

**CITY OF MONROE
ORDINANCE NO. 003/2017**

AN ORDINANCE OF THE CITY OF MONROE,
WASHINGTON, AMENDING ZONING DESIGNATIONS IN
THE CURRIE FARMS REZONE AREA FROM URBAN
RESIDENTIAL 9600 (UR 9600) 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 4.56 acres on July 28, 2016., to initiate a rezone of certain property located at 16691 Currie Road, on Snohomish County tax parcel number 27060200301900, commonly known as the Currie Farms Area; and

WHEREAS, the City of Monroe SEPA Responsible Official issued a Determination of Non Significance (DNS) for this proposal on September 20, 2016; and

WHEREAS, the Monroe Hearing Examiner held a duly advertised public hearing to consider the proposed rezone on December 15, 2016, which was continued to January 5, 2017; 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 of Fact and Conclusions of Law recommended by City Staff and adopted by the Monroe Hearing Examiner dated January 19, 2017, in support of the rezone; and

WHEREAS, the City Council reviewed the Hearing Examiner's recommendation at the February 28, 2017 and March 7, 2017, regular 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. Currie Farms Rezone (REZN2016-01): The Monroe City Council hereby approves the zoning reclassification of certain property located at 15831 171st Avenue SE, Monroe, WA in Township 27, Range 06, Section 02, NW1/4, SE1/4, Willamette Meridian (W.M.) on Snohomish County tax parcel number 27060200402900 from Urban Residential 9600 (UR 9600) 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 Currie Farms Rezone Findings and Conclusions dated January 19, 2017, in support of said amendment, attached as Exhibit D, and incorporated by this reference as if set forth in full.

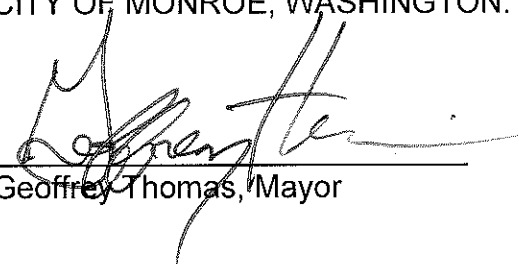
Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause 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 7th day of MARCH, 2017.

First Reading: February 28, 2017
Final Reading: March 7, 2017
Published: March 14, 2017
Effective: March 19, 2017

CITY OF MONROE, WASHINGTON:




Geoffrey Thomas, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:



Elizabeth M. Adkisson, MMC, City Clerk



J. Zachary Lell, City Attorney

EXHIBIT A

Ordinance No. 003/2017
Currie Farms Area Rezone Map





ZONING

ZONING DISTRICTS

- (DC) - Downtown Commercial
- (GC) - General Commercial
- (MUNC) - Mixed Use Neighborhood Commercial
- (MUC) - Mixed Use Commercial
- (SC) - Service Commercial
- (PO) - Professional Office
- (GI) - General Industrial
- (LI) - Light Industrial
- (LOSA) - Limited Open Space-Airport
- (LOS) - Limited Open Space
- (PS) - Public Open Space
- (MR6000) - Multi-Family Residential
- (UR6000) - Urban Residential
- (UR9600) - Urban Residential
- (R4) - Residential 4 Dwellings Per Acre
- (SR15000) - Suburban Residential

OVERLAY ZONES

- North Kelsey Planning Area (ORD 009/2010)
- North Kelsey Planned Dev Area (ORD 009/2010)
- Downtown Planning Area (ORD 036/2008)
- Airport Overlay Zone (ORD. 026-2006)
- AEO-SOB Boundary (ORD 029/2003)

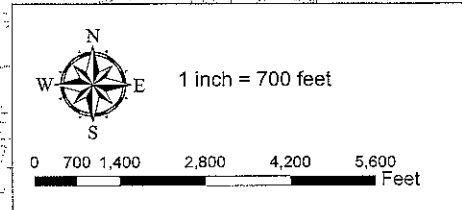
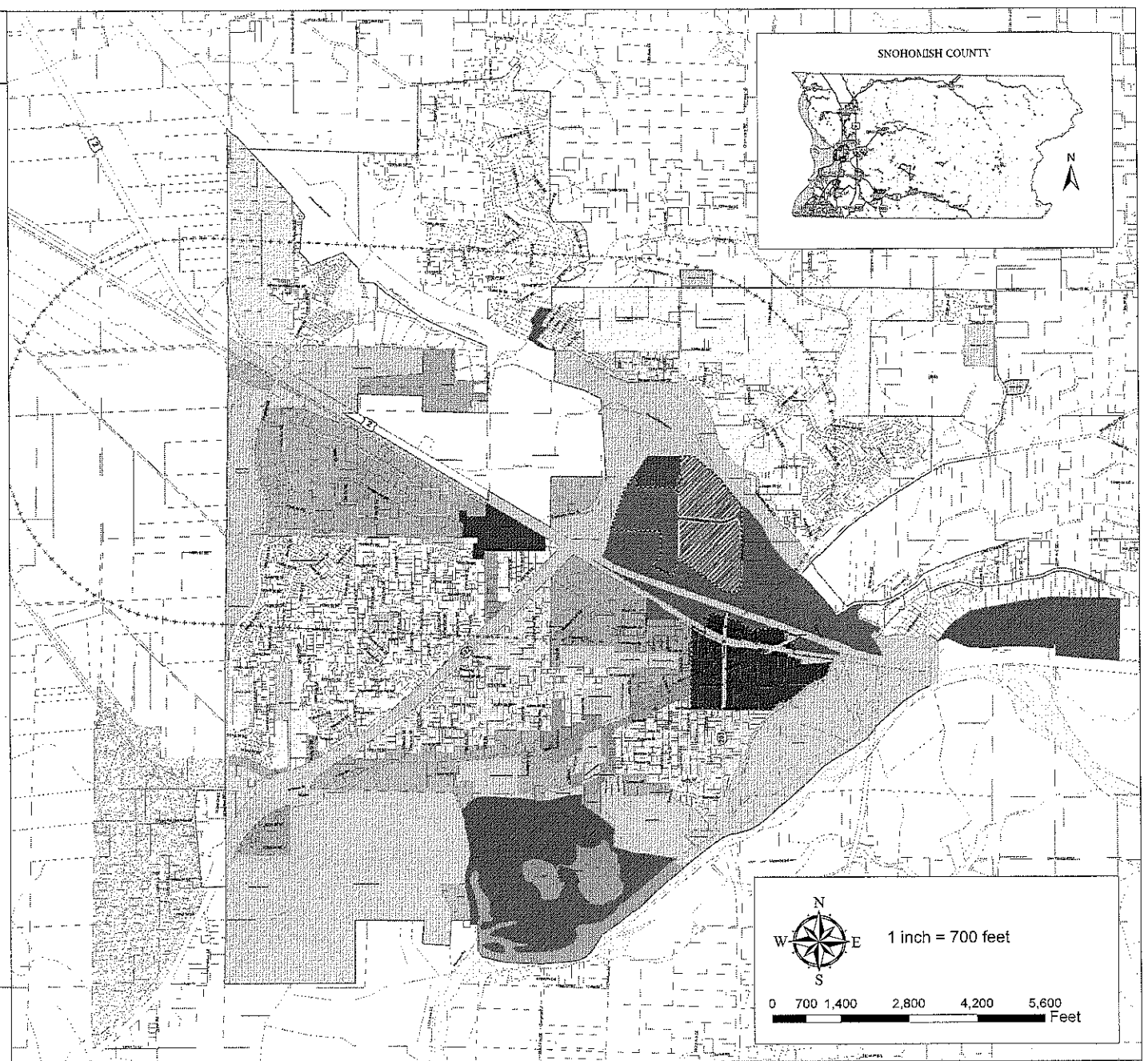
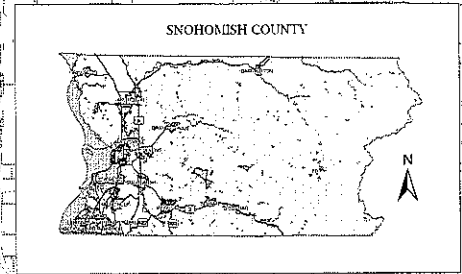
BOUNDARIES

- Southwest Study Area
- Urban Growth Area
- Monroe City Limits

Official City of Monroe 2015 Zoning Map
 This is to certify that this is the official zoning map referred to in the Zoning ordinance of the City of Monroe, Washington.

Adopted
 (Signed Copy in City Records)















Map data shown is the property of the City of Monroe & Snohomish County. Inaccuracies may exist and the City of Monroe & Snohomish County imply no warranties or guarantees regarding any aspect of data depiction. No real estate decisions are to be made using this map. Please contact the City of Monroe Planning and Permitting Department to verify the designation(s).







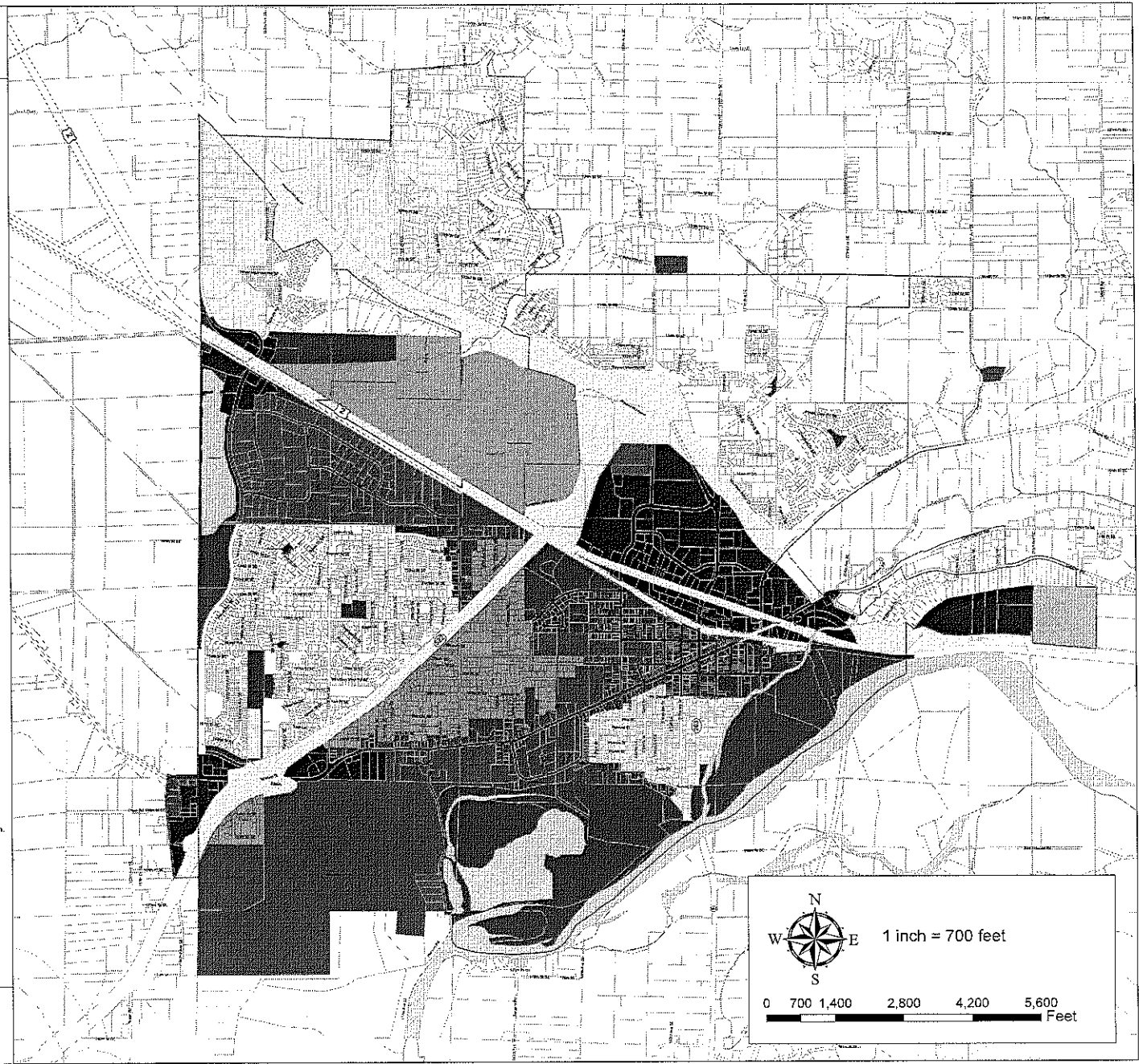
COMPREHENSIVE PLAN MAP

COMP. PLAN DESIGNATIONS

-  Downtown Commercial
-  Tourist Commercial
-  General Commercial
-  Mixed Use
-  Industrial
-  Institutional
-  Low Density SFR
-  Medium Density SFR
-  High Density SFR
-  Multifamily
-  Parks
-  Limited Open Space
-  Shoreline Industrial
-  Transportation

BOUNDARIES

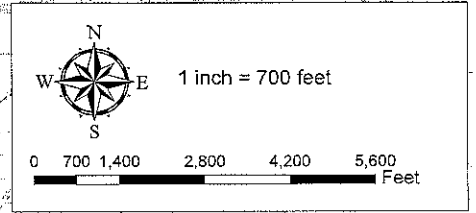
-  Urban Growth Area
-  Monroe City Limits



Official City of Monroe 2016 Comprehensive Plan Map
 This is to certify that this is the official comprehensive plan map of the City of Monroe, Washington.

Adopted December 8, 2015
 (Signed Copy in City Records)

Map data shown is the property of the City of Monroe & Snohomish County. Inaccuracies may exist and the City of Monroe & Snohomish County imply no warranties or guarantees regarding any aspect of data depiction. No real estate decisions are to be made using this map. Please contact the City of Monroe Planning and Permitting Department to verify the designation(s).



BEFORE THE HEARING EXAMINER
CITY OF MONROE, WASHINGTON

RE: Variance, Rezone, Preliminary Plat, and
Planned Residential Development for

Currie Farms

Applicant: Currie Farms, LLC,
(Richard Hanson, Hanson Homes),

File No(s): PLPRD2016-03; REZN2016-
01; VR2016-02

FINDINGS OF FACT,
CONCLUSIONS OF LAW, DECISION,
AND RECOMMENDATIONS

I. INTRODUCTION

The applicant is requesting a variance, rezone and concurrent preliminary plat/Planned Residential Development (PRD) approval for property ("Property") approximately 4.56 acres (198,516 square feet) in area. The proposed preliminary plat/PRD is for a twenty-five (25) lot single-family subdivision, a new development known as "Currie Farms," in accordance with the provisions of the City of Monroe Comprehensive plan and the Monroe Municipal Code. At the applicant's request these applications were consolidated per MMC 21.30.010 and 21.50.130. City staff recommended approval of the proposal, subject to conditions.

As Hearing Examiner for the City of Monroe I held a public hearing on January 5, 2017 at approximately 10:00 a.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 § 18.98; § 18.99; § 17.12; § 18.84; § 20.04; § 21.20; and § 21.50. The Hearing Examiner recommends **APPROVAL** of the applicant's proposal, subject to conditions.

David Osaki, Community Development Director for the City of Monroe, appeared and provided witness testimony together with the City's Staff Report and Recommendation, and related exhibits (Exhibits 1-25). Richard Hanson of Hanson Homes and Currie Farms, LLC, appeared on behalf of applicant. Ry McDuffy 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. The following exhibits were admitted at the open record hearing:

- Exhibit 1: Staff Analysis
 - 1-A Supplemental Staff Report & Recommendation
 - 1-B Revised Staff Report and Recommendation
- Exhibit 2: Vicinity Map
- Exhibit 3: Preliminary Plat Map
- Exhibit 4: Permit application & Project narrative
- Exhibit 5: Notice of complete application

1 – Case no. PLPRD2016-03 (Currie Farms)

- Exhibit 6: Comprehensive Plan Map
- Exhibit 7: Zoning Map
- Exhibit 8: 2015-2035 Comprehensive Plan Table 3.07
- Exhibit 9: Notice of Application (Affidavits 9-A through 9-D)
- Exhibit 10: Notice of Public Hearing (Affidavits 10-A through 10-E)
- Exhibit 11: SEPA Determination of Non Significance (MDNS) (Affidavits 11-A through 11-E)
- Exhibit 12: Notice of Cancelled Public Hearing
- Exhibit 13: Notice of Rescheduled Public Hearing (December 15, 2016) (Affidavits 13-A through 13-E)
- Exhibit 14: Public Comments (14-A Snohomish County PUD #1)
- Exhibit 15: Preliminary Landscape & Park Plan
- Exhibit 16: Conceptual Utilities Plans
- Exhibit 17: Drainage Report
- Exhibit 18: GeoTech Report
- Exhibit 19: Traffic Impact Analysis
- Exhibit 20: Revised Preliminary Plat/PRD Plan (Received December 6, 2016)
- Exhibit 21: Revised Conceptual Utilities Plan (Received December 6, 2016)
- Exhibit 22: Revised Conceptual Park & Landscape Plan (Received December 14, 2016)
- Exhibit 23: Notice of Continued Public Hearing (Affidavits 23A through 23-E)
- Exhibit 24: Currie East Plat/PRD (Snohomish County Auditor's File Number 200410265004)
- Exhibit 25: Mountain View Manor Division 2 Plat/PRD (Snohomish County Auditor's File Number 9605225006)

II. FINDINGS OF FACT

Application and Notice: Proposed Use

1. Applicant Currie Farms, LLC submitted a combined permit application for a variance, rezone, preliminary plat and Planned Residential Development (PRD), requesting approval of a residential subdivision of approximately 4.56 acres (198,516 square feet) (the "Property") into 25 single-family lots in accordance with the provisions of the City of Monroe Comprehensive Plan and the Monroe Municipal Code (MMC) (the "Currie Farms" subdivision). The Property's address is: 15831 171st Avenue, SE, in Monroe. (Snohomish County Assessor's Tax Parcel No. 27060200402900. (Township 27, Range 06, Section 02, NW1/4, SE1/4, Willamette Meridian (W.M.)). (Exhibits 1, 2, 3, 4, 5)
2. The City of Monroe's 2015-2035 Comprehensive Plan Future Land Use Map designates the Property "Low Density SFR" and the Property's existing zoning designation is UR9600. The applicant seeks a rezoning designation of UR6000 for the entire parcel. Public notice for the application was provided as required. (Exhibits 1, 6, 7, 8, 9, 10, 12, 13)
3. The Applicant submitted the preliminary plat and PRD, variance, and rezone application to the City on July 28, 2016. The application was deemed technically complete on August 16, 2016, and the application was routed to affected departments and agencies for review and comment. Initial plans for the proposal included 31 lots, with a detached garage on proposed Lot 2 torn down. However, staff analysis of the proposal recommended denial of the rezone request due to inconsistency with the City's Comprehensive Plan designating the site "Low Density Single-Family Residential" with 3-5 dwellings/acre. The Applicant revised the plans for the proposed development to address these limitations and the

2 – Case no. PLPRD2016-03 (Currie Farms)

revisions were circulated and issued for additional comment. (Exhibits 1, 3, 5, 6, 7, 8, 9, 10, 12, 13, 23)

4. A Determination of Non-Significance (DNS) was issued, published, posted and mailed on September 20, 2016. Comments were received from Snohomosh County PUD #1 (Sufficient electric system capacity, but existing PUD facilities and easements may need modifications or relocations at the developer's expense), but no appeal was received. (Exhibits 1, 11, 12, 14)
5. The site does not contain any steep slopes or critical areas, and is not located within the shoreline jurisdiction for the City. The site is currently improved with a single-family residence and a separate, detached garage. The applicant proposes to keep these improvements on site. The site is approximately 900 feet long running east-to-west and 230 feet running north-to-south, with flat grades. The vegetation found on the site is a mixture of landscaping, including grasses and shrubs and native vegetation. Past development of the Property was a plant farm/nursery. Frontage improvements including pavement, widening, curb, gutter, planter and sidewalk will be required along 171st Avenue SE. (Exhibit 1)
6. The City of Monroe Comprehensive Plan Designations, Zoning Designation and Existing Land Uses of the Property and Surrounding Area:

	COMPREHENSIVE PLAN LAND USE DESIGNATION	ZONING	EXISTING LAND USE
Project Site ("Property")	Low Density SFR	Urban Residential (UR9600)	Single-Family Residence and detached garage
North	Low Density SFR	UR9600	Single-family residential
South	Low Density SFR	UR9600	Single-family residential
East	Low Density SFR	UR9600	Single-family residential
West	Low Density SFR	Public Open Space (PS)	State Route 522 and single-family residential

7. The properties surrounding the proposed Currie Farms PRD are primarily single-family home developments, with SR522 located to the east. The development to the immediate south is a PRD subdivision called "Currie East" that has homes on mostly 6,000 square foot lots. The development to the immediate north is a PRD called "Mountain View Manor Division 2" and has several 5,588 square foot lots abutting the proposed Currie Farms PRD. (Exhibits 1, 2, 3, 4, 6, 7, 24, 25)
8. The Currie Farms PRD proposal provides for 18,783 square feet of useable open space of park and recreational open space with a sport court on Tract 999 and a public easement trail on Tract 998 that will provide interconnected useable open space with public access. Frontage improvements, including curb, gutter, sidewalk, and street trees located within five-foot-wide landscape strips are included in the proposal. The new 156th Place SE public road serving the proposed lots will be fully paved with curb and gutter, with two 16-foot wide travel lanes, the five-foot wide landscape strips, and five-foot wide sidewalks on both sides. (Exhibits 1, 3, 15, 20, 22)

3 – Case no. PLPRD2016-03 (Currie Farms)

9. The applicant provided required plans for landscaping, utilities, drainage, geotechnical study, and a traffic impact study, and various documents and revisions related to the proposal. (Exhibits 15, 16, 17, 18, 19, 20, 21, 22)

Variance

10. The applicant's proposal includes keeping the existing single-family residence on proposed Lot 1. The property owner has lived in this residence for over 40 years, and plans to continue utilizing the detached garage. The residence fronts on and takes access from 171st Avenue SE. The proposal includes a new section of 156th Place SE that will be a new internal road serving the Currie Farms subdivision. This new road will enter the Property from 171st Avenue SE creating a new road adjacent to the existing residence, resulting in the existing residence being on a corner lot and fronting on two public streets, with the planned new road entering the Property at a point five feet from the existing residence. The applicant requested a variance to reduce the setback from the standard ten feet to a five feet minimum to accommodate this road. The applicant reports that there is no other space on site, the cost of moving the existing residence is not cost effective for the homeowner. (Exhibits 1, 2, 3, 4)

III. CONCLUSIONS

The evidence presented is reliable, probative and substantial evidence upon which to base a determination in these matters. Any finding of fact deemed to be a conclusion of law is adopted as such.

A. Variance

The requested variance seeks to reduce the required front yard setback for an existing single-family residence (to remain on Lot 1) from the standard 10 feet minimum for the residential living space to a 5 feet minimum from the proposed new street section of 156th Place SE. This existing single-family residence currently fronts on and takes access from 171st Avenue SE, and will continue to take direct access from 171st Avenue SE.). This single-family residence will front on two public streets with the creation of the proposed plat and new internal road (156th Place SE). Due to this dual frontage, the applicant is requesting a variance to the setback from the proposed 156th Place SE from 10 feet to 5 feet.

Variations require a public hearing with final decision before the Hearing Examiner. Monroe Municipal Code (MMC) section 18.98.040 identifies the criteria for the granting of a variance and states:

"The hearing examiner shall consider all requests for variance; variance from the provision of such ordinances shall not be granted by the hearing examiner unless the hearing examiner finds that all of the following facts and conditions exist:

- A. The variance shall not constitute a grant of special privilege inconsistent with the uses of other properties in the vicinity and in the zone in which the property on behalf of which the application was filed is located; and
- B. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surrounding of the subject property in order to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

4 – Case no. PLPRD2016-03 (Currie Farms)

- C. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and in which the subject property is situated; and
- D. The authorization of such variance will not adversely affect the implementation of the comprehensive land use policy plan; and
- E. The granting of such variance is necessary for the preservation and enjoyment of a substantial property right of the application possessed by the owners of other properties in the same zone or vicinity.

Applicant's proposal is analyzed and considered in detail within the City's Staff Report, as reported by Ms. Kyle and Mr. Osaki. The existing single-family residence located on proposed Lot 1 would be able to meet its current front yard setback of 20 feet from 171st Avenue SE, and access to this residence will continue from 171st Avenue SE. However, with the platting of this property and the creation of a new public road, this lot would end up fronting on two public streets. The applicant is asking for a reduction of the 10-foot setback for the residential living area to allow for the new public road. Per MMC 18.10.140 table A, footnote 11, which states: "The standard setback for zones that allow single family uses is ten feet to the living area and twenty feet to the garage...." The granting of the variance will allow the residence to remain on the site and allow the owner to continue to utilize the residence as his home. There is no space on site and the cost of moving the home would not be cost effective for the homeowner. I concur with applicant and staff that the requested variance does not grant a special privilege inconsistent with the uses of other properties in the vicinity and zone in which the property is located. I also agree with the applicant and staff that the variance is necessary because of these special circumstances relating to the size, location, and surrounding of the property in order to provide it with these same uses rights and privileges permitted to other properties in the vicinity and zone in which the property is located. I further agree that the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is located.

I also reviewed and agree with staff analysis that the requested variances will not adversely affect the implementation of the City's Comprehensive Land Use Policy Plan, particularly the guidance provided by the Land Use Element of the City of Monroe 2015-2035 Comprehensive Plan, and associated Table 3.07, which provides for use of gross density so that "...developers can explore clustering or other creative design approaches when their sites include constraints imposed by critical areas, easements or rights of way..." I also agree with staff analysis that the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, in that granting the variance would enable to property owner to preserve and enjoy the existing single family home in the same manner he has for the past 40 years.

B. Rezone

The applicant is also requesting a rezone of the entire Property from UR 9600 to UR 6000. 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

The first criteria to consider is whether the proposed zoning change is in keeping with the goals and policies of the City of Monroe's Comprehensive Plan. City staff reviewed the revised proposal against the applicable sections of the Monroe Municipal Code and Comprehensive Plan and recommended approval of the rezone request. The Property is currently zoned Urban Residential 9600 (UR 9600). The initial staff report for a November 17, 2016 hearing recommended denial of the rezone request because the initial proposal for 31 lots exceeded the approximate density range of the Single Family Low Density Residential Comprehensive Plan designation of three to five units per acre. The hearing, however, was reset to December 15, 2016, and then continued to January 5, 2017. During this time period, the applicant revised the proposed preliminary plat/PRD and reduced the number of lots from 31 (as originally proposed) to 25 lots. Under the proposed UR6000 zoning district, 26 units is the standard density for the 4.56-acre lot size identified by the applicant. The provisions of MMC Chapter 18.84 "planned Residential Development" (PRD) could allow up to 25% more lots/units in the UR 6000 zone (in this case up to a maximum of 33 lots/units), depending on the quality of development being provided. The proposal must still, however, be consistent with the City of Monroe's Comprehensive Plan designation for the Property as Single Family Low Density Residential. The City of Monroe 2015-2035 Comprehensive Plan is a guidance document that allows for an *approximate* gross density of three to five units per acre within the Low Density Single-Family Residential area. Applicant's proposal would result in 25 lots on 4.56 acres, or a density of 5.48 lots per acre, which arguably is an *approximate* density of three to five lots per acre. Use of the word *approximate* anticipates and provides some reasonable flexibility to that range, and City staff report that the term has always been construed this way. Therefore, we look for guidance concerning the meaning of *approximate*.

The City of Monroe 2015-2035 Comprehensive Plan Table 3.07 provides the following description of the "Low Density Single-Family Residential" land use plan designation applicable to the Property:

"The Low Density Single-Family Residential designation will develop at an approximate gross density of three to five units per acre. This is a gross density, applying this density to every acre within the designation regardless of physical constraint. By using a gross density – and not one tied specifically to a particular lot size – developers can explore clustering or other creative design approaches when their sites include constraints imposed by critical areas, easements or rights of way. In cases where land is relatively free of constraint, single-family subdivisions in this designation may have individual lots ranging from about 9,000 square feet to 14,000 square feet. In highly constrained areas individual lots may be smaller. The Low Density SFR designation allows for parks. The Low Density SFR designation allows for neighborhood scale retail and commercial developments along arterials."

The City's 2015-2035 Comprehensive Plan policies include additional support for construing density calculations in a flexible manner. For example, Comprehensive Plan Policy P.111 states: "Encourage the provision of higher density housing in close proximity to retail, health care services, parks and transportation routes."

¹ See MMC 18.99.

² See MMC 18.84.070.

Comprehensive Plan Policy P.118 states: "Permit a variety of smaller sized housing, including cottage housing, manufactured housing or other types where compatible with surrounding neighborhoods."

I concur with staff that the proposal for 25 lots/units is consistent with the City of Monroe's 2015-2035 Comprehensive Plan "Low Density Single-Family Residential" land use plan designation. The resulting density will remain approximately 3-5 lots/units, consistent with the designation.

The proposed zoning change must also be in keeping with the purposes of the City's Zoning Code and the existing land use of surrounding properties. According to the zoning code, the UR6000 zoning district allows a combination of detached homes on small lots, townhouses and apartments. Land uses surrounding the proposed Currie Farms preliminary plat/PRD are single-family homes, with State Route 522 located to the immediate east. The development to the south of the proposed Currie Farms subdivision is called "Currie East", and is a PRD that is developed with mostly 6,000 square foot lots in the UR9600 zone. The development to the immediate north, "Mountain View Manor Division 2", is also an approved PRD in the UR9600 zone with several 5,588 square foot lots abutting the proposed Currie Farms plat/PRD. The proposed rezone would implement PRD policy provisions to allow smaller lot single-family housing that is generally compatible with the immediate surrounding neighborhood. Therefore, the proposed rezone to UR6000 is consistent with the residential single-family home character of the immediate neighborhood and adds to the overall inventory of housing types already existing in the vicinity.

I note that the proposed UR6000 zoning classification reflects changes in economic patterns and social customs. Specifically, as noted by staff, rising home prices in the region have resulted in increasing interest by the public in smaller more affordable lots/homes that can be more easily maintained. This factor also addresses the affordability needs of those entering the housing market as well as a growing older population looking for smaller homes with less maintenance responsibilities. As also noted by staff, the proposal would contribute to meeting the City of Monroe's 2035 population target.

The staff report and related exhibits provided detailed assessment of the proposal's impact in safety, welfare, public health, property values and other factors. The area is currently served by the City of Monroe for various public services. The proposed land use intensities fall within the available capacity for the City's sewer, water and storm water systems, and will not likely dramatically increase police and fire coverage. Transportation impacts were also evaluated with the subdivision application, with affected intersections anticipated to continue operating at acceptable levels of service.

C. Preliminary Plat and Planned Residential Development (PRD)

An application for a preliminary plat/planned residential development (PRD) requires a public hearing before the Hearing Examiner and a recommendation to the City

Council.² PRD 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).³ In this case, the site is not located within the shoreline jurisdiction for the City. The City of Monroe Comprehensive Plan currently designates the site as UR 9600 (Urban Residential 9600), with the applicant seeking to rezone the property to UR6000. As reviewed in the section discussing rezoning of the property, the proposed 25 lot/unit PRD is less than the maximum standard density of 26 lots/units that the UR6000 zone would allow. However, 25 lots/units is the maximum density still consistent with the City of Monroe's 2015-2035 Comprehensive Plan "Low Density SFR" designation for density. Thus, if approved, the proposed PRD should be conditioned to allow a maximum of 25 lots/units. As such, the proposed subdivision is consistent with the City's Comprehensive Plan, and implements Comprehensive Plan Policy P.111 and P.118. Further, I note one physical characteristic of the proposed PRD lies with the existing built environment. Specifically, applicant originally proposed to remove an existing garage, located on proposed lot 2, with development of the Currie Farms subdivision. The property owner now seeks to retain the detached garage. The detached garage is an accessory structure related to the existing single-family residence, and cannot be the primary use of a newly created lot.⁴ Therefore, a condition should be required to ensure that the existing garage couldn't become a principal use of a lot.

The proposed development, as conditioned, is consistent with requirements for development of this Property with a subdivision of single-family homes. 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 Currie Farms PRD development of single-family homes served by public utilities, as conditioned, is consistent with the City of Monroe's Comprehensive Plan for this site, within the UR6000 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

² See MMC 18.84.070.

³ See MMC 17.12.030.

⁴ See MMC section 18.02.010.

ensure that an adequate drainage system is provided to reduce exposure to flood damage. The PRD makes adequate provisions for open space. 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 proposed subdivision is appropriate, with no critical areas or 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 similar single family uses). I note that provision is made to protect the public health, safety and general welfare, and that the provision of additional open spaces and playgrounds within the proposed subdivision 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; specifically, I find that evidence concerning protection from floods, inundation or wetland conditions is addressed in applicant's proposal, as conditioned.
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.

B. Planned Residential Development (PRD)

City of Monroe Municipal Code 18.84.120 provides for approval of a preliminary development plan if the PRD is in accordance with the City's comprehensive plan and meets certain specified criteria.

1. Comprehensive Plan: I find based on the record that, as conditioned, the PRD is in accordance with the City's comprehensive plan. Specifically, the PRD is in compliance with City zoning regulations, development standards, and ordinances. The staff report notes that proposed along the PRD perimeter boundary line should be a minimum of 4,500 square feet, but lots 20 and 24 do not. Staff note that, for the most part, the proposed lots meet the minimum size

requirements, and the proposed PRD does include more open/recreation space than the minimum, offsetting the need to make these two lots meet the 4,500 square feet standard.

2. Net Benefit of PRD: I find based on the hearing record that the PRD accomplishes a development that is better than that resulting from traditional development and provides a net benefit to the City. Specifically, among other things, I note that the PRD provides for more open/recreation space than the minimum, along with a sport court, and trail easements (interconnected useable open space), exceeding City requirements. Specifically, applicant is providing 18,783 square feet of useable open space consisting of 15,165 square feet of park and recreational open space with a proposed sport court (Tract 999) and a public easement trail (Tract 998). Combined, this exceeds the minimum dedication of 675 square feet per unit, or minimum of 16,875 square feet.
3. Public Facilities: I find based on the hearing record that the PRD will be served by adequate public facilities including streets, fire protection, water, storm water drainage, and sanitary sewer as demonstrated by the submittal and review of plans for such facilities. Specifically, I note that the PRD will utilize City public utility services, and the City's staff report states that the City has adequate capacity and the PRD does not lower the level of service for such facilities.
4. Landscaping: I find based on the hearing record that the PRD, as conditioned, provides for landscaping within the PRD's perimeter that is superior to that normally required by the City. Specifically, I note that frontage improvements, including curb, gutter, sidewalk, and street trees located within five-foot-wide landscape strips will be provided along the new interior public street within the subdivision, and the project proposes additional landscaping in Tract 999.
5. Public Right-of-way: I find based on the hearing record that the PRD is functionally connected to the public right-of-way through at least one major circulation point.
6. Open Space: I find based on the hearing record that open space within the PRD is integrated into the design of the project and is not an isolated element. Specifically, I note that open spaces are included in the PRD, with public access to these areas.
7. Compatibility: I find based on the hearing record that the PRD is compatible with the adjacent development. Specifically, I note that the PRD complies with zoning for this location, and is compatible with the adjacent development.
8. Adjoining Undeveloped Land: I find based on the hearing record that undeveloped land adjoining the PRD may be developed in coordination with the PRD.
9. Design: I find based on the hearing record that the PRD is harmonious and appropriate in design, character and appearance to the existing character of development in the immediate vicinity. Specifically, I note that property in the immediate vicinity is developed with similar design character with the subdivisions to the south (Currie East) and to the north (Mountain View Manor Division 2) both approved as PRDs.
10. Roads, Streets, and Sidewalks: I find based on the hearing record that roads, streets, and sidewalks within the PRD, as conditioned, will comply with the City's standards and requirements. The applicant is providing a public street with narrow rights-of-way encompassing two 16-foot wide travel lanes, five-foot wide

landscape strips, and five-foot wide sidewalks on both sides. The streets will be fully paved with curb and gutter.

11. Other: I find based on the hearing record that the PRD, as conditioned, will contain the required parking spaces, open space, recreation facilities, landscaping, and utility area. Specifically, I note that the PRD provides for a sport court, interconnected trail with public access, and open space areas exceeding City requirements.

IV. DECISION AND RECOMMENDATIONS

The Hearing Examiner APPROVES the requested Variance (VR2016-02) and submits a recommendation of approval for the Currie Farms Preliminary Plat/Planned Residential Development, (PLPRD2016-03) and Rezone (REZN2016-01) subject to the conditions noted below.

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. To address an existing garage, the applicant shall phase final plat approval for proposed lots 1 and 2 until such time the existing garage is removed or converted to a single-family residence.
3. The project shall implement all of the applicable recommendations contained in the geotechnical, drainage, and traffic reports approved by the City.
4. The proponent shall dedicate right-of-way for streets as shown on the approved preliminary 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.
5. If the applicant wishes to bond for some of the plat improvements, the applicant shall submit a request to the City; but only after design of plat improvements have been approved by the City Engineer. All financial securities shall be in place prior to final plat approval.
6. 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.
7. The wastewater capital system improvement charge in accordance with MMC Section 13.08.270 shall be required and paid prior to building permit issuance.
8. 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 as directed by the City of Monroe Parks Department. The City will coordinate tree plantings to the most favorable time of year for plant survival. All street frontage landscaping/irrigation improvements shall be bonded by

11 – Case no. PLPRD2016-03 (Currie Farms)

the applicant, at the sole discretion of the City of Monroe Parks Department, until such time that bonded work may be completed without risk of construction damage.

9. Irrigation is required for all streets 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.
10. Mail routes shall be approved by the Postmaster, including mailbox types and locations.
11. A note shall be added to the face of the plat that states:

“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 any ownership as show 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.”
12. The applicant shall obtain a General Construction Stormwater NPDES Permit from the WA Department of Ecology (DOE) prior to beginning construction per MMC section 15.01.045.
13. The project shall implement all mitigation measures included in the environmental 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.
14. The applicant shall obtain all the necessary permits associated with the project from the City.
15. The applicant shall comply with all other applicable codes, requirements and ordinances.

Respectfully Submitted,

Dated: 01/19/2017



Carl D. Cox
Hearing Examiner
PO Box 158
Bellevue, WA 98009
Tel: (425) 242-1504
Fax: (425) 615-7202

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.