

**CITY OF MONROE
RESOLUTION NO. 009/2017**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, ADOPTING THE HEARING EXAMINER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, RECOMMENDATIONS, AND CONDITIONS OF APPROVAL FOR THE KLIER-PARMENTER PRELIMINARY PLAT AND PLANNED RESIDENTIAL DEVELOPMENT MODIFICATION (16-PLPR-0001)

WHEREAS, Pulte Homes of WA, applicant, submitted an application for modifications to an approved 88 single-family lot Preliminary Plat/Planned Residential Development (PRD) commonly known as Klier-Parmenter, involving approximately 26.88 acres (approximately 170,822 square feet) located in the vicinity of 13207 and 13221 191st Avenue SE in Monroe; and

WHEREAS, The Council approved the Preliminary Plat/PRD on December 6, 2016, through Resolution No. 020/2016; and

WHEREAS, The Hearing Examiner for the City of Monroe did hold a public hearing on February 16, 2017 regarding said proposed Preliminary Plat and Planned Residential Development Modifications (16-PLPR-0001); and

WHEREAS, the Hearing Examiner for the City of Monroe, upon due consideration, and through the development of Findings of Fact, Conclusions of Law, Recommendations, and Conditions of Approval, recommended to the City Council on March 5, 2017 that said Preliminary Plat and Planned Residential Development (16-PLPR-0001) be approved with conditions; and

WHEREAS, the City Council has considered the recommendations of the Hearing Examiner and has determined to approve, as recommended, said Findings of Fact, Conclusions of Law, Recommendations, and Conditions of Approval for said Preliminary Plat and Planned Residential Development (16-PLPR-0001).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE DOES RESOLVE AS FOLLOWS:

Section 1. The Hearing Examiner's Recommended Findings of Fact, and Final Decision for the Klier-Parmenter Preliminary Plat and Planned Residential Development (16-PLPR-0001) is attached hereto as Exhibit A are hereby adopted. The City Council further adopts as findings the above recitals, and hereby enters the following additional findings and conclusions:

- A. The Preliminary Plat and Planned Residential Development have been processed in material compliance with all applicable state and local procedures.

- B. As conditioned, the Preliminary Plat and Planned Residential Development satisfies all applicable state and local criteria for approval, including without limitation: (i) RCW 58.17.110 and all other relevant provisions of Chapter 58.17 RCW; (ii) Chapter 21.50 MMC; and (iii) Title 17 MMC.
- C. As conditioned, the Preliminary Plat and Planned Residential Development is in conformity with all applicable zoning ordinances and other land use controls.
- D. As conditioned, the Preliminary Plat and Planned Residential Development will adequately mitigate the impacts of the project as required and allowed by applicable state and local regulations.
- E. The area, location and extent of the property interests and/or features dedicated under the Preliminary Plat and Planned Residential Development are a direct result of the development proposal, are reasonably necessary to mitigate the effects of development, and are proportional to the impacts created by the development.
- F. The public interest will be served by approval of the Preliminary Plat and Planned Residential Development.

Section 2. The Preliminary Plat and Planned Residential Development of Klier-Parmenter as set forth in Exhibit B is hereby approved subject to the following conditions:

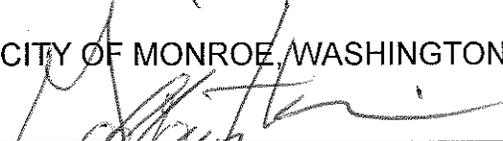
- 1. Subject to the conditions of the original approval contained in Resolution No. 020-2016.
- 2. Approval of the requested reductions in right-of-way width is contingent upon approval by the City Engineer as a modification to the right-of-way width required by the Monroe Public Works Design and Construction Standards (see Conclusion of Law No. 3).

Section 3. Effective Date. This resolution shall take effect immediately upon passage.

ADOPTED by the City Council of the City of Monroe, at its regular meeting thereof, and APPROVED by the Mayor this 14th day of MARCH, 2017.

Approved: March 14, 2017
 Effective: March 14, 2017
 (SEAL)

CITY OF MONROE, WASHINGTON



 Geoffrey Thomas, Mayor

ATTEST:



 Elizabeth M. Adkisson, MMC, City Clerk

APPROVED AS TO FORM:



 J. Zachary Lell, City Attorney

1 **BEFORE THE HEARING EXAMINER FOR THE CITY OF MONROE**

2 Phil Olbrechts, Hearing Examiner

<p>3 RE: Klier Parmenter</p> <p>4 Preliminary Plat & PRD</p> <p>5 Modifications</p> <p>6 PLPRD2016-01</p>	<p>7 RECOMMENDED FINDINGS OF</p> <p>8 FACT, CONCLUSIONS OF LAW AND</p> <p>9 FINAL DECISION</p>
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10 **SUMMARY**

11 The Applicant requests approval of two modifications to the Klier Parmenter
12 Preliminary Plat and Planned Residential Development (“PRD”) approved by the City
13 Council on December 6, 2016. The approved plat encompasses 26.88-acres and is
14 composed of 88 residential lots. The project site is located east of Chain Lake Road
15 and west of 133rd Street SE. The modifications involve a minor change in the layout
16 of the proposed lots with no change in the number of lots and a reduction in road width
17 from 60 feet to 52 feet. Approval of these minor modification is recommended.

18 **ORAL TESTIMONY**

19 Brad Feilberg, Interim Community Director etc., summarized the staff report. He noted
20 that the application is for two modifications to the formerly approved Klier
21 preliminary/plat application. He noted that staff determined that 17.12.020(D) serves
22 as the guide for approval of the modifications. In response to a question from the
23 examiner, Mr. Feilberg noted that the change in lots is essentially the elimination of
24 three lots in the Tract 993 area and their relocation to the center of the plat. Mr. Feilberg
25 noted that the City’s public works standards require a 60-foot road width, but that the
requested reduction to 52 to 56 feet can be approved through the plat modification
process. Mr. Feilberg also responded that based upon his experience as a traffic
engineer, the proposed reduction in road width won’t affect the functionality of the road
except to limit parking to one side of the road instead of both. He noted that this type
of road reduction is typically authorized to reduce impervious surface.

Clay Wright, Applicant, stated the applicant agrees with the findings and conclusions
of the staff report.

Bob Carlyle, neighbor, inquired about whether the single-access point was sufficient
for fire access. He also inquired whether there was an easement for secondary
emergency access. He asked if the open space had been changed due to the plat
modifications.

1 In staff rebuttal, Mr. Feilberg noted there is no code requirement for secondary road
2 access. Secondary access was not required for the Klier plat when it was last approved
3 by the City Council. The reconfiguration of the lots didn't affect the proposed park area
4 and resulted in an increase in open space along Chain Link Road. The modifications
5 will not affect the proposed stormwater ponds.

6 EXHIBITS

7 Exhibits 1-8 in the "List of Exhibits" attached to the February 7, 2017 staff report were
8 admitted into the record during the February 16, 2017 hearing.

9 FINDINGS OF FACT

10 Procedural:

11 1. Applicant. The applicant is Pulte Homes of Washington of 3535 Factoria Blvd.
12 SE, Suite 110, Bellevue, WA 98006. The owners are Marshall & Janet Klier, 214 4th
13 Street, Myrtle Point, OR 97481, Thomas & Susan Parmenter, 7603 129th Drive SE,
14 Snohomish, WA 98290.

15 2. Hearing. The examiner held a hearing on February 16, 2017 at 1:00 pm at the
16 Monroe City Hall in the Council Chambers.

17 Substantive:

18 3. Site Proposal/Description. The Applicant requests approval of two modifications
19 to the Klier Parmenter Preliminary Plat and Planned Residential Development ("PRD")
20 approved by the City Council on December 6, 2016. The approved plat encompasses
21 26.88-acres and is composed of 88 residential lots. The project site is located east of
22 Chain Lake Road and west of 133rd Street SE. The modifications involve a minor
23 change in the layout of the proposed lots with no change in the number of lots and a
24 reduction in road width from 60 feet to 52 feet. The change in lot layout essentially
25 involves a relocation of three lots from the Tract 993 area to a more centralized location
in the plat and an adjustment to lot dimensions.

4. Characteristics of the Area. The project area is surrounded by R4 zoned residential
development.

5. Adverse Impacts. There are no adverse impacts associated with the proposed
modifications. The relocation and re-dimensioning of the lots will not reduce or add
to the number of approved lots.

The reduced right of way width will reduce the number of on-street parking spaces
but will not reduce the number of required spaces below the City's requirements.

1 The proposed modifications do not change the traffic impacts of the development
2 on adjacent streets. The internal road sections are the same as detailed in the
original staff report submitted prior to the approval of the preliminary plat/PRD:

3 *“Internal access to individual lots will be provided through public roads with*
4 *a narrow right-of-way. The roads will accommodate one 10-foot wide drive*
5 *aisle, one 18-foot drive aisle, five-foot five-inch (5’5”) wide landscape strips*
6 *and five-foot wide sidewalks on each side. This public road section is not a City*
7 *standard road section, but has been administratively approved by the City*
8 *Engineer as allowed by the City’s Public Works and Design Construction*
9 *Standards.”*

10 The SEPA Responsible Official issued a Determination of Non-significance on
11 August 30, 2016. The SEPA Responsible Official’s review of the proposed
12 modifications concluded that the proposed modifications do not require additional
13 environmental review under SEPA.

14 No critical areas will be affected by either request at issue in this decision. In fact,
15 the proposed modifications increase the amount of open space by approximately
16 17,578sf. The applicant has provided a Revised Critical Area Study prepared by
17 Wetland Resources on January 3, 2017 (Ex. 7). The Critical Area Study identified,
18 delineated and rated the wetlands and addressed the buffer averaging and mitigation
19 plan requirements of the City’s critical areas code (MMC Chapter 20.05). No direct
20 wetland impacts are proposed; however, wetland buffer impacts are proposed and
21 will be mitigated by measures recommended in the Critical Area Study. The project
22 proposes permanent buffer reductions and buffer averaging on both Wetland A and
23 B. The applicant has addressed, documented and met the criteria for buffer
24 reduction and buffer averaging in the MMC.

25 The proposed modifications do not affect the compatibility of the preliminary
plat/PRD as described in Finding of Fact No. 5 of the Examiner’s Findings of Fact,
Conclusions of Law, and Final Recommendation upon Reconsideration issued on
November 18, 2016, adopted herein as if set forth in full (See Exhibit 8, Att. A).

6. Adequacy of Infrastructure/Public Services. The project will be served by adequate
and appropriate infrastructure and public services as described in Finding of Fact No.
6 of the Examiner’s Findings of Fact, Conclusions of Law, and Final Recommendation
upon Reconsideration issued on November 18, 2016, adopted herein as if set forth in
full (See Exhibit 8, Att. A). The proposed modifications do not adversely affect the
provision of utilities to the development or change the traffic impacts of the
development on adjacent streets. The proposed modifications do not alter the
development’s impacts on the public school system. All applicable level of service
standards for services and facilities are met as identified in Finding of Fact No. 6 of the
examiner’s recommendation upon reconsideration (Ex. 8, Att. A).

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CONCLUSIONS OF LAW

Procedural:

1. Authority of Hearing Examiner. Staff have determined the modifications to preliminary plat/PRD would create a final plat that was not in substantial conformance to the approved preliminary plat. Per MMC 17.12.020(D) final plats that are not in substantial conformance with the preliminary plat shall follow the same review and action procedure as described for a preliminary plat, MMC 17.12.030. MMC 21.20.050(F) provides that the Examiner shall hold hearings and make recommendations to the City Council on applications for preliminary plat approval.

Substantive:

2. Zoning and Comprehensive Plan Designation. The project site is zoned Residential 4 Dwelling Units per Acre (R4). The Comprehensive Plan land use designation is Low Density SFR.

3. Roadway Width Modification. The approved existing 60 foot right of way width is required by the City of Monroe Public Works Design and Construction Standards (“public works standards”). Since this 60-foot right of way was part of the design approved by the City Council last December, staff was correct in subjecting the proposed narrowing of the approved right of way with to MMC 17.12.070 review. However, the MMC 17.12.020(D) process does not authorize modification of public works standards. Only the city engineer has authority to reduce the right of way width required by the public works standards. Therefore, a recommended condition of approval requires city engineer approval of the requested right of way width modification pursuant to MMC 17.24.020 and the Monroe Public Works Design and Construction Standards.

4. Review Criteria and Application/Applicability of PRD criteria. As noted in Conclusion of Law No. 1, the proposed modifications are subject to the City’s subdivision standards. Subdivision criteria are specifically governed by MMC 17.12.030(H). In addition, MMC 21.50.030(C) imposes standards that apply to all development reviewed by the hearings examiner. Applicable code provisions are quoted below in italics and applied through corresponding Conclusions of Law. The

1 modifications make no material change in the application of PRD criteria so those
2 criteria need not be specifically addressed.

3 **MMC 17.12.030(H):** ... *The hearing authority shall inquire into how the public interest*
4 *of future residents of the preliminary plat are to be served by the subdivision and its*
5 *dedications. It shall determine if provisions are made to protect the public health, safety*
6 *and general welfare by the provision of open spaces, drainage ways, streets, alleys,*
7 *other public ways, water supplies, sanitary waste, parks, playgrounds, sites for schools*
8 *and school grounds and shall consider all other relevant facts and determine whether*
the public interest of the future residents of the subdivision will be served by the
dedications therein:

- 9 *1. The hearing authority shall consider if the proposed subdivision conforms to the*
10 *comprehensive plan and the Shoreline Master Program;*
11 *2. The hearing authority shall consider the physical characteristics of a proposed*
12 *subdivision site and may recommend disapproval of a proposed plat because of*
13 *improper protection from floods, inundation or wetland conditions;*
14 *3. All identified direct impacts must be mitigated or meet concurrency as set forth*
15 *in MMC Title 20.*

16 5. The proposed modifications do not alter the development's conformance with the
17 above criteria and no impacts are anticipated as noted above in Finding of Fact. No. 5.
18 All direct impacts of the proposed modification have been or will be mitigated through
19 a combination of municipal code requirements and the conditions of the approved
20 preliminary plat/planned residential development (Ex. 8).

21 **MMC 21.50.030(C):** *Required Findings. In drafting a recommendation, the hearing*
22 *examiner shall address the following, as required in the findings of fact:*

- 23 *1. The development is consistent with the comprehensive plan and meets the*
24 *requirements and intent of this code.*
25 *2. The development makes adequate provisions, if appropriate, for open space,*
drainage ways, streets and other public ways, transit stops, water supply, sanitary
wastes, parks and recreation facilities, playgrounds, sites for schools and school
grounds.
3. The development adequately mitigates impacts identified under Chapters 17.12,
18.84, and 20.04 MMC, and the sensitive area guidelines adopted by resolution.
4. The development is beneficial to the public health, safety and welfare and is in
the public interest.

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5. *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:*

- a. Potable water;*
- b. Wastewater;*
- c. Storm water drainage;*
- d. Police and fire protection;*
- e. Parks and recreation;*
- f. Arterial roadways; and*
- g. Public schools.*

If the development results in a level of service lower than those set forth in the comprehensive plan, the development may be approved if improvements or strategies to raise the level of service above the minimum standard are made concurrent with the development, subject to the requirements of Chapter 20.06 MMC.

6. The area, location, and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of development, and are proportional to the impacts created by the development.

6. As noted in Finding of Fact No. 6, the proposed modifications do not materially change the provision of utilities to the development, the traffic impacts of the development on adjacent streets, or alter the development’s impacts on the public school system. The proposed modifications do not materially change the preliminary plat’s/PRD 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 walk to the school bus stop. The proposed lot relocation will result in an increase in open space in the final plat. The proposed modifications do not prevent the development from being in accordance with the goals and objectives put forth in the Monroe Municipal Code, and the City of Monroe 2015-2035 Comprehensive Plan.

RECOMMENDATION

The proposed modifications are found to be consistent with all applicable development regulations for the reasons identified in the Conclusions of Law above. It is recommended that the City Council approve the modifications to the Klier Parmenter

1 preliminary plat and PRD applications (PLPR 2016-01) subject to the following
2 condition:

- 3 1. Approval of the requested reduction in right of way width is contingent
4 upon approval by the City Engineer as a modification to the right of way
5 width required by the Monroe Public Works Design and Construction
6 Standards (see Conclusion of Law No. 3).

7 Dated this 5th Day of March, 2017.

8 
9 Phil A. Olbrechts

10 City of Monroe Hearing Examiner

