEREAS, the Monroe City Council finds that the proposed rezone bears a substantial relationship to the public health, safety, morals and general welfare, and is consistent with and will implement the City's Comprehensive Plan; and

WHEREAS, the City Council further finds that the proposed rezone has been processed in material compliance with all applicable state and local procedures, including without limitation the provisions of Titles 18 and 21 MMC; and

WHEREAS, the Monroe City Council, after considering all information received, has determined to approve the rezone.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Iron Eagle Rezone (15-REZN-0001). The Monroe City Council hereby approves the zoning reclassification of certain property located at 16691 Currie Road, Monroe, WA in Section 2, Township 27 north, Range 6 east W.M. on Snohomish County tax parcel number 27060200301900 from Urban Residential 9600 (UR 9600) and Multi-Family Residential 6000 (MR 6000) to Urban Residential 6000 (UR 6000), as shown on the attached Exhibit A and incorporated by this reference as if set forth in full. The City Council hereby authorizes and directs that the official zoning map of the City be amended to reflect said rezone in accordance with MMC 18.04.020.

Section 2. Findings. The Monroe City Council hereby adopts the above recitals as findings in support of the zoning map amendment effectuated by this ordinance. The City Council also adopts the Monroe Hearing Examiner Iron Eagle Rezone Findings and Conclusions dated June 21, 2016, in support of said amendment, attached as Exhibit B, and incorporated by this reference as if set forth in full.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

ADOPTED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 12th day of July, 2016.

First Reading: July 12, 2016
Final Reading: July 12, 2016
Published: July 19, 2016
Effective: July 24, 2016

CITY OF MONROE, WASHINGTON:

Geoffrey Thomas, Mayor

(SEAL)

ATTEST:

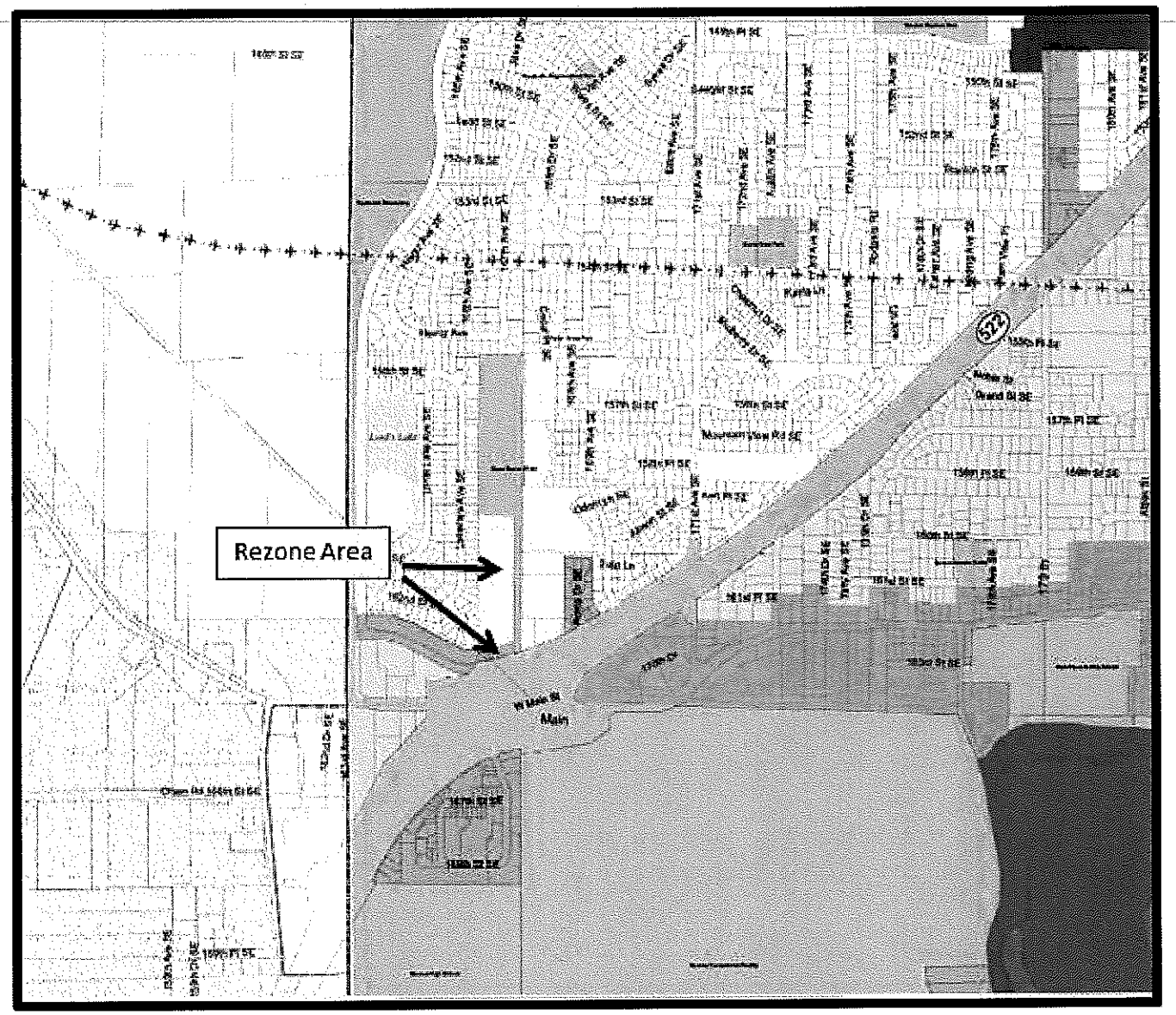
Elizabeth M. Smoot, MMC, City Clerk

APPROVED AS TO FORM:

J. Zachary Lell, City Attorney

EXHIBIT A

Ordinance No. 012/2016
Iron Eagle Area Rezone Map



BEFORE THE HEARING EXAMINER
CITY OF MONROE, WASHINGTON

RE: Rezone and Preliminary Plat for Iron Eagle Applicant: James and Frances Hager	File No(s): 15-SDPL-0001; 15-REZN-0001 FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATIONS

I. INTRODUCTION / SUMMARY

The Applicant is requesting a rezone and concurrent preliminary plat approval for a proposed 32 single-family residential lot development known as the "Iron Eagle" subdivision, in accordance with the provisions of the City of Monroe Comprehensive plan and the Monroe Municipal Code. At the request of the Applicant, the two applications have been consolidated per MMC Section 21.50.130 into a single public hearing before the City's Hearing Examiner.

As Hearing Examiner for the City of Monroe, I held a public hearing on June 9, 2016 at approximately 1:30 p.m. at the City of Monroe's offices located at 806 W. Main St. in Monroe. The Hearing Examiner has jurisdiction to hear the matters pursuant to Monroe Municipal Code § 17.12; § 18.99; and, § 21.50. City staff recommended approval of the proposal, subject to conditions. The Hearing Examiner recommends **APPROVAL** of the Applicant's requests to rezone the subject property, and concurrent preliminary plat, subject to conditions.

Kristi Kyle, Senior Planner for the City of Monroe, appeared and provided witness testimony, together with the City's Staff Report and Recommendation, and related exhibits (Exhibits 1-17). Steve Mason, with Harmsen & Associates, Inc. appeared and provided witness testimony on behalf of Applicant. Several other individuals were present at the public hearing but did not offer testimony.

The witnesses declared by oath or affirmation the truthfulness of their testimony. I did not receive any written or oral ex parte communication on a fact in issue during the pendency of the proceedings. The City made a recording of the hearing. The evidence offered was received and all relevant evidence was admitted into the record. I reviewed and considered the written materials and witness testimony presented as evidence at the hearing, a record of which I incorporate in the decision in this matter. The record is on file with the City.

Exhibits: The following exhibits were admitted at the open record hearing:
Respondent/City:

Exhibit 1:	Staff Analysis
Exhibit 2:	Vicinity Map
Exhibit 3:	Preliminary Plat/PRD Map
Exhibit 4:	Preliminary plat application & project narrative
Exhibit 5:	Notice of complete application
Exhibit 6:	Zoning Pap

Exhibit 7: Prior Comprehensive Plan Map
Exhibit 8: Current Comprehensive Plan Map
Exhibit 9: Notice of Application (Affidavits 9-A through 9-E)
Exhibit 10: Notice of Public Hearing (Affidavits 10-A through 10-E)
Exhibit 11: Public Comments (Comments 11-A through 11-F)
Exhibit 12: SEPA Mitigated Determination of Non Significance (MDNS)
Exhibit 13: Preliminary Landscape & Park Plan
Exhibit 14: Critical Area Study
Exhibit 15: Conceptual Utilities Plans
Exhibit 16: Drainage Report
Exhibit 17: Traffic Impact Study & Revised Summary

II. FINDINGS OF FACT

Application and Notice: Current and Proposed Use

1. Applicant submitted a combined permit application for a Rezone and Preliminary Plat, requesting approval of a residential subdivision of a single parcel of approximately 6.61 acres or 288,072 square feet (the "Property") in accordance with the provisions of the City of Monroe Comprehensive Plan and the Monroe Municipal Code (MMC) (the "Iron Eagle" subdivision). The project is located at 16691 Currie Road, Monroe, WA in Section 2, Township 27 north, range 6 east W.M. on Snohomish County tax parcel number 27060200301900. (Exhibit 2)

2. The Property currently consists of two zoning designations: a 5.90-acre portion zoned UR 9600 and a 0.71 portion zoned MR 6000. The Applicant seeks to amend the entire Property to a single zoning designation of UR 6000, with the concurrent preliminary plat application proposing 32 single-family residential units on the proposed rezone designation (34 total lots, with tracts 997 and 998 designated NGPE area and recreation space, respectively). Past development of the Property was a golf driving range with a two-story building and paved parking lot. The building on the Property is currently being utilized as a Church/Religious institution, and will be removed with development of the Iron Eagle subdivision. (Exhibits 1, 3, 4, 6, 7, and 8)

3. The site slopes slightly along Currie Road along the south property line, north into the existing parking lot. The northern part (previously utilized as a driving range) is very flat. The property has street frontage on Currie Road. Frontage improvements will be required along Currie Road, including pavement, widening, curb, gutter, planter and sidewalk. There is no evidence of current wetland hydrology on the property; however, a perennial channel called an "unclassified stream" per the City of Monroe Critical Areas and Buffer Map, is located in the southwest corner of the parcel. (Exhibits 1, 2, 4, 6, 7, 8)

4. Comprehensive Plan Land Use Designations, Zoning Designation, and Existing Land Use of the Site and Surrounding Area, include the following:

Area	Prior/Existing Comp Plan Land Use Designation(s)	Zoning	Existing Land Use
Project Site ("Property"	**Prior:** (R5-7) Dwellings Per Acre **Existing:** Medium Density SFR	Urban Residential (UR 9600) and MR 6000	Church/Religious Institution

	& Multifamily		
North	**Prior:** (P/O) Parks/Open Space **Existing:** Parks	Public Open Space (PS)	Park Meadows City Park
South	**Prior:** SR 522/(R8-11) Dwellings Per Acre **Existing:** Medium Density SFR & Multifamily	Urban Residential (UR 9600)	SR 522
East	**Prior:** (R3-5) Dwellings Per Acre **Existing:** Low Density SFR	Public Open Space (PS)	Vacant & WSDOT
West	**Prior:** (R5-7) Dwellings Per Acre/(R3-5) Dwellings Per Acre	Urban Residential (UR 9600)	Single family residential
	Existing: Medium Density SFR / Low Density SFR		

5. Public Utilities and Services are provided by the following:

Water:	City of Monroe	Gas:	Puget Sound Energy
Sewer:	City of Monroe	Cable TV:	Comcast
Garbage:	Republic Services	Police:	City of Monroe
Storm Water:	City of Monroe	Fire:	Monroe Fire District No. 3
Telephone	Verizon	School:	Monroe Public Schools
Electricity	Snohomish County PUD No. 1	Hospital:	Evergreen Health

6. The Applicant submitted its application for the Iron Eagle rezone and subdivision on March 16, 2015. The City of Monroe determined the application complete on March 23, 2015. A Notice of Application was issued on March 31, 2015, and a notice of Public Hearing was issued on May 24, 2016. Required notices were sent directly by the City of Monroe to nearby property owners, affected agencies, tribes, and interested persons, and public notice of the hearing was posted on the subject property, and various locations. (Exhibits 4, 5, 9, 10)

7. Public comment was received from: Tiffany S. Norton, neighbor; Gretchen Kaehler, Local Governments Archeologist, Department of Archeology & Historic Preservation (DAHP); Faye Ryan, Senior Real Estate Representative, Puget Sound Energy; Elizabeth Tobin, Senior Manager, Puget Utilities District No. 1 (PUD); Steven Mullen-Moses, Director of Archeology & Historic Preservation, Snoqualmie Tribes; and, Kerry Lyste, Stillaguamish Tribes. Ms. Norton raised specific concerns regarding flooding and drainage issues for neighboring homes, and problems for the protected wetlands adjacent to the Property. Ms. Norton described past issues with drainage issues, and noted that the current year was unusually dry and therefore not an accurate reflection of potential problems. (Exhibit 11)

8. A Mitigated Determination of Nonsignificance (MDNS) was issued, published, posted and mailed on April 19, 2016. The MDNS provided a comment period ending on May 3, 2016 and an appeal period ending on May 10, 2016. The City received no comments or appeals. (Exhibit 12)

9. The Applicant submitted a Preliminary Landscape and Park plan with the proposal showing the location of open spaces, including a play area for children, with a play structure, picnic tables, and benches. The plan also shows a large native growth

protection area, and a large wet biofiltration swale with appropriate wetland planting, in addition to landscaping and irrigation for the proposed subdivision. (Exhibit 13)

10. The Applicant submitted a Critical Area Study of the Property as part of the proposal, documenting the existing critical areas on the Property and in the vicinity, describing impacts to critical areas that would result from the proposed project, and proposed mitigation for these unavoidable impacts. The study notes the existence of a storm water detention facility located to the southeast of the Property, with parcels to the north and northeast that remain undeveloped. The study notes that a constructed stream channel crosses the southwestern corner of the site, and that a storm water detention pond west of the existing parking areas discharges to the stream channel at the western property boundary. The study describes one unnamed Type 4 stream (meaning non-fish) that crosses the southwestern corner of the property, and is mapped as "unclassified" in the City of Monroe 2008 Critical Areas and Buffers map. (Exhibit 14)

11. The Critical Area Study finds that the project would impact the stream located on the Property, and describes several actions for avoiding, minimizing, and mitigating the impacts. First, the study notes that the original Iron Eagle proposal for 34 lots was scaled back to 32 lots to avoid direct stream impacts. Second, the study notes that a revised layout for the project minimizes the area of buffer impact resulting from the project. Third, the study proposes direct mitigation for the residual impact on 4,197 square feet of stream buffer, provided by enhanced plantings in two planting areas along the stream channel. The mitigation plan provides for ongoing maintenance and monitoring, with a contingency plan to ensure continued performance of the stream buffer function and increased habitat function and diversity in the mitigation areas. (Exhibit 14)

12. The Applicant's Critical Area Study notes finding no wetlands on the Property, but also notes that there is a Category 3 wetland on the parcel to the east. Most of this adjacent wetland is more than 75 feet (the buffer for a Category 3 wetland) from the Property, but a portion of this buffer overlaps the northeast corner of the Property, and the functional buffer ends at the eastern edge of the existing gravel access road along the eastern and northern edges of the Property. The study concludes that there would be no impact to functional wetland buffer area resulting from the project. (Exhibit 14)

13. The Applicant submitted a Conceptual Utilities Plan, and a Drainage Report, as part of the proposal. The Drainage Report notes that the site is within the Lords Lake regional detention facility drainage basin, which provides for flow control but not runoff treatment. The Drainage Report finds that the Iron Eagle subdivision proposal will create more than 5,000 square feet of new impervious surface on the Property subject to vehicular traffic, and therefore will need to provide for a runoff treatment facility. The report notes that the proposed runoff treatment facility is a biofiltration swale, includes analysis of upstream and downstream impacts, and describes anticipated work to re-route certain drainage ditches. The Drainage

Report concludes that, with implementation of BMPs, there should not be significant adverse impact from the proposal. (Exhibits 15, 16)

14. The Applicant submitted a Traffic Impact Study & Revised Summary as part of the proposal. The study is based on developing 33 units within the Iron Eagle subdivision. The study includes a level of service analysis that concludes that all of the study intersections affected by the proposed development will continue to operate at acceptable levels of service. (Exhibit 17)

Staff Report and Recommendation

15. City staff determined based on the facts presented in the development application, as well as the analysis completed by city staff, that the development does not lower the level of service on the following public facilities and services below the minimum standards established within the comprehensive plan: potable water, wastewater, storm water drainage, police and fire protection, parks and recreation, arterial roadways, and public schools. City staff report there is sufficient capacity availabile in the City's public water and sanitary sewer system to serve the proposed subdivision. (Exhibit 1)

16. City staff performed density calculations for the 6.61 acre Property per MMC section 18.10.050 Zoning Land Use Matrix and MMC section 18.10.140 Bulk Requirements and Table A, using the requirements for single family residential development within the UR 6000 zone, and determined that the gross size of the site would permit up to 38.409 dwelling units (if not impacted by other conditions). Thus, City staff concluded that the Applicant's proposal for 32 dwelling units is consistent with that allowed by City code. (Exhibit 1)

17. City staff reviewed and analyzed the application under MMC Chapter 18.99 (Rezoning Procedures) and related Rezone Application Criteria. City staff reported that the proposed zoning change to UR 6000 for the Property is consistent with the goal statements for the 2005-2025 Monroe Comprehensive Plan under which the application was filed, specifically citing: Land Use Goals 1, 3, 5, and 7 (orderly expansion, expected growth, small-town atmosphere/compatible with present housing, encourage development consistent with Comprehensive Plan); Economic Development Goals 1 and 2 (strong, diversified, sustainable economy while respecting natural environment/preserving/enhancing quality of life, consider capacity of the area's natural resources, public services and facilities); and, Housing Goals 1, 3 and 5 (promote a variety of residential housing densities and choices, promote strong residential neighborhoods, and encourage creation of healthy residential neighborhoods). (Exhibit 1)

18. City staff also provided analysis concerning whether the proposed zoning change is in keeping with the purposes of the City's Zoning Code and the existing land use of surrounding properties. The Property's existing zoning designations are both Urban Residential (UR 9600) and Multi-Family Residential (MR 6000) on the City of Monroe Zoning Map. The City of Monroe 2015-2035 Comprehensive Plan Future Land Use Map (adopted December 8, 2015) designates the Property

"Medium Density SFR" and "Multifamily". According to the zoning code, the proposed UR 6000 zoning designation allows a combination of detached homes on small lots, townhouses and apartments. Therefore, staff concluded that the requested single zoning designation of UR 6000 is consistent with the zoning code and Comprehensive Plan. Staff also noted that the proposed rezone to UR 6000 is consistent with the residential character of the existing neighborhood, and will add to the overall mix of housing types already existing and being constructed in the vicinity, as well as the type of developments anticipated and encouraged by the City of Monroe Comprehensive Plan. (Exhibit 1)

19. City staff provided further analysis concerning whether the proposed rezone reflects changes in economic patterns, social customs, policy changes and other factors that affect the character of the area. Staff concluded that the proposed UR 6000 zone meets these criteria by establishing zoning and land uses that will be compatible with existing land uses and will contribute to the City of Monroe's 2035 population target. (Exhibit 1)

20. City staff assessed the proposed rezone with respect to its impact on safety, welfare, public health, property values, and other factors. Staff reported that the area is currently serviced by the City of Monroe for various public services, and the proposed land use intensities fall within the available capacity for the city's sewer, water, and storm water systems, while police and fire coverage will not likely increase dramatically. Staff also noted that transportation system impacts are evaluated in detail within the application. (Exhibit 1)

21. The City Planner, City Engineer, Fire Marshal, Building Official, and Police Chief all reviewed and commented on the proposed project. City staff included their comments in the body of the staff report and in their recommendations for project permit conditions of approval. Staff noted in the report that the Property is not located within the City's shoreline management jurisdiction. City staff also reported that the proposed preliminary plat conforms to the City of Monroe's 2005-2025 Comprehensive Plan, which was in effect at the time the application was submitted. Development of single-family dwellings served by public utilities is consistent with the City of Monroe's 2005-2025 Comprehensive Plan R5-7 and R8-11 Land Use designations and the proposed density ranges specified by each designation. (Exhibit 1)

22. City staff noted that the Property is not located within a floodplain, but does contain a Type 4 stream and associated buffer. Staff also noted that, as described in the Applicant's critical areas report, there are no wetlands on the Property, but there are wetlands to the north and northwest of the site. Staff analysis of the proposal concluded that all direct impacts of the proposal have been or will be mitigated through a combination of municipal code requirements and the proposed conditions of preliminary plat approval. Staff also reported that strategies and financial commitments are in place to complete necessary improvements within six years of time of development as set forth in the City's Comprehensive Plan and MMC section 20.06.030(D), including payment of applicable mitigation and/or impact fees for water, wastewater, parks,

transportation and schools. Staff noted that the Applicant will mitigate storm water impacts on site during construction of the proposed subdivision, and that the City of Monroe Police Department and Fire District #3 did not raise any concerns regarding level of service standards in commending on the proposed preliminary plat. Staff also noted that the Monroe School District was notified of the proposed development application, and submitted no comments. (Exhibit 1)

23. Staff concluded that the proposed development would not lower the level of service on public facilities and services below the minimum standards established within the City of Monroe Comprehensive Plan, including specifically: potable water, wastewater, storm water drainage, police and fire protection, parks and recreation, arterial roadways, and public schools. (Exhibits 1, 3)

24. Review of the preliminary plat development plans confirms that the preliminary plat application includes provisions for the public health, safety, and general welfare, including open spaces, drainage ways, streets or roads, potable water, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and sidewalks that assure safe walking conditions for students who only walk to and from school and the residents of the City. City staff concluded that the public interest would be served by the proposed subdivision and dedication, because it is in accordance with the goals and objectives set forth in the Monroe Municipal Code, 2015-2035 Comprehensive Plan and the prior 2005-2035 Comprehensive Plan. (Exhibit 1)

25. Review of the proposed preliminary plat development plans also confirms that the areas designated for dedication (roadways) to the City of Monroe will be conditioned per preliminary plat approval conditions. The subject proposal does not include dedication of a public park; however, private recreation space has been provided in Tract 998 and 999. (Exhibits 1, 3)

26. The City's staff recommended that the Hearing Examiner forward a recommendation of approval to the City Council for the Iron Eagle Preliminary Plat and Rezone (15-SDPL-0001 & 15-REZN-0001) subject to certain recommended conditions of approval.

III. CONCLUSIONS / ANALYSIS

The evidence presented is reliable, probative and substantial evidence upon which to base a determination in these matters.

A. Zoning

The City of Monroe's zoning procedures provide for changes in the City's Comprehensive Plan and related zoning map. Following a public hearing, the hearing body (in this case the Hearing Examiner) submits a recommendation to the city council incorporating the findings of fact and related evidence relied upon in making the

recommendation, together with an analysis of the findings. The city council may, by ordinance, accept or reject the amendment.[1]

Each determination concerning an application for a zoning change or amendment must be supported by written findings and conclusions specifically addressing each of the following areas:

1. The proposed zoning change shall be in keeping with the goals and policies of the Comprehensive Plan.

2. The proposed zoning change shall be in keeping with the purposes of the Zoning Code and the existing land use of the surrounding properties.

3. The proposed rezone reflects changes in the economic patterns, social customs, policy changes and other factors that affect the character of the area.

4. This proposal will be assessed as to its impact in safety, welfare, public health, property values and other factors.

The application was filed under the 2005-2025 Monroe Comprehensive Plan. I reviewed and concur with the City's staff report and recommendation that the proposed zoning change is in keeping with the goals and policies of the City's Comprehensive Plan. The staff report referenced several relevant goals and policies of the comprehensive plan land use goals consistent with and supportive of the rezone including: Land Use Goal 1, 3, 5 and 7; Economic Development Goals 1 and 2; and Housing Goals 1, 3, and 5.

The proposed rezone to UR 6000 is consistent with the residential character of the existing neighborhood, and the purposes of the Zoning Code. The proposed UR 6000 zoning designation will add to the overall mix of housing types already existing and being constructed in the vicinity, as well as the type of developments anticipated and encouraged by the City of Monroe Comprehensive Plan

The 2015-2035 Comprehensive Plan Table 3.07 provides the following descriptions of the respective land use plan designations:

> "Medium Density SFR. The Medium Density Single Family Residential designation is based on gross density. Unlike the low density SFR designation, these areas can develop at a higher intensity, ranging from approximately five to seven units per acre. Where sites are unconstrained this can result in individual lot sizes of about 6,000 square feet to 9,000 square feet. The Medium Density SFR designation allows for Parks."
>
> And;
>
> "Multifamily. This designation shall provide for multiple-family residential developments at a range of densities between 12 and 25 dwelling units per acre where the full range of public facilities and services to support urban development exist. Generally this designation is appropriate for land that is located convenient to principal arterials and to business and

[1] *See* MMC 18.99.

commercial activity centers. This designation is intended for areas of infill housing such as the downtown and the western area of the West Main Street corridor as well as for senior housing developments and other special group homes."

The prior 2005-2025 City of Monroe Comprehensive Plan designated the Property as "R 8-11 Dwellings Per Acre" and R 5-7 Dwellings Per Acre".

"Residential, Five to Seven Dwelling Units Per Acre (R 5-7). This designation shall provide for primarily single family residential development at a range of densities between five and seven dwelling units per acre and compatible uses such as schools, churches, day care centers where a full range of public facilities and services to support urban development exists. Aggregation of dwelling units in multiple family configurations may be appropriate if compatibility with nearby existing single-family development can be achieved.

This designation may be implemented by more than one zoning classification. Determination of the appropriate zoning classification shall take into account the density of nearby existing development and the capacities of existing and projected public facilities."

And;

"Residential, Eight to Eleven Dwelling Unites Per Acre (R 8-11). This designation shall provide for multiple-family residential development at a range of densities between eight and eleven dwelling units per acre plus compatible uses such as schools, churches, day care centers where a full range of public facilities and services to support urban development exists. Single-family attached housing is also compatible with this designation.

Generally, this designation is appropriate for land that is located convenient to principal arterials and to business and commercial activity centers.

This designation may be implemented by more than one zoning classification. Determination of the appropriate zoning classification shall take into account the density of nearby existing development and the capacities of existing and projected public facilities."

The surrounding areas are all similar-use residential development in nature, with low density, medium density, and high-density single-family residence development in the area, together with a nearby public park. I specifically noted that the proposed UR 6000 zoning designation will add to the overall housing types already existing and being constructed in the vicinity, and is not out of character with the existing neighborhood. The proposed rezone amendment is consistent with the City of Monroe's Comprehensive Plan and related zoning map, encouraging further mixed residential use of the land in this zone. I found persuasive the testimony and evidence presented concerning the proposed development's consistency with applicable provisions of the Monroe Comprehensive Plan and Monroe Municipal Code. The Property is located conveniently to principal arterials, and is compatible with the proposed use and the uses of other properties in the vicinity. I submit a recommendation of approval based on the above specific findings, as supported and conditioned by the City's staff report and recommendation.

B. Preliminary Plat

Preliminary Plat approval shall be granted only when the proposal is consistent with the provisions of the City of Monroe Comprehensive Plan, applicable provisions of

the Monroe Municipal Code (Subdivisions, Planning and Zoning, Environment, and Development and Review Procedures).[2]

The City of Monroe Comprehensive Plan currently split-zones the site as primarily medium density SFR, with a smaller portion of the site zoned Multifamily. The surrounding areas include medium density SFR, low density SFR, some high density SFR, and the Park Meadows City Park to the north. The proposed development, as conditioned, is consistent with requirements for development of this Property with a subdivision of single-family homes. Assuming that the proposed rezoning of the Property is approved, the density calculations for this Property would allow 38 dwelling units. Therefore, the proposed 32 dwelling units on the rezoned UR 6000 Property falls within the allowed density for this zoning. I found persuasive the testimony and evidence presented concerning the proposed development's consistency with applicable provisions of the Monroe Comprehensive Plan and Monroe Municipal Code. I submit a recommendation of approval based on the following specific findings and conclusions:

1. Staff Report: I find based on the record that the City planner submitted a report to the administrator indicating that the proposed subdivision follows all City zoning regulations, development standards, and ordinances, is in compliance with the City's comprehensive plan, and complete documents have been submitted pursuant to the State Environmental Policy Act (SEPA). The preliminary plat proposing the Iron Eagle development of single-family homes served by public utilities, as conditioned, is consistent with the City of Monroe's Comprehensive Plan for this comprehensive plan designation, within the UR 6000 zoning district, and meets the goals, policies, requirements and intent of the Monroe Municipal Code, comprehensive plan, and Shoreline Master Program.
2. Staff Report: I find based on the record that, as conditioned, the proposed subdivision's street system, sewage disposal system, storm sewer system, and water supply system conform to the City's current development standards, meeting City requirements for initial engineering and improvements. Applicant's proposal makes adequate provision to minimize or eliminate flood damage and to ensure that an adequate drainage system is provided to reduce exposure to flood damage. There were no identified issues with respect to easements, or effects on other public works.
3. Public Safety Officials: I find based on the record that, as conditioned, the development does not lower the level of service below the minimum standards established within the comprehensive plan for: potable water; wastewater; storm water drainage; police and fire protection; parks and recreation; arterial roadways; and public schools. The development provides adequate access for emergency vehicles.
4. Public Hearing: The City held a public hearing to assist in determining the public interest to be served by the proposed subdivision, providing required notice of the hearing. I find based on the record that the development is in the public interest, effectively addressing the City's goals of higher density, conservation of natural areas and provision of recreational facilities. The physical location of the

[2] *See* MMC 17.12.030.

proposed subdivision is appropriate, with appropriate provisions made in the proposal to avoid, minimize, and mitigate effects to critical areas and/or impacted wetland conditions. I find that the proposed subdivision is consistent with the purpose and intent of the comprehensive plan designation, and with surrounding development (primarily medium, low-density, and high density single family uses, and a park). I note that provision is made to protect the public health, safety and general welfare, and that the provision of additional open spaces within the proposed subdivision, including the addition of a play area for children, with a play structure, picnic tables, and benches, further serves the public interest of the future residents.

5. Conformity: I find based on the hearing record that that the proposed subdivision conforms to the City's comprehensive plan and the Shoreline Master Program. Specifically, I note the facts contained in the City's Staff Report in making this finding.
6. Physical Characteristics: I find based on the hearing record that the physical characteristics of the site are appropriate for the proposed development. I find that evidence concerning protection from floods, inundation or wetland conditions is addressed in Applicant's proposal, as conditioned. Specifically, I note the inclusion of a large native growth protection area, and a large wet biofiltration swale with appropriate wetland planting.
7. Mitigation and Concurrency: I find based on the hearing record that, as conditioned, the development provides for payment of all identified direct impacts through required traffic impact mitigation fees, park impact mitigation fees, school impact mitigation fees, water system capital improvement charges, wastewater capital improvement charges, and provides for replacement, relocation, or abandonment of required easements.

IV. RECOMMENDATIONS

The Hearing Examiner submits a recommendation of approval for the Iron Eagle Preliminary Plat and Rezone (15-SDPL-0001 & 15-REZN-0001) subject to the conditions noted below, consistent with the conditions recommended by staff.

Conditions:

1. The applicant shall apply for all necessary permits and submit construction plans prior to constructing plat improvements which include, but are not limited to, water, sewer, streets, and storm systems.
2. The project shall implement all of the applicable recommendations contained in the geotechnical, drainage, and traffic reports approved by the City.
3. The proponent shall dedicate right-of-way for streets as shown on the approved preliminary plat map. Frontage improvements, including curb, gutter, sidewalk, street trees and traffic control devices shall be provided for all streets within the subdivision and 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 prior to final plat application.

4. If the applicant wishes to bond for some of the plat improvements, the applicant shall submit a request to the City; but only after the design of plat improvements have been approved by the City Engineer. All financial securities shall be in place prior to final plat application.
5. Traffic impact fees in accordance with MMC Chapter 20.10 shall be required and paid at the rate in effect at the time of building permit issuance.
6. Park impact fees in accordance with MMC Chapter 20.10 shall be required and paid at the rate in effect at the time of building permit issuance.
7. School impact fees in accordance with MMC Chapter 20.10 shall be required and paid at the rate in effect at the time of building permit issuance.
8. The wastewater system capital improvement charge in accordance with MMC Section 13.08.270 shall be required and paid prior to building permit issuance.
9. Street trees shall be included in the street planter strips per the approved landscape plan. Tree type, spacing, quantity, and location shall be as determined by the City. Street trees shall be planted when a street frontage is fully owner occupied and as directed by the City of Monroe Parks Department. The City will coordinate tree plantings to the most favorable time of the year for plant survival. All street frontag 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.
10. Irrigation is required for all street trees abd 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.
11. Mail routes shall be approved by the Postmaster, including mailbox types and locations.
12. The NGPE split-rail fencing shall be identified on the landscape and civil plans consistent with the Critical Area Study.
13. Prior to final plat submittal the applicant shall complete the boudary line agreements with the adjacent property owners.
14. The applicant shall submit a revised legal description with the final plat application that reflects the boundary line agreements with the adjacent property owners.
15. The applicant shall post a performance/maintenance bond prior to issuance of a clearing and/or grading permit for the work outlined in the Critical Area Mitigation Plan per MMC 20.05.130.
16. The applicant shall obtain a General Construction Stormwater NPDES Permit from the WA Department of Ecology (DOE) prior to beginning construction per MMC 15.01.045.
17. The project shall implement all mitigation measures included in the environment checklist based on the latest versions of any referenced reports, plans, or supporting documents made record as exhibits accompanying this Staff Report and Recommendation for the project or subsequent versions approved by the City.

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18. The applicant shall obtain all the necessary permits associated with the project from the City.

Respectfully Submitted, Dated: 06/21/2016

Carl D. Cox

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NOTICES

Judicial Appeals (MMC 21.60.030)
Appeals from the final decision of the city council, planning commission, or hearing examiner, or other city board or body involving MMC Titles 15 through 20, and for which all other appeals specifically authorized have been timely exhausted, shall be made to Snohomish County superior court within twenty-one days of the date the decision or action became final, unless another time period is established by state law or local ordinance.

Notice of the appeal and any other pleadings to be filed with the court shall be served on the city as required by law.

The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The appellant shall post with the city clerk prior to the preparation of any records an advance fee deposit in the amount specified by the city clerk. Any overage will be promptly returned to the appellant.

Reconsiderations (MMC 21.50.080)
MMC 21.50.080 allows a party of record to a public hearing or closed record appeal, to seek reconsideration of a recommendation or a decision by the Hearing Examiner or hearing body, by filing a written request for reconsideration with the Community Development Department within ten calendar days, following issuance of the written final decision.

All motions for reconsideration requests shall state the specific errors of law, fact, or procedure. Reconsideration will be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision. If a request for reconsideration is accepted, a decision or recommendation is not final until after a decision on the reconsideration request has been issued.

Appeals of shoreline permit decisions and decisions on shoreline permit revisions, letters of exemption and other approvals required by the Master Program shall be heard in accordance with Chapter 21.60 MMC and RCW 90.58.180.