

**CITY OF MONROE  
RESOLUTION NO. 007/2015**

A RESOLUTION BY THE MONROE CITY COUNCIL  
ADOPTING THE HEARING EXAMINER'S FINDINGS OF  
FACT, CONCLUSIONS OF LAW, RECOMMENDATIONS,  
AND CONDITIONS OF APPROVAL FOR PRELIMINARY  
PLAT/PRELIMINARY PLANNED RESIDENTIAL  
DEVLEOPMENT (PRD) (14-PLPR-0001) – BEAR  
MOUNTAIN ESTATES

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WHEREAS, Seattle Pacific Homes Inc. submitted an application for a Preliminary Plat/PRD (14-PLPR-0001), commonly known as Bear Mountain Estates, for the subdivision of approximately 22.9 acres located in the vicinity of 13025 Roosevelt Road into 73 single-family lots; and

WHEREAS, the Hearing Examiner for the City of Monroe did hold a public hearing on February 27, 2015, regarding said proposed Preliminary Plat/PRD (14-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, and Conditions of Approval, recommended to the City Council on March 13, 2015, that said Preliminary Plat/PRD (14-PLPR-0001) be approved with conditions; and

WHEREAS, the City Council has considered the recommendations of the Hearing Examiner and has determined to approve said Findings of Fact, Conclusions of Law, and Conditions of Approval for said Preliminary Plat/PRD (14-PLPR-0001).

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/PRD (14-PLPR-0001) of Bear Mountain Estates 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/PRD has been processed in material compliance with all applicable state and local procedures.
- B. As conditioned, the Preliminary Plat/PRD 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; Chapter 18.84 MMC; and Title 17 MMC.

- C. As conditioned, the Preliminary Plat/PRD is in conformity with all applicable zoning ordinances and other land use controls.
- D. As conditioned, the Preliminary Plat/PRD will adequately mitigate the impacts of the project as required and allowed by applicable state and local regulations.
- E. The area, location and features property interests dedicated under the Preliminary Plat/PRD 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/PRD.

Section 2. The Preliminary Plat/PRD of Bear Mountain Estates set forth in Exhibit B is hereby approved subject to the following conditions:

#### Planned Residential Development

- 1. The applicant shall submit housing elevation drawings concurrent with building permit submittal demonstrating compliance with the housing standards per MMC 18.84.080(G).
- 2. Mail routes shall be approved by the Postmaster and City Engineer, including mailbox types and locations per MMC 18.84.080(H)(1). Mailbox locations shall be shown on the civil plans.
- 3. Housing development lighting shall meet the requirements of MMC 18.84.080.H.2. Street lights on private roads shall be a maximum height of 14-feet and are to be maintained by the HOA.
- 4. The applicant shall provide a copy of the Covenants, Conditions, and Restrictions (CC&R's) to the City for review and approval at the time of submittal of final PRD. This review is required prior to construction per MMC 18.84.070(B). The CC&Rs shall be recorded prior to final PRD approval.
- 5. The plans shall be revised prior to construction and prior to final plat to remove the word "useable" from the label on the open space of Tract 994.

#### Clearing/Grading/Tree Preservation

- 6. All trees (those with a caliper of six inches or greater measured 4.5 feet above ground level) in Tract 999 shall be preserved and shall not be removed unless otherwise approved by the City [MMC 18.84.080(J)(3)].
- 7. Prior to land clearing operations, the applicant shall contact the City Parks Department for field inspection for areas proposed to retain existing trees. Trees/areas proposed for removal shall be flagged prior to field inspection. Areas to be cleared/preserved shall be discussed between the applicant and City at the pre-construction meeting.
- 8. Clearing limits shall be field verified by City inspectors prior to commencing clearing operations.
- 9. The applicant shall submit for a grading permit following preliminary plat approval and prior to construction. Ground disturbing activities may not occur until this permit has been approved and issued by the City.

10. The harvest clearing limits plan associated with the forest practices permit shall be revised with clearing limits that match that shown on the latest civil construction plans and shall be submitted to the City for approval prior to issuance of a clearing permit.

#### Landscaping

11. The root barrier detail on sheet L-9 of the landscape plans shall be clarified prior to construction. It shall be a minimum of 8 linear feet in each direction or 16 linear feet along sidewalk and curb with tree aligned with center of barrier. Remove the option of LB 12-2.
12. 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 per MMC 17.16.050. Street trees shall be planted when a street frontage is fully owner occupied and as directed by the Parks Department. The City will coordinate tree plantings to the most favorable time of the year. 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.
13. 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.

#### Cultural

14. If archaeological materials are encountered during the development of the property, an archaeologist shall immediately be notified and work shall be halted in the vicinity of the find until the materials can be inspected and assessed. At that time, the appropriate persons are to be notified of the exact nature and extent of the resource so that measures can be taken to secure them. In the event of inadvertently discovered human remains or indeterminate bones) pursuant to RCW 68.50.645, all work must stop immediately and law enforcement shall be contacted. Any remains shall be covered and secured against further disturbance, and communication shall be established the Monroe Police Department, the DAHP, and any concerned Tribal agencies [MMC 20.04.190(D)(d)].

#### Critical Areas

15. Prior to construction the applicant shall consult with the U.S. Fish and Wildlife Service (USFWS) to obtain an Eagle Take Permit if applicable [MMC 20.05.100(G)].
16. Applicable plans for the project shall be revised for review and approval by the City prior to construction if the applicant is required to incorporate a landscape buffer for the bald eagle's nest as a condition of approval of the bald eagle take permit by the USFWS.
17. The NGPE sign locations, wetland fencing, and details shall be approved during review of the development proposal per MMC 20.05.070(D)(2). These shall be shown on a plan sheet for review and approval by the City.

18. The applicant shall identify the responsible party for mitigation monitoring and contingency measures in the Wetlands Buffer Mitigation Plan prior to issuance of a clearing and/or grading permit [MMC 20.05.080(E)&(F)].
19. The discharge of treated stormwater into the wetland buffers shall be via level spreaders or dispersion trenches as per the Geotechnical Report by Liu & Associates dated September 22, 2014 and the Technical Information report by SDA Engineers dated October 13, 2014, or subsequent versions approved by the City,. All runoff from pollution generating surfaces draining to the wetlands shall be pretreated.
20. The project shall adhere to all of the recommendations contained within the Buffer Mitigation Plan by Wetland Resources dated October 27, 2014, or subsequent versions approved by the City,

#### Assurety

21. The applicant shall post a performance/maintenance bond prior to issuance of a clearing and/or grading permit for the work outlined in the Wetlands Buffer Mitigation Plan per MMC 20.05.130. The amount of the bond shall be 110% of the total estimated costs as specified in the Wetlands Butter Mitigation Plan dated October 27, 2014, or subsequent versions approved by the City.

#### Engineering

22. The recommendations in the geotechnical report prepared by Liu & Associates on September 22, 2014, or subsequent versions approved by the City, shall be fully implemented and observed during construction. This includes all erosion mitigation, drainage control, and site stabilization measures in order to minimize erosion problems and seismic hazards on site.
23. 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.
24. The recommendations in Technical Information Report (drainage report) prepared by SDA on October 1, 2012 or subsequent versions approved by the City shall be fully implemented and observed during construction. This includes the SWPPP, TESC Plan, BMPs, and any other recommendations.
25. All lots connecting to the City's sanitary sewer system shall abandon the existing septic systems per the Uniform Plumbing Code (UPC).

#### Traffic

26. The applicant shall execute a Truck Haul Route Agreement and Truck Route Plan that is acceptable to the City. The agreement and plan shall be reviewed and approved by the City Engineer prior to construction.
27. Appropriate signage directing construction traffic at the beginning of construction activity [MMC 20.04.190(D)(3)].
28. The applicant shall execute a Haul Road Agreement with the City prior to beginning construction for maintenance of road surfaces during and restoration of surfaces after construction [MMC 20.04.190(D)(3)].
29. City streets shall be kept clean for the duration of project construction per MMC 12.32 and the City's Public Works Design and Construction Standards.

30. Traffic control devices and street signs shall be installed prior to final plat approval, and all public roads within the subdivision 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 review.

#### Engineering

31. Sewer and water stubs shall be extended to south side of Road A as directed by the City Engineer or designee as per the City of Monroe Public Works Design and Construction Standards.
32. Sanitary sewer main shall be extended along Roosevelt Road to north property line as directed by the City Engineer or designee as per the City of Monroe Public Works Design and Construction Standards.
33. The biofiltration swale and flow splitter located at Lake Tye shall be modified to the satisfaction of the City Engineer or designee to provide adequate treatment of stormwater flows.
34. The proponent shall dedicate right-of-way for streets as shown on the approved preliminary plat map. Frontage improvements, including curb, gutter, sidewalk and street trees shall be provided for all streets within the subdivision. Traffic control devices and street signs shall be installed prior to final plat approval, and all public roads within the subdivision 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 approval.

#### Public Services/Safety

35. Until such time as two separate fire apparatus access roads are constructed and approved, no more than 30 dwelling unit building permits shall be issued in accordance with the Fire Marshall's recommendation.

#### Other

36. The project shall implement all mitigation measures included in the environmental checklist and MDNS except as expressly modified by the Hearing Examiner.
37. If any abandoned wells are located on the site, they shall be decommissioned prior to final plat approval in accordance with the requirements and criteria set forth by the Washington State Department of Ecology.
38. Development shall be subject to all applicable MMC requirements specifically including and without limitations, all applicable impact fees and capital improvement charges pursuant to Chapters 13.04.025, 13.08.272, 20.07, 20.10 and 20.12 of the MMC.

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 7<sup>th</sup> day of April, 2015.

CITY OF MONROE, WASHINGTON:

EFFECTIVE: 04/07/2015

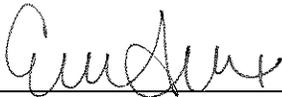


Ed Davis, Mayor Pro Tem

(SEAL)

ATTEST:

APPROVED AS TO FORM:



Elizabeth M. Smoot, CMC, City Clerk



J. Zachary Lell, City Attorney