

**CITY OF MONROE
ORDINANCE NO. 014/2016**

AN ORDINANCE OF THE CITY OF MONROE,
WASHINGTON, APPROVING THE FINAL PLAT AND
PLANNED RESIDENTIAL DEVELOPMENT FOR THE
BEAR MOUNTAIN ESTATES SUBDIVISION
(FPLPRD2016-03); SETTING FORTH SUPPORTIVE
FINDINGS; PROVIDING FOR SEVERABILITY; AND
FIXING A TIME WHEN THE SAME SHALL BECOME
EFFECTIVE

WHEREAS, approval of the preliminary plat and preliminary PRD of Bear Mountain Estates was granted by the Monroe City Council on March 13, 2015, pursuant to the Council's adoption of Resolution No. 007/2015; and

WHEREAS, the project applicant of the preliminary plat and PRD has applied for final plat and final PRD approval in accordance with Chapter 17.28 and 18.84 MMC, which has been reviewed and approved by all relevant City departments; and

WHEREAS, the applicant has completed and/or submitted appropriate financial guarantees for all required improvements, and all necessary inspections pursuant to Chapter 18.84 MMC have occurred; and

WHEREAS, the applicant has submitted for review and approval by the City Council a final plat/PRD application and the final plat/PRD map contained in Exhibit B, attached hereto and incorporated herein by this reference as if set forth in full; and

WHEREAS, City of Monroe staff has determined that all conditions of the preliminary plat/PRD have either been met or bonded for and will be satisfied prior to building permit issuance and has recommended that final plat and final PRD be granted; and

WHEREAS, the Community Development Director has determined that the final plat and final PRD application and map comply with all applicable standards and requirements, and has recommended approval by the City Council.

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

Section 1. Findings. The Monroe City Council hereby incorporates the above recitals as findings in support of this ordinance. The City Council further enters the following additional findings:

- A. The final plat and final PRD for the subdivision known as “Bear Mountain Estates” conforms to all the terms and conditions of the preliminary plat/PRD approval granted by the City of Monroe Resolution No. 007/2015, approved April 7, 2015.
- B. The final plat/PRD meets the requirements of the state laws and the Monroe Municipal Code that was in effect at the time of Preliminary Plat/PRD application, specifically including without limitation the PRD approval criteria codified at MMC 18.84.080 as provided in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.
- C. All required plat/PRD improvements have either been constructed or have been financially secured as approved by the City Council in amounts specified by the City Engineer.
- D. The final plat/PRD has been processed and reviewed in material compliance with all applicable state and local procedural requirements.
- E. The final plat/PRD is in conformance with all applicable zoning and other land use controls.
- F. The final plat/PRD is supported by all applicable owner, staff and agency approvals, attestations, certifications and/or recommendations as required by state and local regulations.

Section 2. Final Plat/PRD Approval. Based upon the above findings, the City Council hereby approves the final plat and PRD for the Bear Mountain Estates subdivision (FPLPRD2016-03); the Mayor, Community Development Director, and/or other appropriate City of Monroe staff members are authorized and directed to take all actions necessary in order to effectuate said approval, including without limitation issuance of any required notices.

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

ADOPTED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 26th day of September, 2016.

First/Final Reading: September 20, 2016
Published: September 27, 2016
Effective: October 2, 2016

CITY OF MONROE, WASHINGTON:

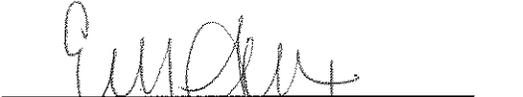


Geoffrey Thomas, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:



Elizabeth M. Smoot, MMC, City Clerk



J. Zachary Lell, City Attorney

CITY OF MONROE
ORDINANCE NO. 014/2016
EXHIBIT A

Findings of the Monroe City Council
Final Plat and Planned Residential Development (PRD)
Bear Mountain Estates

The Monroe City Council finds as follows:

- A. The Final Planned Residential Development (PRD) complies with the requirements in MMC 18.84.080.
- B. The PRD is required to pay park impact fees in accordance with MMC 20.10 as a condition of approval of the preliminary plat and preliminary PRD, and complies with MMC 18.84.080(D).
- C. The Final PRD HOA bylaws comply with assessment requirements as set forth in MMC 18.84.080(E).
- D. The Final PRD complies with the Housing Standards as set forth in MMC 18.84.080(G).
- E. The Final PRD complies with the Street and Site Design Standards as set forth in MMC 18.84.080(H).
- F. The Final PRD complies with the requirements for Park and Recreational Useable Open Space as set forth in MMC 18.84.080(I).
- G. The Final PRD complies with the Landscaping Design Standards as set forth in MMC 18.84.080(J).
- H. The Final PRD complies with the PRD Density Determination as set forth in MMC 18.84.080(K).
- I. The minimum lot size of the PRD is 3,700 square feet or larger as set forth in MMC 18.84.080(L).
- J. The PRD contains a minimum of three sizes of lots separated by a one thousand square foot threshold and no single lot size makes up more than 50 percent or less than 15 percent of the total lots as set forth in MMC 18.84.080 (N).
- K. The Final PRD conforms to the approved preliminary development plan as set forth in MMC 18.84.130.
- L. The applicant submitted a final development plan pursuant to MMC 18.84.070(B), which was reviewed and approved by all relevant City departments.

- M. The Final PRD for the subdivision commonly known as "Bear Mountain Estates" conforms to all terms of the preliminary plat and PRD approval granted by City of Monroe Resolution No. 007/2015, approved by the City Council on April 7, 2015.
- N. The Final PRD meets the requirements of all applicable state laws and the Monroe Municipal Code that were in effect at the time of preliminary PRD application.
- O. All PRD improvements have either been constructed or have been financially secured as approved by the City Council in the amounts specified by the City Engineer.
- P. The Final PRD has been reviewed concurrently with the final plat map for the underlying project.



COMMUNITY DEVELOPMENT

FOR OFFICE USE ONLY
PERMIT #(s) #FPLPRD 2016-03

806 West Main Street, Monroe, WA 98272
Phone (360) 794-7400 Fax (360) 794-4007
www.monroewa.gov

COMBINED PERMIT APPLICATION

CITY OF MONROE RECEIVED

PERMIT SUBMITTAL HOURS

AUG 19 2016

MONDAY - FRIDAY 8:00 - 12:00 / 1:00 - 5:00

Grid of permit categories: Building, Operations, Fire, and COMMUNITY DEVELOPMENT Land Use. Includes checkboxes for items like Commercial T/I, Demolition, Engineering Review, etc.

NOTE: All required Electrical Permits will be issued by the Dept. of Labor & Industries.

THIS APPLICATION WILL NOT BE ACCEPTED WITHOUT COMPLETED SUBMITTAL REQUIREMENTS

Site Address or Property Location: 13025 Roosevelt Rd.

Size of site (acre/square feet): 22.89 Acres / 997,298 sq. ft.

Assessor's Tax Parcel Number (14 digits): 28062600302700, 28062600201400

Applicant: Bear Mountain Estates, LLC Phone # (425) 953-2800

*Signature: [Signature] Printed Name: Darin Huseby

Mailing Address: 120 SW Everett Mall Way Ste. 100 Fax # ()

City Everett State WA Zip 98204 E-mail darin.h@seapachomes.com

Property Owner: Bear Mountain Estates, LLC Phone # (425) 953-2800

**Signature: [Signature] Printed Name: Darin Huseby

Mailing Address: 120 Everett Mall Way Ste. 100 Fax # ()

City Everett State WA Zip 98204 E-mail darin.h@seapachomes.com

Attach a separate sheet for additional property owners/additional addresses

*Applicant: By your signature above, you hereby certify that the information submitted is true and correct and that you are authorized by the property owner(s) to act on their behalf.

**Property Owners: by your signature above, you hereby certify that you have authorized the above applicant to make application on your behalf for this application.

City of Monroe
Land Use Permit Application- Page 2



Give a detailed description below of the proposal / work. Provide details specific to your application e.g., current and proposed lot sizes, number of lots, description of driveway, description of proposed business including hours of operation, number of employees, existing and proposed parking spaces.

Forest Tax Reporting Account Number (if harvesting timber call the Department of Revenue at (800) 548-8829 for tax reporting information or to receive a tax number):

Detailed Description of work:

Final Plat

FOR OFFICE USE ONLY

Planning Application Fee:	<u>1650.00 X 2</u>	Publication Fee:	<u>N/A</u>
Fire Plan Check Fee:	<u>\$85.00 X 2</u>	Mailing Fee:	<u>N/A</u>
SEPA Fee:	<u>N/A</u>	Technology Fee:	<u>\$86.75 X 2</u>
TOTAL FEES:	<u>\$3643.50</u>		

DEDICATION

KNOW BY ALL MEN HEREBY THAT BEAR MOUNTAIN ESTATES, LLC, A WASHINGTON LIMITED LIABILITY COMPANY, THE UNDERSIGNED OWNER, IN FEE SIMPLE OF THE LAND HEREIN PLATED, AND BEHIND BANK, THE UNDERSIGNED THEREON, DO HEREBY DEDICATE THIS PLAT AND DEDICATE TO THE PUBLIC FOREVER ALL ROADS AND WAYS AND OTHER PUBLIC PROPERTY SHOWN HEREON, AND THE USE THEREOF FOR ANY AND ALL PUBLIC PURPOSES, WITH THE RIGHT TO WALK ALL NECESSARY SIDES AND FULL AND THE RIGHT TO CONTINUE TO DRAIN THE ROADS AND WAYS OVER AND ACROSS ANY LOT OR LOTS WHERE THERE MIGHT BE A UTILITY CONDUIT, IN THE ORIGINAL REASONABLE CROSSING OF THE ROADS AND WAYS SHOWN HEREON. FOLLOWING ORIGINAL REASONABLE CROSSING OF ROADS AND WAYS HEREBY NO DAMAGE SHALL BE DONE TO ANY LOT OR LOTS SHALL BE OBTAINED OR BLOCKED FROM THEIR NATURAL COURSE, SO AS TO DISCHARGE UPON ANY PUBLIC ROAD PORTION OF WAY, OR TO MAINTAIN PROPER ROAD DRAINAGE, ANY EXCESSIVE OR EXCESSIVE WATER IN GULLYWAYS OR BANKS OR RECEIVING THEREOF ACROSS ANY LOT AS MAY BE UNDERTAKEN BY OR FOR THE OWNER OF SAID LOT SHALL BE DONE BY AND AT THE EXPENSE OF SAID OWNER, BUT ONLY AFTER APPROVAL BY THE CITY ENGINEER.

THE CITY'S APPROVAL OF THE PLAT AND ITS ACCEPTANCE OF THE DEDICATION HEREIN SET FORTH IS WITHOUT PREJUDICE TO THE RESPONSIBILITY AND/OR LIABILITY OF BEAR MOUNTAIN ESTATES, LLC AND/OR ANY OTHER PARTIES HERETO TO ANY THIRD PARTY CLAIMS, SUITS AND/OR DAMAGES OF ANY KIND THAT MAY BE INCURRED IN THE FUTURE OR ASSENTED WITH RESPECT TO ALLEGED DAMAGES ARISING OUT OF OR OTHERWISE RELATED TO THE INSTALLATION AND/OR CONSTRUCTION OF THE WATER, SEWER AND STORMWATER SYSTEMS FACILITIES LOCATED WITHIN THE PROPOSED ROAD PUBLIC RIGHT-OF-WAY BY OR ON BEHALF OF BEAR MOUNTAIN ESTATES, LLC. BEAR MOUNTAIN ESTATES, LLC EXPRESSLY ACKNOWLEDGES THAT TO THE EXTENT IT IS RESPONSIBLE AND/OR LIABLE FOR ANY SUCH DAMAGES, ITS RESPONSIBILITY AND/OR LIABILITY IS NOT AFFECTED OR OTHERWISE LIMITED IN ANY MANNER BY THE CITY'S APPROVAL OF THE PLAT AND THE CITY'S ACCEPTANCE OF THIS DEDICATION. THE CITY EXPRESSLY RESERVES ALL RIGHTS, INCLUDING WITHOUT LIMITATION THE RIGHT IN ITS SOLE DISCRETION TO TENDER ANY SUCH CLAIM, SUIT OR CAUSE OF ACTION TO BEAR MOUNTAIN ESTATES, LLC AND/OR BEAR MOUNTAIN ESTATES, LLC'S GOVERNOR(S). BEAR MOUNTAIN ESTATES, LLC EXPRESSLY ACKNOWLEDGES THAT THE CITY'S DEDICATION AND ACCEPTANCE OF THE ABOVE-REFERENCED WATER, SEWER AND STORMWATER/STORM SEWER FACILITIES IS WITHOUT PREJUDICE TO THE EXTENTION AND RESPONSIBILITY.

TRACT 109 IS TO BE RETAINED BY THE DEVELOPER, BEAR MOUNTAIN ESTATES, LLC, FOR FUTURE DEVELOPMENT. TRACTS 102, 104, 106, 107, 108, 109, AND 110 ARE HEREBY GRANTED AND CONVEYED TO THE BEAR MOUNTAIN ESTATES HOMEOWNERS ASSOCIATION.

THIS DEDICATION INCLUDES CONDUITS OF ROADS, TRAILS, UTILITY AND STORM DRAINAGE INFRASTRUCTURE AND OTHER AREAS OF RIGHT-OF-WAY PROVIDED FOR PUBLIC USE AND/OR ANY OWNERSHIP AS SHOWN ON OR OTHERWISE REFERENCED BY THE PLAT. THE BEAR MOUNTAIN ESTATES HOMEOWNERS ASSOCIATION HEREBY WAIVES ALL CLAIMS AGAINST THE CITY OF MONROE AND/OR ANY GOVERNMENT AGENCY FOR DAMAGES WHICH MAY OCCUR TO THE ADJACENT LAND AS A RESULT OF THE CONSTRUCTION, DRAINAGE AND MAINTENANCE OF SUCH FACILITIES AND IMPROVEMENTS.

IN WITNESS WHEREOF WE SET OUR HANDS AND SEALS

BEAR MOUNTAIN ESTATES, LLC
A WASHINGTON LIMITED LIABILITY COMPANY
BY: _____ DATE _____
170: _____ DATE _____
EMERIT NAME _____
BY: _____ DATE _____
171: _____ DATE _____

ACKNOWLEDGEMENT

STATE OF WASHINGTON)
COUNTY OF SHOSHONE) SS
I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____ IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT (SHE/HE/HIS) SIGNED THIS INSTRUMENT, OR EACH SIGNED THIS INSTRUMENT, VOLUNTARILY AND WITHOUT COERCION, FRAUD, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT, AND THAT THE SIGNATURE(S) IS/ARE THE TRUE AND VOLUNTARY ACT(S) OF SAID PARTY FOR THE USES AND PURPOSES HEREIN SET FORTH IN THE INSTRUMENT.

(SIGNATURE) _____
(PRINTED) _____
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
RESIDING AT _____
DATED _____
STATE OF WASHINGTON)
COUNTY OF SHOSHONE) SS
I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____ IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT (SHE/HE/HIS) SIGNED THIS INSTRUMENT, OR EACH SIGNED THIS INSTRUMENT, VOLUNTARILY AND WITHOUT COERCION, FRAUD, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT, AND THAT THE SIGNATURE(S) IS/ARE THE TRUE AND VOLUNTARY ACT(S) OF SAID PARTY FOR THE USES AND PURPOSES HEREIN SET FORTH IN THE INSTRUMENT.

LEGAL DESCRIPTION

THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 26 NORTH, RANGE 6 EAST, N.M., TOGETHER WITH THE NORTH 100 FEET OF THE SOUTH 100 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 26 NORTH, RANGE 6 EAST, N.M.

EXCEPT ROOSEVELT ROAD.
SITUATE IN THE COUNTY OF SHOSHONE, STATE OF WASHINGTON.

RESTRICTIONS

- 1. NO FURTHER DIVISION OF ANY LOT IS ALLOWED WITHOUT SUBMITTING FOR A NEW SUBDIVISION OR SHORT SUBDIVISION.
 - 2. TRAFFIC IMPACT FEES ASSESSMENT IN ACCORDANCE WITH AND RULE SHALL BE REQUIRED AND PAID PRIOR TO BUILDING PERMIT ISSUANCE.
 - 3. PARK IMPACT FEES IN ACCORDANCE WITH WAC 2016-10-010 SHALL BE REQUIRED AND PAID PRIOR TO FINAL PLAT APPROVAL OF THE APPLICABLE LATE DEVELOPMENT TO PROVIDE FOR IMPROVED PARKING.
 - 4. SCHOOL IMPACT FEES ASSESSMENT IN ACCORDANCE WITH AND RULE SHALL BE REQUIRED AND PAID PRIOR TO BUILDING PERMIT ISSUANCE.
 - 5. THE WATER SYSTEM CAPITAL IMPROVEMENT CHARGE IN ACCORDANCE WITH WAC 100.10.010 SHALL BE REQUIRED AND PAID PRIOR TO BUILDING PERMIT ISSUANCE.
 - 6. THE WASTEWATER SYSTEM CAPITAL IMPROVEMENT CHARGE IN ACCORDANCE WITH WAC 100.10.010 SHALL BE REQUIRED AND PAID PRIOR TO BUILDING PERMIT ISSUANCE.
 - 7. STREET TREES SHALL BE INCLUDED IN THE STREET PLANTING STRIPS. TREE TYPE, SPECIES, QUANTITY, AND LOCATION SHALL BE DETERMINED BY THE CITY. STREET TREES SHALL BE PLANTED WITHIN A STREET FRONTAGE IS FULLY OPEN OCCUPIED AND AS DIRECTED BY THE PLANNING DEPARTMENT. THE CITY WILL CONSIDER TREE PLANTINGS TO BE MOST FAVORABLE TIME OF THE YEAR. ALL STREET FRONTAGE LANDSCAPING/IMPROVEMENTS SHALL BE COMPLETED WITHIN THE GIVEN TIME NOT EXCEEDING CONSTRUCTION IS COMPLETED AND BRIDGES MUST BE COMPLETED WITHIN PERMITS OF CONSTRUCTION DATES.
 - 8. EVIDENCE TITLE INSURANCE COMPANY GUARANTEE/CERTIFICATE NUMBER 57303090, UPLISTE 5, DATED JUNE 1, 2016, WAS FILED UPON FOR TITLE INFORMATION. ACCORDING TO THIS DOCUMENT, THIS SITE IS SUBJECT TO THE FOLLOWING:
 - 1. NOT APPLICABLE TO BE SHOWN ON SURVEY.
 - 2. GAS LINE EASEMENT, RECORDED UNDER MORTGAGE FILE NUMBER 201602182016. INSUFFICIENT DATA TO PLOT.
- J - A. NOT APPLICABLE TO BE SHOWN ON SURVEY.

OWNER

BEAR MOUNTAIN ESTATES, LLC
150 SW EVERETT MALL TRAY
SUITE 100
EVERETT, WASHINGTON 98201
(425) 363-2800
CONTACT: BARRY HUBERT

HOMEOWNER ASSOCIATION PROVISIONS

- 1. A HOMEOWNER ASSOCIATION ESTABLISHED FOR PURPOSES OF TRACT OWNERSHIP AND MAINTENANCE PURSUANT TO THIS TITLE SHALL BE INCORPORATED AS A PRELIMINARY CORPORATION AND SHALL REMAIN THE OWNER UNLESS REPEALED BY ALL LOTS WITHIN THE SUBDIVISION IS AUTHORIZED PURSUANT TO THE PLAT ALTERATION PROCESS.
- 2. THIS PLAT IS SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OF THE BEAR MOUNTAIN ESTATES HOMEOWNERS ASSOCIATION PROVIDED UNDER 07 _____ RECORDS OF SHOSHONE COUNTY, WASHINGTON.

SURVEYOR'S CERTIFICATION

I, JOHANNE M. SHANNON, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT OF BEAR MOUNTAIN ESTATES IS BASED ON AN ACCURATE SURVEY AND THAT THE DISTANCES, COURSE, ANGLES ARE SHOWN THEREON CORRECTLY AND THAT MONUMENTS HAVE BEEN SET AND LOT CORNERS STAKED ON THE GROUND AS SHOWN ON THE PLAT.

JOHANNE M. SHANNON, P.L.S.
CERTIFICATE NUMBER 14671



DATE: 8/16/16

APPROVALS

EXAMINED AND APPROVED THIS _____ DAY OF _____ 2016.
CITY OF MONROE ENGINEER
EXAMINED AND APPROVED THIS _____ DAY OF _____ 2016.
CITY OF MONROE COMMUNITY DEVELOPMENT DIRECTOR
EXAMINED AND APPROVED THIS _____ DAY OF _____ 2016.
MAYOR 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.

BEAR MOUNTAIN ESTATES
TREASURER, SHOSHONE COUNTY
BY: _____
DEPUTY COUNTY TREASURER

AUDITOR'S CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF GERALD W. REED, THIS _____ DAY OF _____ 2016, AT _____ MINUTES PAST _____ A.M. AND RECORDED IN VOLUME _____ OF PLATS, PAGE _____ UNDER A.F. NO. _____ RECORDS OF SHOSHONE COUNTY, WASHINGTON.

DARCY WIKEL
AUDITOR, SHOSHONE COUNTY DEPUTY COUNTY AUDITOR



BEAR MOUNTAIN ESTATES
FILE NUMBER 14-PLPR-0001
FPLPR-2016-03
IN THE SW 1/4 OF THE SW 1/4
OF SECTION 26, T.26 N., R.6 E., N.M.
CITY OF MONROE, SHOSHONE COUNTY, WASHINGTON

ORCA Land Surveying
5905 COUNTRY AVENUE, EVERETT, WA 98201
425-283-0400 FAX 425-266-1516
JOB NO. 2019-011
DATE: 06/28/15
DRAW BY: AP
SHEET: 1 OF 8

