

Douglas Hamar  
PO Box 1104  
Monroe, Wa 98272  
503-245-6593

RECEIVED

SEP 12 2013

CITY OF MONROE

September 9, 2013

**RE: Draft Environmental Impact Statement – East Monroe Comprehensive Plan Amendment and Subsequent Rezone**

Dear PACE , City of Monroe and Planning Commission Members,

The Draft Environmental Impact Statement prepared by PACE is an impressive document, but in presenting a full and unbiased disclosure of the likely environmental impacts of the proposed rezone, it falls short. The following are my concerns:

**PAGE “FACT SHEET” - Subheading “PROPOSED ACTION”**

That this proposed action “*will help maintain and enhance critical areas and supports a balance between socioeconomic growth, development and protection of the environment*” is an assertion not a “fact.” If you have any “facts” to support this assertion, please include them.

My own assertion would be that all the relevant government studies, the present day “facts” on the ground, and even much of the information in this DEIS suggest that the proposed action will hinder rather than “help” achieve these objectives.

To back up my assertion, I include the following:

1. Later in this DEIS, under “**Transportation**,” we find that the rezone to General Commercial would increase traffic “*3,628 average daily trips and 290 PM peak-hour trips over the existing zoning.*” And that is only if the property is developed under the “existing zoning” to the level you suggest, which is highly unlikely. Otherwise the increase in traffic would be closer to 5,000 trips a day. Either way, how is this not going to further muck up rather than “help” the already heavy congestion problem on SR2?
2. With regard to “*socioeconomic growth,*” the 2012 Snohomish County Build-able Lands Report found that Monroe currently has more than enough build-able lands to satisfy its employment needs through 2025. In fact, as with the 2007 version of the same report, it found Monroe short of residential capacity. The property that is the subject of this DEIS is currently zoned residential.
3. The location of this proposed rezone is a mile and a half down the road and isolated from what everyone knows as Monroe. A “big box” discount retailer in this location will almost certainly put additional stress on the retail environment of the real Monroe—far from supporting, enhancing or balancing the “socioeconomic” situation in Monroe, it is more likely to undermine it.

I would also contend that while the stated objectives of this rezone may be “*consistent with the goals and objectives of Growth Management Act Planning,*” the more likely outcomes of this rezone are not.

## PAGE ONE: SECTION 1. SUMMARY

At the bottom of the first paragraph we find that *“Despite multiple land use action proposals, the applicant is still searching for the highest and best use for the property.”*

It is not clear what “highest” use means in this instance. Perhaps it refers to the need to raise the elevation of the property with 46,500 cubic yards of material to get it above the base floodplain. At any rate, It is good to know the applicant is still searching for the best use. They would likely do better with a land use action different than the one they have repeatedly proposed.

In paragraph three we have the first of repeated assurances in the DEIS that whatever project ensues from this rezone, it will have to comply with the standards in the Monroe Municipal Code:

*“Any application for a project action will be required to demonstrate that work in critical areas complies with Monroe Municipal Code (MMC) requirements. It is incumbent on the applicant to demonstrate compliance with the standards in the MMC”*

Unfortunately, in my reading of the MMC, I find language that is not at all reassuring.

For example:

### ***20.05.050 Applicability, exemptions, and exceptions.***

*2. Reasonable Use. If the application of this chapter would deny all reasonable use of the property, development may be allowed which is consistent with the general purpose of this chapter and the public interest; provided, that the hearing examiner, after a public hearing, finds to the extent consistent with the constitutional rights of the applicant:*

- a. This chapter would otherwise deny all reasonable use of the property;*
- b. There is no other reasonable use consistent with the underlying zoning of the property that has less impact on the critical area and/or associated buffer;*

It seems evident to me that to develop this property as Commercial retail, the mitigation required would be so onerous as to *“deny all reasonable use of the property.”* Changing the “underlying zoning” to commercial will allow a developer to vigorously pursue these “exemptions and exceptions.”

Again from the MMC:

### ***14.01.150 Floodways.***

*D. In areas with base flood elevations (but in which a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community’s Flood Insurance Rate Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.*

“The community” is not defined here, and even if it were, flood waters do not recognize community borders. With so many variables in a flood event, how could an increase of one foot of elevation somewhere in the “community” ever be attributed with certainty to a particular construction project or

other development? An extra foot of water over an entire community is a lot of water. How could this section of the Code ever be enforced?

The effectiveness of the Municipal Code is entirely dependent upon successful enforcement. With the last hearings examiner being fired shortly after ruling against the City on a previous attempt at this same zoning change, my confidence in the City's interpretation and enforcement of the Municipal Code is pretty low.

In paragraph four, we again have the completely unsubstantiated claim that there is a need for developable commercial land along SR2

*"The DEIS also recognizes the site as one of great potential for responding to the limited amount of undeveloped commercial property in the area, addressing market demand for land, promoting economic development and setting the precedent for future development in Monroe."*

At this writing there are at least 148,000 sq ft of retail space available in Monroe. The same real estate listings in March of 2012 during the last attempt on this rezone showed 150,000 sq feet available, so no one is snapping it up. And again, even Monroe's new "revised" Comprehensive plan sites the Snohomish County Build-able Lands Report, which states that Monroe has no need for additional land dedicated to commercial retail.

#### **Page 4: 1.2 OBJECTIVES OF PROPOSED ACTION**

Paragraph one:

*"The following objectives presented for the Proposed Action are examples and in no way represent requirements by the City or any private party."*

It is a good thing they are not "requirements" because the "proposed action" will make achieving most of these goals much more difficult.

And the objectives are:

*"Respond to demand for, and lack of, undeveloped commercial property along the SR-2 transportation corridor"*

What we have here is the "need"/demand of a particular property owner to realize a profit on their investment; the "need"/demand of commercial developers for property to develop (because that is what they do); and the supposed desire/demand of yet another "big box retailer" for this particular site all being conflated with the very real socioeconomic needs/hopes, dreams, and reasonable expectations of the community of Monroe. They are not at all the same, and, in this case they are in direct opposition.

*"Support and encourage regional and local economic development"*

How so? And where is the evidence? The rezone is far more likely to have the exact opposite effect, but I repeat myself.

*"Protect sensitive areas to the north of the stream/slough, while providing opportunities for coordinated mitigation and enhancement of impacted areas"*

The "opportunities" for enhancement of this area exist without the rezone. As Planning Commissioner

Sherwood pointed out at the 9/5/2013 informational meeting at City Hall, while codes and zoning may mandate a do-no-harm approach, there is no mandate for “enhancement” of critical areas. In other words, there is no legal requirement for a developer to act on those “opportunities” with the rezone in place.

*“Provide a gateway to the City for travelers entering Monroe from the east”*

How many “gateways” have you go out the way you came in to get to where you were supposedly entering???? It is even confusing to describe. Being completely isolated from Monroe physically and visually, a retail development here would be a “gateway” to Monroe like Fred Meyers at one end of town is a gateway to Albertsons at the other.

Monroe's 2005-2025 Comprehensive Plan reads: “The area was annexed some years ago, primarily as a means of “protecting” the City's scenic gateway from the east...” Here it is quite clear “scenic gateway” refers to the inviting nature of the area's natural beauty and is a far more appropriate use of the term and the property than, say—a Target store.

*“Promote businesses that offer goods and services to current and future City residents and the traveling public”*

*“Provide for coordinated land use and transportation improvements”*

As the ingress and egress to this property would surface immediately East of the scheduled Monroe SR2 bypass, it would be more of a coordinated assault on transportation improvements. It would likely be the subject of much ire from taxpayers and the “traveling public.”

#### **Page 7: 1.4.1 ALTERNATIVE 1: NO ACTION – RETAIN LIMITED OPEN SPACE ZONING**

I believe the interpretation of “no action” in this DEIS is scaled beyond anything realistic.

*“This alternative is based on retaining the existing Limited Open Space (LOS) Comprehensive Plan designation and future development under zoning as is. For this proposal, “no action” does not indicate that no development will occur, but only that no changes to the zoning designation will be made and that the property will be developed as permitted by the City of Monroe Municipal Code. At a minimum level of development, one dwelling unit per five acres is currently allowed. However, to evaluate the full range of potential impacts associated with development under LOS, Alternative 1 includes a mixture of fitness club, day care facility and church activities.”*

Although “one dwelling unit per five acres is currently allowed,” the “NO ACTION” alternative includes a fitness club, daycare facility and a church. I realize it is not PACE's job to consider inconsistencies in Monroe's Municipal Code, but the reality is that the “potential impacts” at the scale represented in this DEIS for the “NO ACTION” alternative would require considerable action on other fronts.

As noted in this DEIS, the Monroe Municipal Code describes LOS zoning as:

*“The purpose of the limited open space zoning district is to provide for low-density residential uses on lands that lack the full range of public services and facilities necessary to support*

*urban development and that are severely impacted by critical areas. This zone also provides a buffer between urban areas and transitional land uses on the urban growth boundaries of the city, and/or may also provide for enhanced recreational facilities and linkages to existing trails or open space systems.*”

Obviously, a “Gold's Gym” on this property would be totally inconsistent with the stated “purpose” of the zoning. I would really like to know how and when a “fitness club” ever got into the matrix of allowable uses for this property. This is another example of the loose wording in the MMC allowing for a range of unintended consequences. Other municipalities with similar zoning specify community playgrounds under “recreational facilities” for this zoning. And for daycare they specify “in home daycare.” Even these require a “Conditional/Special use” permit.

Yes, Heritage Baptist apparently has a conditional use permit for a church. I can't find any record of it, so how and when it was obtained I can't say. I don't recall being notified or any public hearings on the subject. In this case, a conditional use permit was effectively a rezone without the burden of an EIS or Comp Plan Amendment. It begs the question, was that conditional use permit simply a Trojan Horse ploy to leverage a zone change to General Commercial?—“Under the NO ACTION alternative, look what you can build!—so, what's the difference!?” Indeed, if the stated purpose of the LOS zoning is not meant to be taken seriously then there isn't much difference.

### **Table 3: Impacts and Mitigation Measures--Transportation**

2. *“The site access will require an inbound left-turn lane.”*

I don't think this would be approved by the Washington Department of Transportation. A letter from WSDOT concerning the ingress and egress of this proposal required a roundabout at least 1320 feet east of where they are planning to put their own roundabout for the SR2 Monroe bypass—two roundabouts a quarter of a mile apart. Won't that be fun for all concerned?

### **Page 21: 2.4 BENEFITS AND DISADVANTAGES OF DELAYING THE PROPOSED ACTION**

*“Benefits to delaying adoption of this proposal until a future date include:*

- No additional traffic generated;*
- Existing aesthetic environment of the property remains;*
- No temporary disturbance to animal and plant habitat; and*
- No temporary impacts associated with construction.”*

And I would add:

No migration of retail sales down the road a mile and a half where the sales multiplier of proximity to Monroe's established retail areas will be lost.

No compounding of Monroe's weak retail real estate market—fewer empty storefronts.

Greater and faster economic recovery for Monroe's downtown core.

No setback to Monroe's existing retail environment while market conditions are favorable.

No property tax losses due to the devaluation of the 40 residences along Rivemont and Calhoun rd.

*“Disadvantages of delaying the proposal until a future date include:*

*- Does not address need for additional develop-able commercial property along SR-2 corridor;”*

There is no evidence whatsoever to back this claim up.

*- “Potential loss of opportunity to develop while market conditions are favorable;”*

The only favorable market conditions relative to this proposed action are low interest rates, which benefit only the developer. This is not a community-based reason to proceed.

*- “Potential loss of opportunity to increase employment opportunities for Monroe and area residents;”*

More likely it will take jobs away from smaller businesses in town and move them to lower paying jobs down the road.

### **Page 23: 3. Affected Environment, Impacts & Mitigation Measures**

In paragraph one we find the disclaimer:

*“Identified potential impacts and avoidance and mitigation strategies are not intended to be attached to the property or encumber it in any way.”*

Many of the enhancement and mitigation strategies outlined in this DEIS paint a glorious picture of the proposal, but the reality is that these strategies do not “encumber it any way.” The question is, are they truly “reasonable” under the Monroe Municipal Code for a property zoned General Commercial, and how many will ever reach fruition?

### **Page 36:Flood Hazard**

I'm glad this DEIS is using the most recent flood maps, but:

*“.....the Preliminary Maps were used for the conservative evaluation put forth herein”*

I would like to point out that what you consider “conservative” now will likely be seen as rash and foolish a few years hence. In June of this year FEMA released a report on climate change and the prospects for future flooding:

[http://www.aecom.com/deployedfiles/Internet/News/Sustainability/FEMA%20Climate%20Change%20Report/Climate\\_Change\\_Report\\_AECOM\\_2013-06-11.pdf](http://www.aecom.com/deployedfiles/Internet/News/Sustainability/FEMA%20Climate%20Change%20Report/Climate_Change_Report_AECOM_2013-06-11.pdf).

Frankly, it is scary. The areas of the greatest increase in flood risk for the near future and beyond are the “riverine environments of the Great Lakes and Pacific Northwest.” Their maps indicate an increase

in the size of "Special Flood Hazard Areas" for this region (of which the East Monroe property is one) at 20 to 40% by the year 2020. This is consistent with EPA projections of "wetter" winters and springs for Northern areas and more frequent "Heavy precipitation events." Though far more accelerated, it is also consistent with the trend upward recorded by river gauges near Monroe over recent decades. And it is consistent with the fact that the property in question was moved from the 500 yr floodplain to the 100yr floodplain in 2007. By the time other municipalities give up on trying to save the National Flood Insurance discounts allowed by their present levees FEMA will have issued a new "Preliminary" flood map that blows your 68' proposed grade elevation not out of the water but into it.

This property is not just a floodplain, it is the "abandoned" oxbow of a major river. There is one abandoned oxbow in this state that has commercial development on it. In fact half of the City of Burlington sits on it, but it is five miles long, one mile across, and diked from one end to the other and beyond. There are no other commercial developments on any abandoned oxbows in this state. It is unlikely that there are many elsewhere because it has been recognized for thousands of years as a reckless and regrettable move.

With respect to FEMA's National Flood Insurance discounts, the NFIP awards a higher discount for every acre of Special Flood Hazard Area within a city's UGA that is left as Open Space. This rezone would remove 25% of that acreage from consideration for that discount—another economic hit for the community of Monroe.

FEMA's words to live by are "The best option is to not build in a floodplain in the first place."

Finally, with regard to the cut and fill ...46,500 cubic yards is a lot of dirt. It is a Professional football field (300'x160') more than 26 feet thick. The native soil has absorption and flood retention characteristics that the more or less cleared channel and compacted soil described in this DEIS will not, raising the prospect of faster moving flood waters, increased erosion and additional downstream flooding. From the description and illustrations in the DEIS it looks like the plan is to scrape away almost the entire surface area of the wetlands south of the stream—down several feet. Further because the native soil is not sufficiently compact-able for use as foundational material, it must be hauled away and an equivalent quantity of compact-able soil must be brought in. Somehow, this is supposed to create an "enhanced" wetland area? This 46,500 cubic yards of material that the wetland came by through natural processes will be gone. The resulting landscape may appear better groomed, but better grooming is not always an indication of better health.

I hope the concerns I have raised here and those of others will once again lead to the rejection of this rezone.

Thank you for your attention,

Douglas Hamar

A handwritten signature in black ink, appearing to read "Douglas Hamar". The signature is written in a cursive style with a large, stylized initial "D".