

EXHIBITS

1 Exhibits 1-14 in the “List of Exhibits” attached to the February 15, 2018 staff report
2 were admitted into the record during the February 22, 2018 hearing.

FINDINGS OF FACT

Procedural:

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6 1. Applicant. The Applicant’s agent is Ry McDuffy, Orca Land Surveying, 3605
7 Colby Avenue, Everett, WA 98201. The Applicant is Rick Hanson, Hanson Homes at
Main Brook, LLC, PO Box 2289, Snohomish, WA 98291.

8 2. Hearing. The examiner held a hearing on February 22, 2018 at 10:00 am at the
9 Monroe City Hall in the Council Chambers.

Substantive:

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11 3. Site Proposal/Description. The Applicant has applied for approval of a preliminary
12 plat to subdivide approximately 1.42 acres into 19 lots containing eighteen (18) zero
13 lot-line townhome lots and one (1) commercial lot on a project site abutting the north
14 side of West Main street. The project site is composed of Snohomish County Tax Parcel
Numbers 27060100310200, 27060100310300, and 27060100310400. The project site
is vacant and contains a parking lot.

15 4. Characteristics of the Area. The project area is surrounded by Mixed Use
16 Commercial (MUC) zoned property. Adjoining lots to the north and south are
17 developed with single-family homes. The lot to the west has a nursing home and
property to the east is composed of a mix of a single-family home, multi-family
development and commercial use.

18 5. Adverse Impacts. As conditioned, there are no adverse impacts associated with the
19 development. As determined in Finding of Fact No. 6 the proposed subdivision will
20 be served by adequate infrastructure. The SEPA Responsible Official issued a
21 Determination of Non-significance on December 15, 2017. Pertinent impacts are
addressed more specifically below:

22 A. Critical Areas. There are no critical areas on the project site.

23 B. Compatibility. The proposed commercial use directly abutting West Main
24 street is compatible with the mixed-use character of that street as well as the
25 mixed uses directly abutting the project site to the east and west along West
Main Street. The residential uses in the back (north) side of the proposal are
consistent with the single-family residential use located to the north.

1 6. Adequacy of Infrastructure/Public Services. The project will be served by adequate
2 and appropriate infrastructure and public services. All applicable level of service
standards for services and facilities are met as identified at Finding No. D6 and D10 of
the staff report. Adequacy is more specifically addressed as outlined below:

3 A. Water and Sewer Service. The City of Monroe will provide water and sewer
4 service. According to City of Monroe staff as noted in the staff report, there is
5 sufficient capacity available in the City's public water and sanitary sewer
6 system to serve the proposed subdivision. All lots will connect to the City's
water and sewer system.

7 B. Fire and Police Protection Fire District No. 7 will provide fire protection. The
8 City of Monroe Police Department will provide police protection. Neither the
9 Fire District nor the police chief cited any level of service concerns when they
10 reviewed the proposal. Fire safety measures recommended by the Fire District
pursuant to the International Fire Code has been adopted as conditions of
approval. See Condition No. 11.

11 C. Drainage. The Applicant has submitted a Drainage Report, Ex. 11, that lays out
12 the preliminary drainage plan for the project site. The preliminary design
13 involves installing a conveyance system to collect on-site stormwater generated
by new on-site access, parking, roof and landscaping areas and directing the
stormwater into on-site infiltration trenches located throughout the project site.

14 Final stormwater design plans will be reviewed and approved by City staff as
15 part of the civil plan review process leading to final plat approval. Stormwater
16 management will be designed to meet the requirements of the 2014 Department
of Ecology Storm Water Management Manual for Western Washington as
17 administered by the City Engineer. Any future permitted activities, such as
18 building permits, will also have to comply with the provisions of the Storm
Water Management Manual and any updates to the Manual as vested under
applicable state law.

19 D. Parks/Open Space. Open space is required for the residential portions of the
20 proposal pursuant to MMC 18.78.080. MMC 18.78.080 requires a total of
21 3,060 square feet of open space for the project site. The proposal provides for
22 3,166 square feet. Tract 998 (749 sq. ft.) is open space and Tract 999 (2,417
sq. ft.) will contain a play structure, bench, landscaping, and fencing (Exhibit
14.

23 Impacts to the City park and recreation system from the anticipated additional
24 public park users will be mitigated. In accordance with the City's park impact
25 mitigation fees established under MMC Chapter 20.10, impact fees require a
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.

1 Park impact fees shall be based on the fee amount in effect at the time of
2 payment.

3 E. Schools. Impacts to the Monroe Public Schools and the Snohomish School
4 District in the form of additional students are addressed through mitigation
5 programs. The City of Monroe has adopted the Monroe and Snohomish School
6 District 2016 - 2021 Capital Facilities Plan and imposes impact fees for schools
7 in accordance with those plans and MMC Chapter 20.07. School mitigation fees
8 require a standard fee amount per dwelling unit as a condition of residential
9 development within the city. School impact fees are based on the amount in
10 effect at the time of payment.

11 RCW 58.17.110(2) requires the City to make a finding that the proposed
12 subdivision assures “*safe walking conditions for students who only walk to and
13 from school.*” Students will walk from the development to Frank Wagner
14 Elementary School and Park Place Middle School. Students will be bussed
15 from the development to Monroe High School by the Monroe School District.
16 Sidewalks will be installed on one side of Road ‘A’ and will extend to West
17 Main Street providing safe walking conditions. The public streets fronting on
18 and/or adjacent to the subdivision include sidewalks on all sides of the street as
19 well as sidewalk along the property frontage along West Main Street.

20 F. Streets and Traffic. Access to the subdivision is proposed via West Main Street.
21 Internal access to individual lots will be provided through a private road ‘A’
22 and ‘B’ (Tract 997). Road ‘A’ is 30’, 2-10’ travel lanes and a 5’ sidewalk on
23 one side. Road ‘B’ is 20’, 2-10’ travel lanes. The proposed private road design
24 was approved by the Public Works Director. Frontage improvements along
25 West Main Street are already installed which includes curb and gutter, and a
five-foot wide sidewalk along the entire length of the site frontage. An ADA
ramp and new driveway approach will be installed at the entrance of West Main
Street.

Traffic control devices and street signs shall be installed prior 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.

Based on the Traffic Impact Study dated September 2017 (Exhibit 13), the
development is anticipated to generate approximately 23.44 AM peak-hour
trips and 32.85 PM peak-hour trips. The level of service analysis shows that all
study intersections in the TIA are anticipated to operate within acceptable level
of service thresholds.

Impacts to the City’s transportation system are mitigated through the collection
of traffic mitigation fees. In accordance with the City’s traffic impact fee

1 program under MMC Chapter 20.12, impact fees require a standard fee amount
2 per dwelling unit as a condition of residential development within the City.
3 Traffic impact fees shall be paid in accordance with MMC Chapter 20.12 and
4 shall be based on the amount in effect at the time of payment. Frontage
5 improvements and paving, including curb, gutter, sidewalk, and street trees
6 shall be installed along all private streets within the subdivision in accordance
7 with the City’s Public Works Design and Construction Standards.

8 **CONCLUSIONS OF LAW**

9 **Procedural:**

10 1. Authority of Hearing Examiner. MMC 21.20.050(F) provides that the Examiner
11 shall hold hearings and make final decisions on applications for preliminary plat
12 approval.

13 **Substantive:**

14 2. Zoning and Comprehensive Plan Designation. The project site is zoned Mixed Use
15 Commercial (MUC). The Comprehensive Plan land use designation is Mixed Use.

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

20 **Subdivision Criteria**

21 **MMC 17.12.030(H):** ... *The hearing authority shall inquire into how the public interest
22 of future residents of the preliminary plat are to be served by the subdivision and its
23 dedications. It shall determine if provisions are made to protect the public health, safety
24 and general welfare by the provision of open spaces, drainage ways, streets, alleys,
25 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:*

*1. The hearing authority shall consider if the proposed subdivision conforms to the
comprehensive plan and the Shoreline Master Program;*

- c. Storm water drainage;*
- 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.

5. The criterion is met. As noted in Finding of Fact No. 6, the proposal does not lower level of service standards for public services below adopted levels and the proposal will be served by adequate and appropriate public infrastructure and services. The proposal is consistent with the comprehensive plan as determined in Conclusion of Law No. 4. As conditioned, there are no significant adverse impacts associated with the proposal as determined in Finding of Fact No. 5. Since there are no significant adverse impacts associated with the proposal and the proposal helps to accommodate GMA required growth targets, the proposal is beneficial to public health, safety and welfare and is in the public interest. There do not appear to be any significant dedications to the public associated with the proposal as the interior road and the proposed open space tracts will all remain private and most of the required frontage improvements for West Main are already in place. Staff have assessed compliance of the subdivision against all applicable zoning code requirements as detailed in the staff report and found no inconsistencies. As no inconsistencies are apparent from the record, it is concluded that the proposal is consistent with the zoning code.

DECISION

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2 The proposed preliminary plat is found to be consistent with all applicable development
3 regulations for the reasons identified in the Conclusions of Law above. The proposed
4 preliminary plat¹ is approved, subject to the following conditions:

5 1. All improvements shall be constructed in accordance with the approved
6 preliminary plat map with the date stamp of January 17, 2018. Minor modifications of
7 the plans submitted, as described in MMC 18.84.210 (e.g. BLA or reduction in total
8 number of lots), may be approved by the Community Development Director or his/her
9 designee if the modifications do not change the Findings of Fact or the Conditions of
10 Approval.

11 2. Final engineering drawings depicting the street improvements, water and
12 sewer improvements, and drainage design shall be submitted to the City's Public Works
13 Director for final review and approval before issuance of any grading permits. The
14 street, water and sewer, and drainage improvements shall be designed in accordance
15 with the City's most current Public Works Design and Construction Standards.

16 3. The project shall implement all of the applicable recommendations
17 contained in the following technical reports submitted to the City:

18 a) Storm Drainage Report, prepared by Joseph M. Smeby, PE, dated
19 September 2017 (Exhibit 11).

20 b) Geotechnical Report, prepared by Liu & Associates, dated March 31, 2017
21 (Exhibit 12).

22 c) Traffic Report, prepared by GTC, dated September 2017 (Exhibit 13).

23 **CLEARING AND GRADING**

24 4. A comprehensive erosion and sedimentation control plan to ensure
25 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

¹ The proposal is as depicted in Ex. 3, with the proviso that the gravel parking lot depicted for proposed Lot 19 and any half-street sidewalks depicted in Ex. 3 shall not be considered approved by this decision to the extent that a deviation approved by City staff is required for those design features. No deviation requests have been consolidated with this decision.

1 incorporated into the design. At a minimum, the plan shall include the following
2 elements:

3 a) Exposed soils shall be stabilized and protected with straw, hydro-seeding or
4 other appropriate materials to limit the extent and duration of exposure;

5 b) Disturbed areas shall be protected from storm water runoff impacts through
6 the use of silt fence. Other means of filtration of storm water runoff and for limiting
7 erosion/sedimentation such as check dams, and sediment traps may be required and are
8 recommended.

9 c) Clearing and grading activities shall not be performed in the winter-wet
10 season when soils are unstable.

11 **Storm Drainage Improvements**

12 5. The stormwater system design and stormwater discharge shall utilize the Best
13 Management Practices of the 2014 DOE Stormwater Management Manual for Western
14 Washington.

15 6. Stormwater pollution prevention measures shall be employed per the
16 approved Stormwater Pollution Prevention Plan and as necessary to ensure appropriate
17 on-site and off-site water quality control. Site runoff during construction shall be
18 handled and treated as to quantity and quality impacts by utilizing Best Management
19 Practices, as defined in the 2014 DOE Stormwater Management Manual for Western
20 Washington.

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

23 **ROAD IMPROVEMENTS**

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

Landscaping

9. Street trees shall be included in the street planter strips per the approved
landscape 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.

10. 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.

1 **FIRE**

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

5 • Fire hydrants shall be provided in accordance with city standards and the
6 direction of the Fire Marshal

7 • Fire Hydrants shall be installed as per fire flow and spacing requirements
8 specified for the type of development with regards to distances to structures;

9 • Fire hydrants shall be equipped with four- (4) inch quarter-turn Storz adapters;

10 • An access route, for fire fighting apparatus, must be provided at the start of
11 construction. Minimum access route requirements include a 20' width, 13'6" vertical
12 height clearance, and the ability to support a load up to 75,000 pounds;

13 • All buildings must be addressed visibly and legibly from the road. When
14 buildings are not visible from the street, appropriate provisions must be made to identify
15 clearly which road or drive serves the appropriate address including private roads.

16 • Fire sprinklers are required for all residential units and future development.

17 • No parking signs are required as directed by the Fire Marshal for all streets with
18 a width less than 32' and within turnaround areas.

19 **FEES**

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

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

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

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

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

3 **FINAL PLAT**

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

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

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

14 20. The following note shall appear on the face of the Final Plat Map: “The
15 Homeowners Association is responsible for maintaining, in a uniform manner, all
16 landscaping and irrigation within all commonly owned Tracts and easements.”

17 21. The following Waiver of Claims for Damages Statement shall appear on the
18 face of the Final Plat Map: “This dedication includes conveyance of roads, tracts, utility
19 and storm drainage infrastructure, and other areas of right-of-way intended for public
20 use and/or ownership as shown on or otherwise referenced by the plat. The [insert name
21 here] hereby waives all claims against the City of Monroe and/or any other
22 governmental authority for damages which may occur to the adjacent land as a result of
23 the construction, drainage and maintenance of such facilities and improvements.”

24 22. If the final plat contains dedication of land for public purposes, it shall
25 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.

Following original reasonable grading of roads and ways hereon, no drainage waters
on any lot or lots shall be diverted or blocked from their natural course so as to discharge
upon any public road rights-of-way, or to 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.”

23. The following shall be shown on the recording block section of the plat
map: “Refer to Auditor Recording Number.”

1 24. The final plat shall provide space for the approving signatures of the
2 community development director, city engineer and the mayor, and the city clerk shall
3 attest the signatures.

4 25. The title block on the final plat map shall have the names of all the legal
5 owners of the property named on the plat and the name of the surveyor/engineering firm
6 which prepared the final plat map.

7 26. An Auditor's Certificate shall be shown on the final plat map.

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

- 9 • Surveyor Certificate;
- 10 • Correct legal description of all lots as set out in Chapter 58.17 RCW;
- 11 • Owners Statement;
- 12 • All new easement(s) over the property, their legal description(s) and associated
13 dedication block(s);
- 14 • Recording block/Certification blocks for City approval;
- 15 • North arrow;
- 16 • Certification of Payment of Taxes and Assessments;
- 17 • Auditor's Certificate; and
- 18 • The survey control scheme, monumentation, basis of bearing and references.

19 **MISCELLANEOUS**

20 28. The 30' existing ingress, egress, and utility easement (AFN 199912215006)
21 to the site shall be revised to include access to the proposed new lots before final plat
22 approval.

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

 30. All development within the mixed use commercial zone shall comply with
 the Infill, Multifamily, and Mixed Use Design Standards, subject to the requirements of
 MMC 18.10.132.

 31. 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.

 32. 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.

 33. Mail routes, including mailbox types and locations, shall be approved by
 the Postmaster prior to construction.

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