



## DECISION OF THE COMMUNITY DEVELOPMENT DIRECTOR

### I. PROJECT SUMMARY

**Project Name:** Safe Harbor 9-Lot Short Plat (SP2020-02)

**Proponents:** Justin Pedersen – Harmsen LLC

**Description:** The applicant, Justin Pedersen, is requesting preliminary short plat approval for a 9-lot short subdivision on a site that contains two legal lots of record approximately .72 acres in the Single Family Residential – 15 units per acre (R15) zoning district. The northern property, 16052 174th Dr SE (Tax Parcel 27060200413001), contains a single-family residence and associated outbuildings. The southern property, 16096 174th Dr SE (Tax Parcel 27060200412101), also contains a single-family residence and accessory garage. The site is accessed by 174<sup>th</sup> Dr SE, a private drive.

### II. SUMMARY OF DECISION

The City of Monroe Municipal Code (MMC) requires an administrative review for proposed short subdivision requests by the Director of Community Development. The preliminary short subdivision application was submitted on January 21, 2020 and deemed complete on February 6, 2020. Staff administratively reviewed the project for compliance with the policies, standards, and regulations of the City of Monroe. The preliminary short subdivision is hereby **Approved** based on the Findings of Fact and Conclusions of Law and is subject to the Conditions of Approval listed below.

**Decision Date: April 21, 2022**

**End of Appeal Period: May 6, 2022**

### III. BACKGROUND

1. Public notice for the application was provided in accordance with the requirements of MMC section 22.84.050 (Exhibit D).
2. All property owners within 500-feet were mailed a notification of the Land Use Application on February 18, 2020 (Exhibit D-1).
3. The Notice of Land Use Application was posted on-site February 18, 2020 (Exhibit D-3).

4. The Notice of Land Use Application was published in the Everett Herald on February 18, 2020 (Exhibit D-2).
5. The Notice of Land Use Application included a 14-day public comment period ending at 5:00 pm on March 2, 2020.
6. Three written public comments were received within the specified comment period.
  - a) The first comment (Exhibit E) was received from Shannon Leidholm. Ms. Leidholm asked to be a party of record and expressed interest in how a sewer lift station will impact the possibility for sewer connections along 174<sup>th</sup> Dr SE in the future.
  - b) The second comment was received from Michael Whitney and Stephanie Kramer. The comments included (Exhibit F) site compatibility, building placement, parking, traffic, privacy, and code version concerns.
  - c) The third comment (Exhibit G) was received from Todd Rehm, 16008 174<sup>th</sup> Dr SE, expressing concerns over site access and existing utility lines along 174<sup>th</sup> Dr SE.
7. A fourth comment (Exhibit H), written by Nate Veranth from Ojala Law, representing the property owner, Gary Hajek, submitted a letter on July 27, 2020 addressing public comment concerns over rights to improve 174<sup>th</sup> Dr SE.

#### **IV. FINDINGS OF FACT**

1. The proposed short subdivision divides the subject properties into nine (9) single-family residential lots.
2. The site is located at 16096 174<sup>th</sup> Dr SE and involves Snohomish County tax parcel #27060200412101 and 27060200413001.
3. The zoning of the site is Single-Family Residential – 15 Units per Acre (R15).
4. The Comprehensive Plan designation of the site is High Density Single-Family Residential.
5. The short plat is exempt from SEPA per WAC 197-11-800 (6)(d) and MMC 22.78.090(A)(1).
6. The proposed lots meet the minimum density (2.25 Units per Acre) as required by the R15 zoning district.
  - a) Standard density calculations:  $.72 * 15 = 10.8$  units
  - b) When calculating the maximum residential density, any resulting fraction 0.50 or over shall be rounded up to the next whole number.
7. Infill, Multifamily and Mixed Use projects located south of State Route 2 must meet the Infill, Multifamily, and Mixed Use Design Standards. The applicant has supplied confirmation of meeting this criteria (Exhibit G).
8. It was determined that no critical areas or wetlands are located on the site. No known wetlands are located with the vicinity of the proposal short subdivision.
9. The proposed lots meet minimum lot width requirements of 30 feet.
10. The proposed lots and building envelopes meet the bulk requirements outlined in MMC 22.16.040.Q and the subsequent building permits for this plat shall continue to meet these standards:

Yard Setbacks <sup>(1)</sup>	Attached Dwelling Units
Minimum Front Yard Setback Width to Living Space	10 feet
Minimum Front Yard Setback Width to Garage	N/A
Minimum Side Yard Setback Width	N/A
Minimum Side Yard Setback Width for Attached Dwelling Units on the Attached Side	0 feet
Minimum Side Yard Setback Width Attached Dwelling Units on a Side Abutting a ROW, Separate Detached Unit(s), or Different Zone	10 feet
Minimum Rear Yard Setback Width	10 feet
Minimum Setback Width for Corner Lot Side Yards Abutting a Street <sup>(3)</sup>	10 feet
Minimum Setback Width for Corner Lot Side Yards Not Abutting a Street <sup>(3)</sup>	10 feet
Minimum Setback from Private Access Tracts	10 feet
Minimum Setback from Private Access Easements	10 feet
Lot Coverage <sup>(1)</sup>	Attached Dwelling Units
Maximum Lot Coverage	60%
Building Height <sup>(1)</sup>	Attached Dwelling Units
Maximum Building Height	35 feet

11. The applicant is proposing that the site will be accessed from an existing private access easement also known as 174<sup>th</sup> Dr SE (Exhibit B).
12. The applicant is proposing to improve 174<sup>th</sup> Dr SE for ingress and egress to the site.
13. The applicant has provided a statement (Exhibit H) contending that such use and improvement of 174<sup>th</sup> Dr SE is authorized.
14. Neighbors along 174<sup>th</sup> Dr SE have expressed disagreement as to the use of 174<sup>th</sup> Dr SE for ingress and egress to the site.

15. The short plat, will generate less than eight P.M. Peak Hour vehicle trips per the Institute of Transportation Engineers Trip Generation Manual, the nationally accepted standard for traffic analysis.
16. The proposed short subdivision conforms to the goals, policies, and plans set forth in the Monroe Comprehensive Plan.
17. The proposal conforms to the site and design requirements set forth in the Monroe Municipal Code. No final subdivision shall be approved unless the requirements are met.
18. The proposed street system and pedestrian systems conforms to the Monroe Comprehensive Plan, the 2008 Infill, Mixed Use and Multi-Family Design Standards, and applicable public works design standards, and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of vehicular and pedestrian traffic.
19. The proposed short subdivision will be adequately served with city-approved water and sewer.
20. Each proposed lot has an individual infiltration trench to address stormwater runoff per the 2015 Stormwater Management Manual for Western Washington.
21. The layout of the lots, and their size dimensions, takes into account topography and vegetation on the site in order that buildings may be reasonable sited, and that the least disruption of the site, topography and vegetation will result from development of the lots.
22. Identified hazards and limitation to development have been considered in the design of lot layout to assure that building sites are geologically stable soil, considering the stress and loads to which the soil may be subjected.
23. The public use and interest will be served by the short subdivision.
24. The proposed short subdivision provides an accurate legal description as certified by the surveyor.
25. All lots contain sufficient area to meet minimum zoning requirements.
26. In response to comments from Michael Whitney and Stephanie Kramer relating to site compatibility, building placement, parking, traffic, privacy and code version concerns:
  - a) The proposal and subsequent revisions were reviewed and comply with the current Unified Development Regulations of MMC Title 22 relating to building placement, setbacks, building height, and density.
  - b) The proposal is vested under the current version of MMC Title 22.
  - c) The City of Monroe evaluates traffic level-of-service on a corridor basis. The proposed short plat does not generate vehicular traffic volumes that would cause W. Main Street to fall below the City's adopted traffic level of service standards.
27. In response to comments from Todd Rehm in relation to site access and existing utility lines along 174<sup>th</sup> Dr SE:
  - a) The City of Monroe's regulatory authority does not extend to adjudicating neighbor disputes concerning the scope and extent of rights under private easements. The City therefore takes no position regarding any contention challenging the applicant's legal ability to improve 174<sup>th</sup> Dr SE in accordance with the easement. The easement itself is a matter of public record (AFN 7809290383 and AFN 9605025005) and the applicant has asserted its purported rights under that instrument to improve the private road as necessary to provide access to the proposed short plat in a manner compliant with applicable City standards. As set forth in the conditions of the approval below, it is ultimately incumbent upon the applicant to improve 174<sup>th</sup> Dr. SE to applicable City standards or to identify and obtain City approval of a compliant alternative access route for the short plat.
  - b) The project proposal includes installation of new utility lines to service the newly created lots upon the subject site.

## V. CONCLUSIONS OF LAW

In order to approve a short subdivision application, the Community Development Director must conclude that the short plat conforms to Monroe Municipal Code, the current City of Monroe Comprehensive Plan, and City Standards.

1. Based upon the Findings of Fact specified above and conditions of approval included herein, the Community Development Director concludes that all code criteria for approval of this preliminary short plat application are or will be met and that the application should be approved.
2. This application, with the implementation of the following recommendations and mitigation, **does** meet the goals and policies of the Comprehensive Plan and the provisions of the Monroe Municipal Code.
3. The Community Development Director under the provisions of MMC Sections 22.84.030 has the authority to grant approval of short subdivisions.
4. As noted in the Findings above, the City of Monroe's regulatory authority does not extend to adjudicating neighbor disputes concerning the scope and extent of private easement rights. The City therefore takes no position regarding any contention that the applicant's rights under the private easement at issue do not include the ability to improve 174<sup>th</sup> Dr SE to the extent necessary to provide access for the short plat. It is ultimately incumbent upon the applicant to improve 174<sup>th</sup> Dr. SE to applicable City standards or to identify a compliant alternative access route for the short plat as set forth in the conditions of approval below. The applicant shall proceed at its own risk.

## VI. CONDITIONS OF APPROVAL

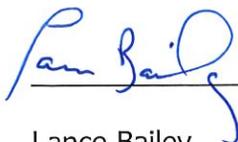
The requested preliminary short subdivision is **APPROVED** subject to the following conditions:

1. All development shall proceed in accordance with the Infill Design Standards per MMC 22.42.020 and Exhibit J.
2. The proponent and/or successor shall submit a final short plat application and a final copy of the short plat on a form acceptable to the city in conformance with the preliminary approved short plat for review. The proponent and/or successor shall complete all of the requirements of MMC 22.68.040.A.5.d within three (3) years of the effective date of this decision or else the short plat approval shall automatically expire.
3. The construction drawings shall be prepared for the city by or under the supervisions of a registered civil engineer and shall meet the minimum requirements per MMC 22.68.040.C.2
4. The final plat shall contain the minimum requirements per MMC 22.68.040.D.9.a.
5. The sanitary sewer system for the Safe Harbor 9 short plat must be designed and constructed such that the portion of the gravity sewer system located on

the short plat property is vertically at an elevation that allows, functionally and in a manner compliant with applicable provisions of the MMC and the City of Monroe Public Works Design and Construction Standards, for a future gravity sewer pipe connection to the existing sewer system that is served by the Fox Meadows pump station.

6. A licensed Professional Land Surveyor shall stake all property corners before recording the short plat. Upon recording the short plat with Snohomish County, the applicant shall return to the City of Monroe the original short plat, a full-sized conforming copy, a Mylar copy of the short plat, including the recording number. In addition, the applicant must submit an electronic copy of the short plat in a compatible CAD or GIS format to the City of Monroe upon final approval.
7. The proponent and/or successor shall assure successful operation of required improvements, as applicable, including the submission of required financial securities for maintenance of said improvements as specified by the city engineer. Such financial security shall be effective for up to two years from approval of their completion of all required improvements or final short plat approval, whichever is later.
8. The plat map shall show all appropriate utility and access easements.
9. Prior to issuance of any building permits within the short plat, (i) the easement area of 174<sup>th</sup> Dr SE shall be improved as noted on the project plans, OR (ii) the applicant shall identify an alternative access route for the short plat that is compliant with applicable City standards, and shall obtain City approval for such alternative access route in accordance with the applicable procedure(s) set forth in the MMC.
10. Traffic, Park, and School Impact Mitigation fees shall be paid prior to building permit issuance or as otherwise provided by the applicable MMC provisions. The total fee or mitigation amount shall be based on the mitigation fee established by ordinance in effect at the time of fee payment. When payment is deferred to building permit issuance, a note to this effect shall be affixed to the face of the final plat map.

**ENTERED this 21st day of April, 2022**



Lance Bailey  
Community Development Director

### **APPEALS**

Parties of Record may file an appeal of this decision within fourteen (14) calendar days of this decision in conformance with MMC 22.84.080. Appeals must be submitted to the City of Monroe by **May 6, 2022**. Appeals shall be in writing and accompanied by an appeal fee as outlined in the city's most current fee resolution.

## **EXHIBITS**

- A. Vicinity Map
- B. Preliminary Plat Plans
- C. Letter of Completeness
- D. Notice of Application
  - 1. Affidavit of Mailing
  - 2. Affidavit of Publishing
  - 3. Affidavit of Posting On-Site
  - 4. Affidavit of Posting Library
  - 5. Email to Agency
- E. Comment Letter from Shannon Leidholm
- F. Comment Letter from Michael Whitney and Stephanie Kramer
- G. Comment Letter from Todd Rehm
- H. Comment Response Letter from Nate Veranth, Ojala Law
- I. Title Report
- J. Infill, Multifamily and Mixed-Use Standard Compliance