

REPORT and DECISION of the SNOHOMISH COUNTY HEARING EXAMINER PRO-TEM

DATE OF DECISION: January 25, 2007

PLAT/PROJECT NAME: *HIDDEN RIDGE II*

APPLICANT/
LANDOWNER: Steve Johnson, PRH, LLC

FILE NO.: 05 125314 SD

TYPE OF REQUEST: Rural Cluster Subdivision of 145.13 acres into 63 lots

DECISION (SUMMARY): APPROVED subject to conditions

BASIC INFORMATION

GENERAL LOCATION: The property is located at 20303 113th Street SE, Snohomish, WA

ACREAGE: 145.13

NUMBER OF LOTS: 63

AVERAGE LOT SIZE: 42,499 square feet

MINIMUM LOT SIZE: 30,000 square feet

OPEN SPACE: 66 acres

ZONING: Rural-5 Acre (R-5)

COMPREHENSIVE PLAN DESIGNATION:
General Policy Plan Designation: Rural Residential (1 du/5 acres – Basic)

UTILITIES:
Water: City of Monroe
Sewage: On-site septic

SCHOOL DISTRICT: Monroe

FIRE DISTRICT: No. 3

SELECTED AGENCY RECOMMENDATIONS:

Department of:

Planning and Development Services: Approve subject to conditions

INTRODUCTION

The applicant filed the Master Application on March 21, 2006. (Exhibit 1)

The Department of Planning and Development Services (PDS) gave proper public notice of the open record hearing as required by the county code. (Exhibits 22, 23 and 24)

A SEPA determination was made on December 5, 2006. (Exhibit 21) No appeal was filed.

The Examiner held an open record hearing on January 16, 2007 the 66th day of the 120-day decision making period. Witnesses were sworn, testimony was presented, and exhibits were entered at the hearing.

PUBLIC HEARING

The public hearing commenced on January 16, 2007 at 9:03 a.m.

1. The Examiner indicated that he has read the PDS staff report, reviewed the file and therefore has a general idea of the particular request involved.

The hearing concluded at 9:27a.m.

NOTE: Audio tapes of this hearing are available in the Office of the Hearing Examiner.

FINDINGS, CONCLUSIONS AND DECISION

FINDINGS:

1. Applicant proposes to subdivide a 145.13 acre site at 20303 113th Street SE into 63 single family residential lots using the rural cluster subdivision provisions of the Snohomish County Code. The site is north of Monroe and southeast of Chain Lake, and is currently undeveloped. The plat of Weatherly lies to the north and the plat of Hidden Ridge is to the west. Both plats are single-family plats, zoned R-5. Some 45% of the plat will be in restricted open space.
2. The site is outside the Urban Growth Area and is zoned R-5. It is designated Rural Residential on the GPP Future Land Use Map.
3. There are three streams on the site, two of which are Type 3 and one is Type 4. Slopes exceeding 40% lie along the banks of the Type 3 streams. There are 13 wetlands, one of which is Type I and the others are Category 3. Appropriate buffers are set aside as Native Growth Protection Areas.

4. Public comments concerned traffic impacts and preservation of the rural character of the area. Testimony from a resident of Hidden Ridge urged that construction traffic be routed away from their homes as much as possible, as all traffic to the site must run through Hidden Ridge or Weatherby.
5. The plat will generate 47 a.m. and 64 p.m. peak hour trips, and a total of 603 daily trips. A certificate of concurrency was issued on May 2, 2006. Access to the site will be through the adjacent subdivisions. A deviation of the vertical curve standard was granted for Road A on condition that illumination be provided as mitigation for reduced sight distance. School children will meet the bus inside the plat, and adequate walkways will be provided to the bus stops. No frontage improvements will be provided as the site does not front on a public road. The interior roads will be dedicated to the county.
6. The site has two stormwater drainage basins, one that flows north and the other to the south. Five ponds and one tank will detain the water before release to Chain Lake or Richardson Creek.
7. Applicant will pay impact fees for parks, schools, county roads and state highways.
8. Any Finding of Fact in this Report and Decision, which should be deemed a Conclusion, is hereby adopted as such.

CONCLUSIONS:

1. The Examiner having fully reviewed the PDS staff report, hereby adopts said staff report as properly setting forth the issues, the land use requests, consistency with the existing regulations, policies, principles, conditions and their effect upon the request. It is therefore hereby adopted by the Examiner as a conclusion as if set forth in full herein, in order to avoid needless repetition. There are no changes to the recommendations of the staff report.
2. The Department of Public Works recommends that the request be approved as to traffic use subject to certain conditions.
3. The request is consistent with the GMACP; GMA-based County codes; and the type and character of land use permitted on the site and the permitted density with the applicable design and development standards.
4. The request should be approved subject to compliance by the applicant with the following Conditions:

CONDITIONS

- A. The revised preliminary plat received by PDS on November 20, 2006 (Exhibit 15) shall be the approved plat configuration. Changes to the approved plat are governed by SCC 30.41A.330.
- B. Prior to initiation of any site work; and/or prior to issuance of any development/construction permits by the county:
 - i. All site development work shall comply with the requirements of the plans and permits approved pursuant to Condition A, above.
 - ii. The plat shall mark with temporary markers in the field the boundary of all Native Growth Protection Areas (NGPA) required by Chapter 30.62 SCC, or the limits of the proposed site disturbance outside of the NGPA, using methods and materials acceptable to the County.

- iii. A final mitigation plan based on the conceptual 2nd Addendum to the Critical Areas and Mitigation Report/Habitat Management Plan dated October 24, 2006 shall be submitted for review and approval during the construction review phase of this project. The 2nd addendum is a partial revision to the original Critical Areas and Mitigation Report for Hidden Ridge II, dated March 2006 (Exhibits 20).
- iv. Construction vehicles shall avoid driving through the residential streets of Hidden Ridge as much as possible, and shall use Road A from Hidden Ridge on Road G from Weatherby for this purpose. Specific restrictions on construction traffic shall be imposed by PDS staff during construction and engineering review prior to commencement of construction.

C. The following additional restrictions and/or items shall be indicated on the face of the final plat:

- i. "The dwelling units within this development are subject to park impact fees in the amount of \$1,361.22 per newly approved dwelling unit pursuant to Chapter 30.66A. Payment of these mitigation fees is required prior to building permit issuance; provided that the building permit has been issued within five years after the application is deemed complete. After five years, park impact fees shall be based upon the rate in effect at the time of building permit issuance."
- ii. "The lots within this subdivision will be subject to school impact mitigation fees for the Monroe School District to be determined by the certified amount within the Base Fee Schedule in effect at the time of building permit application, and to be collected prior to building permit issuance, in accordance with the provisions of SCC 30.66C.010. Credit shall be given for seven existing parcels. Lots 1 through 7 shall receive credit."
- iii. Chapter 30.66B SCC requires the new lot mitigation payments in the amounts shown below for each single-family residential building permit:
\$1,588.62 per lot for mitigation of impacts on county roads paid to the County,
\$344.52 per lot for impacts to WSDOT roads paid to the County,
These payments are due at the time of building permit issuance for each single-family residence. Notice of these mitigation payments shall be contained in any deeds involving this subdivision of the lots therein. Once building permits have been issued all mitigation payments shall be deemed paid.
- iv. All Critical Areas shall be designated Native Growth Protection Areas (NGPA) (unless other agreements have been made) with the following language on the face of the plat;

"All NATIVE GROWTH PROTECTION AREAS shall be left permanently undisturbed in a substantially natural state. No clearing, grading, filling, building construction or placement, or road construction of any kind shall occur, except removal of hazardous trees. The activities as set forth in SCC 30.91N.010 are allowed when approved by the County."

D. Prior to recording of the final plat:

- i. Pedestrian facilities shall be constructed to the specifications of the County throughout the development.

- ii. Illumination shall be installed to the specifications of the County at the intersections of Road A and 109th Street SE, Road A and Road G, Road A and Road B, Road A and Road C, Road C and Road D and Road G and 104th Street SE and Road A from Sta. 24+65 to Sta. 29+35.
- iii. Native Growth Protection Area boundaries (NGPA) shall have been permanently marked on the site prior to final inspection by the county, with both NGPA signs and adjacent markers which can be magnetically located (e.g.: rebar, pipe, 20 penny nails, etc.). The platlor may use other permanent methods and materials provided they are first approved by the county. Where an NGPA boundary crosses another boundary (e.g.: lot, tract, plat, road, etc.), a rebar marker with surveyors' cap and license number must be placed at the line crossing.

NGPA signs shall have been placed no greater than 100 feet apart around the perimeter of the NGPA. Minimum placement shall include one Type 1 sign per wetland, and at least one Type 1 sign shall be placed in any lot that borders the NGPA, unless otherwise approved by the county biologist. The design and proposed locations for the NGPA signs shall be submitted to the Land Use Division for review and approval prior to installation.

- iv. The final mitigation plan shall be completely implemented.

E. In conformity with applicable standards and timing requirements:

- i. The preliminary landscape plan (Exhibit 17) shall be implemented. All required detention facility landscaping shall be installed in accordance with the approved landscape plan.

F. All development activity shall conform to the requirements of Chapter 30.63A SCC.

Nothing in this recommended approval excuses the applicant, owner, lessee, agent, successor or assigns from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project.

Preliminary plats which are approved by the county are valid for five (5) years from the date of approval and must be recorded within that time period unless an extension has been properly requested and granted pursuant to SCC 30.41A.300.

- 5. Any Conclusion in this Report and Decision, which should be deemed a Finding of Fact, is hereby adopted as such.

DECISION:

The request for a 63 Lot Rural Cluster Subdivision on 145.13 is hereby APPROVED, SUBJECT TO COMPLIANCE by the applicant, with the CONDITIONS set forth in Conclusion 4, above.

Decision issued this 25th day of January, 2007.

Gordon Crandall, Hearing Examiner Pro-Tem

EXPLANATION OF RECONSIDERATION AND APPEAL PROCEDURES

This decision of the Hearing Examiner is final and conclusive with right of appeal to the County Council. However, reconsideration by the Examiner may also be sought by one or more parties of record. (The Examiner's action on reconsideration would be subject to appeal to the Council.) The following paragraphs summarize the reconsideration and appeal processes. For more information about reconsideration and appeal procedures, please see Chapter 30.72 SCC and the respective Examiner and Council rules of procedure.

Reconsideration

Any Party of Record may request reconsideration by the Examiner. A Petition for Reconsideration must be filed in writing with the Office of the Hearing Examiner, 2802 Wetmore Avenue, 2nd Floor, Everett, Washington, (Mailing Address: M/S #405, 3000 Rockefeller Avenue, Everett WA 98201) on or before **February 5, 2007**. There is no fee for filing a Petition for Reconsideration. **“The petitioner for reconsideration shall mail or otherwise provide a copy of the petition for reconsideration to all parties of record on the date of filing.” [SCC 30.72.065]**

A Petition for Reconsideration does not have to be in a special form but must: contain the name, mailing address and daytime telephone number of the petitioner, together with the signature of the petitioner or of the petitioner's attorney, if any; identify the specific findings, conclusions, actions and/or conditions for which reconsideration is requested; state the relief requested; and, where applicable, identify the specific nature of any newly discovered evidence and/or changes proposed by the applicant.

The grounds for seeking reconsideration are limited to the following:

- (a) the Examiner exceeded his jurisdiction;
- (b) the Examiner failed to follow the applicable procedure in reaching his decision;
- (c) the Examiner committed an error of law or misinterpreted the applicable comprehensive plan, provisions of Snohomish County Code, or other county or state law or regulation;
- (d) the Examiner's findings, conclusions and/or conditions are not supported by the record;
- (e) newly discovered evidence alleged to be material to the Examiner's decision which could not reasonably have been produced at the Examiner's hearing; and/or
- (f) changes to the application proposed by the applicant in response to deficiencies identified in the decision.

Petitions for Reconsideration will be processed and considered by the Hearing Examiner pursuant to the provisions of SCC 30.72.065. Please include the county file number in any correspondence regarding this case.

Appeal

An appeal to the County Council may be filed by any aggrieved Party of Record. Appeals shall be addressed to the Snohomish County Council but shall be filed in writing with the Department of Planning and Development Services, 5th Floor, County Administration Building, 3000 Rockefeller Avenue, Everett, Washington (Mailing address: M/S #604, 3000 Rockefeller Avenue, Everett, WA 98201) on or before **February 8, 2007** and shall be accompanied by a filing fee in the amount of five hundred dollars (\$500.00); PROVIDED, that the filing fee shall not be charged to a department of the county and PROVIDED FURTHER that the filing fee shall be refunded in any case where an appeal is dismissed in whole without hearing under SCC 30.72.075.

An appeal must contain the following items in order to be complete: a detailed statement of the grounds for appeal; a detailed statement of the facts upon which the appeal is based, including citations to specific Hearing

Examiner Findings, Conclusions, exhibits or oral testimony; written arguments in support of the appeal; the name, mailing address and daytime telephone number of each appellant, together with the signature of at least one of the appellants or of the attorney for the appellant(s), if any; the name, mailing address, daytime telephone number and signature of the appellant's agent or representative, if any; and the required filing fee.

The grounds for filing an appeal are limited to the following:

- (a) the Examiner exceeded his jurisdiction;
- (b) the Examiner failed to follow the applicable procedure in reaching his decision;
- (c) the Examiner committed an error of law or misinterpreted the applicable comprehensive plan, provisions of Snohomish County Code, or other county or state law or regulation; and/or
- (d) the Examiner's findings, conclusions and/or conditions are not supported by the record.

Appeals will be processed and considered by the County Council pursuant to the provisions of Chapter 30.72 SCC. Please include the county file number in any correspondence regarding this case.

Staff Distribution:

Department of Planning and Development Services: Paul MacCready

<p>The following statement is provided pursuant to RCW 36.70B.130: "Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation." A copy of this Decision is being provided to the Snohomish County Assessor as required by RCW 36.70B.130.</p>
