

## MONROE CITY COUNCIL

Regular Business Meeting  
July 12, 2016, 7:00 P.M.

Council Chambers, City Hall  
806 W Main Street, Monroe, WA 98272

### AGENDA

Call To Order

Roll Call

Pledge Of Allegiance

1. Councilmember Davis

Announcements And Presentations

1. Presentation: Representative D. Kristiansen

Comments From Citizens

[This time is set aside for members of the audience to speak to the City Council on any issue related to the City of Monroe; except any quasi-judicial matter subject to a public hearing. **Please sign in prior to the meeting; testimony is limited to 3 minutes per speaker.**]

Consent Agenda

1. Approval of the Minutes; June 28, 2016, Regular Business Meeting

Documents:

[20160712 CA1 MCC Minutes 20160628.pdf](#)

2. Approval of Payroll Warrants and ACH Payments

Documents:

[20160712 CA2 AAA FORM PAYROLL WARR APPROVAL.pdf](#)

Unfinished Business

1. AB16-095: Discussion: Admission Tax, MMC 5.03

Documents:

[AB16-095\\_Dscn\\_AdmissionsTx.pdf](#)

New Business

1. AB16-096: Ordinance No. 011/2016, Adopting Impact Fee Deferral System; First Reading

Documents:

[AB16-096\\_ORD 011 2016\\_ImpactFeeDeferralSystem.pdf](#)

## Final Action

1. AB16-097: Resolution No. 010/2016, Amending Master Fee Schedule

Documents:

[AB16-097\\_RES 010 2016\\_AmendingMasterFeeSchedule.pdf](#)

2. AB16-098: Ordinance No. 012/2016, Iron Eagle Rezone; First and Final Reading

Documents:

[AB16-098\\_ORD 012 2016\\_IronEagleRezone.pdf](#)

3. AB16-099: Setting Date for Consideration of Iron Eagle Preliminary Plat

Documents:

[AB16-099\\_SetDateIronEaglePPL.pdf](#)

## Councilmember Reports

1. City Council Legislative Affairs Committee (Councilmember Kamp)

Documents:

[20160712 CR1 LAAgenda071216.pdf](#)

2. Community Transit Board of Directors Meeting (Councilmember Cudaback)

Documents:

[20160712 CR2 070716\\_CTBoardMtgAgenda.pdf](#)

3. Snohomish Health District Board of Directors (Councilmember Rasmussen)

Documents:

[20160712 CR3 SHD\\_BOH Meeting 071216.pdf](#)

## Staff/ Department Reports

1. Traffic Improvements (Blueberry/Kelsey)

Documents:

[20160712 DR1 Traffic Improvements\\_Kelsey.Blueberry\\_Maps.pdf](#)

2. Finance – Monthly Revenues/Expenditures Report (June 2016)

Documents:

[20160712 DR2 2016 Monthly Rev Exp Report.pdf](#)

3. Downtown Decorative Lighting (Installation Funding/Timeline)

## Mayor/ Administrative Reports

### 1. Monroe This Week (July 8, 2016, Edition No. 27)

Documents:

[20160712 MR1 Monroe This Week Edition 27.pdf](#)

### 2. Draft Agenda for July 19, 2016, Regular Business Meeting

### 3. Cancellation of August 2, 2016, Regular Business Meeting (for National Night Out)

## Executive Session

*If needed.*

## Adjournment

Majority vote to extend past 10:00 p.m.

THE CITY COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS  
AGENDA

Accommodations for people with disabilities will be provided upon request. Please call City Hall at 360-794-7400. Please allow 48 hours advance notice.

**CALL TO ORDER, ROLL CALL AND PLEDGE**

The June 28, 2016, Regular Business Meeting of the Monroe City Council was called to order by Mayor Geoffrey Thomas at 7:00 p.m.; Council Chambers, City Hall.

Councilmembers present: Cudaback, Davis, Kamp, Hanford<sup>1</sup>, and Rasmussen.

Staff members present: Brazel, Farrell, Nelson, Osaki, Quenzer, and Smoot.

The Pledge of Allegiance was led by Councilmember Davis.

Mayor Thomas noted, without objection, the excused absence of Councilmember Scarboro. No objections were noted.

**SPECIAL ORDERS OF THE DAY**

1. City Council Seating Arrangement

Established by the newly adopted amendments to the City Council Rules of Procedure, the Councilmembers selected their seating positions on the chamber dais in order of seniority/time served on the City Council.

**ANNOUNCEMENTS/PRESENTATIONS**

1. Proclamation: Parks and Recreation Month (July)

Mayor Thomas read the proclamation into the record recognizing July as Parks and Recreation Month, and encouraged residents, businesses, and visitors to seek out City of Monroe parks facilities and participate in recreational events. Mayor Thomas presented the proclamation to Mr. Mike Farrell, Monroe Parks and Recreation Director, and attending members of the Monroe Parks Board.

**COMMENTS FROM CITIZENS**

There were no persons present wishing to address the City Council.

**CONSENT AGENDA**

1. Approval of the Minutes; June 21, 2016, Regular Business Meeting

Councilmember Rasmussen moved to approve the Consent Agenda; the motion was seconded by Councilmember Kamp. On vote,  
Motion carried (5-0).

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<sup>1</sup> CLERK'S NOTE: Councilmember Hanford arrived at approximately 7:01 p.m.

**UNFINISHED BUSINESS**

1. AB16-092: Discussion: MMC 5.03, Admissions Tax

Ms. Dianne Nelson, Finance Director, provided background information on AB16-092, Monroe Municipal Code (MMC) 5.03 - Admissions Tax and other nearby Cities' regulations and policies in regards to the collections of admissions tax.

General discussion ensued regarding code amendment options, other nearby cities' regulations/policies, and whether to provide exemptions for certain types of uses/businesses or by annual gross revenues. Staff will collect additional information and look into potential code amendments; to be discussed further at a future Council Meeting.

**NEW BUSINESS**

1. AB16-093: Authorize Mayor Pro Tem to Sign 2016 Evergreen State Fair Traffic Control Services Agreement with Snohomish County

Mayor Thomas noted a conflict of interest and exited the Council Chambers for discussion and the vote on AB16-093.

Police Chief Tim Quenzer provided background information on AB16-093 and the 2016 Fair Traffic Agreement with Snohomish County.

Councilmember Kamp moved to authorize the Mayor Pro Tem to sign the General Services Agreement with Snohomish County for traffic control services during the 2016 Evergreen State Fair; the motion was seconded by Councilmember Davis On vote,

Motion carried (5-0).

2. AB16-094: Ordinance No. 010/2016, Evergreen Heights Final Plat/Planned Residential Development (FPLPRD-2016-02); First Reading

Mr. Dave Osaki, Community Development Director, provided background information on AB16-094 and the Evergreen Heights Final Plat/Planned Residential Development. Mayor Thomas noted that due to the cancellation of the July 5, 2016, regular business meeting, and in order to move projects forward in an efficient manner, the City Council could choose to waive Council Rules of Procedure requiring two readings of ordinances, and adopt this proposed ordinance upon first and final reading.

Councilmember Rasmussen moved to waive City Council Rules of Procedure requiring two readings of ordinances; the motion was seconded by Councilmember Kamp.

General discussion ensued regarding time constraints and Council Meeting schedules.

On vote,

Motion carried (5-0).

Councilmember Rasmussen moved to adopt upon first and final reading Ordinance No. 010/2016, approving the final plat for the Evergreen Heights subdivision (FLPPRD-2016-02); setting forth supportive findings; providing for severability; and fixing a time when the same shall become effective; the motion was seconded by Councilmember Cudaback. On vote,

Motion carried (5-0).

## **COUNCILMEMBER REPORTS**

Mayor Thomas noted Councilmember Gamble sent notice he would not be in attendance at the meeting and, without objection, would be noted as an excused absence. No objections were noted.

### **1. Individual Reports**

Councilmember Kamp commented on attendance at the Amateur Radio Week event and the opening of the Tjerne Place SE extension.

Councilmember Hanford commented on attendance at the AWC Annual Conference the previous week, the Housing Hope Brochure featuring a picture from the Monroe Family Village, and the opening day of the Farmer's Market.

Councilmember Cudaback commented on attendance at the AWC Annual Business Meeting.

## **STAFF/DEPARTMENT REPORTS**

Mr. Farrell reported on the following items: summer camps in the parks, Farmer's Market, Pro Wakeboard Tour, Skate Park Project, and the retirement of Orville Pearl - long-time Parks and Recreation employee.

Mr. Osaki reported on the Iron Eagle Rezone and Preliminary Plat project and hiring of a Senior Planner.

Chief Quenzer reported on the upcoming Fourth of July Holiday Weekend and Police Officer staffing thereto.

### **1. Staff Report on Land Sales Update**

Mr. Gene Brazel, City Administrator, provided an update on Parcel 7, North Kelsey Village Monroe.

Mr. Brazel also reported on the following items: attendance at a Leadership Conference at Microsoft, SCITT Meeting, and State of the County Address; and provided a brief update on utility tax payments received from Roosevelt Water District.

**MAYOR/ADMINISTRATIVE REPORTS**

1. Monroe This Week (*June 24, 2016, Edition No. 25*)

Mayor Thomas noted the inclusion of Monroe This Week in the packet; thanked City Staff and the City Council for their work the past few weeks while he was on vacation; and reminded all in attendance that there is no Council meeting on Tuesday, July 5, 2016.

2. Draft Agenda for July 12, 2016, Regular Business Meeting

Administrator Brazel reviewed the draft agenda for the July 12, 2016, Monroe City Council Regular Business Meeting, the extended agenda, and additions/edits thereto.

**ADJOURNMENT**

There being no further business, the motion was made by Councilmember Hanford and seconded by Councilmember Rasmussen to adjourn the meeting. On vote,  
Motion carried (5-0).

**MEETING ADJOURNED: 7:58 p.m.**

\_\_\_\_\_  
Geoffrey Thomas, Mayor

\_\_\_\_\_  
Elizabeth M. Smoot, MMC, City Clerk

*Minutes approved at the Regular Business Meeting of July 12, 2016.*

**PAYROLL WARRANT APPROVAL**

**MONTH OF PAYROLL:** June-16

*The following checks are approved for payment:*

**Date of Issue:** 07/07/16

**Voided**

**Check #'s From:** 34791 **To:** 34832

**Direct Deposit** \$487,203.03  
**ACH AP Payments** \$156,315.55

**Total Monthly Payroll** \$1,147,108.91

**H S A Funding:** \$0.00

**WARRANT APPROVAL:**

*I, the undersigned, do hereby certify under the penalty of perjury, that the Payroll Checks are just, due and unpaid obligations against the City of Monroe, and that I am authorized to certify said claims in the amount of* \$1,147,108.91 *on* 7/7/2016

**Signed:** \_\_\_\_\_  
Mayor or Designee

**Dated:** \_\_\_\_\_



# MONROE CITY COUNCIL

## Agenda Bill No. 16-095

|                 |   |
|-----------------|---|
| <b>SUBJECT:</b> | <b>Discussion: MMC 5.03, Admissions Tax</b> |
|-----------------|---|

| DATE:      | DEPT:   | CONTACT:      | PRESENTER:  | ITEM:                         |
|------------|---------|---------------|-------------|-------------------------------|
| 07/12/2016 | Finance | Dianne Nelson | Gene Brazel | <b>Unfinished Business #1</b> |

**Discussion:** 06/21/2016; 06/28/2016; 07/12/2016

- Attachments:**
1. Monroe Municipal Code on Admissions Tax (Chapter 5.03)
  2. Admissions Tax Examples

**REQUESTED ACTION:** Discussion and direction to the Mayor and Staff regarding potential amendments to Monroe Municipal Code 5.03, Admissions Tax – Definitions:

Amendment option 1. “Admissions charge” does not include a charge made for any activity or privilege within the City of Monroe where the total collections of the person receiving payment for such charges is less than \$\_\_\_\_\_ annually.

Amendment option 2. “Admissions charge” does not include a charge made for any activity or privilege within the City of Monroe where: (i) the total collections of the person receiving payment for such charges is less than \$\_\_\_\_\_ annually; (ii) the charge would otherwise fall within the scope of subsections (B) or (C) of this section; and (iii) the activity or privilege for which the charge applies is exclusively limited to children under the age of \_\_\_\_\_ (\_\_\_).

### DESCRIPTION/BACKGROUND

This is a continuation of discussion on potential changes to the Monroe Municipal Code regarding Admissions Tax. Because this chapter does not include a formal, separate “exceptions/exemptions” section, the draft amendment options above are formatted as a new subsection “I” of the MMC 5.03.010, which contains definitions for the City’s admissions tax regulations. If Council chooses to amend the municipal code, an ordinance will be brought forward for Council’s consideration at a future meeting.

The City generally has fairly broad latitude to establish tax classifications provided that the underlying rationale is objectively reasonable and not arbitrary on its face. Irrespective of which option the City Council ultimately selects, it is recommended that Council include some meaningful legislative findings in the adopting ordinance that explain the City’s policy reasons for exempting this category of taxpayers from the admissions tax. Also, while the classifications above should be defensible, please bear in mind that “age” is considered a protected class and cannot be discriminated against.

A definition of annual revenue can be added to the code as well in the event council chooses one of the amendment options above. This definition would be either the previous year’s gross revenues as reported to the IRS, or an average of the previous 3 – 5 years’ revenues.

### IMPACT – BUDGET

N/A

### TIME CONSTRAINTS

N/A

## Chapter 5.03 ADMISSIONS TAX

### Sections:

- [5.03.010](#) Definitions.
- [5.03.020](#) Admissions tax levied.
- [5.03.030](#) Determination of amount and penalties.
- [5.03.040](#) Collection – Remittance to finance director.
- [5.03.050](#) Application and reporting.
- [5.03.060](#) Violations.
- [5.03.070](#) Severability.

### **5.03.010 Definitions.**

“Admission charge,” in addition to its usual meaning, shall include but not be limited to the following:

- A. A cover charge or a charge made for use of seats or tables, reserved or otherwise, and similar accommodations.
- B. A charge made for rental or use of equipment or facilities for purposes of entertainment or amusement and, where the rental of the equipment or facilities is necessary to the enjoyment of the privilege for which general admission is charged, the combined charge shall be considered as the admission charge.
- C. A charge made for entertainment activities or admission to any theater, dance hall, cabaret, adult entertainment cabaret, golf course, private club, auditorium, circus, side show, outdoor amusement park, arcade, or any similar place; and includes equipment to which persons are admitted for purposes of entertainment such as arcade and video games, merry-go-rounds, ferris wheels, dodgems, roller coasters, go-carts and other rides, whether such rides are restricted to tracks or not.
- D. A sum of money referred to as a “donation” which must be paid before entrance is allowed.
- E. A charge made for food and refreshment in any place where free entertainment, recreation or amusement is provided.
- F. A charge made for season tickets or subscriptions for an event held in the city of Monroe.
- G. Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.
- H. “Admission charge” does not include persons paying an admission to any activity of any elementary or secondary school. This includes a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same privileges or accommodations. This admission charge does not apply to bona fide charitable organizations as defined in RCW [19.09.020](#), and/or Section 501(c)(3) of the Internal Revenue Code; or special benefits performances offered as a fundraiser for the community. Evidence of exempt status is required and must be submitted with application. (Ord. 021/2013 § 1; Ord. 1095, 1996)

### **5.03.020 Admissions tax levied.**

There is hereby levied a five percent tax or such other amount as may be set by periodic resolution on admissions for entertainment purposes in the city of Monroe. Such tax is to continue indefinitely or until amended or repealed by the city council. (Ord. 1166, 1999; Ord. 1095, 1996)

### **5.03.030 Determination of amount and penalties.**

- A. The tax hereby imposed shall be in the amount of five percent or such other amount as may be set by periodic resolution, on each admission or entertainment charge.

B. Cabarets and Similar Places. The admission charge to any cabaret, adult entertainment cabaret, private club conducting cabaret activities, or any similar place of entertainment is deemed to be the total amount charged as an admission charge, a cover charge, and/or a charge made for the use of seats and tables reserved or otherwise, and other similar accommodations. A minimum drink or participation cost in lieu of a cover charge is deemed a taxable event.

C. Signs Posted. Whenever a charge is made for admission to any place, a sign shall be posted in a conspicuous place on the entrance or ticket office stating that a five percent, or such other amount as may be set by periodic resolution, city admission tax is included in the admission charge. (Ord. 1095, 1996)

#### **5.03.040 Collection – Remittance to finance director.**

A. The tax imposed hereunder shall be collected at the time the admission charge is paid and such taxes shall be remitted by the person collecting the tax to the city of Monroe finance director in monthly remittances on or before the last day of the month succeeding the end of the monthly period in which the tax is collected or received and accompanied by such reports as the finance director shall require.

B. Any person receiving any payment for admissions shall make out a return upon such forms and setting forth such information as the finance director may require, showing the amount of the tax upon admissions for which he is liable for the preceding monthly period, and shall sign and transmit the same to the finance director with a remittance for the amount; provided, that the finance director may at his/her discretion require verified annual returns from any person receiving admission payments setting forth such additional information as he/she may deem necessary to determine correctly the amount of tax collected and payable.

C. If the return provided for herein is not made and transmitted and the tax is not collected and remitted to the city by the last day of the month succeeding the end of the month in which the tax was collected, the finance director shall add a penalty of ten percent, or such other amount as may be set by periodic resolution, of the tax per month or fraction thereof for each month overdue, which shall be added to the amount of the tax due, and remitted in the same manner.

D. Whenever any theater, circus, show, exhibition, entertainment or amusement makes an admission charge which is subject to the tax herein levied, and the same is of a temporary or transitory nature or there exists a reasonable question of financial responsibility, of which the finance director shall be the judge, may require the report and remittance of the admission tax immediately upon the collection of the same, at the conclusion of the performance or exhibition, or at the conclusion of the series of performances or exhibitions.

E. Every person liable for the collection and payment of the tax imposed by this chapter shall keep and preserve for a period of five years all unused tickets, ticket manifests, books and all other records from which can be determined the amount of admission tax which he was liable to remit under the provisions of this chapter, and all such tickets, books and records shall be open for examination and audit at all reasonable times by the finance director or his duly authorized agent. (Ord. 1095, 1996)

#### **5.03.050 Application and reporting.**

A. Any person conducting or operating any place for entrance to which an admission charge is made shall procure from the city an annual certificate of registration, the fee for which shall be fifteen dollars or such other amount as may be set by periodic resolution, and shall be posted in a conspicuous place where tickets of admission are sold or the activity occurs. All certificates of registration shall expire on December 31st and shall not be prorated. Annual renewals will be provided without a fee if application is received by March 1st of the following year; if not received in this timely manner, the renewal fee will be the same as established for an initial certificate.

B. The applicant for a certificate of registration shall furnish the finance director with the completed application, with the name and address of the owner, lessee or the custodian of the premises upon which the amusement is to be conducted, and such owner, lessee or custodian shall be notified of the issuance of such certificate and of his joint liability for collection and remittance of such tax.

C. The finance director shall have the power to adopt rules and regulations not inconsistent with the terms of this chapter for carrying out and enforcing the payment, collection and remittance of the tax herein levied, and a copy of the rules and regulations shall be on file and available for public examination in the finance director's office. (Ord. 1095, 1996)

#### **5.03.060 Violations.**

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A. Violation a Misdemeanor as Provided by State Statute. Each violation of or failure to comply with the provisions of this chapter constitutes a separate offense and is a misdemeanor.

B. Collection of Tax by Civil Action. Any fee or tax due and unpaid and delinquent under this chapter and all penalties thereon may be collected by civil action, which remedies shall be in addition to any and all other existing remedies.

C. Violators Designated. Any person who directly or indirectly performs or omits to perform any act in violation of this chapter, or aids or abets the same, whether present or absent, and every person who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to commit such violation is and shall be a principal under the terms of this chapter and may be proceeded against as such. (Ord. 1095, 1996)

#### **5.03.070 Severability.**

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If any section, sentence, clause or phrase of this chapter 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 chapter. (Ord. 1095, 1996)

### Admissions Tax Examples

| Annual Gross Revenue | Admissions Tax |
|----------------------|----------------|
| \$ 100,000.00        | \$ 5,000.00    |
| \$ 150,000.00        | \$ 7,500.00    |
| \$ 200,000.00        | \$ 10,000.00   |
| \$ 250,000.00        | \$ 12,500.00   |
| \$ 300,000.00        | \$ 15,000.00   |
| \$ 350,000.00        | \$ 17,500.00   |
| \$ 400,000.00        | \$ 20,000.00   |

| Ticket Price | Admissions Tax | Total Collected |
|--------------|----------------|-----------------|
| \$ 5.00      | \$ 0.25        | \$ 5.25         |
| \$ 7.00      | \$ 0.35        | \$ 7.35         |
| \$ 10.00     | \$ 0.50        | \$ 10.50        |
| \$ 15.00     | \$ 0.75        | \$ 15.75        |



# MONROE CITY COUNCIL

## Agenda Bill No. 16-096

|                 |   |
|-----------------|---|
| <b>SUBJECT:</b> | <b>Ordinance No. 011/2016, Adopting Impact Fee Deferral System; First Reading</b> |
|-----------------|---|

|              |                                |                 |                   |                        |
|--------------|--------------------------------|-----------------|-------------------|------------------------|
| <b>DATE:</b> | <b>DEPT:</b>                   | <b>CONTACT:</b> | <b>PRESENTER:</b> | <b>ITEM:</b>           |
| 07/12/2016   | Community Development Planning | Dave Osaki      | Dave Osaki        | <b>New Business #1</b> |

**Discussion:** Council - 09/15/2015; 10/20/2015; 01/12/2016; 03/01/2016; 07/12/2016  
**Discussion:** Committee - 02/16/2016  
**Public Hearing:** Planning Commission - 06/13/2016  
**First Reading:** 07/12/2016

- Attachments:**
1. Draft Ordinance No. 011/2016
  2. Engrossed Senate Bill 5923
  3. Monroe Public School Letter July 20, 2015
  4. Monroe Public School Letter April 7, 2016
  5. Stakeholder Summary Input (From March 1, 2016)
  6. June 13, 2016 Planning Commission Findings and Conclusions

**REQUESTED ACTION:** Move to accept as first reading Ordinance No. 011/2016, implementing the requirements of Engrossed Senate Bill (ESB) 5923 by amending Sections 20.07.150, 20.10.100 and 20.12.110 of the Monroe Municipal Code related to an impact fee deferral program for single family detached and single family attached dwelling units; providing for severability; and establishing an effective date.

### DESCRIPTION/BACKGROUND

On June 13, 2016, the City of Monroe Planning Commission held a public hearing and made a recommendation on an ordinance (*Attachment 1*) related to an impact fee deferral system. The ordinance responds to the requirements of ESB 5923 (*Attachment 2*) passed by the Washington State legislature in 2015.

ESHB 5923 requires counties, cities, and towns to adopt an impact fee deferral system for the collection of impact fees for new single-family detached and attached residential construction. The deadline to adopt and implement a single family impact fee deferral program is September 1, 2016.

Under the new law, counties, cities, and towns must adopt an impact fee deferral system for the collection of impact fees that, upon developer request, delays payment until the time of either:

1. Final inspection;
2. Issuance of the certificate of occupancy or equivalent certification; and/or
3. The closing of the first sale of the property.

In no case, however, may the deferral exceed 18 months from the date of issuance of the building permit. Municipalities and school districts are authorized by the law to institute foreclosure proceedings if impact fees are not paid.

*(NOTE: An applicant could, if he/she wishes, still pay impact fees at the time of or prior to*

*building permit issuance.)*

In the City of Monroe, Item 1 above (final inspection) and Item 2 (issuance of the certificate of occupancy) above occur at the same time for single family dwellings. From a practical standpoint, this means that the two options available to the City essentially are:

1. Time of final inspection (this is when the City does an inspection of the single family dwelling and approves the dwelling for occupancy); and/or
2. Time of closing of the first sale of the property.

The new State law requires that an applicant seeking an impact fee deferral grant and record a lien against the property, in the amount of the deferred impact fees, in favor of the municipality. Deferrals may not, however, exceed 18 months from the date of building permit issuance.

The new State law limits the number of annual deferrals for an applicant to 20; although the local government has the option of allowing for a higher amount. The City will need to consider whether to include code language that allows an applicant to obtain annual deferrals in excess of 20.

***The Planning Commission recommendation, as reflected in Ordinance No. 011/2016:***

- 1. Sets the time of deferral to the time of final inspection; and***
- 2. Limits the number of annual (calendar year) deferrals for an applicant to 20.***

In making its June 13, 2016, recommendation, the Planning Commission considered:

- A July 2015 letter *Attachment 3* and an April 2016 *Attachment 4* letter respectively from the Monroe School District on the impact fee deferral legislation. The Monroe School District requests that the number of deferrals be limited to 20 annually.
- *Attachment 5* summarizes stakeholder outreach information that was conducted earlier this year and which was included in the City Council's March 1, 2016, meeting packet. Verbal comments from the Snohomish School District are also summarized in the *Attachment 5*. The Snohomish School District expressed a desire to see the number of annual deferrals per applicant to be capped at 20.
- To limit the "spin-off LLC" issue, "applicant" is defined to include "an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant."
- The City must provide data to the Washington State Department of Commerce for an annual report, beginning December 1, 2018, on the payment and collection of impact fees.

*Attachment 6* are the findings and conclusions adopted by the Planning Commission in support of its recommendation.

### **ADDITIONAL INFORMATION**

With regards to the number of deferrals, the legislation states that a local government must consult with school districts about additional deferrals, if there is a desire to go over 20. "Substantial weight" must be given to the recommendation of school districts regarding the number of additional deferrals. Further, if the county, city, or town disagrees with the recommendations of one or more school districts, the county, city, or town must provide the district or districts with a written rationale for its decision

The State legislation provides that local governments may collect reasonable administrative fees to cover costs of implementing the impact fee deferral program. This would be set in the City's fee resolution when the impact fee deferral ordinance is passed. To date, administrative fees imposed elsewhere are in the \$200-\$250 range per deferral.

**IMPACT – BUDGET**

None directly. However, the State legislation does recognize there may be expense to the local government to implement the impact fee deferral program. The State legislation provides that local governments may collect reasonable administrative fees to cover costs of implementing the impact fee deferral program.

**TIME CONSTRAINTS**

ESB 5923 (*Attachment 2*) requires counties, cities, and towns to adopt an impact fee deferral system for the collection of impact fees for new single-family detached and attached residential construction by September 1, 2016.

**CITY OF MONROE  
ORDINANCE NO. 011/2016**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, IMPLEMENTING THE REQUIREMENTS OF ENGROSSED SENATE BILL (ESB) 5923 BY AMENDING SECTIONS 20.07.150, 20.10.100 AND 20.12.110 OF THE MONROE MUNICIPAL CODE RELATED TO AN IMPACT FEE DEFERRAL PROGRAM FOR SINGLE FAMILY DETACHED AND SINGLE FAMILY ATTACHED DWELLING UNITS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

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WHEREAS, in 2015 the Washington state legislature passed and the Governor signed into law Engrossed Senate Bill (ESB) 5923 related to impact fee deferral systems; and

WHEREAS, ESB 5923 requires local governments that collect impact fees to provide an impact fee deferral system for the collection of impact fees for new single family detached and attached residential construction by September 1, 2016; and

WHEREAS, the City of Monroe collects impact fees in accordance with Chapter 82.02 RCW; and

WHEREAS, Monroe Municipal Code (MMC) subsection 21.20.040(B) requires that amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20) require Planning Commission review and recommendation; and

WHEREAS, the City of Monroe Planning Commission held a duly noticed public hearing on June 13, 2016, to accept public testimony on the proposed code amendment; and

WHEREAS, on June 13, 2016, the Planning Commission adopted facts and findings and made its recommendation to the City Council; and

WHEREAS, on July 12, 2016, the Monroe City Council considered the recommendation of the Planning Commission.

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

Section 1. Amendment of MMC 20.07.150. Section 20.07.150 of the Monroe Municipal Code is hereby amended as follows:

**20.07.150 Collection and transfer of fees.**

A. **Except as provided for in MMC subsection 20.07.150(B), [S]school impact fees shall be due and payable to the city by the developer at the time of issuance of residential building permits for all development activities.**

B. **Deferral of Impact Fee Payment**

**1. For single-family detached or attached single family residential dwelling units only, impact fee payments may be deferred to final inspection or up to 18 months from the date of issuance of the building permit, whichever occurs first. Deferral shall only be allowed when, prior to issuance of the building permit, the applicant:**

**a. Submits a deferred impact fee application form for the property which the applicant is requesting deferral of the impact fee payment; and,**

**b. Grants and records a deferred impact fee lien against the property in favor of the city of Monroe in a form as approved by the city. The content, form and procedure for the lien shall also be in accordance with RCW 82.02.050. Recording and release of the deferred impact fee lien shall be at the expense of the applicant.**

**Applications for an impact fee deferral shall be accompanied by payment of an administrative fee as provided for in the city's adopted fee resolution.**

**2. Each applicant for a single-family residential construction permit is entitled to annually receive (per calendar year) deferral for only the first twenty single-family residential construction building permits. For the purposes of this subsection, an "applicant" includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.**

**3. The city shall withhold approval of final inspection until the deferred impact fees are paid and collected. For the purposes of this section, "final inspection" shall mean the city's signed approval of the final inspection for Occupancy on the job card.**

**[B]C.** The affected school district, to receive school impact fees collected by the city, shall establish an interest-bearing account separate from all other school district accounts. The city shall deposit school impact fees in the appropriate district account within ten days after receipt, and shall contemporaneously provide the receiving district with a notice of deposit.

**[G]D.** The affected school district shall institute a procedure for the disposition of impact fees and provide for an annual reporting to the city that demonstrates compliance with the requirements of MMC 20.07.160 and RCW 82.02.070, and other applicable laws.

Section 2. Amendment of MMC 20.10.110. Section 20.10.110 of the Monroe Municipal Code is hereby amended as follows:

**20.10.110 Payment of fee.**

A. Impact fees shall be imposed upon development activity in the city, based upon the schedule set forth in this chapter, and shall be collected by the city from any applicant where such development activity requires final plat, PRD approval, issuance of a residential building permit or a mobile home permit and the fee for the lot or unit has not been previously paid.

B. For a plat or PRD applied for on or after the effective date of the ordinance codified in this chapter, the impact fees due on the plat or the PRD shall be assessed and collected from the applicant at the time of final approval, using the impact fee schedule in effect when the plat or PRD was approved; provided, that the applicants may opt to:

1. ~~[H]~~Have impact fees allocated to the lots or dwelling units in the project and collected when the building permits are issued; or,
2. **For single family attached and detached units only, the impact fee payment may be deferred and collected in accordance with MMC 20.10.110(C).**

Where the applicant exercises ~~[this latter]~~ **the option for collection of impact fees at the time of building permit or deferral,** the fees to be collected shall be those in effect at the time building permits are issued. Residential development proposed for short plats shall not be governed by this section, but shall be governed by subsection (~~[D]~~)**E** of this section.

**C. Deferral of Impact Fee Payment.**

1. **For single-family detached or attached single family residential dwelling units only, impact fee payments may be deferred to final inspection or up to 18 months from the date of issuance of the building permit, whichever occurs first. Deferral shall only be allowed when, prior to issuance of the building permit, the applicant:**

a. **Submits a deferred impact fee application form for the property which the applicant is requesting deferral of the impact fee payment; and,**

b. **Grants and records a deferred impact fee lien against the property in favor of the city of Monroe in a form as approved by the city. The content, form and procedure for the lien shall also be in accordance with RCW 82.02.050. Recording and release of the deferred impact fee lien shall be at the expense of the applicant.**

**Applications for an impact fee deferral shall be accompanied by payment of an administrative fee as provided for in the city's adopted fee resolution.**

**2. Each applicant for a single-family residential construction permit is entitled to annually receive (per calendar year) deferral for only the first twenty single-family residential construction building permits. For the purposes of this subsection, an "applicant" includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.**

**3. The City shall withhold approval of final inspection until the deferred impact fees are paid and collected. For the purposes of this section, "final inspection" shall mean the City's signed approval of the final inspection for Occupancy on the job card.**

[C]D. If, on the effective date of the ordinance codified in this chapter, a plat or PRD has already received preliminary approval and is not otherwise exempt from the payment of impact fees under MMC 20.10.160, such plat or PRD shall not be required to pay the impact fees at the time of final approval, but the impact fees shall be allocated to the lots or dwelling units and assessed and collected from the lot or unit owner at the time the building permits are issued **or deferred in accordance with MMC subsection 20.10.110(C)**, using the impact fee schedule then in effect. If, on the effective date of the ordinance codified in this chapter, an applicant has applied for preliminary plat or PRD approval, but has not yet received such approval, the applicant shall follow the procedures set forth in subsection (B) of this section.

[D]E. For existing lots or lots not covered by subsection (B) of this section, application for single-family and multifamily residential building permits, mobile home permits, and site plan approval for mobile home parks proposed, the total amount of the impact fees shall be assessed and collected from the applicant when the building permit is issued **or deferred in accordance with MMC subsection 20.10.110(C)**, using the impact fee schedules then in effect.

[E]F. Any application for preliminary plat or PRD approval which has been approved subject to conditions requiring the payment of impact fees established pursuant to this chapter shall be required to pay the fee in accordance with the conditions of approval.

~~[F. ARRANGEMENT MAY BE MADE FOR LATER PAYMENT OF THE IMPACT FEE WITH THE APPROVAL OF THE CITY ONLY IF THE CITY DETERMINES THAT IT WILL BE UNABLE TO USE OR WILL NOT NEED THE PAYMENT UNTIL A LATER TIME; PROVIDED, THAT SUFFICIENT SECURITY, AS DEFINED BY THE CITY, IS PROVIDED TO ASSURE PAYMENT. SECURITY SHALL BE MADE TO AND HELD BY THE CITY, WHICH WILL BE RESPONSIBLE FOR TRACKING AND DOCUMENTING THE SECURITY INTEREST.]~~

Section 3. Amendment of MMC 20.12.110. Subsection 20.12.100 of the Monroe Municipal Code is hereby amended as follows:

**20.12.110 Time of payment.**

A. **Except as provided for in MMC subsection 20.12.110(B), [H]i** impact fees shall be calculated and assessed for each development activity at the time of building permit issuance for each unit within the development, pursuant to the impact fee rates then in effect; provided, that if no building permit is required for the development activity in question, impact fees shall be calculated and assessed for each development activity at the time an occupancy permit or other permit authorizing the underlying use is issued.

**B. Deferral of Impact Fee Payment.**

1. **For single-family detached or attached single family residential dwelling units only, impact fee payments may be deferred to final inspection or up to 18 months from the date of issuance of the building permit, whichever occurs first. Deferral shall only be allowed when, prior to issuance of the building permit, the applicant:**

**a. Submits a deferred impact fee application form for the property which the applicant is requesting deferral of the impact fee payment.**

**b. Grants and records a deferred impact fee lien against the property in favor of the city of Monroe in a form as approved by the city. The content, form and procedure for the lien shall also be in accordance with RCW 82.02.050. Recording and release of the deferred impact fee lien shall be at the expense of the applicant.**

**Applications for an impact fee deferral shall be accompanied by payment of an administrative fee as provided for in the city's adopted fee resolution.**

2. **Each applicant for a single-family residential construction permit is entitled to annually receive (per calendar year) deferral for only the first twenty single-family residential construction building permits. For the purposes of this subsection, an "applicant" includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.**

3. **The city shall withhold approval of final inspection until the deferred impact fees are paid and collected. For the purposes of this section, "final inspection" shall mean the city's signed approval of the final inspection for Occupancy on the job card.**

**[B]C.** Applicants who have been awarded credits pursuant to MMC 20.12.060 shall prior to building permit issuance submit a copy of the statement prepared by the city engineer setting forth the monetary value of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the applicant at the time the building permit is issued for each unit in the proposed development.

~~[C]~~**D. Except as provided for in MMC subsection 20.12.110(B),** ~~[F]~~the city shall not issue a building, occupancy or other use permit unless and until the impact fees required pursuant to this chapter have been paid.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

First Reading: July 12, 2016  
Adoption:  
Published:  
Effective:

CITY OF MONROE, WASHINGTON:

(SEAL)

\_\_\_\_\_  
Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Elizabeth M. Smoot, MMC, City Clerk

\_\_\_\_\_  
J. Zachary Lell, City Attorney

CERTIFICATION OF ENROLLMENT

**ENGROSSED SENATE BILL 5923**

Chapter 241, Laws of 2015

64th Legislature  
2015 Regular Session

SINGLE-FAMILY DETACHED AND ATTACHED RESIDENTIAL CONSTRUCTION--  
DEFERRED IMPACT FEES

EFFECTIVE DATE: 9/1/2016

Passed by the Senate April 16, 2015  
Yeas 28 Nays 18

BRAD OWEN

**President of the Senate**

Passed by the House April 14, 2015  
Yeas 82 Nays 15

FRANK CHOPP

**Speaker of the House of Representatives**

Approved May 11, 2015 2:46 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5923** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

**Secretary**

FILED

May 12, 2015

**Secretary of State  
State of Washington**

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ENGROSSED SENATE BILL 5923

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AS AMENDED BY THE HOUSE

Passed Legislature - 2015 Regular Session

**State of Washington**                      **64th Legislature**                      **2015 Regular Session**

**By** Senators Brown, Liiias, Roach, Dansel, Hobbs, Warnick, and Chase

Read first time 02/11/15. Referred to Committee on Trade & Economic Development.

1            AN    ACT    Relating   to   promoting   economic   recovery   in   the  
2   construction industry; amending RCW 82.02.050 and 36.70A.070; adding  
3   a new section to chapter 44.28 RCW; adding a new section to chapter  
4   43.31 RCW; and providing an effective date.

5   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            **Sec. 1.**    RCW 82.02.050 and 1994 c 257 s 24 are each amended to  
7   read as follows:

8            (1) It is the intent of the legislature:

9            (a) To ensure that adequate facilities are available to serve new  
10   growth and development;

11            (b) To promote orderly growth and development by establishing  
12   standards by which counties, cities, and towns may require, by  
13   ordinance, that new growth and development pay a proportionate share  
14   of the cost of new facilities needed to serve new growth and  
15   development; and

16            (c) To ensure that impact fees are imposed through established  
17   procedures and criteria so that specific developments do not pay  
18   arbitrary fees or duplicative fees for the same impact.

19            (2) Counties, cities, and towns that are required or choose to  
20   plan under RCW 36.70A.040 are authorized to impose impact fees on  
21   development activity as part of the financing for public facilities,

1 provided that the financing for system improvements to serve new  
2 development must provide for a balance between impact fees and other  
3 sources of public funds and cannot rely solely on impact fees.

4 (3)(a)(i) Counties, cities, and towns collecting impact fees  
5 must, by September 1, 2016, adopt and maintain a system for the  
6 deferred collection of impact fees for single-family detached and  
7 attached residential construction. The deferral system must include a  
8 process by which an applicant for a building permit for a single-  
9 family detached or attached residence may request a deferral of the  
10 full impact fee payment. The deferral system offered by a county,  
11 city, or town under this subsection (3) must include one or more of  
12 the following options:

13 (A) Deferring collection of the impact fee payment until final  
14 inspection;

15 (B) Deferring collection of the impact fee payment until  
16 certificate of occupancy or equivalent certification; or

17 (C) Deferring collection of the impact fee payment until the time  
18 of closing of the first sale of the property occurring after the  
19 issuance of the applicable building permit.

20 (ii) Counties, cities, and towns utilizing the deferral process  
21 required by this subsection (3)(a) may withhold certification of  
22 final inspection, certificate of occupancy, or equivalent  
23 certification until the impact fees have been paid in full.

24 (iii) The amount of impact fees that may be deferred under this  
25 subsection (3) must be determined by the fees in effect at the time  
26 the applicant applies for a deferral.

27 (iv) Unless an agreement to the contrary is reached between the  
28 buyer and seller, the payment of impact fees due at closing of a sale  
29 must be made from the seller's proceeds. In the absence of an  
30 agreement to the contrary, the seller bears strict liability for the  
31 payment of the impact fees.

32 (b) The term of an impact fee deferral under this subsection (3)  
33 may not exceed eighteen months from the date of building permit  
34 issuance.

35 (c) Except as may otherwise be authorized in accordance with (f)  
36 of this subsection (3), an applicant seeking a deferral under this  
37 subsection (3) must grant and record a deferred impact fee lien  
38 against the property in favor of the county, city, or town in the  
39 amount of the deferred impact fee. The deferred impact fee lien,

1 which must include the legal description, tax account number, and  
2 address of the property, must also be:

3 (i) In a form approved by the county, city, or town;

4 (ii) Signed by all owners of the property, with all signatures  
5 acknowledged as required for a deed, and recorded in the county where  
6 the property is located;

7 (iii) Binding on all successors in title after the recordation;  
8 and

9 (iv) Junior and subordinate to one mortgage for the purpose of  
10 construction upon the same real property granted by the person who  
11 applied for the deferral of impact fees.

12 (d)(i) If impact fees are not paid in accordance with a deferral  
13 authorized by this subsection (3), and in accordance with the term  
14 provisions established in (b) of this subsection (3), the county,  
15 city, or town may institute foreclosure proceedings in accordance  
16 with chapter 61.12 RCW.

17 (ii) If the county, city, or town does not institute foreclosure  
18 proceedings for unpaid school impact fees within forty-five days  
19 after receiving notice from a school district requesting that it do  
20 so, the district may institute foreclosure proceedings with respect  
21 to the unpaid impact fees.

22 (e)(i) Upon receipt of final payment of all deferred impact fees  
23 for a property, the county, city, or town must execute a release of  
24 deferred impact fee lien for the property. The property owner at the  
25 time of the release, at his or her expense, is responsible for  
26 recording the lien release.

27 (ii) The extinguishment of a deferred impact fee lien by the  
28 foreclosure of a lien having priority does not affect the obligation  
29 to pay the impact fees as a condition of final inspection,  
30 certificate of occupancy, or equivalent certification, or at the time  
31 of closing of the first sale.

32 (f) A county, city, or town with an impact fee deferral process  
33 on or before April 1, 2015, is exempt from the requirements of this  
34 subsection (3) if the deferral process delays all impact fees and  
35 remains in effect after September 1, 2016.

36 (g)(i) Each applicant for a single-family residential  
37 construction permit, in accordance with his or her contractor  
38 registration number or other unique identification number, is  
39 entitled to annually receive deferrals under this subsection (3) for  
40 the first twenty single-family residential construction building

1 permits per county, city, or town. A county, city, or town, however,  
2 may elect, by ordinance, to defer more than twenty single-family  
3 residential construction building permits for an applicant. If the  
4 county, city, or town collects impact fees on behalf of one or more  
5 school districts for which the collection of impact fees could be  
6 delayed, the county, city, or town must consult with the district or  
7 districts about the additional deferrals. A county, city, or town  
8 considering additional deferrals must give substantial weight to  
9 recommendations of each applicable school district regarding the  
10 number of additional deferrals. If the county, city, or town  
11 disagrees with the recommendations of one or more school districts,  
12 the county, city, or town must provide the district or districts with  
13 a written rationale for its decision.

14 (ii) For purposes of this subsection (3)(g), an "applicant"  
15 includes an entity that controls the applicant, is controlled by the  
16 applicant, or is under common control with the applicant.

17 (h) Counties, cities, and towns may collect reasonable  
18 administrative fees to implement this subsection (3) from permit  
19 applicants who are seeking to delay the payment of impact fees under  
20 this subsection (3).

21 (i) In accordance with sections 3 and 4 of this act, counties,  
22 cities, and towns must cooperate with and provide requested data,  
23 materials, and assistance to the department of commerce and the joint  
24 legislative audit and review committee.

25 (4) The impact fees:

26 (a) Shall only be imposed for system improvements that are  
27 reasonably related to the new development;

28 (b) Shall not exceed a proportionate share of the costs of system  
29 improvements that are reasonably related to the new development; and

30 (c) Shall be used for system improvements that will reasonably  
31 benefit the new development.

32 ~~((4))~~ (5)(a) Impact fees may be collected and spent only for  
33 the public facilities defined in RCW 82.02.090 which are addressed by  
34 a capital facilities plan element of a comprehensive land use plan  
35 adopted pursuant to the provisions of RCW 36.70A.070 or the  
36 provisions for comprehensive plan adoption contained in chapter  
37 36.70, 35.63, or 35A.63 RCW. After the date a county, city, or town  
38 is required to adopt its development regulations under chapter 36.70A  
39 RCW, continued authorization to collect and expend impact fees  
40 ~~((shall be))~~ is contingent on the county, city, or town adopting or

1 revising a comprehensive plan in compliance with RCW 36.70A.070, and  
2 on the capital facilities plan identifying:

3 ~~((a))~~ (i) Deficiencies in public facilities serving existing  
4 development and the means by which existing deficiencies will be  
5 eliminated within a reasonable period of time;

6 ~~((b))~~ (ii) Additional demands placed on existing public  
7 facilities by new development; and

8 ~~((c))~~ (iii) Additional public facility improvements required to  
9 serve new development.

10 (b) If the capital facilities plan of the county, city, or town  
11 is complete other than for the inclusion of those elements which are  
12 the responsibility of a special district, the county, city, or town  
13 may impose impact fees to address those public facility needs for  
14 which the county, city, or town is responsible.

15 **Sec. 2.** RCW 36.70A.070 and 2010 1st sp.s. c 26 s 6 are each  
16 amended to read as follows:

17 The comprehensive plan of a county or city that is required or  
18 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,  
19 and descriptive text covering objectives, principles, and standards  
20 used to develop the comprehensive plan. The plan shall be an  
21 internally consistent document and all elements shall be consistent  
22 with the future land use map. A comprehensive plan shall be adopted  
23 and amended with public participation as provided in RCW 36.70A.140.  
24 Each comprehensive plan shall include a plan, scheme, or design for  
25 each of the following:

26 (1) A land use element designating the proposed general  
27 distribution and general location and extent of the uses of land,  
28 where appropriate, for agriculture, timber production, housing,  
29 commerce, industry, recreation, open spaces, general aviation  
30 airports, public utilities, public facilities, and other land uses.  
31 The land use element shall include population densities, building  
32 intensities, and estimates of future population growth. The land use  
33 element shall provide for protection of the quality and quantity of  
34 groundwater used for public water supplies. Wherever possible, the  
35 land use element should consider utilizing urban planning approaches  
36 that promote physical activity. Where applicable, the land use  
37 element shall review drainage, flooding, and storm water run-off in  
38 the area and nearby jurisdictions and provide guidance for corrective

1 actions to mitigate or cleanse those discharges that pollute waters  
2 of the state, including Puget Sound or waters entering Puget Sound.

3 (2) A housing element ensuring the vitality and character of  
4 established residential neighborhoods that: (a) Includes an inventory  
5 and analysis of existing and projected housing needs that identifies  
6 the number of housing units necessary to manage projected growth; (b)  
7 includes a statement of goals, policies, objectives, and mandatory  
8 provisions for the preservation, improvement, and development of  
9 housing, including single-family residences; (c) identifies  
10 sufficient land for housing, including, but not limited to,  
11 government-assisted housing, housing for low-income families,  
12 manufactured housing, multifamily housing, and group homes and foster  
13 care facilities; and (d) makes adequate provisions for existing and  
14 projected needs of all economic segments of the community.

15 (3) A capital facilities plan element consisting of: (a) An  
16 inventory of existing capital facilities owned by public entities,  
17 showing the locations and capacities of the capital facilities; (b) a  
18 forecast of the future needs for such capital facilities; (c) the  
19 proposed locations and capacities of expanded or new capital  
20 facilities; (d) at least a six-year plan that will finance such  
21 capital facilities within projected funding capacities and clearly  
22 identifies sources of public money for such purposes; and (e) a  
23 requirement to reassess the land use element if probable funding  
24 falls short of meeting existing needs and to ensure that the land use  
25 element, capital facilities plan element, and financing plan within  
26 the capital facilities plan element are coordinated and consistent.  
27 Park and recreation facilities shall be included in the capital  
28 facilities plan element.

29 (4) A utilities element consisting of the general location,  
30 proposed location, and capacity of all existing and proposed  
31 utilities, including, but not limited to, electrical lines,  
32 telecommunication lines, and natural gas lines.

33 (5) Rural element. Counties shall include a rural element  
34 including lands that are not designated for urban growth,  
35 agriculture, forest, or mineral resources. The following provisions  
36 shall apply to the rural element:

37 (a) Growth management act goals and local circumstances. Because  
38 circumstances vary from county to county, in establishing patterns of  
39 rural densities and uses, a county may consider local circumstances,  
40 but shall develop a written record explaining how the rural element

1 harmonizes the planning goals in RCW 36.70A.020 and meets the  
2 requirements of this chapter.

3 (b) Rural development. The rural element shall permit rural  
4 development, forestry, and agriculture in rural areas. The rural  
5 element shall provide for a variety of rural densities, uses,  
6 essential public facilities, and rural governmental services needed  
7 to serve the permitted densities and uses. To achieve a variety of  
8 rural densities and uses, counties may provide for clustering,  
9 density transfer, design guidelines, conservation easements, and  
10 other innovative techniques that will accommodate appropriate rural  
11 densities and uses that are not characterized by urban growth and  
12 that are consistent with rural character.

13 (c) Measures governing rural development. The rural element shall  
14 include measures that apply to rural development and protect the  
15 rural character of the area, as established by the county, by:

- 16 (i) Containing or otherwise controlling rural development;  
17 (ii) Assuring visual compatibility of rural development with the  
18 surrounding rural area;  
19 (iii) Reducing the inappropriate conversion of undeveloped land  
20 into sprawling, low-density development in the rural area;  
21 (iv) Protecting critical areas, as provided in RCW 36.70A.060,  
22 and surface water and groundwater resources; and  
23 (v) Protecting against conflicts with the use of agricultural,  
24 forest, and mineral resource lands designated under RCW 36.70A.170.

25 (d) Limited areas of more intensive rural development. Subject to  
26 the requirements of this subsection and except as otherwise  
27 specifically provided in this subsection (5)(d), the rural element  
28 may allow for limited areas of more intensive rural development,  
29 including necessary public facilities and public services to serve  
30 the limited area as follows:

31 (i) Rural development consisting of the infill, development, or  
32 redevelopment of existing commercial, industrial, residential, or  
33 mixed-use areas, whether characterized as shoreline development,  
34 villages, hamlets, rural activity centers, or crossroads  
35 developments.

36 (A) A commercial, industrial, residential, shoreline, or mixed-  
37 use area (~~shall be~~) are subject to the requirements of (d)(iv) of  
38 this subsection, but (~~shall~~) are not (~~be~~) subject to the  
39 requirements of (c)(ii) and (iii) of this subsection.

1 (B) Any development or redevelopment other than an industrial  
2 area or an industrial use within a mixed-use area or an industrial  
3 area under this subsection (5)(d)(i) must be principally designed to  
4 serve the existing and projected rural population.

5 (C) Any development or redevelopment in terms of building size,  
6 scale, use, or intensity shall be consistent with the character of  
7 the existing areas. Development and redevelopment may include changes  
8 in use from vacant land or a previously existing use so long as the  
9 new use conforms to the requirements of this subsection (5);

10 (ii) The intensification of development on lots containing, or  
11 new development of, small-scale recreational or tourist uses,  
12 including commercial facilities to serve those recreational or  
13 tourist uses, that rely on a rural location and setting, but that do  
14 not include new residential development. A small-scale recreation or  
15 tourist use is not required to be principally designed to serve the  
16 existing and projected rural population. Public services and public  
17 facilities shall be limited to those necessary to serve the  
18 recreation or tourist use and shall be provided in a manner that does  
19 not permit low-density sprawl;

20 (iii) The intensification of development on lots containing  
21 isolated nonresidential uses or new development of isolated cottage  
22 industries and isolated small-scale businesses that are not  
23 principally designed to serve the existing and projected rural  
24 population and nonresidential uses, but do provide job opportunities  
25 for rural residents. Rural counties may allow the expansion of small-  
26 scale businesses as long as those small-scale businesses conform with  
27 the rural character of the area as defined by the local government  
28 according to RCW 36.70A.030(15). Rural counties may also allow new  
29 small-scale businesses to utilize a site previously occupied by an  
30 existing business as long as the new small-scale business conforms to  
31 the rural character of the area as defined by the local government  
32 according to RCW 36.70A.030(15). Public services and public  
33 facilities shall be limited to those necessary to serve the isolated  
34 nonresidential use and shall be provided in a manner that does not  
35 permit low-density sprawl;

36 (iv) A county shall adopt measures to minimize and contain the  
37 existing areas or uses of more intensive rural development, as  
38 appropriate, authorized under this subsection. Lands included in such  
39 existing areas or uses shall not extend beyond the logical outer  
40 boundary of the existing area or use, thereby allowing a new pattern

1 of low-density sprawl. Existing areas are those that are clearly  
2 identifiable and contained and where there is a logical boundary  
3 delineated predominately by the built environment, but that may also  
4 include undeveloped lands if limited as provided in this subsection.  
5 The county shall establish the logical outer boundary of an area of  
6 more intensive rural development. In establishing the logical outer  
7 boundary, the county shall address (A) the need to preserve the  
8 character of existing natural neighborhoods and communities, (B)  
9 physical boundaries, such as bodies of water, streets and highways,  
10 and land forms and contours, (C) the prevention of abnormally  
11 irregular boundaries, and (D) the ability to provide public  
12 facilities and public services in a manner that does not permit low-  
13 density sprawl;

14 (v) For purposes of (d) of this subsection, an existing area or  
15 existing use is one that was in existence:

16 (A) On July 1, 1990, in a county that was initially required to  
17 plan under all of the provisions of this chapter;

18 (B) On the date the county adopted a resolution under RCW  
19 36.70A.040(2), in a county that is planning under all of the  
20 provisions of this chapter under RCW 36.70A.040(2); or

21 (C) On the date the office of financial management certifies the  
22 county's population as provided in RCW 36.70A.040(5), in a county  
23 that is planning under all of the provisions of this chapter pursuant  
24 to RCW 36.70A.040(5).

25 (e) Exception. This subsection shall not be interpreted to permit  
26 in the rural area a major industrial development or a master planned  
27 resort unless otherwise specifically permitted under RCW 36.70A.360  
28 and 36.70A.365.

29 (6) A transportation element that implements, and is consistent  
30 with, the land use element.

31 (a) The transportation element shall include the following  
32 subelements:

33 (i) Land use assumptions used in estimating travel;

34 (ii) Estimated traffic impacts to state-owned transportation  
35 facilities resulting from land use assumptions to assist the  
36 department of transportation in monitoring the performance of state  
37 facilities, to plan improvements for the facilities, and to assess  
38 the impact of land- use decisions on state-owned transportation  
39 facilities;

40 (iii) Facilities and services needs, including:

1 (A) An inventory of air, water, and ground transportation  
2 facilities and services, including transit alignments and general  
3 aviation airport facilities, to define existing capital facilities  
4 and travel levels as a basis for future planning. This inventory must  
5 include state-owned transportation facilities within the city or  
6 county's jurisdictional boundaries;

7 (B) Level of service standards for all locally owned arterials  
8 and transit routes to serve as a gauge to judge performance of the  
9 system. These standards should be regionally coordinated;

10 (C) For state-owned transportation facilities, level of service  
11 standards for highways, as prescribed in chapters 47.06 and 47.80  
12 RCW, to gauge the performance of the system. The purposes of  
13 reflecting level of service standards for state highways in the local  
14 comprehensive plan are to monitor the performance of the system, to  
15 evaluate improvement strategies, and to facilitate coordination  
16 between the county's or city's six-year street, road, or transit  
17 program and the office of financial management's ten-year investment  
18 program. The concurrency requirements of (b) of this subsection do  
19 not apply to transportation facilities and services of statewide  
20 significance except for counties consisting of islands whose only  
21 connection to the mainland are state highways or ferry routes. In  
22 these island counties, state highways and ferry route capacity must  
23 be a factor in meeting the concurrency requirements in (b) of this  
24 subsection;

25 (D) Specific actions and requirements for bringing into  
26 compliance locally owned transportation facilities or services that  
27 are below an established level of service standard;

28 (E) Forecasts of traffic for at least ten years based on the  
29 adopted land use plan to provide information on the location, timing,  
30 and capacity needs of future growth;

31 (F) Identification of state and local system needs to meet  
32 current and future demands. Identified needs on state-owned  
33 transportation facilities must be consistent with the statewide  
34 multimodal transportation plan required under chapter 47.06 RCW;

35 (iv) Finance, including:

36 (A) An analysis of funding capability to judge needs against  
37 probable funding resources;

38 (B) A multiyear financing plan based on the needs identified in  
39 the comprehensive plan, the appropriate parts of which shall serve as  
40 the basis for the six-year street, road, or transit program required

1 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW  
2 35.58.2795 for public transportation systems. The multiyear financing  
3 plan should be coordinated with the ten-year investment program  
4 developed by the office of financial management as required by RCW  
5 47.05.030;

6 (C) If probable funding falls short of meeting identified needs,  
7 a discussion of how additional funding will be raised, or how land  
8 use assumptions will be reassessed to ensure that level of service  
9 standards will be met;

10 (v) Intergovernmental coordination efforts, including an  
11 assessment of the impacts of the transportation plan and land use  
12 assumptions on the transportation systems of adjacent jurisdictions;

13 (vi) Demand-management strategies;

14 (vii) Pedestrian and bicycle component to include collaborative  
15 efforts to identify and designate planned improvements for pedestrian  
16 and bicycle facilities and corridors that address and encourage  
17 enhanced community access and promote healthy lifestyles.

18 (b) After adoption of the comprehensive plan by jurisdictions  
19 required to plan or who choose to plan under RCW 36.70A.040, local  
20 jurisdictions must adopt and enforce ordinances which prohibit  
21 development approval if the development causes the level of service  
22 on a locally owned transportation facility to decline below the  
23 standards adopted in the transportation element of the comprehensive  
24 plan, unless transportation improvements or strategies to accommodate  
25 the impacts of development are made concurrent with the development.  
26 These strategies may include increased public transportation service,  
27 ride sharing programs, demand management, and other transportation  
28 systems management strategies. For the purposes of this subsection  
29 (6), "concurrent with the development" means that improvements or  
30 strategies are in place at the time of development, or that a  
31 financial commitment is in place to complete the improvements or  
32 strategies within six years. If the collection of impact fees is  
33 delayed under RCW 82.02.050(3), the six-year period required by this  
34 subsection (6)(b) must begin after full payment of all impact fees is  
35 due to the county or city.

36 (c) The transportation element described in this subsection (6),  
37 the six-year plans required by RCW 35.77.010 for cities, RCW  
38 36.81.121 for counties, and RCW 35.58.2795 for public transportation  
39 systems, and the ten-year investment program required by RCW  
40 47.05.030 for the state, must be consistent.

1 (7) An economic development element establishing local goals,  
2 policies, objectives, and provisions for economic growth and vitality  
3 and a high quality of life. The element shall include: (a) A summary  
4 of the local economy such as population, employment, payroll,  
5 sectors, businesses, sales, and other information as appropriate; (b)  
6 a summary of the strengths and weaknesses of the local economy  
7 defined as the commercial and industrial sectors and supporting  
8 factors such as land use, transportation, utilities, education,  
9 workforce, housing, and natural/cultural resources; and (c) an  
10 identification of policies, programs, and projects to foster economic  
11 growth and development and to address future needs. A city that has  
12 chosen to be a residential community is exempt from the economic  
13 development element requirement of this subsection.

14 (8) A park and recreation element that implements, and is  
15 consistent with, the capital facilities plan element as it relates to  
16 park and recreation facilities. The element shall include: (a)  
17 Estimates of park and recreation demand for at least a ten-year  
18 period; (b) an evaluation of facilities and service needs; and (c) an  
19 evaluation of intergovernmental coordination opportunities to provide  
20 regional approaches for meeting park and recreational demand.

21 (9) It is the intent that new or amended elements required after  
22 January 1, 2002, be adopted concurrent with the scheduled update  
23 provided in RCW 36.70A.130. Requirements to incorporate any such new  
24 or amended elements shall be null and void until funds sufficient to  
25 cover applicable local government costs are appropriated and  
26 distributed by the state at least two years before local government  
27 must update comprehensive plans as required in RCW 36.70A.130.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 44.28  
29 RCW to read as follows:

30 (1) The joint legislative audit and review committee must review  
31 the impact fee deferral requirements of RCW 82.02.050(3). The review  
32 must consist of an examination of issued impact fee deferrals,  
33 including: (a) The number of deferrals requested of and issued by  
34 counties, cities, and towns; (b) the type of impact fee deferred; (c)  
35 the monetary amount of deferrals, by jurisdiction; (d) whether the  
36 deferral process was efficiently administered; (e) the number of  
37 deferrals that were not fully and timely paid; and (f) the costs to  
38 counties, cities, and towns for collecting timely and delinquent  
39 fees. The review must also include an evaluation of whether the

1 impact fee deferral process required by RCW 82.02.050(3) was  
2 effective in providing a locally administered process for the  
3 deferral and full payment of impact fees.

4 (2) The review required by this section must, in accordance with  
5 RCW 43.01.036, be submitted to the appropriate committees of the  
6 house of representatives and the senate on or before September 1,  
7 2021.

8 (3) In complying with this section, and in accordance with  
9 section 4 of this act, the joint legislative audit and review  
10 committee must make its collected data and associated materials  
11 available, upon request, to the department of commerce.

12 (4) This section expires January 1, 2022.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.31  
14 RCW to read as follows:

15 (1) Beginning December 1, 2018, and each year thereafter, the  
16 department of commerce must prepare an annual report on the impact  
17 fee deferral process established in RCW 82.02.050(3). The report must  
18 include: (a) The number of deferrals requested of and issued by  
19 counties, cities, and towns; (b) the number of deferrals that were  
20 not fully and timely paid; and (c) other information as deemed  
21 appropriate.

22 (2) The report required by this section must, in accordance with  
23 RCW 43.01.036, be submitted to the appropriate committees of the  
24 house of representatives and the senate.

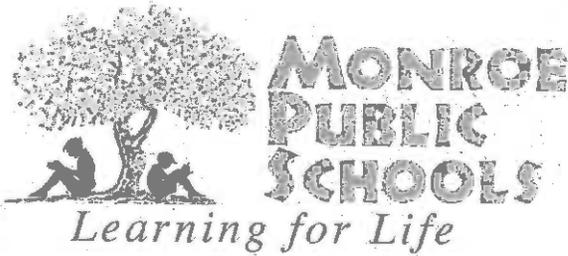
25 NEW SECTION. **Sec. 5.** This act takes effect September 1, 2016.

Passed by the Senate April 16, 2015.

Passed by the House April 14, 2015.

Approved by the Governor May 11, 2015.

Filed in Office of Secretary of State May 12, 2015.



*Dr. Fredrika Smith*  
*Superintendent*  
**360.804.2501**  
200 East Fremont Street  
Monroe, WA 98272-2336  
FAX 360.804.2508

July 20, 2015

Mayor Geoffrey Thomas  
City of Monroe  
806 W. Main St.  
Monroe, WA 98272

Dear Mayor Thomas:

As you may know, the Legislature enacted a bill in the 2015 Session that provides developers with the limited option of deferring impact fee payments (ESB 5923). In the upcoming months, we would like to work with the City on implementation issues. The new law outlines a specific role for school districts as the City develops the deferral process.

The new law limits the number of deferrals that each applicant can receive for single-family detached or attached dwelling units. By July 1, 2016, cities and counties must have in place a program that allows the collection of impact fees at one of three possible points in time: 1) final inspection; 2) issuance of the certificate of occupancy; or 3) closing. Deferrals may not exceed 18 months from the date of building permit issuance. In order to receive a deferral, an applicant must record a lien on the property.

As the City reviews the deferral process and works on amendments to the City Code, we would like to encourage the City to set the date of collection either at the time of final inspection or when the certificate of occupancy is issued. These points of collection are still within the City's control and will ensure the payment of impact fees. Because our District serves several/the City/cities and the County, we are encouraging all of our jurisdictions to adopt the same process. This will promote consistency and predictability among the programs.

In addition to the date of collection, we look forward to working with you regarding the question of whether more than 20 deferrals per applicant should be authorized. We welcome the opportunity to meet with you to discuss these issues. Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "F. Smith", is written over the word "Sincerely,".

Dr. Fredrika Smith  
Superintendent

cc: Grace T. Yuan, K&L Gates



**Operations & Support Services**  
200 East Fremont Street  
Monroe, WA 98272-2336  
Phone: 360 804 2570  
Fax: 360 804 2529

April 7, 2016

Mr. David Osaki  
Community Development Director  
City of Monroe  
806 W. Main Street  
Monroe, WA 98272

RECEIVED  
APR 07 2016  
CITY OF MONROE

RE: Implementation of ESB 5923

Dear Mr. Osaki,

The Monroe School District supports the concept to limit the number of Impact Fee deferrals per applicant to twenty residential dwelling units per year within the boundaries of the City of Monroe, and strongly prefers that for those twenty units the impact fees should be collected at the time of final inspection or issuance of the certificate of occupancy.

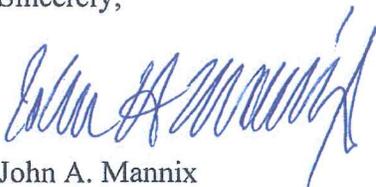
The Monroe School District strongly recommends against using the date of closing as the collection point for the Mitigation Impact Fee. Because closing is handled by a third party, the date of closing can be difficult for the City to track. In contrast, the dates of final inspection and issuance of certificate of occupancy provide more certainty for school districts and administrative convenience for the City.

Additionally, the school district recommends that the City specifically state that the twenty unit limit be applied to housing units located within the City of Monroe boundaries. This would align the provisions of the school impact fees inside the City limits to those proposed for unincorporated Snohomish County.

Finally, the school district requests that each applicant should certify that it has requested deferrals for no more than a total of twenty dwelling units within the City of Monroe boundaries each calendar year. In proposing this we would define each "applicant" as including "an entity that controls, is controlled by, or is under common control with the applicant." We believe that this language, or something of a similar nature, will both assist the City in tracking the number of deferral applications per applicant, and also create an additional structural safeguard to monitor the number of deferrals provided to any given applicant.

Thank you for seeking our input, and for your willingness to work with the school district to implement the requirements of Enhanced Senate Bill 5923.

Sincerely,



John A. Mannix  
Assistant Superintendent, Operations

Cc: Dr. Fredrika Smith, Superintendent

## ATTACHMENT 5: STAKEHOLDER COMMENTS (March 1, 2016)

| Stakeholder  | Preferred Time of Deferral  | Should the Number of Annual Deferrals per Applicant be Capped at 20?  | Comments  |
|--|---|---|---|
| Monroe School District   | Final Inspection or certificate of occupancy<br><i>(in Monroe these times are the same)</i> | Staff and the School District have been attempting to schedule a meeting to discuss the number of deferrals. Staff is waiting on the school district for a meeting date/time. | See letter dated July 20, 2015. Monroe School District requested final inspection/certificate of occupancy as the preferred time of deferral. The letter also expresses a desire to work with the City to discuss whether more than 20 annual deferrals per applicant should be authorized.   |
| Snohomish School District  | Final Inspection  | Yes   | In responding to growth, the Snohomish School District verbally explained that it can take 3 months or more to acquire portables and secure necessary permits. Impact fees are needed as early as possible to address growth, before the dwelling unit is occupied (with potential students). Final Inspection is the preferred time of deferral as that is typically the earliest point in time (as provided for in the deferral legislation). Receiving impact fees when the dwelling unit closes for sale means the dwelling unit will be occupied imminently, leaving less time to address the growth impact (e.g. occupancy of the single family dwelling with potential students). Staff has requested a written comment letter from the School District. |
| Master Builders Association of King and Snohomish counties   | Closing of First Sale   | Was going to contact membership for feedback.   | The MBAKS prefers that impact fees be paid as late in the process as possible. Banks do not lend money for impact fees, so this money is coming directly out of the builders pocket or is being privately financed, making it difficult to get some projects off the ground. The MBAKS indicates that the 18 month limit would ensure the City will receive payment even if the house is never sold.  |
| Developer/Builder #1 <i>(had over 20 single family permits issued in 2015)</i>                       | Final inspection is acceptable  | Acceptable  | Also commented that they would likely continue to pay impact fees at time of building permit issuance as not to encumber the title with lien language.  |
| Developer/Builder #2 <i>(had over 20 single family permits issued in 2015)</i>                       | See Comments Column   | See Comments Column   | Indicated that they would likely continue to pay at the time of building permit.<br>Views impact fee deferrals as a nice tool to have available if needed, but felt that the paperwork needed to apply for deferrals (e.g. recording and removing liens) outweighed the benefit of using it. Thought that impact fee deferral program is a much more important tool for smaller builders.   |
| Developer/Builder #3 <i>(previously built homes in Monroe w/ additional development in progress)</i> | See Comments Column   | See Comments Column   | Indicated that they would likely continue to pay at time of building permit.<br>Felt the paperwork and company staff time needed to process impact fee deferrals outweighed their benefit. They also indicated that the time difference between paying at the time of building permit and the time the home was completed or sold wasn't significant enough to take advantage of the deferral program and extra administrative work it required.  |
| Developer/Builder #4 <i>(pending subdivision)</i>  | See Comments Column   | See Comments Column   | Indicated that they will likely just pay impact fees at time of building permit rather than use deferrals.  |



## ATTACHMENT 6

### City of Monroe Planning Commission Findings and Conclusions APPROVED June 13, 2016

#### Findings

1. In 2015 the Washington state legislature passed and the Governor signed into law Engrossed Senate Bill (ESB) 5923 related to impact fee deferral systems. ESB 5923 requires local governments that collect impact fees to, by September 1, 2016, provide an impact fee deferral system for the collection of impact fees for new single family detached and attached residential construction.
2. The City of Monroe collects impact fees in accordance with Chapter 82.02 RCW.
3. Monroe Municipal Code (MMC) subsection 21.20.040(B) states that the planning commission shall review and make recommendations on the following subjects:

“B. Amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20).”

Impact fees (for schools, parks and transportation) are codified in MMC Chapters 20.12, 20.07, and 20.10. Planning Commission review and recommendation is required.

4. WAC 197-11-800 14(i) and WAC 197-11-800 (19) categorically exempt from SEPA threshold determinations the following,

“(14) **Activities of agencies.** The following administrative, fiscal and personnel activities of agencies shall be exempt:

(i) Adoptions or approvals of utility, transportation and solid waste disposal rates.”

and

“(19) **Procedural actions.** The proposal, amendment or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program shall be exempt if they are:

- (a) Relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment.
- (b) Text amendments resulting in no substantive changes respecting use or modification of the environment.
- (c) Agency SEPA procedures.”

The proposal is SEPA exempt. It is specific to the timing of collection of (school, transportation, and park) impact fees and involves no substantive changes with respect to use or modification of the environment.

5. The proposed code amendment allows, should an applicant choose a deferral option, for the deferral of the payment of impact fees to the time of final inspection of the single family dwelling, but in no case longer than 18 months from time of building permit issuance. Final inspection, along with certificate of occupancy and time of first sale of the property, is one of the alternatives provided for to a local government in ESB 5923.
6. The proposed code amendment would limit the number of annual (calendar year) impact fee deferrals per applicant to 20 single family homes. This limitation of 20 deferrals per applicant annually is provided for in ESB 5923, although a local government may choose to allow more than 20 deferrals per year.
7. The Monroe Public Schools provided written comments requesting that the time of deferral be at the time of final inspection and that the number of deferrals be annually capped at 20 per applicant. Verbal conversation with the Snohomish School District confirmed a similar preference on the time of impact fee collection (at time of final inspection) and the number of annual deferrals an applicant may have (maximum of 20 annually (calendar year)).
8. Stakeholder outreach in early 2016, prior to the Planning Commission public hearing, found that many builders who have or who are doing work in Monroe will not likely use the deferral process but will instead continue to pay impact fees at the time of building permit issuance. Administrative processes and company resources associated with requesting deferrals were cited as a reason. However, some of these same builders thought that smaller developers/builders might find the impact fee deferral process useful and that it (impact fee deferral) is a good tool to have available.
9. The proposed code amendment authorizes the City to assess a reasonable administrative fee for those applicants requesting an impact fee deferral. Assessing a reasonable administrative fee is provided for in ESB 5923.
10. The City of Monroe Planning Commission held a duly noticed public hearing on June 13, 2016, to accept public testimony on the proposed impact fee deferral code amendment.

## **Conclusions**

1. The proposed code amendment providing for an impact fee deferral system responds to the requirements of Engrossed Senate Bill (ESB) 5923.
2. The proposed impact fee deferral code amendment is SEPA exempt.



# MONROE CITY COUNCIL

## Agenda Bill No. 16-097

|                 |  |
|-----------------|--|
| <b>SUBJECT:</b> | <b>Resolution No. 010/2016, Amending Master Fee Schedule</b> |
|-----------------|--|

|              |                |                 |                   |                        |
|--------------|----------------|-----------------|-------------------|------------------------|
| <b>DATE:</b> | <b>DEPT:</b>   | <b>CONTACT:</b> | <b>PRESENTER:</b> | <b>ITEM:</b>           |
| 07/12/2016   | Administration | Elizabeth Smoot | Gene Brazel       | <b>Final Action #1</b> |

**Discussion:** 07/12/2016

**Attachments:** 1. Proposed Resolution No. 010/2016

**REQUESTED ACTION:** Move to approve Resolution No. 010/2016, amending the City of Monroe Master Fee Schedule, and fees, fines, penalties, interest and charges for 2016.

### DESCRIPTION/BACKGROUND

The following fees are proposed for amendment:

#### Schedule A: General Development Permits and Fees

- Transportation Impact Fees: These fees have been updated in accordance with the adoption of Ordinance No. 018/2015, which codified transportation impact fees under Monroe Municipal Code 20.12.130, Calculation of impact fees.
- Land Use Applications – Miscellaneous Fees:
  - Public Notice Signs (for Land Use Applications): Fee added; \$25.00/sign.
  - Reimbursement Agreement: Fee schedule amended in order to have a consistent fee regardless of number of assessed parcels.
- Permits:
  - Notes added to fee schedule for clarity.
  - Permit Extension fee: Fee added; \$100.00.
  - Grading Permit - Application Fee: Amended to include “Extension” and decreased from \$253.00 to \$100.00.
  - Right-of-Way Disturbance Permits: Application/Extension Fee added (does not - apply to fences) - \$10.00; and other fees decreased.

#### Schedule B: Plumbing and Mechanical Fees

- Fee schedule note amended to provide for assessment of fees at the time of permit issuance and to note that all plumbing and mechanical permits are subject to a five percent technology fee; fees amended to clarify the dishwasher fees for residential and commercial.

#### Schedule C: Regulatory Licenses and Permits

- Taxi Cab Drivers – Application Fee (includes Fingerprint Fee): Fee changed from \$15.00 to \$20.00. The State charges the Monroe Police Department \$20.00 for this service.

### IMPACT – BUDGET

N/A

### TIME CONSTRAINTS

N/A

**CITY OF MONROE  
RESOLUTION NO. 010/2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, AMENDING THE CITY OF MONROE MASTER FEE SCHEDULE, AND FEES, FINES, PENALTIES, INTEREST AND CHARGES FOR 2016

---

WHEREAS, the City Council of the City of Monroe has determined that it is in the best interests of the City of Monroe to provide a single, efficient, and convenient listing of all fees, fines, penalties, interest, and charges for permits, licenses, services, applications and filing fees; and

WHEREAS, such a listing better facilitates the updating and uniform review of all such fees, fines, penalties, interest and charges on a periodic basis; and

WHEREAS, previous resolutions provide for fees that require review from time to time; and

WHEREAS, the Master Fee Schedule of Fees, Fines, Penalties, Interest and Charges for 2016 were adopted on December 8, 2015, through Resolution No. 023/2015; and

WHEREAS, amendments to the Master Fee Schedule, Schedule A, General Development Permits and Fees, are needed in order to address incidental costs not currently recovered such as public notice signs and reviewing and granting permit extension requests; and

WHEREAS, amendments to the Master Fee Schedule, Schedule B, Plumbing and Mechanical Fees, are needed in order to more clearly communicate implementation of the technology fee and timing of certain fee collection; and

WHEREAS, amendments to the Master Fee Schedule, Schedule C, Regulatory Licenses and Permits, are needed in order to more accurately reflect the fees assessed by the State for Taxi Cab Driver fingerprinting services.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Amendment of Master Fee Schedule, Schedule A. The City of Monroe Master Fee Schedule, Schedule A, General Development Permits and Fees, is hereby amended as follows:

(Amendment to header :) **Note: Items marked with  subject to a 5% Technology Fee.**

## TRANSPORTATION IMPACT FEES

| [Land Uses                                | Land Use Code (1)  | Unit of Measure     | Impact Fee Rates |
|---|--------------------|---------------------|------------------|
| <b>Residential</b>                        |                    |                     |                  |
| Single-Family (1 or 2 dwellings)          | 210                | Dwelling            | \$ 2,815.79      |
| Multi-Family (3 or more dwellings)        | 220, 221, 230, 233 | Dwelling            | \$ 1,600.16      |
| Senior Housing and Accessory Dwellings    | 251, 255           | Dwelling            | \$ 567.84        |
| Mobile Home in a Park                     | 240                | Dwelling            | \$ 1,645.64      |
| <b>Commercial - Services</b>              |                    |                     |                  |
| Bank                                      | 912                | SF GFA              | \$ 27.73         |
| Daycare                                   | 565                | SF GFA              | \$ 15.57         |
| Hotel/Motel                               | 310, 320           | Room                | \$ 1,859.27      |
| Service Station (2)                       | 944, 945, 946      | VFP                 | \$ 5,353.17      |
| Quick Lubrication Vehicle Shop            | 941                | Servicing positions | \$ 4,844.59      |
| Automobile Care Center                    | 942                | SF GLA              | \$ 4.30          |
| Movie Theater                             | 444, 445           | Seat                | \$ 108.19        |
| Health/Fitness Club                       | 492, 493           | SF GFA              | \$ 7.36          |
| <b>Institutional</b>                      |                    |                     |                  |
| Elementary/Junior High                    | 520, 522           | Student             | \$ 176.42        |
| High School                               | 530                | Student             | \$ 212.25        |
| Private School                            | 536                | Student             | \$ 278.41        |
| Church                                    | 560                | SF GFA              | \$ 1.92          |
| Hospital                                  | 610                | SF GFA              | \$ 3.67          |
| Prison                                    | 571                | Bed                 | \$ 121.23        |
| Assisted Living, Nursing Home, Group Home | 620, 254           | Bed                 | \$ 479.63        |
| <b>Industrial</b>                         |                    |                     |                  |
| Light Industry/Industrial Park            | 110, 130           | SF GFA              | \$ 3.45          |
| Warehousing/Storage                       | 150                | SF GFA              | \$ 1.92          |
| Mini Warehouse                            | 151                | SF GFA              | \$ 0.84          |
| <b>Restaurant</b>                         |                    |                     |                  |
| Restaurant                                | 931                | SF GFA              | \$ 15.97         |
| Fast Food Restaurant Without Drive-Thru   | 933                | SF GFA              | \$ 20.61         |
| Fast Food Restaurant With Drive-Thru      | 934                | SF GFA              | \$ 27.30         |
| Espresso Drive-Thru                       | 935                | Site                | \$ 5,043.06      |
| Drinking Place                            | 936                | SF GFA              | \$ 13.38         |
| <b>Commercial - Retail</b>                |                    |                     |                  |
| General Retail (3)                        | 820                | SF GLA              | \$ 3.25          |
| Supermarket (3)                           | 850                | SF GFA              | \$ 13.30         |
| Convenience Market (3)                    | 851                | SF GFA              | \$ 22.88         |
| Furniture Store                           | 890                | SF GFA              | \$ 0.37          |
| Car Sales – New/Used                      | 841                | SF GFA              | \$ 7.68          |
| Nursery/Garden Center                     | 817                | SF GFA              | \$ 4.52          |

|  |                            |                        |             |
|--|----------------------------|------------------------|-------------|
| Pharmacy/Drugstore   | 880, 881                   | SF GFA                 | \$ 5.61     |
| Hardware/Building Materials Store<br>< 25,000 SF   | 812                        | SF GFA                 | \$ 4.58     |
| Home Improvement Superstore<br>> 25,000 SF   | 862                        | SF GFA                 | \$ 2.29     |
| Discount Merchandise Store (3)   | 813, 815, 861, 863,<br>864 | SF GFA                 | \$ 5.38     |
| Video Rental   | 896                        | SF GFA                 | \$ 8.16     |
| Auto Parts Store   | 943                        | SF GFA                 | \$ 4.16     |
| Tire Store   | 848, 849                   | Service bay            | \$ 3,765.41 |
| Arts and Crafts Store  | 879                        | SF GFA                 | \$ 7.37     |
| <b>Commercial - Office</b>   |                            |                        |             |
| Administrative Office  | 710                        | SF GFA                 | \$ 5.36     |
| Medical Office/Dental Clinic   | 720                        | SF GFA                 | \$ 10.49    |
| <b>Notes:</b>  |                            |                        |             |
| For uses with unit of measure in "SF GFA" or "SF GLA" the impact fee is dollars per square foot.   |                            |                        |             |
| GFA = Gross Floor Area   |                            |                        |             |
| GLA = Gross Leasable Area  |                            |                        |             |
| VFP = Vehicle Fueling Positions (Maximum number of vehicles that can be fueled simultaneously)   |                            |                        |             |
| 1. Land Use Code – Reference TRIP GENERATION, 7 <sup>th</sup> Edition, Institute of Transportation Engineers   |                            |                        |             |
| 2. With or Without Mini-mart (not to exceed 1,500 SF) and/or Carwash (Fuel is Primary Use)   |                            |                        |             |
| 3. If Gasoline Sales included on-site, use 50% of Gasoline Sales New Trip Rate times the number of fueling positions to calculate additional trips.] |                            |                        |             |
| <b>Land Use</b>  | <b>Unit of Measure</b>     | <b>Impact fee Rate</b> |             |
| <b>Single Family (1 or 2 dwellings)</b>  | <b>Dwelling</b>            | <b>\$3,449</b>         |             |
| <b>Multi Family (3 or more dwellings)</b>  | <b>Dwelling</b>            | <b>\$1,966</b>         |             |
| <b>Senior Housing</b>  | <b>Dwelling</b>            | <b>\$931</b>           |             |
| <b>Commercial Services</b>   | <b>SF GFA</b>              | <b>\$13.73</b>         |             |
| <b>School</b>  | <b>Student</b>             | <b>\$448</b>           |             |
| <b>Institutional</b>   | <b>SF GFA</b>              | <b>\$2.55</b>          |             |
| <b>Light Industry/Industrial Park</b>  | <b>SF GFA</b>              | <b>\$3.14</b>          |             |
| <b>Warehousing/Storage</b>   | <b>SF GFA</b>              | <b>\$1.55</b>          |             |
| <b>Restaurant</b>  | <b>SF GFA</b>              | <b>\$17.42</b>         |             |
| <b>General Retail</b>  | <b>SF GFA</b>              | <b>\$8.45</b>          |             |
| <b>Supermarket</b>   | <b>SF GFA</b>              | <b>\$20.93</b>         |             |
| <b>Administrative Office</b>   | <b>SF GFA</b>              | <b>\$5.14</b>          |             |
| <b>Medical Office/Dental Clinic</b>  | <b>SF GFA</b>              | <b>\$12.31</b>         |             |

|  |                          |
|--|--------------------------|
| <b>MISCELLANEOUS FEES</b>                              |                          |
| <b>Public Notice Signs (for Land Use Applications)</b> | <b>\$ 25.00 per sign</b> |
| <b>Reimbursement Agreement</b>                         | <b>\$ 626.00</b>         |
| <b>[5 or fewer assessed parcels</b>                    | <b>\$ 313.00</b>         |

|                               |    |           |
|-------------------------------|----|-----------|
| 6 to 20 assessed parcels      | \$ | 626.00    |
| More than 20 assessed parcels | \$ | 1,253.00] |

## PERMITS

- Plan review fees, in addition to permit fees, are assessed at a rate of 75 percent of the calculated permit fee.
- **Application fees are due at the time of submittal.**
- Permit fees are due at time of issuance.
- A state surcharge of \$4.50 plus \$2.00 for each dwelling unit will be added to all permits with the exception of mechanical, plumbing, and fire permits.
- **Extension fees are due at the time of request for permit extension.**

|   |    |  |
|---|----|--|
| <b>Permit Extension Fee</b>                                 | \$ | <b>100.00</b>  |
| <b>Grading Permit</b>                                       |    |  |
| <b>Application/Extension Fee</b>                            | \$ | <del>[253]</del> <b>100.00</b>   |
| <b>Application/Extension Fee (Does not apply to fences)</b> | \$ | <b>100.00</b>  |
| Driveway - Residential                                      | \$ | <del>[379]</del> <b>279.00</b>   |
| Driveway - Non-residential                                  | \$ | <del>[753]</del> <b>653.00</b>   |
| Fence(s)  | \$ | 0.00   |
| Sidewalks   | \$ | <del>[4]</del> <b>57.00</b> plus<br>0.08 per sf                                |
| Above ground fixtures                                       | \$ | <b>279.00/first fixture</b><br><b>379.00/each</b><br><b>additional fixture</b> |
| Underground facilities                                      | \$ | <del>[4]</del> <b>370.00</b> plus<br>1.93 per lf<br>of excavation              |
| Working within Right-of-Way                                 | \$ | <del>[3]</del> <b>279.00</b>   |
| Traffic Alteration  | \$ | <del>[6]</del> <b>557.00</b>   |

Section 2. Amendment of Master Fee Schedule, Schedule B. The City of Monroe Master Fee Schedule, Schedule C, Plumbing and Mechanical Fees, is hereby amended as follows:

Commercial plumbing **&and** mechanical permits are required to submit line drawings[-A] **and will be assessed a** plan review fee of 65 percent for plumbing **and** 25 percent for mechanical ~~[WILL BE ASSESSED]~~at time of ~~[SUBMITTAL]~~**permit issuance.**  
**All permits are subject to a 5 percent technology fee.**

|   |               |
|---|---------------|
| Dishwasher/residential <del>[-]</del> /commercial | \$10.00/20.00 |
|---|---------------|

Section 3. Amendment of Master Fee Schedule, Schedule C. The City of Monroe Master Fee Schedule, Schedule C, Regulatory Licenses and Permits, is hereby amended as follows:

|  |                                 |
|--|---------------------------------|
| <b>Taxi Cab Drivers</b>                    |                                 |
| Application Fee (includes Fingerprint Fee) | \$ <del>[15]</del> <b>20.00</b> |

Section 4. Effective Date. The City of Monroe Master Fee Schedule, and fees, fines, penalties, interest, and charges, as amended, will be effective upon adoption.

ADOPTED by the City Council of the City of Monroe, at its regular meeting thereof, and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Approved: July 12, 2016  
Effective: July 12, 2016

**CITY OF MONROE, WASHINGTON**

(SEAL)

\_\_\_\_\_  
Geoffrey Thomas, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth M. Smoot, MMC, City Clerk



# MONROE CITY COUNCIL

## Agenda Bill No. 16-098

|                 |   |
|-----------------|---|
| <b>SUBJECT:</b> | <b>Ordinance No. 012/2016, Iron Eagle Rezone; First &amp; Final Reading</b> |
|-----------------|---|

| DATE:      | DEPT:                          | CONTACT:    | PRESENTER:  | ITEM:                  |
|------------|--------------------------------|-------------|-------------|------------------------|
| 07/12/2016 | Community Development Planning | Kristi Kyle | Kristi Kyle | <b>Final Action #2</b> |

**Discussion:** 07/12/2016  
**Public Hearing:** 06/09/2016 (Hearing Examiner)

- Attachments:**
1. Proposed Ordinance No 012/2016  
 Exhibit A: Rezone Map  
 Exhibit B: Hearing Examiner Findings of Fact, Conclusions of Law, and Recommendations
  2. Map- Zoning Map, Rezone Area
  3. Map-Comprehensive Plan, Rezone Area

|  |
|--|
| <p><b>REQUESTED ACTION:</b></p> <p>A. Move to waive Council Rules of Procedure requiring two readings of ordinances.</p> <p>B. Move to adopt upon first and final reading Ordinance No. 012/2016, 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.</p> |
|--|

**DESCRIPTION/BACKGROUND**

The City received a privately initiated rezone application for approximately 6.61 acres of land located at 16691 Currie Road. The property (“Subject Property”) consists of two zoning designations: UR 9600 and MR 6000. On the Subject Property, the UR 9600 zoned portion consists of 5.90 acres and the MR 6000 zoned portion consists of 0.71 acres.

The rezone request is to amend the City of Monroe zoning map for the entire Subject Property from UR 9600 and MR 6000 to a single zoning designation of UR 6000. This rezone request does not require an amendment to the City of Monroe Comprehensive Plan. The proposed rezone is consistent with plan policies and density for the area identified in the current adopted City of Monroe 2015-2035 Comprehensive Plan which has a plan map designation of “Medium Density SFR”.

A site specific rezone is considered a project permit application per State law and must be processed as a quasi-judicial matter subject to the Appearance of Fairness Doctrine and rules pertaining to ex-parte contact.

Typically, a site specific rezone requires a review and public hearing before the Planning Commission with a recommendation to the City Council. However, pursuant to MMC Section 21.50.120, when an applicant seeks a concurrent land use approval for a quasi-judicial action, the City may consolidate all project permit applications for the development proposal so that the review process does not involve more than one open record hearing and one closed record appeal.

In this case, the applicant has submitted an application for the rezone with a concurrent preliminary plat application. The applicant requested that the project permit applications be consolidated per MMC section 21.30.010 and MMC section 21.50.130.

The Hearing Examiner held a public hearing on the proposed rezone application and preliminary plat application on June 9, 2016. The Hearing Examiner recommendation to the City Council, dated June 21, 2016, is approval of the rezone and the preliminary plat. The City Council has the final decision-making authority on the rezone request.

On June 28, 2016, City Council was briefed on this item, and it was proposed to bring this rezone ordinance forward for first and final reading on July 12, 2016, due to the cancellation of the July 5, 2016, Meeting, as well as upcoming cancellation of the August 2, 2016, Council Meeting (for National Night Out); and in order to continue processing the rezone and preliminary plat efficiently.

Staff's request is to waive Council rules of procedure requiring two readings of ordinances, and adopt the proposed rezone ordinance upon first and final reading.

**IMPACT – BUDGET**

N/A

**TIME CONSTRAINTS**

N/A

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

CITY OF MONROE, WASHINGTON:

(SEAL)

\_\_\_\_\_  
Geoffrey Thomas, Mayor

ATTEST:

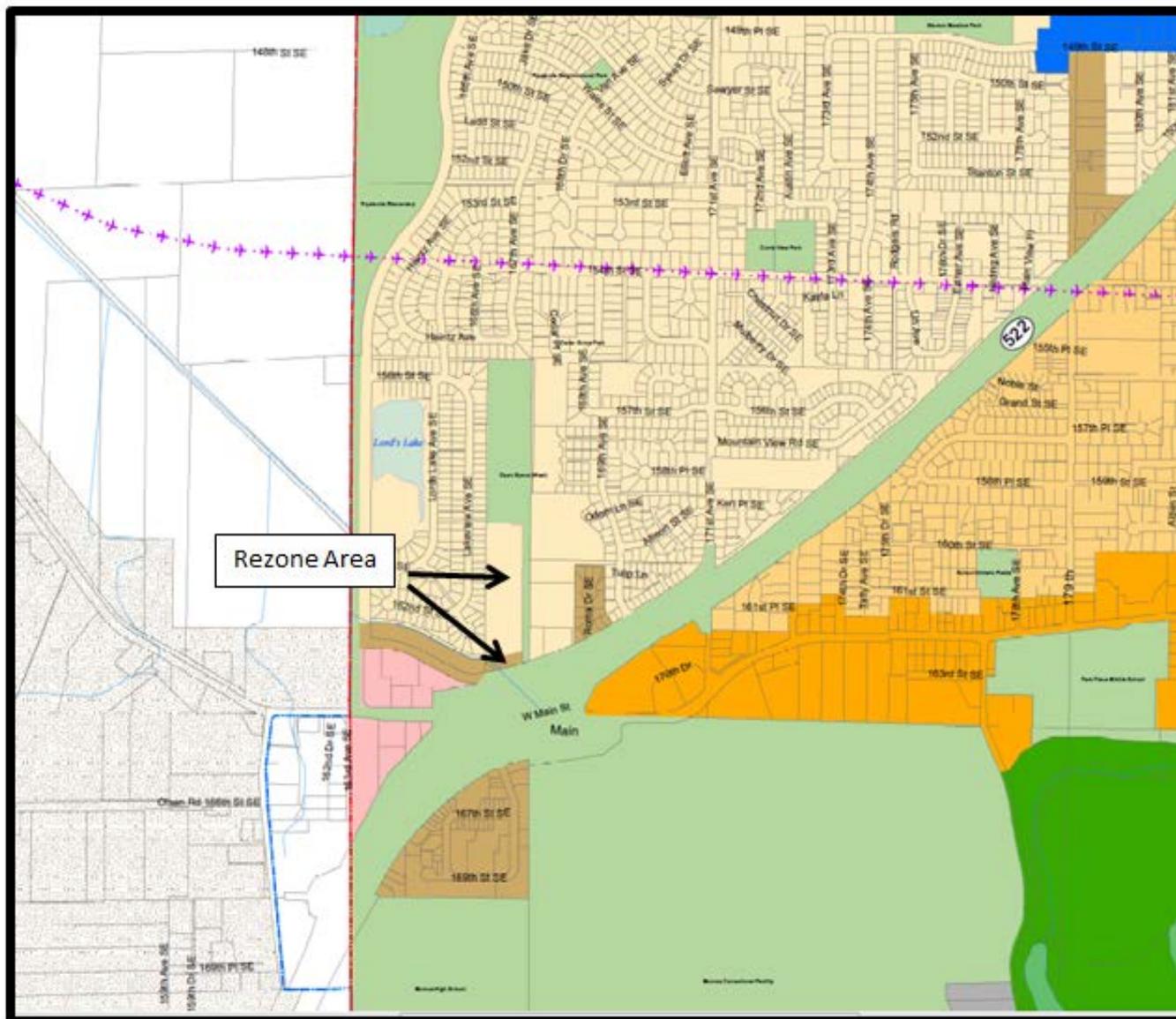
APPROVED AS TO FORM:

\_\_\_\_\_  
Elizabeth M. Smoot, MMC, City Clerk

\_\_\_\_\_  
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

1 – Case no. 15-SDPL-0001; 15-REZN-0001 (Iron Eagle)

- 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") | <b>Prior:</b> (R5-7) Dwellings Per Acre<br><b>Existing:</b> Medium Density SFR | Urban Residential (UR 9600) and MR 6000 | Church/Religious Institution |

2 – Case no. 15-SDPL-0001; 15-REZN-0001 (Iron Eagle)

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

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

3 – Case no. 15-SDPL-0001; 15-REZN-0001 (Iron Eagle)

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

4 – Case no. 15-SDPL-0001; 15-REZN-0001 (Iron Eagle)

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 available 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

5 – Case no. 15-SDPL-0001; 15-REZN-0001 (Iron Eagle)

"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,

6 – Case no. 15-SDPL-0001; 15-REZN-0001 (Iron Eagle)

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

*7 – Case no. 15-SDPL-0001; 15-REZN-0001 (Iron Eagle)*

recommendation, together with an analysis of the findings. The city council may, by ordinance, accept or reject the amendment.<sup>1</sup>

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

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<sup>1</sup> 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

9 – Case no. 15-SDPL-0001; 15-REZN-0001 (Iron Eagle)

the Monroe Municipal Code (Subdivisions, Planning and Zoning, Environment, and Development and Review Procedures).<sup>2</sup>

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

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<sup>2</sup> 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.

11 – Case no. 15-SDPL-0001; 15-REZN-0001 (Iron Eagle)

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 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.
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 boundary 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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12 – Case no. 15-SDPL-0001; 15-REZN-0001 (Iron Eagle)

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

13 – Case no. 15-SDPL-0001; 15-REZN-0001 (Iron Eagle)

## 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.

# City of Monroe



## 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

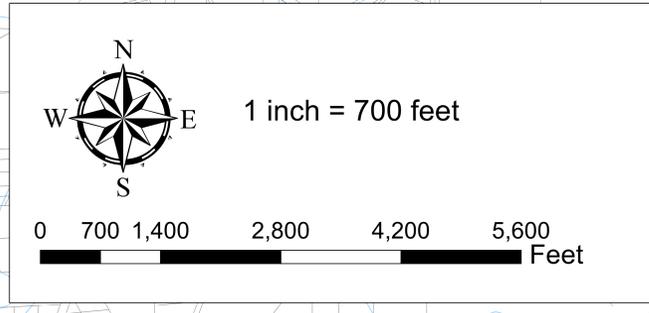
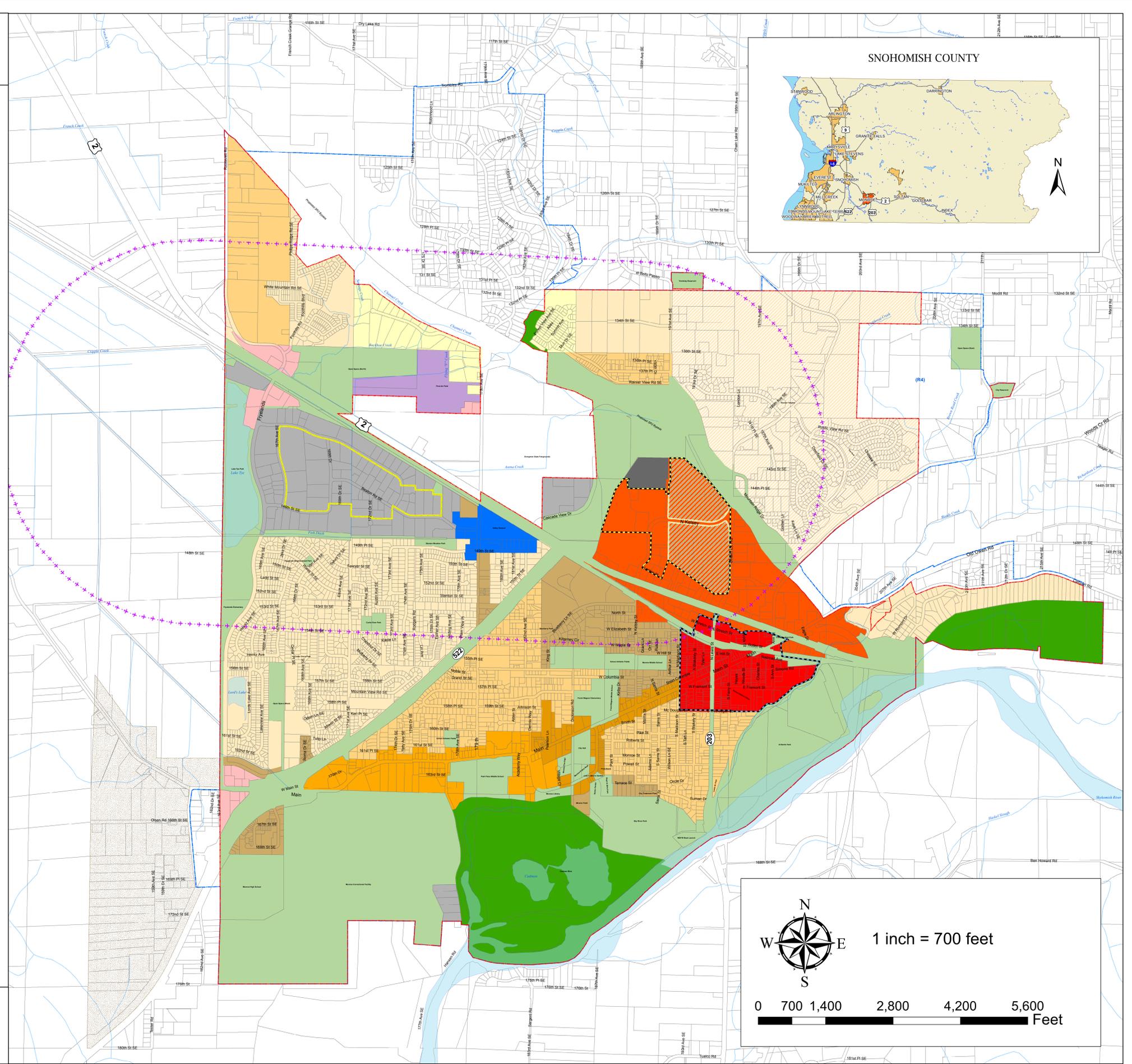
- North Kelsey Planning Area (ORD 009/2010)
- North Kelsey Planned Dev Area (ORD 009/2010)
- Downtown Planning Area (ORD 036/2008)
- Airport Overlay Zone (ORD. 026-2006)
- AEO-SOB Boundary (ORD 029/2003)

### 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 guaranties 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

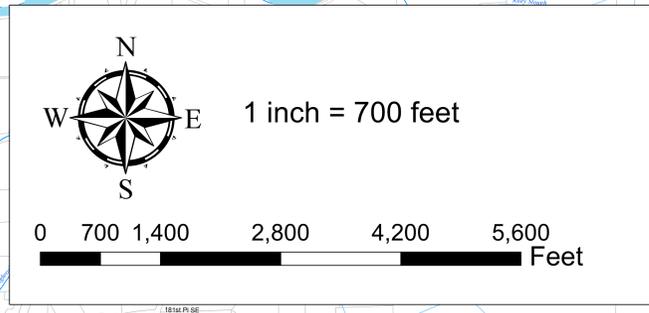
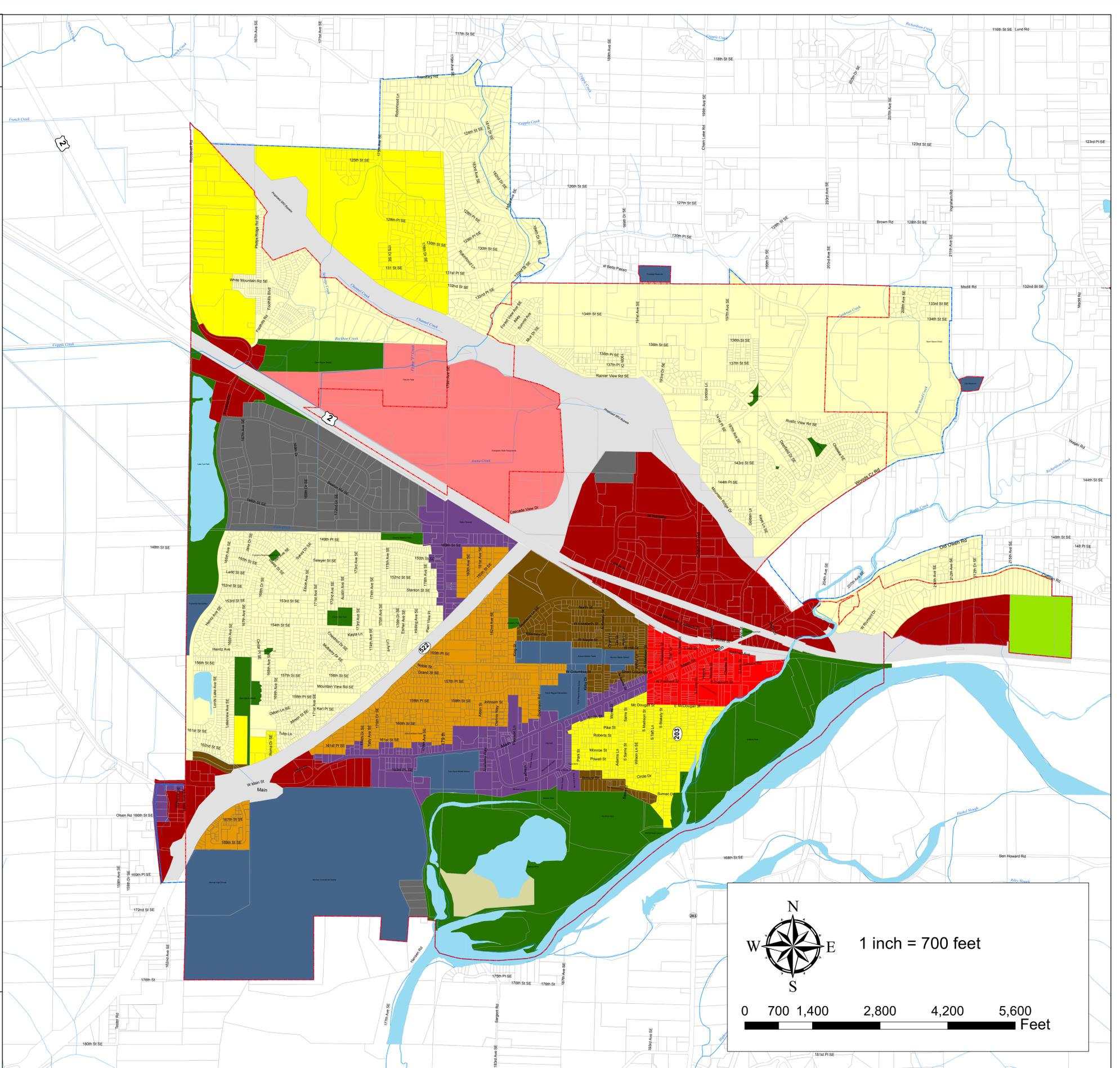
## BOUNDARIES

- 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).





# MONROE CITY COUNCIL

## Agenda Bill No. 16-099

|                 |   |
|-----------------|---|
| <b>SUBJECT:</b> | <b><i>Setting a date for Consideration of the Hearing Examiner's Recommendation regarding Iron Eagle Preliminary Plat</i></b> |
|-----------------|---|

| <b>DATE:</b> | <b>DEPT:</b>                   | <b>CONTACT:</b> | <b>PRESENTER:</b> | <b>ITEM:</b>           |
|--------------|--------------------------------|-----------------|-------------------|------------------------|
| 07/12/2016   | Community Development Planning | Kristi Kyle     | Kristi Kyle       | <b>Final Action #3</b> |

**Discussion:** 07/12/2016  
**Public Hearing:** 06/09/2016 (Hearing Examiner)

**Attachments:**

1. Hearing Examiner's Recommendation
2. Iron Eagle Preliminary Plat Site Plan

**REQUESTED ACTION:** Move to set the date of July 26, 2016, for the City Council's closed record consideration of the Hearing Examiner's Recommendation on Iron Eagle, a Preliminary Plat File No. 15-SDPL-0001.

### DESCRIPTION/BACKGROUND

On June 9, 2016, the Hearing Examiner held an open record public hearing on the proposed Iron Eagle Preliminary Plat.

The Iron Eagle proposal is generally located at 16691 Currie Road on approximately 6.61 acres (257,004 square feet) of property. The proposal is to be developed in a single phase totaling 32 single family residential lots.

The Hearing Examiner recommendation, submitted June 21, 2016, is that the Monroe City Council approve the Iron Eagle Preliminary with conditions.

### IMPACT – BUDGET

N/A

### TIME CONSTRAINTS

In accordance with Monroe Municipal Code (MMC) Section 21.50.030(D), staff must forward the Hearing Examiner recommendation to the City Council within fourteen days of the recommendation - which would have been by the July 5, 2016, City Council meeting. However, due to the cancellation of the July 5, 2016, City Council meeting, this agenda item has been added to the July 12, 2016, City Council meeting.

In accordance with MMC Section 21.50.050(A)(1), the City Council shall set the date for consideration of the hearing examiner's recommendation at the Council's next available public meeting following receipt of the recommendation. The next available date set to consider the preliminary plat will need to follow the effective date of the ordinance for the Iron Eagle Rezone. July 26, 2016, is, therefore, the meeting date proposed in this agenda bill for the City Council to consider the Iron Eagle preliminary plat (pending the adoption of Ordinance No. 012/2016).

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

1 – Case no. 15-SDPL-0001; 15-REZN-0001 (Iron Eagle)

- 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”) | <b>Prior:</b> (R5-7) Dwellings Per Acre<br><b>Existing:</b> Medium Density SFR | Urban Residential (UR 9600) and MR 6000 | Church/Religious Institution |

### 2 – Case no. 15-SDPL-0001; 15-REZN-0001 (Iron Eagle)

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

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

3 – Case no. 15-SDPL-0001; 15-REZN-0001 (Iron Eagle)

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

4 – Case no. 15-SDPL-0001; 15-REZN-0001 (Iron Eagle)

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 available 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

5 – Case no. 15-SDPL-0001; 15-REZN-0001 (Iron Eagle)

“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,

6 – Case no. 15-SDPL-0001; 15-REZN-0001 (Iron Eagle)

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.<sup>1</sup>

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

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<sup>1</sup> 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

*9 – Case no. 15-SDPL-0001; 15-REZN-0001 (Iron Eagle)*

the Monroe Municipal Code (Subdivisions, Planning and Zoning, Environment, and Development and Review Procedures).<sup>2</sup>

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

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<sup>2</sup> 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.

11 – *Case no. 15-SDPL-0001; 15-REZN-0001 (Iron Eagle)*

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 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.
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 boundary 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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12 – Case no. 15-SDPL-0001; 15-REZN-0001 (Iron Eagle)

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

Respectfully Submitted,

Dated: 06/21/2016

A handwritten signature in blue ink that reads "Carl D. Cox". The signature is written in a cursive style with a large initial "C".

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.

SECTION 2, TOWNSHIP 27 NORTH, RANGE 6 EAST, WM

# PLAT OF IRON EAGLE

## PRELIMINARY PLAT AND REZONE

**SITE INFORMATION**

|                       |  |
|-----------------------|--|
| TAX PARCEL #          | 27060200301900   |
| SITE ADDRESS          | 16691 CURRIE ROAD<br>MONROE, WA 98272  |
| EXISTING ZONING       | UR9600 - 257,301 SF (5.90 AC)<br>MR6000 - 30,771 SF (0.71 AC)                              |
| PROPOSED ZONING       | UR6000 - 288,072 SF (6.61 AC)<br>MR6000 - 0 SF (0.00 AC)                                   |
| PROPERTY SIZE (TOTAL) | 288,072 S.F. (6.61AC.)   |
| MINIMUM LOT SIZE      | 6,000 SF   |
| LOT COVERAGE          | 50%  |
| BUILDING SETBACKS     | 20' FRONT TO GARAGE<br>10' FRONT TO LIVING SPACE<br>15' REAR<br>5' MIN PER SIDE, 15' TOTAL |
| WATER SOURCE          | CITY OF MONROE   |
| SEWAGE DISPOSAL       | CITY OF MONROE   |
| FIRE DISTRICT         | CITY OF MONROE   |
| SCHOOL DISTRICT       | MONROE SCHOOL DISTRICT   |
| OWNERSHIP INTEREST    | JAMES & FRANCES HAGER<br>21314 CALHOUN ROAD<br>MONROE, WA 98272                            |

**MAXIMUM DENSITY CALCULATION**

(288,072 SF - 20%)/6000 = 38.4 = 38  
PROPOSED NUMBER OF LOTS = 32

**ACTUAL DENSITY CALCULATIONS**

GROSS DENSITY:  
GROSS AREA = 6.61 AC  
32 UNITS/6.61 AC = 4.84 DU/AC  
ROUNDS TO 5 DU/AC PER MMC 18.10.010(B)(1)  
  
NET DENSITY:  
NET AREA = 6.61 AC - ROADS - STORM TRACT  
= 6.61 - 1.43 - 0.10  
  
32 UNITS/4.95 AC = 6.46 DU/AC

**RECREATION SPACE CALCULATIONS**

REQUIRED AREA = 32 LOTS \* 170 SF/LOT  
= 5,440 SF  
  
PROVIDED AREA = 6,130 SF (TRACT 998)

**OWNER/APPLICANT**

JAMES & FRANCES HAGER  
21314 CALHOUN ROAD  
MONROE, WA 98272  
PH: 206-300-6667

**CONTACT/CIVIL ENGINEER**

DAVID HARMSEN, PE  
HARMSEN & ASSOCIATES INC  
125 E MAIN STREET, SUITE 104  
MONROE, WA 98272  
PH: 360-794-7811  
EMAIL: davidh@harmeseninc.com

**GEOTECHNICAL ENGINEER**

EDUARDO GARCIA  
GEOTEST  
741 MARINE DRIVE  
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PH: 360-733-7318

**LANDSCAPE ARCHITECT**

SCOTT LANKFORD  
LANKFORD ASSOCIATES  
10031 SR 532, SUITE B  
STANWOOD, WA 98292  
PH: 206-331-5123

**BIOLOGIST**

MARY HARENDA  
ESSENCY ENVIRONMENTAL  
11104 320TH AVENUE NE  
CARNATION, WA 98014  
PH: 425-761-5903

**SHEET INDEX**

- P1 COVER SHEET
- P2 PRELIMINARY PLAT MAP
- P3 EXISTING CONDITIONS MAP
- P4 PRELIMINARY SEWER & WATER PLAN
- P5 PRELIMINARY STORM & PAVING PLAN
- L1 PRELIMINARY LANDSCAPE PLAN
- W1 CRITICAL AREA MITIGATION PLAN

**REZONE PERMIT NOTE**

THE MAJORITY OF THE SITE IS CURRENTLY ZONED AS UR 9600 WITH THE SOUTHERN PORTION BEING MR 6000. THE COMPREHENSIVE PLAN DESIGNATION FOR THE PROPERTY IS 5-7 DU/AC AND 8-11 DU/AC FOR THE TWO AREAS ON SITE. ACCOMPANYING THIS PROPOSED PRELIMINARY PLAT IS A REZONE REQUEST TO CHANGE THE ZONING TO UR 6000 TO BRING THE PROPERTY INTO COMPLIANCE WITH THE COMPREHENSIVE PLAN.

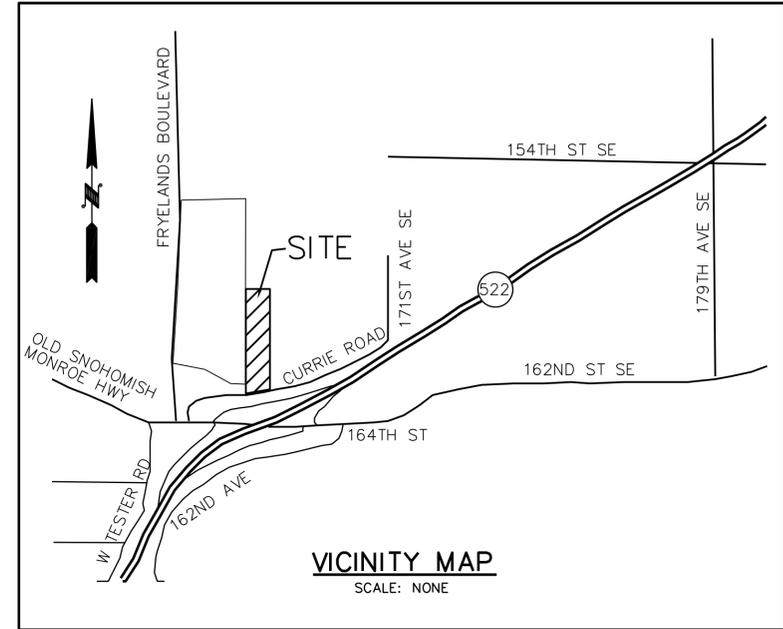
**LEGAL DESCRIPTION**

NOTE: THE PLATTOR IS ENGAGED IN PENDING BOUNDARY LINE AGREEMENTS WITH CERTAIN LOT OWNERS IN THE ADJACENT PLAT OF LORDS LAKE TO CONFORM THEIR BOUNDARIES TO A FENCE LINE BASED ON ADVERSE POSSESSION CLAIMS. THE PLAT BOUNDARY AND LEGAL DESCRIPTION WILL BE REFORMED PRIOR TO FINAL PLAT REVIEW.

THE SOUTH 100 FEET OF THE EAST 330 FEET OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE EAST 330 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 27 NORTH, RANGE 6 EAST, W.M., EXCEPT THE EAST 60 FEET THEREOF; AND EXCEPT STATE AND COUNTY ROADS; AND EXCEPT THAT PORTION CONVEYED TO SNOHOMISH COUNTY FOR DRAINAGE DISTRICT NO.4.

EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS: THAT PORTION OF THE EAST 330 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 27 NORTH, RANGE 6 EAST, W.M. DESCRIBED AS FOLLOWS:  
COMMENCING AT THE SOUTHEAST CORNER OF LOT 18, LORD'S LAKE DIVISION 1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 62 OF PLATS, PAGES 42-46, UNDER A.F. NO. 9608295003, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, BEING A POINT ON THE WEST LINE OF SAID EAST 330 FEET; THENCE NORTH 66°59'02" EAST, ALONG THE NORTHEASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 18, A DISTANCE OF 7.68 FEET TO A 6' CHAIN LINK FENCE; THENCE NORTH 00°24'10" WEST, ALONG SAID FENCE, A DISTANCE OF 64.79 FEET; THENCE NORTH 00°29'11" WEST, ALONG SAID FENCE, A DISTANCE OF 68.62 FEET TO THE SOUTHEASTERLY EXTENSION OF THE NORTHERLY LINE OF LOT 21, SAID PLAT OF LORD'S LAKE DIVISION 1; THENCE NORTH 00°27'25" WEST, ALONG SAID FENCE, A DISTANCE OF 73.11 FEET TO THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 22, SAID PLAT OF LORD'S LAKE DIVISION 1; THENCE NORTH 00°15'24" WEST, ALONG SAID FENCE, A DISTANCE OF 100.02 FEET TO THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 24, SAID PLAT OF LORD'S LAKE DIVISION 1; THENCE SOUTH 88°45'31" WEST, ALONG SAID EASTERLY EXTENSION, A DISTANCE OF 11.70 FEET TO THE NORTHEAST CORNER OF SAID LOT 24; THENCE SOUTH 01°14'29" EAST, ALONG THE EAST LINE OF SAID LOT 24, A DISTANCE OF 309.36 FEET TO THE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON



REVISIONS

|                |                |
|----------------|----------------|
| DWN. BY: LDR   | DATE: 12/31/14 |
| CHK. BY: SRM   | JOB #: 14-216  |
| DATE: 12/31/14 | P/B #: N/A     |
| SCALE: NONE    |                |

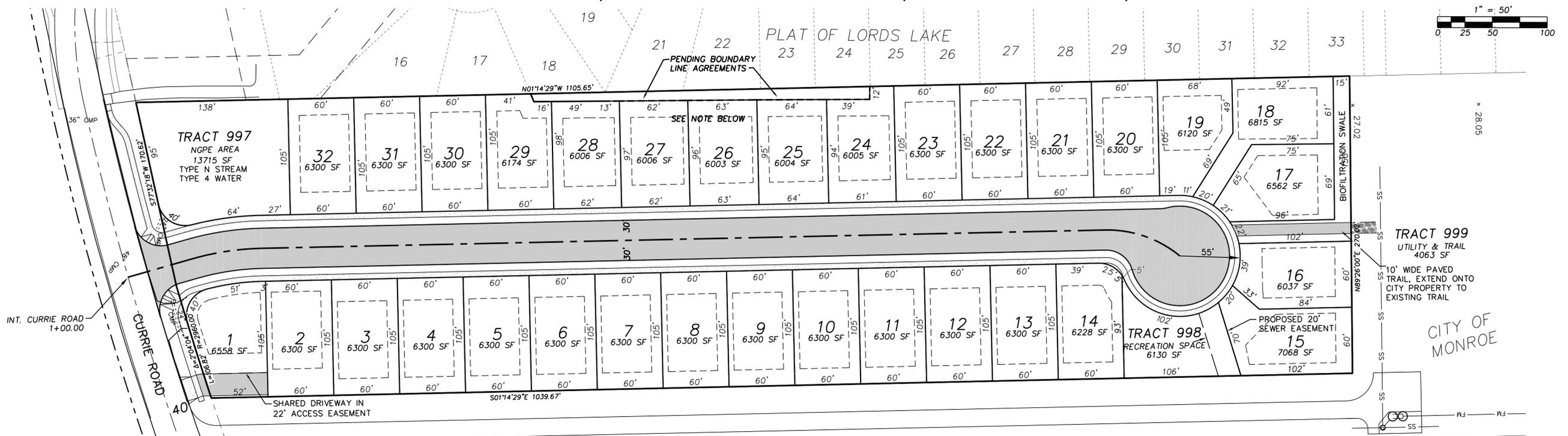
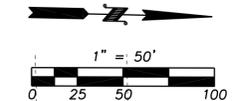
**HARMSEN & ASSOCIATES INC**  
ENGINEERS SURVEYORS  
125 EAST MAIN STREET, SUITE 104  
P.O. BOX 516  
MONROE, WA 98272  
PHONE: (360) 794-7811  
(206) 343-5903  
FAX: (360) 805-9732



PLAT OF IRON EAGLE  
16691 CURRIE ROAD  
MONROE, WA  
COVER SHEET

DRAWING:  
**P1**  
SHEET: 1 OF 7

SECTION 2, TOWNSHIP 27 NORTH, RANGE 6 EAST, WM



PRELIMINARY PLAT MAP

THE FOLLOWING TEXT IS PRELIMINARY IN NATURE AND WILL CHANGE AT FINAL PLAT REVIEW

DECLARATION OF SHORT SUBDIVISION COVENANTS AND RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS: THAT JAMES R. HAGER AND FRANCES M. HAGER, HUSBAND AND WIFE, DO HEREBY DECLARE THIS PLAT OF IRON EAGLE 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 LOTS WHERE WATER MIGHT TAKE A NATURAL COURSE IN THE ORIGINAL REASONABLE GRADING OF THE ROADS AND WAYS 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.

- NO FURTHER DIVISION OF ANY LOT IS ALLOWED WITHOUT SUBMITTING FOR A NEW SUBDIVISION OR SHORT SUBDIVISION.
- ALL LANDSCAPED AREAS IN PUBLIC RIGHTS-OF-WAY SHALL BE MAINTAINED BY THE OWNER(S) AND/OR THEIR SUCCESSOR(S) AND MUST BE REDUCED OR ELIMINATED AT THE REQUEST OF THE CITY IF DEEMED NECESSARY FOR PUBLIC ROAD PURPOSES.
- IN ACCORDANCE WITH THE CITY'S TRAFFIC IMPACT MITIGATION FEE PROGRAM, AS ESTABLISHED UNDER MMC 20.12, REQUIRED FEES FOR TRAFFIC MITIGATION SHALL BE PAID FOR ALL LOTS. PAYMENT OF TRAFFIC IMPACT FEES SHALL BE REQUIRED PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR EACH LOT WITHIN THE SUBDIVISION. THE AMOUNT OF THE FEE SHALL BE BASED ON FEE SCHEDULE IN EFFECT AT THE TIME OF BUILDING PERMIT ISSUANCE.
- IN ACCORDANCE WITH THE CITY'S SCHOOL IMPACT MITIGATION FEE PROGRAM, AS ESTABLISHED UNDER MMC 20.07, REQUIRED FEES FOR SCHOOL MITIGATION SHALL BE PAID FOR ALL LOTS. PAYMENT OF SCHOOL IMPACT FEES SHALL BE REQUIRED PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR EACH LOT WITHIN THE SUBDIVISION. THE AMOUNT OF THE FEE SHALL BE BASED ON FEE SCHEDULE IN EFFECT AT THE TIME OF BUILDING PERMIT ISSUANCE.
- IN ACCORDANCE WITH THE CITY OF MONROE ORDINANCE 005/2003, THE PROPONENT SHALL PAY AN IN-LIEU FEE FOR IMPACTS TO THE CITY'S PARK SYSTEM FOR ALL LOTS. THE FEE SHALL BE PAID PRIOR TO FINAL PLAT APPROVAL UNLESS THE APPLICANT ELECTS TO HAVE IMPACT FEES ALLOCATED TO THE LOTS AND COLLECTED WHEN THE BUILDING PERMITS ARE ISSUED.
- SUBJECT EASEMENT FOR DRAINAGE DITCH AND MAINTENANCE PER A.F. NO. 243934. EASEMENT IS WILL BE RELOCATED PRIOR TO FINAL PLAT SUBMITTAL.
- SUBJECT TO RELINQUISHMENT OF ACCESS TO STATE HIGHWAY NUMBER 15 AND OF LIGHT, VIEW AND AIR BY DEED RECORDED UNDER A.F. NO. 1292850
- SUBJECT TO EASEMENT WATER PIPE LINE PER A.F. NO. 1650979. EASEMENT NOW LIES IN DEEDED RIGHT OF WAY AND DOES NOT AFFECT SUBJECT PARCEL.
- SUBORDINATION OF EASEMENT RECORDED ON JUNE 10, 1969 UNDER AUDITOR'S FILE NO. 2097497
- SUBJECT TO FENCE ENCROACHMENT AS DISCLOSED BY SURVEY, A.F. NO. 9003095002. ENCROACHMENT WILL BE RESOLVED BY BOUNDARY LINE AGREEMENT PRIOR TO FINAL PLAT SUBMITTAL.
- SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, RECITALS, RESERVATIONS, EASEMENTS, EASEMENT PROVISIONS, DEDICATIONS, BUILDING SETBACK LINES, NOTES AND STATEMENTS, IF ANY, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH ON CITY OF MONROE APPLICATION FOR BOUNDARY LINE ADJUSTMENT BA 190002, A.F. NO. 9003130326;
- SUBJECT TO EASEMENT FOR ELECTRIC TRANSMISSION AND/OR DISTRIBUTION LINE AND COMMUNICATION FACILITIES PER A.F. NO. 9005110528. EASEMENT TO BE TERMINATED PRIOR TO FINAL PLAT SUBMITTAL.

ALL PRESENT AND FUTURE OWNERS, THEIR HEIRS, SUCCESSORS AND ASSIGNS OF THE PARCELS IN THIS PLAT SHALL GIVE ACTUAL NOTICE OF THESE COVENANTS TO ANY PROSPECTIVE PURCHASER. THESE COVENANTS SHALL BE INCLUDED IN ALL CONTRACTS OR DEEDS RELATED TO THE SALE OF ANY OF THE LOTS OR PARCELS MENTIONED HEREIN.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2016.

IN WITNESS WHEREOF WE SET OUR HANDS AND SEALS.

EASEMENT PROVISIONS

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO ALL UTILITIES, INCLUDING, BUT NOT LIMITED TO, THE PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY, GENERAL TELEPHONE COMPANY OF THE NORTHWEST INC, AT&T CABLE, THE CITY OF MONROE AND WASHINGTON ENERGY SERVICES, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, SERVING THIS PLAT, OVER, UNDER AND UPON THE EXTERIOR TEN (10) FEET OF ALL LOTS AND TRACT 992, AS SHOWN ON THE FACE OF THE PLAT, IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, CABLES, PIPES, WIRES TOGETHER WITH NECESSARY FACILITIES AND EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH UTILITY SERVICES, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AND SAID TRACTS AT ALL TIMES FOR THE PURPOSES HEREIN STATED.

STORM DRAINAGE EASEMENTS

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF MONROE IN WHICH TO INSTALL, MAINTAIN, REPAIR, AND REPLACE STORM DRAINAGE PIPES, FACILITIES AND EQUIPMENT OVER, UNDER ACROSS, UPON AND WITHIN THE SOUTHEASTERLY 20 FEET OF LOT 37 AND THE EASTERLY 20 FEET OF TRACT 994 AS DELINEATED ON SHEET 3 OF 3 OF THIS PLAT. THE CITY SHALL HAVE THE RIGHT AT ALL TIMES TO ENTER UPON AND ACROSS SAID TRACTS AND LOTS FOR THE PURPOSES HEREIN MENTIONED.

PRIVATE STORM DRAINAGE EASEMENTS:

EASEMENTS FOR THE INSTALLATION, MAINTENANCE, REPAIR AND REPLACEMENT OF ROOF AND INDIVIDUAL LOT STORM DRAINAGE LINES ARE HEREBY RESERVED FOR AND GRANTED TO ALL LOTS OVER THE EXTERIOR TEN (10) FEET OF ALL LOTS AND TRACT 992, ADJOINING THE PUBLIC STREET RIGHT OF WAYS, AS SHOWN ON THE FACE OF THE PLAT; TO LOT 31 OVER LOT 32; TO LOTS 34, 35 AND 36 OVER LOTS 35 AND 36; TO LOT 44 OVER LOT 43 AND TO LOTS 40, 41, 42, 44 AND TRACT 992 OVER LOTS 40, 41, 42, 44 AND TRACT 992, AS DELINEATED ON SHEET 3 OF 3 OF THIS PLAT. THESE "PRIVATE" EASEMENTS CONTAIN NETWORKS OF DRAINAGE LINES AND APPURTENANCES THAT PROVIDE DRAINAGE FOR THE LOTS. EACH LOT OWNER SHALL HAVE EQUAL RESPONSIBILITY TO MAINTAIN AND RENEW, IF NECESSARY, ANY LOT DRAINAGE LINE OR APPURTENANCE WITHIN HIS/HER LOT, AND SHALL COOPERATE WITH THE OWNERS OF ADJACENT OR OTHER LOTS IN THE EXAMINATION AND REPAIR OF ANY FAILURE OF SAID LINES AND APPURTENANCES. OWNERS OF LOTS THAT MAY BENEFIT FROM THE EXAMINATION AND REPAIR OF ANY BLOCKAGE OR FAILURE SHALL PAY AN EQUAL SHARE OF THE COSTS FOR THE REPAIR OR REPLACEMENT OF THE BLOCKED OR FAILED LINES AND APPURTENANCES. THE OWNERS OF SAID LOTS SHALL HAVE THE RIGHT AT ALL TIMES TO ENTER UPON AND ACROSS SAID TRACTS AND LOTS FOR THE PURPOSES HEREIN MENTIONED.

SANITARY SEWER EASEMENTS:

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF MONROE IN WHICH TO INSTALL, MAINTAIN, REPAIR, AND REPLACE SANITARY SEWER PIPES, FACILITIES AND EQUIPMENT OVER, UNDER ACROSS, UPON AND WITHIN THE SOUTHEASTERLY 20 FEET OF LOT 37 AND THE EASTERLY 20 FEET OF TRACT 994, AS DELINEATED ON SHEET 3 OF 3 OF THIS PLAT. THE CITY SHALL HAVE THE RIGHT AT ALL TIMES TO ENTER UPON AND ACROSS SAID LOT AND TRACT FOR THE PURPOSES HEREIN MENTIONED.

PRIVATE SANITARY SEWER EASEMENT:

AN EASEMENT FOR THE INSTALLATION, MAINTENANCE, REPAIR AND REPLACEMENT OF INDIVIDUAL LOT SANITARY SIDE SEWER LINE IS HEREBY RESERVED FOR AND GRANTED TO LOT 44 OVER LOT 43 AS DELINEATED ON SHEET 3 OF 3 OF THIS PLAT. THIS "PRIVATE" EASEMENT CONTAINS SANITARY SIDE SEWER LINES AND APPURTENANCES THAT PROVIDE SEWAGE DISPOSAL FOR THE LOT. EACH LOT OWNER SHALL HAVE EQUAL RESPONSIBILITY TO MAINTAIN AND RENEW, IF NECESSARY, ANY LOT SANITARY SIDE SEWER LINE OR APPURTENANCE WITHIN HIS/HER LOT, AND SHALL COOPERATE WITH THE OWNERS OF ADJACENT OR OTHER LOTS IN THE EXAMINATION AND REPAIR OF ANY FAILURE OF SAID LINES AND APPURTENANCES. OWNERS OF LOTS BENEFITING FROM THE EXAMINATION AND REPAIR OF ANY BLOCKAGE OR FAILURE SHALL PAY THE COSTS FOR THE REPAIR OR REPLACEMENT OF THE BLOCKED OR FAILED LINES AND APPURTENANCES. THE OWNERS OF SAID LOTS SHALL HAVE THE RIGHT AT ALL TIMES TO ENTER UPON AND ACROSS SAID TRACTS AND LOTS FOR THE PURPOSES HEREIN MENTIONED.

UTILITY EASEMENTS TO THE CITY OF MONROE

THE CITY OF MONROE IS HEREBY GRANTED EASEMENTS FOR UTILITY SERVICES OVER, UNDER AND UPON TRACTS 992 AND 994 OF THIS PLAT.

PUBLIC UTILITY AND TRAIL EASEMENT:

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF MONROE AND THE PUBLIC FOR UTILITY AND PEDESTRIAN TRAIL PURPOSES OVER AND ACROSS AND WITHIN THE SOUTHEASTERLY 20 FEET OF LOT 37 AND THE EASTERLY 20 FEET OF TRACT 994, AS DELINEATED ON SHEET 3 OF 3 OF THIS PLAT.

SURVEYOR'S CERTIFICATE

I, SCIPIO M. WALTON, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT OF IRON EAGLE IS BASED UPON AN ACTUAL SURVEY, AND THAT THE COURSES AND ANGLES ARE SHOWN THEREON CORRECTLY AND THAT MONUMENTS SHALL BE SET AND THAT LOT CORNERS SHALL BE SET ON THE GROUND AS SHOWN ON THE PLAT.

SCIPIO M. WALTON, PLS DATE  
PROFESSIONAL LAND SURVEYOR  
REGISTRATION NO. 33125

APPROVALS

EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.  
CITY OF MONROE ENGINEER \_\_\_\_\_

EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.  
CITY OF MONROE ADMINISTRATOR,  
COMMUNITY DEVELOPMENT DIRECTOR \_\_\_\_\_

EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.  
MAYOR \_\_\_\_\_ ATTEST: CITY CLERK \_\_\_\_\_

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES HERETOFORE LEVIED AGAINST THE PROPERTY DESCRIBED HEREIN, ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE, HAVE BEEN FULLY PAID AND DISCHARGED, INCLUDING \_\_\_\_\_ TAXES. 20 \_\_\_\_\_ TAXES PAID IN FULL ON TAX PARCEL 005174-042-01700

KIRKE SIEVERS BY: \_\_\_\_\_  
TREASURER, SNOHOMISH COUNTY DEPUTY TREASURER \_\_\_\_\_

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
AT \_\_\_\_\_ M. IN BOOK \_\_\_\_\_ OF PLATS AT PAGE \_\_\_\_\_  
AT THE REQUEST OF HARMSEN & ASSOCIATES, INC.

CAROLYN WEIKEL BY: \_\_\_\_\_  
COUNTY AUDITOR DEPUTY COUNTY AUDITOR \_\_\_\_\_

THE PLATTOR IS ENGAGED IN PENDING BOUNDARY LINE AGREEMENTS WITH CERTAIN LOT OWNERS IN THE ADJACENT PLAT OF LORDS LAKE TO CONFORM THEIR BOUNDARIES TO A FENCE LINE BASED ON ADVERSE POSSESSION CLAIMS. THE PLAT BOUNDARY AND LEGAL DESCRIPTION WILL BE REFORMED PRIOR TO FINAL PLAT REVIEW.

SURVEY NOTES:

- SURVEY PROCEDURES & EQUIPMENT: FIELD TRAVERSE & 10' TOTAL STATION.
- THE FIELD TRAVERSES USED IN THIS SURVEY MEET OR EXCEED THOSE STANDARDS CONTAINED IN WAC 332-130-090.
- DISTANCES ARE IN FEET AND DECIMALS THEREOF.
- ALL CONTROLLING MONUMENTS SHOWN ARE OF RECORD, ARE LOCALLY ACCEPTED AS REPRESENTATIVE OF THEIR PURPORTED POSITIONS, AND WERE VISITED DURING THE COURSE OF THIS SURVEY UNLESS OTHERWISE NOTED.
- THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS.

ACKNOWLEDGEMENT

STATE OF WASHINGTON )  
  )SS  
COUNTY OF SNOHOMISH )

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT JAMES R. HAGER AND FRANCES M. HAGER, HUSBAND AND WIFE, ARE THE PERSONS WHO APPEARED BEFORE ME, AND SAID PERSONS ACKNOWLEDGED THAT THEY SIGNED THIS INSTRUMENT, AND ACKNOWLEDGED IT TO BE THEIR FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

SUBSCRIBED AND SWORN TO ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

(SIGNATURE) \_\_\_\_\_

(PRINTED NAME) \_\_\_\_\_

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON RESIDING AT \_\_\_\_\_

MY APPOINTMENT EXPIRES \_\_\_\_\_

REVISIONS

DWN. BY: LDR  
CHK. BY: SRM  
DATE: 12/31/14  
JOB #: 14-216  
P/B #: N/A  
SCALE: 1" = 50'

HARMSEN & ASSOCIATES INC  
ENGINEERS SURVEYORS  
125 EAST MAIN STREET, SUITE 104  
MONROE, WA 98272  
(360) 794-7811  
(206) 343-5903  
FAX: (360) 805-9732



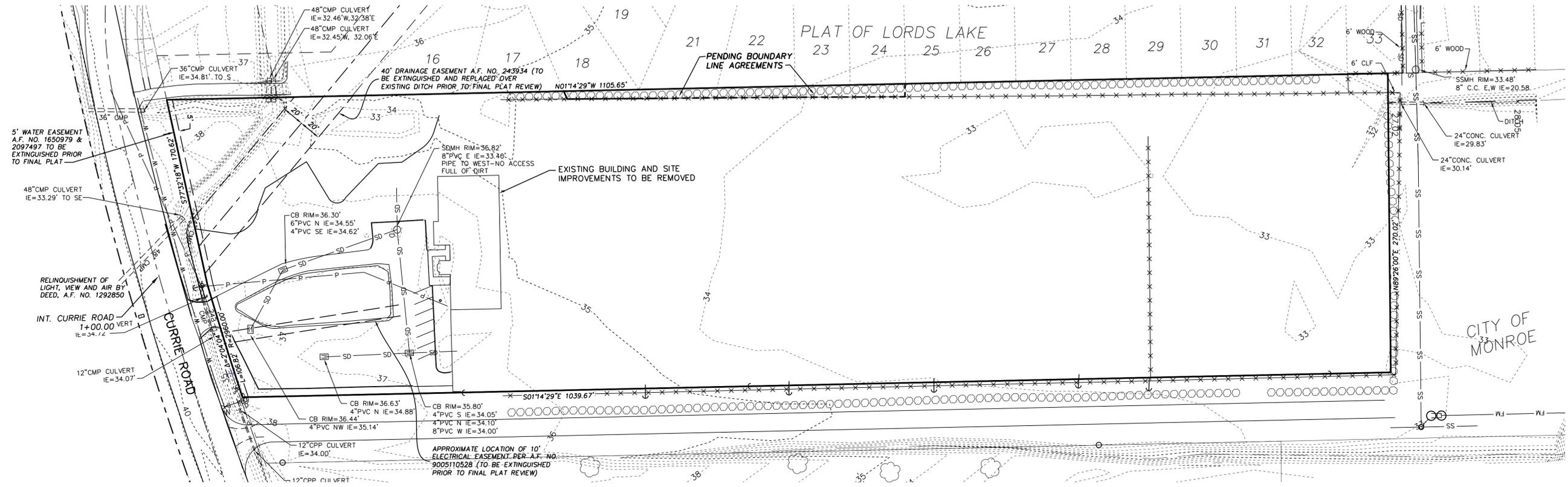
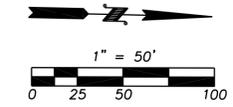
PLAT OF IRON EAGLE  
16691 CURRIE ROAD  
MONROE, WA  
PRELIMINARY PLAT MAP

DRAWING:

P2

SHEET: 2 OF 7

SECTION 2, TOWNSHIP 27 NORTH, RANGE 6 EAST, WM



EXISTING CONDITIONS MAP

REVISIONS

DWN. BY: LDR  
 CHK. BY: SRM  
 DATE: 12/31/14  
 JOB #: 14-216  
 P/B #: N/A  
 SCALE: 1" = 50'

**HARMSEN & ASSOCIATES INC**  
 ENGINEERS SURVEYORS  
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 MONROE, WA 98272  
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PLAT OF IRON EAGLE  
 16691 CURRIE ROAD  
 MONROE, WA  
 EXISTING CONDITIONS MAP

DRAWING:

P3

SHEET: 3 OF 7



**MONROE CITY COUNCIL**  
**Legislative Affairs Committee Meeting**  
Tuesday, July 12, 2016, 6 P.M.  
Council Conference Room, City Hall

## **AGENDA**

- I. Call to Order**
  
- II. Approval Minutes** (Meeting of Tuesday, June 14, 2016)
  
- III. Unfinished Business**
  - A. DRAFT 2017 Legislative Priorities
  
- IV. New Business**
  
- V. Other**
  
- VI. Next Committee Meeting** (August 9, 2016)
  
- VII. Adjournment**

## **BOARD OF DIRECTORS' SPECIAL MEETING NOTICE**

A special meeting of the Board of Directors of the Snohomish County Public Transportation Benefit Area Corporation has been scheduled for:

Date: Thursday, July 7, 2016  
2:30 p.m.

Location: Community Transit  
Administrative Conference Room  
7100 Hardeson Road  
Everett, WA 98203

for the state audit exit conference.

## **BOARD OF DIRECTORS' MEETING NOTICE**

*Goals: Improve ridership. Demonstrate good stewardship of public funds.  
Be a positive force in our communities.*

The regular Board meeting of the Snohomish County Public Transportation Benefit Area Corporation has been scheduled for:

Date: Thursday, July 7, 2016  
3:00 PM

Location: Community Transit Board Room  
7100 Hardeson Road  
Everett, WA 98203

## **AGENDA**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PUBLIC COMMENT**
- IV. PRESENTATIONS**
  - A. Service Awards – Emmett Heath
  - B. Transportation Employee of the First Quarter 2016 – Fred Worthen
  - C. Transportation Demand Management – Bonnie Ginsberg
- V. COMMITTEE REPORTS**
  - A. Executive Committee – Chair Jon Nehring
  - B. Finance & Administration Committee – Councilmember Tom Hamilton
  - C. Marketing, Operations, & Maintenance Committee – Mayor Dave Earling
  - D. Planning & Capital Projects Committee – Councilmember Stephanie Wright
- VI. CONSENT CALENDAR\***
  - A. Approval of notes of the May 20, 2016, Board of Directors' Business Planning Meeting.
  - B. Approval of minutes of the June 2, 2016, Board of Directors' Meeting.
  - C. Approval of Design and Construction Support Services for Hoist Additions.
  - D. Approval of vouchers dated May 2, 2016, in the amount of \$715,787.71.
  - E. Approval of vouchers dated May 5, 2016, in the amount of \$455,924.47.
  - F. Approval of vouchers dated May 9, 2016, in the amount of \$722,914.37.
  - G. Approval of vouchers dated May 10, 2016, in the amount of \$356,172.93.
  - H. Approval of vouchers dated May 13, 2016, in the amount of \$489,444.16.
  - I. Approval of vouchers dated May 16, 2016, in the amount of \$15,845.92.
  - J. Approval of vouchers dated May 19, 2016, in the amount of \$1,384,596.23.
  - K. Approval of vouchers dated May 24, 2016, in the amount of \$127,708.24.

\* indicates attachments

- L. Approval of vouchers dated May 31, 2016, in the amount of \$423,597.74.
- M. Approval of May 2016 Payroll:
  - 1. Direct Deposits Issued, #s 300001 – 301237, in the amount of \$2,296,398.15.
  - 2. Paychecks Issued, #s 100001 – 100071, in the amount of \$93,743.40.
  - 3. Employer Payroll Tax Deposits, in the amount of \$268,289.12.

**VII. ACTION ITEMS\***

- A. Approval of Sole Source for Open Data/GTFS

**VIII. CHAIRMAN'S REPORT**

**IX. CHIEF EXECUTIVE OFFICER'S REPORT**

**X. BOARD COMMUNICATION**

**XI. EXECUTIVE SESSION**

**XII. OTHER BUSINESS RELATED TO THE CORPORATION**

**XIII. ADJOURN**

  
\_\_\_\_\_  
Mayor Jon Nehring, Chair

# Board of Health Meeting July 12, 2016

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 [snohd.org/About-Us/Board-of-Health/Meeting-Agenda/ArtMID/4373/ArticleID/1260/Board-of-Health-Meeting-July-12-2016](http://snohd.org/About-Us/Board-of-Health/Meeting-Agenda/ArtMID/4373/ArticleID/1260/Board-of-Health-Meeting-July-12-2016)

## AGENDA

Tuesday, July 12, 2016

3:00 – 5:00 p.m.

Rucker Building Auditorium

### 1. Call to Order

### 2. Roll Call

### 3. Approval of Minutes of the Regular Meeting of June 14, 2016

### 4. Consent Agenda

- a. Approval of vouchers and Resolution 16-011 authorizing June 2016 expenditures for Health District and PHEPR fund

### 5. Public Comment

### 6. Committee and Standing Reports

- a. Finance Report (SR 16-042; J. Chapman, no presentation)
- b. SHD Strategic Plan Q2 update (P. Mayer, no presentation)

### 7. Oral Report

- a. Environment Health (J. Ketchel)

### 8. Action Item

- a. Secure Medicine Return Ordinance Fee Schedule (SR 16-045; J. Ketchel)

### 9. Chair's Report

### 10. Health Officer's Report

SR 16-043 – G. Goldbaum

## 11. Work Session

- a. A Closer Look at the Heroin/Opioid Epidemic in Snohomish County (SR 16-044;

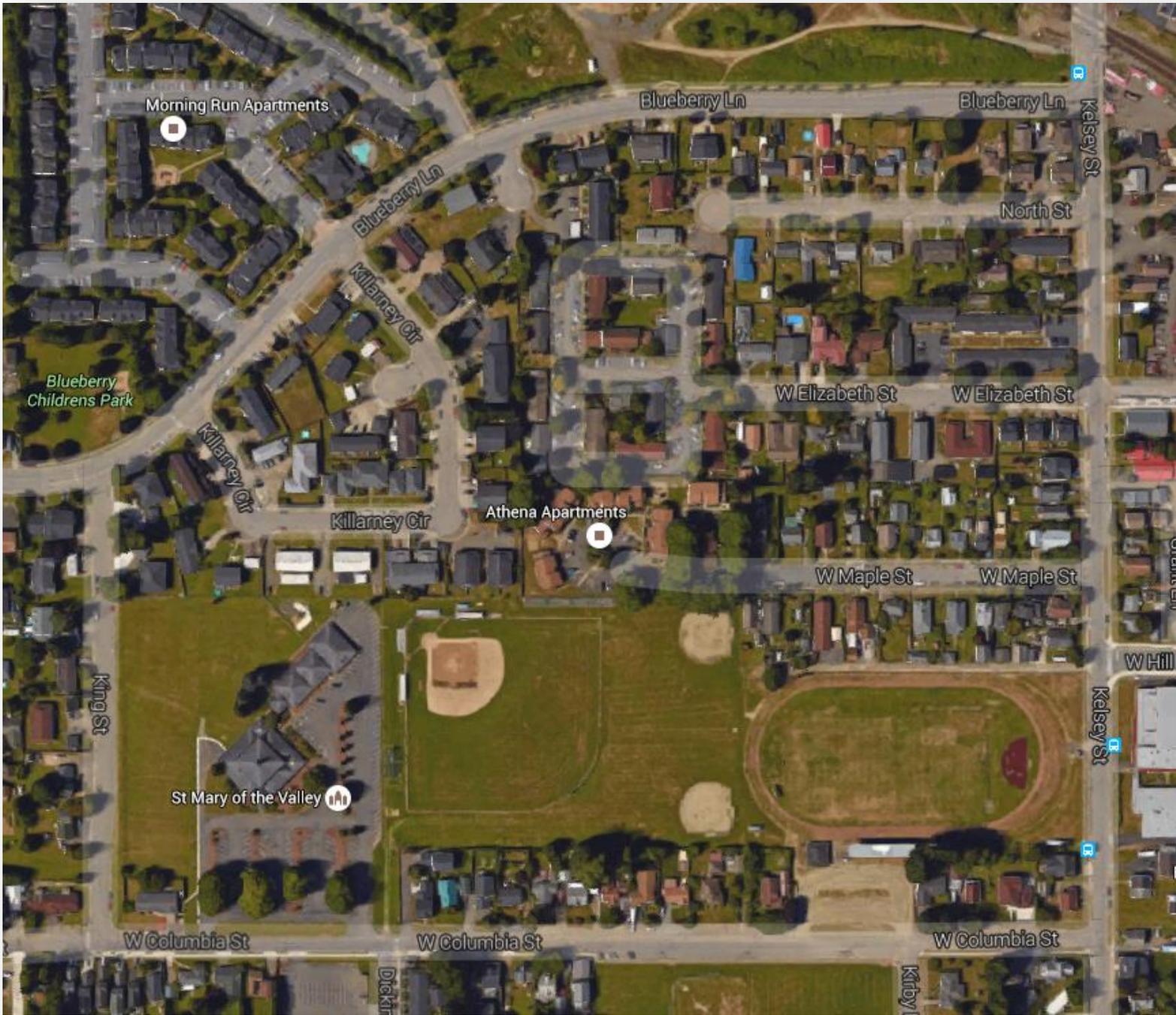
G. Goldbaum, H. Thomas, C. Banta-Green, M.J. Brell-Vujovic, C. Hart-Anderson)

## 12. Information Items

- a. Review of upcoming meetings. (All meetings held at Snohomish Health District unless otherwise noted.)
  - 1) Public Health Advisory Council – July 27, 7:45 – 9:15 a.m.
  - 2) Board of Health – August 9, 3:00 – 5:00 p.m.

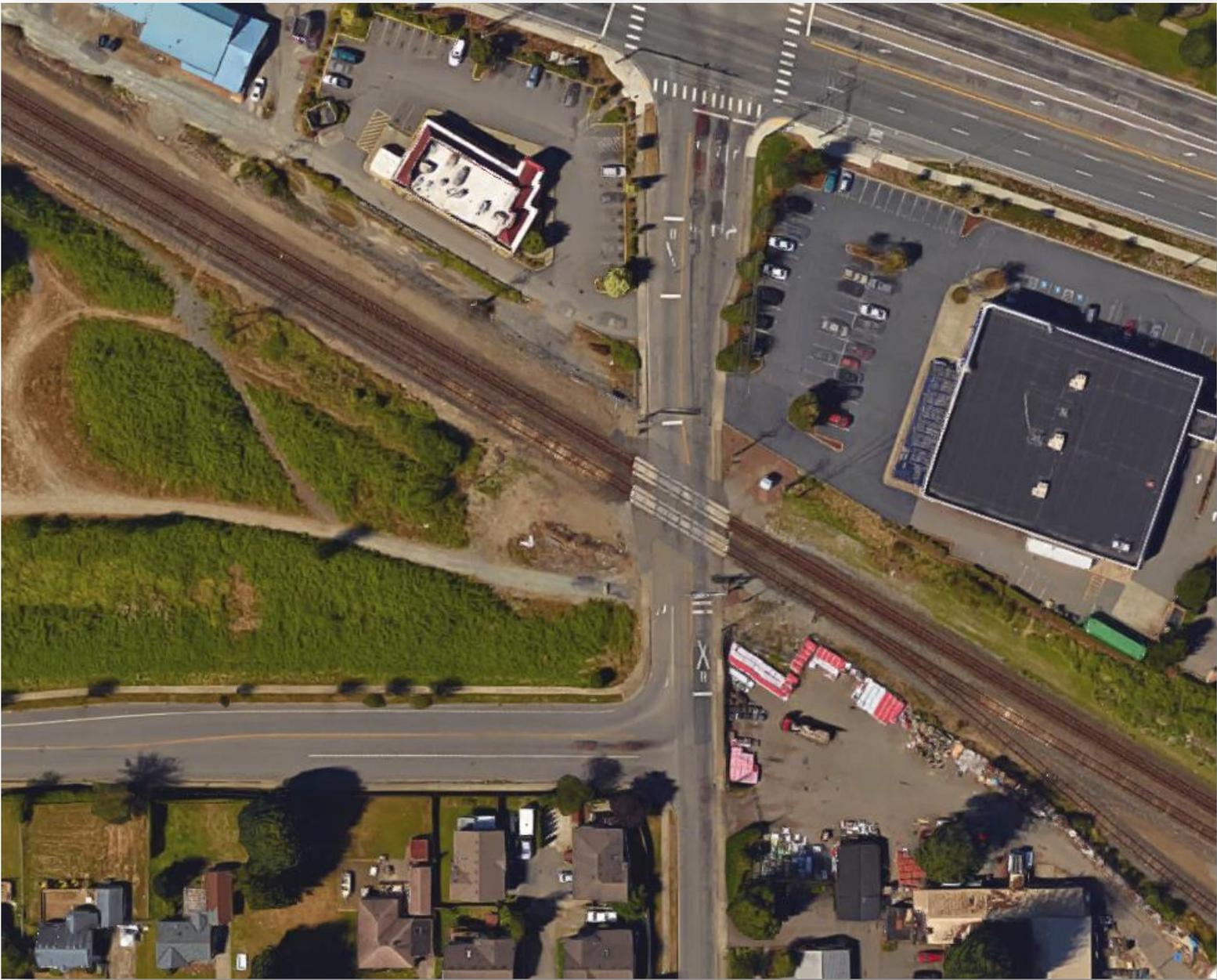
## 13. Adjournment

The public is invited to attend. Parking and meeting rooms are accessible for persons with disabilities. Questions or additional information about the board meeting may be obtained by contacting Linda Carl at 425.339.5210; Relay: 711; Email [admin@snohd.org](mailto:admin@snohd.org). To request reasonable accommodations, please contact Ms. Carl by Friday, July 8, 2016. It's customary for each board meeting to include an assigned period for public comment from individuals present at the meeting. Generally, the public comment occurs near the beginning of the meeting and comments are limited to no more than three minutes per person. The Chair of the board may, as circumstances require at each meeting, reduce the time allotted to individuals or reduce the overall time assigned for public comments.



## NEIGHBORHOOD STREET VIEW





**N. KELSEY STREET & BLUEBERRY LANE**



## City of Monroe - June 2016

| General Fund Revenues                  | 2016              | Year-to-Date     | % of         | 2015              | Year-to-Date     | % of         |
|--|-------------------|------------------|--------------|-------------------|------------------|--------------|
|  | Budget            | 6/30/16          | Budget       | Budget            | 6/30/15          | Budget       |
| Property Tax                           | 2,031,543         | 1,083,927        | 53.4%        | 2,011,559         | 1,086,527        | 54.0%        |
| Sales Tax                              | 5,001,675         | 2,460,194        | 49.2%        | 4,665,073         | 2,217,952        | 47.5%        |
| Admissions Tax                         | 135,000           | 63,116           | 46.8%        | 130,000           | 73,594           | 56.6%        |
| Utility Tax                            | 2,025,618         | 1,060,426        | 52.4%        | 2,035,500         | 1,069,154        | 52.5%        |
| Leasehold & Gambling Taxes             | 42,726            | 20,025           | 46.9%        | 39,250            | 19,982           | 50.9%        |
| <b>Total Taxes</b>                     | <b>9,236,562</b>  | <b>4,687,689</b> | <b>50.8%</b> | <b>8,881,382</b>  | <b>4,467,209</b> | <b>50.3%</b> |
| Licenses & Permits                     | 467,800           | 454,284          | 97.1%        | 362,000           | 266,573          | 73.6%        |
| Intergovernmental                      | 574,115           | 234,062          | 40.8%        | 518,946           | 224,090          | 43.2%        |
| Charges for Goods & Services           | 1,098,531         | 692,412          | 63.0%        | 864,163           | 463,282          | 53.6%        |
| Fines & Penalties                      | 261,340           | 145,799          | 55.8%        | 213,800           | 113,030          | 52.9%        |
| Miscellaneous Revenues                 | 41,901            | 72,266           | 172.5%       | 44,374            | 131,874          | 297.2%       |
| Interfund Transfers In                 | 106,000           | 100,000          | 94.3%        | 318,000           | 100,000          | 31.4%        |
| <b>Total General Fund Revenues</b>     | <b>11,786,249</b> | <b>6,386,511</b> | <b>54.2%</b> | <b>11,202,665</b> | <b>5,766,058</b> | <b>51.5%</b> |
| General Fund Expenditures              | 2016              | Year-to-Date     | % of         | 2015              | Year-to-Date     | % of         |
|  | Budget            | 6/30/16          | Budget       | Budget            | 6/30/15          | Budget       |
| Admin, City Clerk & Public Records     | 750,225           | 417,923          | 55.7%        | 861,420           | 387,483          | 45.0%        |
| City Attorney                          | 180,000           | 65,262           | 36.3%        | 130,000           | 74,820           | 57.6%        |
| Human Resources                        | 147,600           | 76,044           | 51.5%        | 147,639           | 73,119           | 49.5%        |
| Elected/Legislative                    | 193,849           | 102,769          | 53.0%        | 150,100           | 58,819           | 39.2%        |
| Finance                                | 521,503           | 258,280          | 49.5%        | 513,726           | 234,942          | 45.7%        |
| Planning & Building                    | 1,159,872         | 539,263          | 46.5%        | 1,303,947         | 639,692          | 49.1%        |
| Economic Development                   | -                 | -                |              | 25,000            | 1,839            | 7.4%         |
| Emergency Management                   | 24,847            | 11,080           | 44.6%        | 96,037            | 35,385           | 36.8%        |
| Police                                 | 6,757,210         | 3,389,575        | 50.2%        | 6,319,706         | 3,146,770        | 49.8%        |
| Jail, District Court & Dispatch        | 680,716           | 421,106          | 61.9%        | 590,054           | 315,293          | 53.4%        |
| Municipal Court                        | 326,348           | 161,746          | 49.6%        | 318,855           | 140,951          | 44.2%        |
| Parks & Recreation                     | 1,188,972         | 569,297          | 47.9%        | 1,075,930         | 496,607          | 46.2%        |
| Interfund Transfers Out                | 154,956           | 154,956          | 100.0%       | 284,669           | 284,669          | 100.0%       |
| <b>Total General Fund Expenditures</b> | <b>12,086,098</b> | <b>6,167,302</b> | <b>51.0%</b> | <b>11,817,083</b> | <b>5,890,389</b> | <b>49.8%</b> |

## City of Monroe - June 2016

| Other Funds' Revenues       | 2016      | Year-to-Date | % of   | 2015      | Year-to-Date | % of   |
|-----------------------------|-----------|--------------|--------|-----------|--------------|--------|
|                             | Budget    | 6/30/16      | Budget | Budget    | 6/30/15      | Budget |
| Street Fund                 | 606,966   | 326,992      | 53.9%  | 578,571   | 302,987      | 52.4%  |
| Tourism Fund (Lodging Tax)  | 66,826    | 30,188       | 45.2%  | 65,200    | 23,512       | 36.1%  |
| Real Estate Excise Tax Fund | 501,500   | 441,175      | 88.0%  | 400,000   | 265,498      | 66.4%  |
| Water Fund                  | 4,227,423 | 2,474,349    | 58.5%  | 3,707,790 | 2,202,704    | 59.4%  |
| Sewer Fund                  | 7,398,759 | 3,760,380    | 50.8%  | 7,168,535 | 3,800,622    | 53.0%  |
| Storm Drain Fund            | 1,587,743 | 838,427      | 52.8%  | 1,614,783 | 884,396      | 54.8%  |
| Solid Waste Fund            | 3,394,125 | 1,666,675    | 49.1%  | 3,343,700 | 1,662,258    | 49.7%  |
| Water CIP Fund              | 340,000   | 382,982      | 112.6% | 505,420   | 603,904      | 119.5% |
| Sewer CIP Fund              | 2,521,920 | 2,521,344    | 100.0% | 2,000,000 | 365,178      | 18.3%  |
| Storm Drain CIP Fund        | 3,283,987 | 2,822        | 0.1%   | 917,250   | 64,309       | 7.0%   |

| Other Funds' Expenditures        | 2016      | Year-to-Date | % of   | 2015      | Year-to-Date | % of   |
|----------------------------------|-----------|--------------|--------|-----------|--------------|--------|
|                                  | Budget    | 6/30/16      | Budget | Budget    | 6/30/15      | Budget |
| Street Fund                      | 683,883   | 336,064      | 49.1%  | 674,184   | 314,151      | 46.6%  |
| Tourism Fund (Lodging Tax)       | 80,908    | 28,324       | 35.0%  | 80,385    | 26,592       | 33.1%  |
| Parks CIP Fund                   | 738,614   | 165,545      | 22.4%  | 651,193   | 98,909       | 15.2%  |
| Street CIP Fund                  | 6,618,545 | 1,660,267    | 25.1%  | 5,812,568 | 444,902      | 7.7%   |
| Water Fund                       | 4,328,771 | 2,026,205    | 46.8%  | 4,044,604 | 1,820,994    | 45.0%  |
| Sewer Fund                       | 7,322,656 | 4,258,775    | 58.2%  | 7,055,878 | 2,247,730    | 31.9%  |
| Storm Drain Fund                 | 1,508,889 | 710,172      | 47.1%  | 1,530,343 | 659,592      | 43.1%  |
| Solid Waste Fund                 | 3,443,533 | 1,679,527    | 48.8%  | 3,278,401 | 1,637,971    | 50.0%  |
| Water CIP Fund                   | 4,396,842 | 1,030,525    | 23.4%  | 2,425,204 | 176,581      | 7.3%   |
| Sewer CIP Fund                   | 3,875,655 | 631,059      | 16.3%  | 2,791,917 | 1,050,547    | 37.6%  |
| Storm Drain CIP Fund             | 313,411   | 133,016      | 42.4%  | 1,852,931 | 1,027,240    | 55.4%  |
| Information Technology I.S. Fund | 529,321   | 186,856      | 35.3%  | 492,399   | 195,841      | 39.8%  |
| Fleet & Equipment I.S. Fund      | 1,042,359 | 562,048      | 53.9%  | 992,041   | 501,490      | 50.6%  |
| Facilities I.S. Fund             | 1,210,564 | 501,367      | 41.4%  | 1,220,556 | 536,358      | 43.9%  |



# MONROE THIS WEEK

July 9, 2016 Edition No. 27

## Mayor

Geoffrey Thomas  
[gthomas@monroewa.gov](mailto:gthomas@monroewa.gov)

## Councilmembers

Patsy Cudaback  
Kevin Hanford  
Ed Davis  
Jason Gamble  
Jim Kamp  
Jeff Rasmussen  
Kirk Scarborough  
[councilmembers@monroewa.gov](mailto:councilmembers@monroewa.gov)

## City Hall

806 West Main Street  
Monroe, WA 98272  
Phone: 360.794.7400  
Open 8AM – 5PM, M-F

## Appointment Openings

No Vacancies

## Job Openings

Senior Engineer – Development Review  
[www.monroewa.gov/jobs](http://www.monroewa.gov/jobs)

## Events this Week

- 07/09 *Supra Boats Pro Wakeboard Tour, Lake Tye Park, 10AM-6PM*
- 07/12 *City Council Legislative Affairs Committee Meeting, Permit Center, City Hall, 6PM*
- City Council Meeting, City Hall, Council Chambers, 7PM*
- 07/13 *Farm To Table Farmer's Market, Lake Tye Park, 3-8PM*
- 07/15 *Music in the Park, Longstride Band, Lake Tye Park, 7-9PM*

From the Office of Mayor Thomas

To highlight some of the things going on in our community, I am writing this weekly city update, "Monroe This Week. If you have any suggestions or questions regarding "Monroe This Week" or the stories below, please contact me at [GThomas@MonroeWa.gov](mailto:GThomas@MonroeWa.gov).

Yours in Service,

Mayor Geoffrey Thomas

## Be In The Know!

### Fire District No. 3 Merger Meetings

Snohomish County Fire District #3 will be having the following public meetings to discuss the merger into Snohomish County Fire District #7 that will be on the August 2nd ballot.

- July 13th 7:30 PM – Tualco Grange (18933 Tualco Road Monroe, WA 98272)
- July 18th 8:00 AM – Fire District #3 Station 31 (163 Village Court Monroe, WA 98272)
- July 19th 12:00 PM - Fire District #3 Station 31 (163 Village Court Monroe, WA 98272)

Please feel free to attend any or all of these meetings. For more information, please visit: [www.monroefire.org](http://www.monroefire.org)

### Monroe Is Growing

Washington's State Office of Financial Management has issued its population estimates. Since last year, the State estimates Monroe grew by 500 people, taking our estimated population from 17,620 in 2015 to 18,120 today. For more info, [click here](#).

**City of Monroe  
Year-to-Date Comparisons**

*The following are year-to-date comparisons*

**Sales Tax Revenues**

'15 to 6/30/15: \$1,913,161

'16 to 6/30/16: \$2,128,692

**UP \$215,530 or 11.27%**

**Real Estate Excise Tax**

'15 to 6/30/15: \$265,398

'16 to 6/30/16: \$439,327

**UP \$173,929 or 65.54%**

**Lodging Tax Revenues**

'15 to 6/30/15: \$23,482

'16 to 6/30/16: \$30,044

**UP \$6,562 or 27.95%**

**Business License Fees**

'15 to 6/30/15: \$26,265

'16 to 6/30/16: \$23,984

**DOWN \$2,281 or -8.68%**

**Building Permit Revenues**

'15 to 6/30/15: \$180,616

'16 to 6/30/16: \$366,658

**UP \$186,042 or 103%**

**Planning Fee Revenues**

'15 to 6/30/15: \$52,340

'16 to 6/30/16: \$49,390

**DOWN \$2,950 or -5.64%**

**New House Permits**

'15 to 6/30/15: 37

'16 to 6/30/16: 59

**UP 22 units or 59.5%**

*\*19 permits issued in May 2016 alone*

**Multi-Family Permits (# units)**

'15 to 6/30/15: 13

'16 to 6/30/16: 4

**DOWN 9 units or -69.2%**

**Building Division Inspections**

'15 to 6/30/15: 874

'16 to 6/30/16: 979

**UP 102 or 12.0%**

## Supra Boats Pro Wakeboard Tour

Professional athletes from all over world will be competing at Lake Tye Park. The event will be held on Saturday, July 9, 2016 from 10 a.m. – 4 p.m. Come out and show your support of these young athletes as they compete for a cash prize! This is the largest and longest-running professional wakeboard and wakesurf circuit in the sport and Monroe is happy to have them back!

## Music In The Park Begins July 15, 2016

Seattle, Washington based group, Longstride is the best new band set to explode onto the music scene. Longstride equals Reggae-Rock-Groove with real melodies and amazing execution with a 'High energy, crowd moving' stage show. They will be here, Friday, July 15, 2016, at Lake Tye Park. This event is FREE! Thank you to the Monroe Chamber of Commerce and Monroe Parks and Recreation for organizing this great event. Thank you to all the sponsors for the series!

- Classic Country 1520
- Ben Franklin
- Evergreen Speedway
- Community Transit
- Adam's Northwest Bistro and Brewery
- The Dashing Dutchman Deli
- Genesis Refrigeration, Heating and Cooling
- Bill Warburton Insurance Agency, &
- Mr. Dizzy

For more information for Music in the Park, [click here!](#)

## Safety Message

There are so many positive reasons to ride your bike. Fire District No. #7 encourages families to ride as much as possible. However, before you ride, make sure every family member has a properly fitted helmet and follows these basic safety tips: use lights and wear bright colors, ride on the sidewalk when possible, Use hand signals. For more bike riding safety tips, visit: <https://www.safekids.org/bike>.