

**CITY OF MONROE  
RESOLUTION NO. 013/2020**

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 PRELIMINARY PLAT AND PLANNED RESIDENTIAL DEVELOPMENT (PLPRD2018-01) – KESTREL RIDGE

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WHEREAS, Robert Fitzmaurice, applicant, submitted an application on August 21, 2018 for a Preliminary Plat and Planned Residential Development for a 46 lot subdivision and associated improvements on approximately 8.90 acres (approximately 387,684 square feet); and

WHEREAS, the Hearing Examiner for the City of Monroe did hold a public hearing on June 25, 2020, regarding said proposed Preliminary Plat and Planned Residential Development (PLPRD2018-01); and

WHEREAS, the Hearing Examiner for the City of Monroe, upon due consideration and through the development of Findings of Fact, Conclusions of Law, and Conditions of Approval, recommended to the City Council on July 12, 2020, that said Preliminary Plat and Planned Residential Development (PLPRD2018-01) be approved with conditions; and

WHEREAS, the City Council has considered the recommendation of the Hearing Examiner and has determined to approve and adopt by reference said Findings of Fact, Conclusions of Law, and Conditions of Approval for said Preliminary Plat (PLPRD2018-01); and

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

Section 1. The Hearing Examiner's Findings of Fact, Conclusions of Law, and Recommendation of Approval for the Preliminary Plat and Planned Residential Development (PLPRD2018-01) of Kestrel Ridge attached hereto as Exhibit A are hereby adopted in support of the City Council's decision. 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. Without limitation of the foregoing, the City Council specifically approves of the manner in which the Hearing Examiner's Hearing Examiner's July 12, 2020 Findings of Fact,

Conclusions of Law, and Recommendation of Approval were formatted as a recommendation for final action by the City Council.

B. As conditioned, the Preliminary Plat 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) (former) Chapter 21.50 MMC; and (iii) (former) 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 mitigation measures to be required of or otherwise provided by 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.

Without limitation of the foregoing, the proposed preliminary plat and PRD are found by the City Council to be consistent with all applicable development regulations for the reasons identified above and in the Hearing Examiner's Findings of Fact, Conclusions of Law, and Recommendation of Approval..

Section 2. Based upon the above-referenced findings and conclusions, the City Council hereby approves the Kestrel Ridge preliminary plat and PRD applications subject to the following conditions as set forth in the Hearing Examiner's Findings of Fact, Conclusions of Law, and Recommendation of Approval:

1. All improvements shall be constructed in accordance with the approved preliminary plat map (Exhibit 3) and the 2nd Emergency Access Concept Map (Exhibit 21). Minor modifications of the plans submitted, as described in MMC 22.68.040(G), may be approved by the Community Development Director or his/her designee if the modifications do not change the Findings of Fact or the Conditions of Approval. The 2nd Emergency Access improvements shall not be required if rendered unnecessary by completion of improvements for a secondary connection to Wood Creek Highlands prior to final plat approval as contemplated in Finding of Fact 11 of the staff report.
2. Final engineering drawings depicting the street improvements, water and sewer improvements, and drainage design shall be submitted to the City's Public Works Director for final review and approval before issuance of any grading permits. The

street, water and sewer, and drainage improvements shall be designed in accordance with the City's most current Public Works Design and Construction Standards.

3. The Kestrel Ridge plat shall be limited to building permits on twenty-nine (29) lots until such time that a second road connection is in place as detailed in Finding of Fact 11, Streets and Traffic of the staff report. The secondary access point as depicted in Ex. 21 shall be limited to a dedicated emergency access easement as detailed in Finding of Fact 11 of the staff report. In addition, the primary Kestrel Ridge road shall terminate in a cul-de-sac that will be shown on the final construction plans unless and until the public road connection has been made. If the public road connection is not possible prior to final plat approval, the Applicant shall post a bond in an amount and duration specified by City staff to assure that the public road connection will be made once improvements made in the Wood Creek Highlands subdivision make the connection possible.
4. The developer is required to connect the internal access road to Woods Creek Highlands when it becomes available as a public road, and remove the temporary access improvements when that connection is made.
5. The project shall implement all of the applicable recommendations contained in the following technical reports submitted to the City:
  - a. Preliminary Storm Drainage Report, prepared by CPH Consultants, dated December 23, 2019 (Exhibit 17).
  - b. Geotechnical Report, prepared by Earth Solutions NW, LLC, dated December 26, 2019 (Exhibit 16).

#### CLEARING AND GRADING

1. A comprehensive erosion and sedimentation control plan to ensure appropriate on-site and off-site water quality control shall be developed and implemented for all construction activities. The Best Management Practices outlined in the 2014 DOE Stormwater Management Manual for Western Washington shall be incorporated into the design. At a minimum, the plan shall include the following elements:
  - a. Exposed soils shall be stabilized and protected with straw, hydro-seeding or other appropriate materials to limit the extent and duration of exposure;
  - b. Disturbed areas shall be protected from storm water runoff impacts through the use of silt fence. Other means of filtration of storm water runoff and for limiting erosion/sedimentation such as check dams, and sediment traps may be required and are recommended.
  - c. Clearing and grading activities shall not be performed in the winter-wet season when soils are unstable.
2. Any wells located on the site shall be decommissioned prior to clearing and grading.

#### STORM DRAINAGE IMPROVEMENTS

1. The stormwater system design and stormwater discharge shall utilize the Best

Management Practices of the 2014 DOE Stormwater Management Manual for Western Washington.

2. Stormwater pollution prevention measures shall be employed per the approved Stormwater Pollution Prevention Plan and as necessary to ensure appropriate on-site and off-site water quality control. Site runoff during construction shall be handled and treated as to quantity and quality impacts by utilizing Best Management Practices, as defined in the 2014 DOE Stormwater Management Manual for Western Washington.
3. The developer shall obtain a General Construction Stormwater NPDES Permit from the WA Department of Ecology (DOE) prior to beginning construction.

#### ROAD IMPROVEMENTS

1. Frontage improvements, including curb, gutter, sidewalk, street trees, and traffic control devices shall be provided for all streets within the subdivision; shall be constructed in accordance with the City's most current Public Works Design and Construction Standards; and are to be installed by the developer to the satisfaction of the City Engineer prior to final plat application.

#### CRITICAL AREAS

1. The fill of Wetland B shall be mitigated pursuant to MMC 22.80.090(C) Credit/Debit Method. This action will require a U.S. Army Corps of Engineers Section 404 Permit for wetland fill. The proposal includes purchasing mitigation bank credits prior to building occupancy at a 0.85:1 ratio for a total of 1,313.25 square feet of purchased credits following the Kestrel Ridge Assessment Report and Conceptual Mitigation Plan dated August 2, 2019.
2. The applicant shall apply the applicable wetland protection requirements (physical and administrative) of MMC 20.05.070 Protection and mitigation measures (repealed) or its current equivalent MMC 22.80.080 including fencing and signage.

#### LANDSCAPING

1. Street trees shall be provided per the approved landscape plan. Street trees shall be planted when a street frontage is fully owner occupied and as directed by the City of Monroe. 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.
2. Irrigation is required for all street trees and newly planted vegetation. The applicant shall construct said irrigation system as consistent with a City-approved irrigation plan prior to construction.
3. The proposed trail located in Tract A shall be rerouted so as not to circle Wetland A.
  - A. The new route shall follow a circular pattern at the western portion of Tract A.

#### FIRE

1. The following requirements shall be adhered to during construction and completed before occupancy of any structure in accordance with the 2015 International Fire

Code:

- a. Fire hydrants shall be provided in accordance with city standards and the direction of the Fire Marshal
- b. Fire Hydrants shall be installed as per fire flow and spacing requirements specified for the type of development with regards to distances to structures;
- c. Fire hydrants shall be equipped with four (4) inch quarter-turn Storz adapters;
- d. An access route, for firefighting apparatus, must be provided at the start of construction. Minimum access route requirements include a 20' width, 13'6" vertical height clearance, and the ability to support a load up to 75,000 pounds;
- e. All buildings must be addressed visibly and legibly from the road. When buildings are not visible from the street, appropriate provisions must be made to identify clearly which road or drive serves the appropriate address including private roads.
- f. No parking signs are required, as directed by the Fire Marshal, for all streets and access tracts with a width less than 32' and within turnaround areas.

FEES

1. Prior to approval of the final plat, all landscaping associated with the plat shall require the submittal of an acceptable warranty surety to warrant all required landscaping improvements against defects in labor materials for a period of 24 months after acceptance of those improvements by the City. The warranty amount shall be equal to fifteen (15) percent of the costs of the improvements, as determined by the Zoning Administrator.
2. Prior to approval of the final plat, the developer shall submit an acceptable warranty surety to warrant all required public improvements, installed, against defects in labor and materials for a period of 24 months after acceptance of those improvements by the City. The warranty amount shall be equal to ten (10) percent of the costs of the improvements, as determined by the Public Works Director. The surety shall be submitted to and approved by the City of Monroe and executed prior to final plat approval.
3. School, park, and traffic impact fees assessed in accordance with MMC Chapters 3.50, 3.52, and 3.54, respectively, shall be required and paid at the rate in effect at the time of building permit issuance.
4. The water system capital improvement charge, in accordance with MMC Section 13.04.025, shall be required and paid prior to building permit issuance.
5. The wastewater system capital improvement charge, in accordance with MMC Section 13.08.272, shall be required and paid prior to building permit issuance.

FINAL PLAT

1. Prior to Final Plat submittal, all improvements shall be installed, inspected, and approved by the City Engineer per the approved plans. All improvements shall be constructed in accordance with the approved engineering plans and preliminary plat map. Minor modifications of the plans submitted may be approved by the Zoning Administrator if the modifications do not change the Preliminary Plat Findings of Fact and/or Conditions of Approval.

2. All lot corners shall be installed with rod and cap or other City-approved survey method prior to Final Plat approval.
3. All existing and proposed easements and maintenance agreements shall be clearly shown and labeled on the final plat.
4. The following note shall appear on the face of the Final Plat Map: “The Homeowners Association is responsible for maintaining, in a uniform manner, all landscaping and irrigation within all commonly owned Tracts and easements.”
5. As this plat includes a dedication, the following Waiver of Claims for Damages Statement shall appear on the face of the Final Plat Map:
 

*This dedication includes conveyance of roads, tracts, utility and storm drainage infrastructure, and other areas of right-of-way intended for public use and/or ownership as shown on or otherwise referenced by the plat. The [insert name here] hereby waives all claims against the City of Monroe and/or any other governmental authority for damages which may occur to the adjacent land as a result of the construction, drainage and maintenance of such facilities and improvements.*
6. If the final plat contains dedication of land for public purposes, it shall contain the following statement:
 

*Know all men by these presents that (name of developer) do hereby declare 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 make all necessary slopes for cuts and fills, and the right to continue to drain the roads and ways over and across any lot or lots, where water might take a natural course, in the original reasonable grading of the roads and ways shown 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.*
7. The final plat shall provide space for the approving signatures of the zoning administrator, city engineer, and the mayor. The city clerk shall attest the signatures.
8. The title block on the final plat map shall have the names of all the legal owners of the property named on the plat and the name of the surveyor/engineering firm which prepared the final plat map.
9. An Auditor’s Certificate shall be shown on the final plat map.
10. The following are required to be shown on the face of the final plat map:
  - c. Surveyor Certificate;
  - d. Correct legal description of all lots as set out in Chapter 58.17 RCW;
  - e. Owners Statement;
  - f. All new easement(s) over the property, their legal description(s) and associated dedication block(s);
  - g. Recording block/Certification blocks for City approval;

- h. North arrow;
- i. Certification of Payment of Taxes and Assessments;
- j. Auditor's Certificate; and
- k. The survey control scheme, monumentation, basis of bearing and references.

#### MISCELLANEOUS

1. Preliminary plat approval shall be effective for no longer than the maximum time allowed pursuant to MMC 22.68.040(A)(5)(c).
2. If applicable, at the time of final plat submittal the developer shall submit a group mailbox plan, approved by the U.S. Post Office, to the Planning Department for final addressing.
3. Mail routes, including mailbox types and locations, shall be approved by the Postmaster prior to construction.
4. The developer shall submit a copy of the final plat to the Snohomish County Assessor's at 3000 Rockefeller Avenue, Everett, WA 98201-4060 for recording.
5. All construction equipment, building materials, and debris shall be stored on the applicant's property, out of the public right-of-way. In no case shall the access to any private or public property be blocked or impinged upon without prior consent from the affected property owners and the City of Monroe.
6. If at any time during clearing, grading and construction the streets are not kept clean and clear, all work will stop until the streets are cleaned and maintained in a manner acceptable to the Public Works Director.
7. Pursuant to MMC 6.04.055(B)(1), construction noise is not allowed Monday through Friday between the hours of 8 P.M. and 7 A.M., and from 8 P.M. and 9:00 A.M. on the weekend.
8. All signs, if any, shown on the approved plans for the subdivision are for illustrative purposes only. Pursuant to Monroe Municipal Code 22.50, a sign permit must be obtained for the placement of any non-exempt signage. An application for a sign permit shall include an approved site plan specifying the location of all signs.
9. The developer and contractor shall attend a pre-construction meeting with City staff to discuss expectations and limitations of the project permit before starting construction.
10. The developer shall provide the City with a bill of sale for all public improvements associated with the plat construction transferring ownership to the City. However, such transfer of ownership shall not relieve the developer of warranty obligations as defined in the MMC and the City's Public Works Design and Construction Standards.

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 11th day of August, 2020.

Approved: August 11, 2020  
Effective: August 11, 2020

CITY OF MONROE, WASHINGTON

(SEAL)



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Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:



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[Becky Hasart \(Aug 17, 2020 16:38 PDT\)](#)

Rabecca R. Hasart, Interim City Clerk



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[Zach Lell \(Aug 18, 2020 16:48 PDT\)](#)

J. Zachary Lell, City Attorney