

RESOLUTION 2002/05

A RESOLUTION BY THE MONROE CITY COUNCIL APPROVING A
PRELIMINARY PLAT (PL199003) FOR SINCLAIR HEIGHTS

WHEREAS, Greg Newhall, has submitted for approval a proposed plan for a Preliminary Plat (PL199003), commonly known as Sinclair Heights for the subdivision of a 31.29 acre parcel in the northern section of Monroe between Chain Lake Road and 191st Avenue SE, immediately north of the proposed SR-2 bypass in the City of Monroe, Washington, into 68 single-family lots;

WHEREAS, the Hearing Examiner for the City of Monroe did hold a public hearing on February 23, 2001 regarding said proposed Preliminary Plat (PL199003); and,

WHEREAS, the applicant filed an appeal of the Hearing Examiner's Findings, Conclusions and Recommendations of March 23, 2001, and a closed record appeal was scheduled to be held by the City Council on October 3, 2001. As a result of deliberations, regarding the adequacy of notice given to all parties of record, the City Council remanded the Hearing Examiner's recommendation to the Hearing Examiner for re-issuance in order to allow notice to all parties of record.. Pursuant to the remand instructions of the Monroe City Council and pursuant to the authority as set forth in the Monroe Municipal Code 21.21.050 (8), the Findings, Conclusions and Recommendations were reissued by the Hearing Examiner on October 18, 2001; and,

WHEREAS, three Requests for Reconsideration of the Hearing Examiner's October 18, 2001, Recommendation were received. The Hearing Examiner addressed each request separately and issued an Order of Reconsideration and Clarification to his Recommendation on November 13, 2001; and

WHEREAS, on November 28, 2001 Eleanor Chebuhar of Monroe, Washington filed an appeal of the Hearing Examiner's October 18, 2001 Amended Recommendation to the City Council on the Preliminary Plat known as Sinclair Heights; and,

WHEREAS, December 19, 2001 the City Council, based on their review of the February 23, 2001 open public hearing transcript, remanded this matter to the Hearing Examiner for the limited purpose of correcting the record on those portions of the hearing, which were not clearly caught on audio tape; and,

WHEREAS, on January 4, 2002 the Hearing Examiner issued an Order setting January 31, 2002 as the date for the reopening of the hearing in accordance with the city council remand. The sole purpose of the reopened hearing was to recapture the missing testimony of witnesses Edward Koltenowski, Rance Prokop, Ben Johnson and Susan Shuler; and,

WHEREAS, on February 14, 2002 the Hearing Examiner concluded the recapturing of missing testimony from the witnesses; and,

WHEREAS, The closed record appeal hearing date was scheduled for the March 20, 2002 City Council Meeting, and was carried over to their March 27, 2002 meeting. On March 27, the appellant, through her representative, gave testimony in support of their argument of the issues under appeal and submitted a letter of argument, dated March 26, 2002; and,

WHEREAS, on March 27, 2002 the applicant, through his representative, filed a response to the appellant's March 26 letter of argument, spoke in support of the Hearing Examiner's amended recommendation and rebutted the appellant's argument of appeal; and,

WHEREAS the City Council has chosen to take the testimony of the closed record appeal under advisement;

WHEREAS On April 17, 2002, the City Council deliberated on Ms. Chebuhar's appeal and determined to uphold the appeal in part and deny the appeal in part. The City Council directed that these Findings and Conclusions be prepared to memorialize its decision.

WHEREAS, the Hearing Examiner for the City of Monroe has upon due consideration and through the development of amended Findings of Fact and Conditions of Approval, recommended the same to the City Council that said Preliminary Plat (PL199003) be approved subject to said conditions; and,

WHEREAS, the City Council has considered the amended recommendations of the Hearing Examiner to approve said Findings of Fact, and Conditions of Approval for said Preliminary Plat (PL199003),

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE does resolve as follows:

1. The Preliminary Plat (PL199003) is in conformance with all applicable zoning ordinances, the City of Monroe Comprehensive Plan and other land use controls pertaining to said property.
2. The City Council finds that appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school, and that the public use and interest will be served by the platting of the Preliminary Plat and its dedication.

3. The Preliminary Plat (PL199003) is hereby approved with the following conditions:

A. Streets and Utilities

- A1. A Mitigated Determination of Non-significance has been issued for the preliminary subdivision plat. The MDNS sets forth mitigation requirements that are hereby incorporated as part of the conditions of this Preliminary plat so long as Conditions in this Preliminary Plat Recommendation take precedence over any inconsistent conditions in the MDNS.
- A2. Sanitary sewer and municipal water will be used exclusively on the site. There shall be no septic systems or wells. All sanitary sewer and water service shall be in accordance with city standards as approved by the City Engineer.
- A3. Roof drains shall be tight-lined to an on-site storm water drainage system unless it is determined that the tight-line drain provides hydrology to wetlands. Such a determination shall be made by the City staff.
- A4. Street cross-sections shall be in accordance with city standards as approved by the City Engineer.
- A5. Street light locations and installation shall be per city standards, as directed by the City Engineer.
- A6. Prior to construction, the City Engineer shall approve all plans for municipal utilities and services. The engineering department shall monitor and approve all such utility installation and services prior to City acceptance.
- A7. All municipal utilities including sanitary sewer, municipal water, street base lifts, curbs, gutters, sidewalks, and, all other public utilities, including electricity, gas, light poles and services in accordance with city standards as approved by the City Engineer shall be installed or bonded prior to final approval of the plat or portions thereof. A final street paving lift may be subject to installation under an assignment of funds as directed by the City Engineer.
- A8. All utilities shall be underground within the development.
- A9. Prior to the issuance of any permits or construction drawing approval for the construction of Road A-A, and prior to final plat approval, the applicant shall redesign the intersection of Road A-A and Chain Lake Road in a manner that demonstrates compliance with the City's sight distance standards. Permits and/or construction drawing approvals for Road A-A shall not be issued and the final plat of Sinclair Heights shall not be approved unless the City Engineer determines that the City's sight distance standards will be met at the Road A-A/Chain Lake Road intersection.

- A10. Streets, turning lanes, traffic control devices and street signs shall be installed or bonded as directed by the City Engineer, in accordance with applicable codes prior to final plat approval.
- A11. Traffic impacts shall be mitigated in accordance with the approved off-site traffic mitigation schedule.
- A12. A complete storm water site plan for the plat and individual lots, as defined and outlined in the 1992 Washington State Department of Ecology Management Manual for the Puget Sound Basin, shall be approved by the City Engineer prior to construction.
- A13. Five-foot wide portland cement concrete sidewalks and portland cement vertical curb and gutters shall be located on both sides of plat roads.
- A14. Paving requirements for streets shall include street, curb, gutter and sidewalk, and landscape strip, and shall be installed to city design standards.
- A15. Reconfiguration of the intersection at Rainier View Road and 191st Avenue SE shall be completed as directed by the city engineer. The applicant shall submit to the city engineer final construction civil drawings for review and approval.
- A16. Water mains shall be looped through the site connecting the Chain Lake Road main to the 191st Avenue SE main. Sizing and internal system are to be designed and installed per City Engineer review.

B. Parks and Open space

- B1. Park mitigation shall include the development of a neighborhood park and a trail system in the open space areas. Mitigation shall also include Plat Monument Tracts, as shown on the final landscape plan. Park improvements, trails, and other landscape amenities as shown on the plan shall be completed or bonded as per the City Engineer prior to final plat approval for that phase of the development. The final landscape plan for the proposed development shall take into account the Park Department comments as noted in the Park Department review under Staff Comments.
- B2. Trees shall be included in the street planter strips as indicated on the site landscape plan. Tree type, spacing, quantity and location are to be as shown in the landscape plan and as directed by the Park Department consistent with the comments provided in record of the public hearing.
- B3. Park equipment, walkways, trails and irrigation systems, including the cost and installation of meter(s), shall be installed or bonded as per City Engineer prior to final plat approval or upon approval of identified phases of the plat. Sodding, hydro seeding, plantings, and landscape features that are subject to

seasonal changes or are subject to ongoing maintenance and watering may be covered under an assignment of funds.

- B4. A final landscape plan drawn by a landscape architect shall be submitted and approved by the City Park Department. The plan shall include planting schedules, bonds or assignment-of-funds prior to final plat approval.
- B5. A planting plan, including when and how street trees are to be planted, must be approved by the City Park Department. Tree plantings shall occur on a block-by-block basis in locations where block frontages have been built-out, or pursuant to a planting plan agreed to by the City Park Department.
- B6. Landscape strips shall be cleaned of concrete spill from sidewalk and curb and gutter installation prior to final plat approval.
- B7. Landscape strips shall be filled with topsoil. Where designated irrigation systems are to be installed, the landscape strips shall be sodded or hydro seeded under the direction of the City Park Department per approved landscape plan.

C. School Mitigation

- C1. School mitigation shall be consistent with MMC 20.07.120. Payment of school impact fees will be required prior to issuance of building permits. The amount of the fee due shall be based on the fee schedule in effect at *the time of building permit issuance*. The final determination of a development activity's fee obligation under this section shall be made prior to issuance of for building permits. The final determination shall include credits for in-kind contributions. Any credits may be prorated and distributed to lots designated by the applicant.

D. Miscellaneous

- D1. CC&R's for the residential area shall be submitted to the City for review prior to recording. They shall be effective for all phases of the proposed development. Any amendments to the CC&R's shall be submitted to the city for review prior to recording.
- D2. Mail routes shall be approved by the postmaster. The postmaster shall also approve mailbox locations. Mailbox locations shall not create sight obstructions.
- D3. The CC&R's shall address fencing. Specific attention shall be made in the CC&Rs for fencing in backyards that are adjacent to the open space areas, which exclude fencing or define a type of fencing or landscaping buffer. If fencing is to an alternative, it shall include a uniform design, color, material, height and location of such fencing.

- D4. A Home Owners Association shall be formed. The City of Monroe shall be informed of the names and addresses of all officers of the Home Owners Association elected or appointed under the CC&R's within 30 days of such elections. The City shall also be informed of any association agenda that include City owned property.
- D5. The final plat(s) shall include a clause requiring property owners to maintain, in a uniform manner, adjacent city right-of-way located between their property and the back of street curbs. The Home Owner Association shall be responsible for landscaping/irrigation maintenance of the right-of-way. A clause shall be included within the CC&R's, authorizing the City authority to impose enforcement and for maintenance. The Home Owners Association shall be responsible for payment of said costs.
- D6. Future minor changes to the design of the Development shall be amended administratively. Substantial modifications to the plan shall require approval of the Hearing Examiner. Determination of minor versus substantial shall be made by the Director of Community Development.
- D7. Filing of the final plat shall be subject to Chapter 17 of the MMC.
- D8. A phasing plan with associated time lines shall be submitted at the time of final plat approval for the first phase. Amendments to the phasing plan shall be subject to approval by the Director of Community Development.
- D9. CC&R's shall include language for the preservation and use of Native Growth Protection Areas in accordance with the City of Monroe Sensitive Area Guidelines.
- D10. City written approval based on applicable code and standards shall be required upon completion of any phase or portion thereof, and before the release of any bond or assignment of funds.
- D11. Upon completion of any phase or portion thereof, the developer shall submit a maintenance bond for said completed portion of work. The maintenance bond shall be for a period of up to two years as the code provides, depending upon the phase completed and the concerns the approving department may have for the work or the conditions under which the work was completed.
- D12. Final plat map and recorded drawings are to be submitted in an electronic format compatible with the City of Monroe computer system.
- D13. CC&R's shall address the plat monument tracts, particularly the landscaping, irrigation and signage maintenance. A sign permit will be required for the plat signage. The plat signage shall be limited to a monument style sign, not to exceed seventy-five square feet per side.

- D14. To discourage pedestrians from trespassing onto adjoining properties, a six foot high fence or vegetative barrier should be installed along the south edge of the proposed trail.
- D15. Any and all required permits for wetland alteration or filling shall be obtained from the federal government prior to issuance of fill permits by the City.
- D16. Any required permission from WSDOT for the proposed frontage road and drainage facilities shall be obtained prior to issuance of construction approvals for such facilities by the City.

4. The City Council does hereby adopt the Hearing Examiner's Amended Findings of Fact, Conclusions of Law and by this reference made a part hereof as though fully set forth herein, provided, that Finding of Fact No. 23 is hereby modified to read as follows:

23. The public access trail will provide a continuous 11,000-foot link to the interconnected city trail system in the North Area. In Exhibit 18AK, the City staff recommended installation of a four-foot high safety fence with access for pedestrians and vehicles between the trail and properties to the south. In addition, property owners to the south expressed concern over potential trespassing onto their properties by trail users and their dogs, and the impacts of increased noise. *Exhibit 1, Staff Report, pages 8-9; Testimony of Mr. Bannier, Mr. Prokop and Ms. Shuler.* The contention of the impact of trespassers was unchallenged during the hearing. Condition D14, as originally recommended by the Hearing Examiner, is necessary to mitigate this impact, provided, that six feet is the most appropriate height for security purposes.

In addition, Conditions D14 from the Hearing Examiner's original Findings of Fact, Conclusions of Law, and Recommendation is hereby reinstated and new conditions D15 and D16 are hereby added.

PASSED and APPROVED by the Mayor and City Council of the City of Monroe, Washington, at a regular meeting thereof held this 1st day of May, 2002.

CITY OF MONROE, WASHINGTON

Donnetta Walser, Mayor

ATTEST:

Betty King, City Clerk

APPROVED AS TO FORM:

Donald Lyderson, City Attorney