



City of Monroe
806 West Main Street, Monroe, WA 98272
Phone (360) 794-7400 Fax (360) 794-4007
www.monroewa.gov

Planning Commission Agenda

Monday, October 10, 2016 7:00 p.m. Council Chambers

CALL TO ORDER

ROLL CALL

Chairman Kristiansen
Commissioner Bull
Commissioner Duerksen
Commissioner Fisher
Commissioner Jensen
Commissioner Stanger
Commissioner Tuttle

COMMENTS FROM CITIZENS

Members of the audience may comment on any city matter that is not listed on the agenda. Comments by individuals are limited to five (5) minutes. The Commission usually does not respond to matters brought up during audience participation and may, if appropriate, address the matter at a subsequent meeting.

APPROVAL OF MINUTES

September 26, 2016

Documents:

[PC09262016 MINUTES.pdf](#)

PUBLIC HEARING

1. CA2016-04 - Low Impact Development and other Miscellaneous Code Amendments

Documents:

[PH Agenda Bill LID.pdf](#)
[PH ATTACH 1 Draft2016ACodeORDINANCE_Commerce.pdf](#)
[PH. ATTACH 2 LID Draft Road Standards.pdf](#)
[PH ATTACH 3 Code Amendment DNS.pdf](#)

OLD BUSINESS

NONE

NEW BUSINESS

1. Draft Ordinances - Permit Processing Code Amendments

Documents:

NB 1 Agenda Bill - Permit Processing.pdf
NB ATT 1 DRAFT ORD Oct 4 2016 Public Notice_Appeals.pdf
NB ATT 2 DRAFT ORD Oct 4 2016 SITE PLAN.pdf

DISCUSSION BY COMMISSIONERS AND STAFF

ADJOURNMENT

THE PLANNING COMMISSION MAY ADD AND/OR TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS AGENDA

Accommodations for people with disabilities will be provided upon request.
Please contact City Hall at 360-794-7400 and allow one-week advanced notice.

**CITY OF MONROE
PLANNING COMMISSION MINUTES
Monday, September 26, 2016**

The regular meeting of the Monroe Planning Commission was held on **Monday, September 26, 2016 at 7:00 p.m.**, in the City Hall Council Chambers at 806 West Main Street, Monroe, WA 98272.

CALL TO ORDER

Chair Kristiansen called the meeting to order at 7:00 p.m.

ROLL CALL

Secretary Stephanie Johnson called the roll.

Commissioners Present: Chair Kristiansen, Vice Chair Tuttle, Commissioner Duerksen, Commissioner Jensen, Commissioner Stanger, Commissioner Fisher and Commissioner Bull

Commissioners Absent: None

Staff Present: Community Development Director David Osaki, Public Works Director Brad Feilberg, and Planning Commission Secretary Stephanie Johnson

COMMENTS FROM CITIZENS

None

APPROVAL OF MINUTES

- August 22, 2016 - **Commissioner Tuttle** moved to accept the August 22, 2016 Planning Commission Meeting minutes as submitted. **Commissioner Bull** seconded. Motion carried **7/0**.
- September 12, 2016 - **Commissioner Tuttle** moved to accept the September 12, 2016 Planning Commission Meeting minutes as submitted. **Commissioner Stanger** seconded. Motion carried **5/0**. Chair Kristiansen and Commissioner Duerksen abstained from voting as they were not present at the September 12, 2016 meeting.

OLD BUSINESS

A. Code Amendment - Low Impact Development

Director Feilberg presented to the Commission the revised draft ordinance with proposed Low Impact Development (LID) standards. The proposed code amendments

involve several titles of the Monroe Municipal Code (MMC) including MMC Title 15 (Buildings and Construction), Title 17 (Subdivisions), Title 18 (Planning and Zoning) and Title 20 (Environment). Proposed street standard modifications are also included, for example, decreasing minimum pavement and Right-of-Way (ROW) widths and inclusion of bike lanes on collectors and arterials roads.

Director Osaki explained that one code change affecting motorsports as an allowed use in the Rails and Roads section of the Downtown Commercial zone was made. Also, parking requirement changes from one off street parking space per 50 sq. ft. to 1/100 sq. ft. is proposed for fast food restaurants to reduce pavement and to put the City's code in line with other jurisdictions for this use.

Staff and Planning Commission discussed lowering the parking requirement even further, especially for restaurants with a high turnover rate/drive thru. **Director Feilberg** reminded the Commissioners that there will be a public hearing on October 10, 2016 regarding the proposed amendments.

B. Code Amendment - Downtown

Director Osaki discussed the code amendments to MMC Chapter 18.12 - Downtown Commercial Zone. **Director Osaki** encouraged discussion regarding increasing density in the Borlin Park (East Downtown) and Downtown Residential neighborhoods.

Right now, the maximum residential density in the Borlin Park (East Downtown) neighborhood is 20 units/acre, and in the Downtown Residential neighborhood the maximum residential density is 11 units/acre. The City's 20-year growth projection is that the population in the City limits will increase by about 4,500 people. Increasing density downtown is part of that strategy.

The Commission discussed maximum density and height limits on residential and mixed-use buildings within the Borlin Park (East Downtown) and Downtown Residential neighborhoods. The Commissioners agreed that increasing density within the Borlin Park neighborhood marginally (by 2-4 units per acre) could be beneficial, as long as it is specified in the design standards that the buildings are required to use upper story setbacks.

In the Downtown residential neighborhood **the Commission** considered leaving the maximum allowable density "as-is" for now at 11 dwelling units per acre as well as increasing the density up to 16 units per acre. The rationale for leaving the density as-is for now was to incentivize other areas in the Downtown to develop first.

Director Osaki mentioned that he will incorporate the changes and bring it back to the

Commission after the Planning Commission work on the LID code amendments conclude.

NEW BUSINESS

None

DISCUSSION BY COMMISSION AND STAFF

Director Osaki informed the Commission that the City has received a preliminary plat application for a plat over 100 lots just east of Trombley Hills.

Director Osaki explained that as part of updating the City's best permitting practices, the City Council is allowing Final Plat approval to be reduced from two ordinance readings to one, streamlining permit processing.

Director Osaki informed the Commission that the Monroe Comprehensive Plan was recognized for "Citizen Involvement" by the American Planning Association and the Planning Association of Washington.

Commissioner Tuttle expressed interest in the Planning Commission attending the September 29, 2016 Downtown Monroe Association and the Chamber of Commerce meeting. Also, she informed the Commission that the Parks Board is in need of volunteers.

Commissioner Fisher shared with the Commission that he attended a "Homeless and Heroin" epidemic meeting.

Commissioner Duerksen explained to the Commission the background, mission and methods of Housing Hope.

Commissioner Stanger told the Commission about the "Just Serve" mobile app, which allows citizens to volunteer for public projects (such as landscaping and maintenance).

ADJOURNMENT

Commissioner Duerksen moved to adjourn the **September 26, 2016** Planning Commission meeting. Seconded by **Commissioner Jensen**. Motion carried **7/0** and the meeting was adjourned at **8:41 p.m.**

Bill Kristiansen
Chair

Stephanie Johnson
Planning Commission Secretary



MONROE PLANNING COMMISSION
Agenda Item Cover Sheet

TITLE:	<i>Public Hearing - Low Impact Development (w/ other miscellaneous code amendments) Code Amendment</i>
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DATE:	CONTACT:	PRESENTER:	ITEM:
10/10/16	Brad Feilberg, Public Works	Brad Feilberg	Public Hearing

Discussion: 09/12/2016; 09/26/2016

Public Hearing: October 10, 2016

Attachments:

1. Draft Ordinance
2. Draft Road Standards
3. SEPA DNS

DESCRIPTION/BACKGROUND

On September 12, 2016 the Planning Commission was generally briefed on the concept of Low Impact Development (LID) and the need for the City to adopt related code amendments by the end of 2016.

Since that meeting, a draft LIC code amendment ordinance and draft Road Standards were prepared (Attachment 1 and Attachment 2) and presented to the Planning Commission at its September 26, 2016 meeting.

The proposed code amendments involve several titles of the Monroe Municipal Code (MMC). This includes Monroe Municipal Code Title 15 (Buildings and Construction), Title 17 (Subdivisions), Title 18 (Planning and Zoning) and Title 20 (Environment). In addition to low impact development, other miscellaneous code amendments are included.

More specifically, examples of affected Monroe Municipal Code Chapters and the amendments include:

- MMC 15.01 Storm Water Management

- Removal of verbatim inclusion of the 1991 Stormwater Manual
 - Adoption of the 2012 Stormwater Management Manual for Western Washington
- MMC 17.04 General Requirement and MMC 17.20 Utility Requirements in Subdivision Code
 - Codify the requirement that site planning and stormwater management are integrated at the initial design phase
 - Requiring complete stormwater management plans at preliminary plat application
- MMC 18.10 et al minimum lot size requirements
 - Eliminate or greatly reduce the minimum lot size requirements while keeping the current per acre yield of lots
 - This is to incentivize the use of low impact development techniques that are land intensive while still allowing developers to get the same number of lots
- MMC 18.12 Downtown Commercial zone
 - Miscellaneous amendment to the Downtown Neighborhood Land Use Matrix (Rails and Roads Neighborhood)
- MMC 18.84 Planned Residential Development
 - Requires a stormwater site assessment for a Planned Residential Development,
 - Amendment to the PRD minimum lot size requirements.
- MMC 18.86 Off-Street Parking
 - Requires use of low impact development best management practices in parking lot development
 - Eliminates requirement of special permission to use pervious pavement
 - Amends off-street parking requirements (number of required spaces) for certain uses
- MMC 18.94 Outline of Yards Requirements
 - Adds rainwater harvesting systems as a general exception to yard standards.
- MMC20.05.080
 - References the new Stormwater Manual adopted in MMC section 15.01.025
- Street Standards (Attachment 2)
 - Decrease minimum pavement and R-O-W widths and include bike lanes on collectors and arterials

Also, various code sections are proposed for deletion, as presented in the attached draft ordinance (Attachment 1)

As background, the new National Pollutant Discharge Elimination System (“NPDES”) provisions require municipalities to integrate Low Impact Development (“LID”) techniques into plans and/or codes by no later than December 31, 2016. The intent of this requirement is to make low impact development the preferred and commonly used approach to site development.

LID is a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes by emphasizing conservation, use of on-site natural features, and site planning into a project design. LID techniques work with nature to manage stormwater as close to where it falls as possible. LID employs principles such as preserving and re-creating natural landscape features and minimizing impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

By implementing LID principles and practices, stormwater can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem. Common LID techniques include: bio-retention, rain gardens, permeable pavement, vegetated roofs, and rainwater harvesting.

Pursuant to the State Environmental Policy Act (SEPA), the City issued a Determination of Non-Significance on the proposed code amendments on September 27, 2016 (Attachment 3).

In accordance with RCW 36.70A.106, the proposed amendments were transmitted to the Washington State Department of Commerce for State agency review on September 28, 2016.

RECOMMENDED ACTION

1. Hold public hearing.
2. Close public testimony portion of the public hearing.
3. Discuss proposed code amendment.
4. Direct staff to prepare facts and findings to support the Planning Commission recommendation to be brought back to the Planning Commission’s October 26, 2016 meeting for action.

DRAFT

**CITY OF MONROE
ORDINANCE NO. XXX/2016**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, IMPLEMENTING THE FEDERAL CLEAN WATER ACT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PHASE II REQUIREMENTS AND MAKING OTHER MINOR CODE REVISIONS BY ADDING A NEW SECTION 15.01.025, AMENDING SECTIONS 15.01.010, 15.01.080, 15.01.090, 17.04.020, 17.04.040, 17.20.040, 18.10.010, 18.10.140, 18.10.220, 18.10.260, 18.12.170, 18.82.010, 18.82.030, 18.84.060, 18.84.080, 18.84.120, 18.84.160, 18.86.040, 18.86.050, 18.94.010, 20.05.080 AND DELETING SECTIONS 15.01.015, 15.01.020, 15.01.030, 15.01.040, 15.01.042, 15.01.045, 15.01.050, 15.01.055, 15.01.065, 15.01.077, 15.01.100, 18.10.090, 18.10.100, 18.10.110, 18.10.115 OF THE MONROE MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Federal Clean Water Act sets a national goal to "restore and maintain the chemical, physical, and biological integrity of the nation's water" and prohibits the discharge of pollutants from any point source; and

WHEREAS, the U. S. Environmental Protection Act initiated NPDES Phase II requirements under the Federal Clean Water Act for small municipal separate storm sewer systems in 2003; and

WHEREAS, the NPDES Phase II permit requires permittees to revise development codes and standards to make low impact development the preferred and commonly-used approach to development; and

WHEREAS, the NPDES Phase II permit requirements include adoption of stormwater regulations equivalent to the Stormwater Management Manual for Western Washington; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), the City issued a Determination of Non-Significance (DNS) on the low impact development code and other miscellaneous revisions on September 27, 2016; and

WHEREAS, [INSERT] of the SEPA Determination of Non-Significance was filed; and

WHEREAS, in accordance with RCW 36.70A.106, the proposed amendments were transmitted to the Washington State Department of Commerce for State agency review on September 28, 2016; and

WHEREAS, Monroe Municipal Code (MMC) subsection 21.20.040(B) requires that amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20) require Planning Commission review and recommendation; and

WHEREAS, the Monroe Planning Commission received a briefing on the proposed low impact development code revisions on September 12, 2016 and September 26, 2016, held a duly noticed public hearing on October 10, 2016, and deliberated on _____ 2016; and

WHEREAS, following the public hearing and deliberation, on _____, 2016 the Planning Commission adopted findings and recommended amendments related to low impact development code revisions as well as other miscellaneous code amendments; and

WHEREAS, on _____, 2016, the City Council considered the recommendation of the Planning Commission;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE DO ORDAIN AS FOLLOWS:

Section 1. Monroe Municipal Code Chapter 15.01 “Stormwater Management” is hereby amended as follows:

**Chapter 15.01
STORM WATER MANAGEMENT**

Sections:

[15.01.010](#) Purpose.

~~[15.01.015](#) EXEMPTIONS.~~

~~[15.01.020](#) DEFINITIONS.]~~

[15.01.025](#) Stormwater Management Manual Adopted

~~[15.01.030](#) GENERAL PROVISIONS.~~

~~[15.01.040](#) APPLICABILITY OF THE MINIMUM REQUIREMENTS.~~

~~[15.01.042](#) REGULATED ACTIVITIES AND ALLOWED ACTIVITIES.~~

~~[15.01.045](#) MINIMUM REQUIREMENTS.~~

~~[15.01.050](#) CONSTRUCTION STORM WATER POLLUTION PREVENTION PLAN
(SWPPP) ELEMENTS.~~

~~[15.01.055](#) EROSION WAIVER.~~

~~[15.01.065](#) ADJUSTMENTS.~~

~~[15.01.077](#) BASIN/WATERSHED PLANNING.]~~

[15.01.080](#) Administration.

[15.01.090](#) Enforcement.

~~[15.01.100](#) EXCEPTIONS.]~~

[15.01.110](#) Severability.

15.01.010 Purpose.

The primary stormwater management objective is to use low impact development, where feasible, to approximate the pre-development (native) forested hydrologic condition over the full range of rainfall intensities and durations. ~~[THE PROVISIONS OF THIS CHAPTER~~

~~ARE INTENDED TO GUIDE AND ADVISE ALL WHO CONDUCT NEW DEVELOPMENT OR REDEVELOPMENT WITHIN THE CITY OF MONROE. THE PROVISIONS OF THIS CHAPTER ESTABLISH THE MINIMUM LEVEL OF COMPLIANCE WHICH MUST BE MET TO PERMIT A PROPERTY TO BE DEVELOPED OR REDEVELOPED WITHIN THE CITY OF MONROE.]~~ It is

the purpose of this chapter to:

- A. Minimize water quality degradation and sedimentation in streams, ponds, lakes, wetlands and other water bodies;
- B. Minimize the impact of increased runoff, erosion and sedimentation caused by land development and maintenance practices;
- C. Maintain and protect groundwater resources;
- D. Minimize adverse impacts of alterations on ground and surface water quantities, locations and flow patterns;
- E. Decrease potential landslide, flood and erosion damage to public and private property;
- F. Promote site planning and construction practices that are consistent with natural topographical, vegetational and hydrological conditions;
- G. Maintain and protect the storm water management infrastructure within the city of Monroe and downstream;
- H. Provide a means of regulating clearing and grading of private and public land while minimizing water quality impacts in order to protect public health and safety; and
- I. Provide minimum development regulations and construction procedures which will preserve, replace or enhance, to the maximum extent practicable, existing vegetation to preserve and enhance the natural qualities of lands, wetlands and water bodies.

[15.01.015 EXEMPTIONS.

~~A.— FOREST PRACTICES. FOREST PRACTICES REGULATED UNDER WAC TITLE [222](#), EXCEPT FOR CLASS IV GENERAL FOREST PRACTICES THAT ARE CONVERSIONS FROM TIMBER LAND TO OTHER USES, ARE EXEMPT FROM THE PROVISIONS OF THE MINIMUM REQUIREMENTS.~~

~~B.— COMMERCIAL AGRICULTURE. COMMERCIAL AGRICULTURE PRACTICES INVOLVING WORKING THE LAND FOR PRODUCTION ARE GENERALLY EXEMPT. HOWEVER, THE CONVERSION FROM TIMBERLAND TO AGRICULTURE AND THE CONSTRUCTION OF IMPERVIOUS SURFACES ARE NOT EXEMPT.~~

~~C.— OIL AND GAS FIELD ACTIVITIES OR OPERATIONS. CONSTRUCTION OF DRILLING SITES, WASTE MANAGEMENT PITS, AND ACCESS ROADS, AS WELL AS CONSTRUCTION OF TRANSPORTATION AND TREATMENT INFRASTRUCTURE SUCH AS PIPELINES, NATURAL GAS TREATMENT PLANTS, NATURAL GAS PIPELINE COMPRESSOR STATIONS, AND CRUDE OIL PUMPING STATIONS ARE EXEMPT. OPERATORS ARE ENCOURAGED TO IMPLEMENT AND MAINTAIN BEST MANAGEMENT PRACTICES TO MINIMIZE EROSION AND CONTROL SEDIMENT DURING AND AFTER CONSTRUCTION ACTIVITIES TO HELP ENSURE PROTECTION OF SURFACE WATER QUALITY DURING STORM EVENTS.~~

~~D.— ROAD MAINTENANCE. THE FOLLOWING ROAD MAINTENANCE PRACTICES ARE EXEMPT: POT HOLE AND SQUARE CUT PATCHING, OVERLAYING EXISTING ASPHALT OR CONCRETE PAVEMENT WITH ASPHALT OR CONCRETE WITHOUT EXPANDING THE AREA OF COVERAGE, SHOULDER GRADING, RESHAPING/REGRADE DRAINAGE SYSTEMS, CRACK SEALING, RESURFACING WITH IN-KIND MATERIAL WITHOUT EXPANDING THE ROAD PRISM, AND VEGETATION MAINTENANCE.~~

~~THE FOLLOWING ROAD MAINTENANCE PRACTICES ARE CONSIDERED REDEVELOPMENT, AND THEREFORE ARE NOT CATEGORICALLY EXEMPT. THE EXTENT TO WHICH THIS CHAPTER APPLIES IS EXPLAINED FOR EACH CIRCUMSTANCE.~~

~~1.— REMOVING AND REPLACING A PAVED SURFACE TO BASE COURSE OR LOWER, OR REPAIRING THE ROADWAY BASE: IF IMPERVIOUS SURFACES ARE NOT EXPANDED, MINIMUM REQUIREMENTS NO. 1 THROUGH 5 APPLY. HOWEVER,~~

~~IN MOST CASES, ONLY MINIMUM REQUIREMENT NO. 2, CONSTRUCTION STORM WATER POLLUTION PREVENTION, WILL BE GERMANE. WHERE APPROPRIATE, PROJECT PROPONENTS ARE ENCOURAGED TO LOOK FOR OPPORTUNITIES TO USE PERMEABLE AND POROUS PAVEMENTS.~~

~~2.—EXTENDING THE PAVEMENT EDGE WITHOUT INCREASING THE SIZE OF THE ROAD PRISM, OR PAVING GRAVELED SHOULDERS: THESE ARE CONSIDERED NEW IMPERVIOUS SURFACES AND ARE SUBJECT TO THE MINIMUM REQUIREMENTS THAT ARE TRIGGERED WHEN THE THRESHOLDS IDENTIFIED FOR REDEVELOPMENT PROJECTS ARE MET.~~

~~3.—RESURFACING BY UPGRADING FROM DIRT TO GRAVEL, ASPHALT, OR CONCRETE; UPGRADING FROM GRAVEL TO ASPHALT, OR CONCRETE; OR UPGRADING FROM A BITUMINOUS SURFACE TREATMENT (“CHIP SEAL”) TO ASPHALT OR CONCRETE: THESE ARE CONSIDERED NEW IMPERVIOUS SURFACES AND ARE SUBJECT TO THE MINIMUM REQUIREMENTS THAT ARE TRIGGERED WHEN THE THRESHOLDS IDENTIFIED FOR REDEVELOPMENT PROJECTS ARE MET.~~

~~E.—UNDERGROUND UTILITY PROJECTS. UNDERGROUND UTILITY PROJECTS THAT REPLACE THE GROUND SURFACE WITH IN-KIND MATERIAL OR MATERIALS WITH SIMILAR RUNOFF CHARACTERISTICS ARE ONLY SUBJECT TO MINIMUM REQUIREMENT NO. 2, CONSTRUCTION STORM WATER POLLUTION PREVENTION.~~

~~ALL OTHER NEW DEVELOPMENT IS SUBJECT TO ONE OR MORE OF THE MINIMUM REQUIREMENTS (SEE MMC 15.01.040).~~

15.01.020 DEFINITIONS.

~~FOR THE PURPOSE OF THIS CHAPTER, THE FOLLOWING DEFINITIONS SHALL APPLY:~~

~~“APPROVAL” MEANS THE PROPOSED WORK OR COMPLETED WORK CONFORMS TO THIS CHAPTER IN THE OPINION OF THE ADMINISTRATOR.~~

~~“ARTERIAL” MEANS A ROAD OR STREET PRIMARILY FOR THROUGH TRAFFIC. A MAJOR ARTERIAL CONNECTS AN INTERSTATE HIGHWAY TO CITIES AND COUNTIES. A MINOR ARTERIAL CONNECTS MAJOR ARTERIALS TO COLLECTORS. A COLLECTOR~~

~~CONNECTS AN ARTERIAL TO A NEIGHBORHOOD. A COLLECTOR IS NOT AN ARTERIAL.
A LOCAL ACCESS ROAD CONNECTS INDIVIDUAL HOMES TO A COLLECTOR.~~

~~“AS GRADED” MEANS THE EXTENT OF SURFACE CONDITIONS ON COMPLETION OF
GRADING.~~

~~“BASIN PLAN” MEANS A PLAN AND ALL IMPLEMENTING REGULATIONS AND
PROCEDURES INCLUDING BUT NOT LIMITED TO LAND USE MANAGEMENT ADOPTED
BY ORDINANCE FOR MANAGING SURFACE AND STORM WATER MANAGEMENT
FACILITIES AND FEATURES WITHIN INDIVIDUAL SUB-BASINS.~~

~~“BEDROCK” MEANS THE MORE OR LESS SOLID ROCK IN PLACE EITHER ON OR
BENEATH THE SURFACE OF THE EARTH. IT MAY BE SOFT, MEDIUM, OR HARD AND
HAVE A SMOOTH OR IRREGULAR SURFACE.~~

~~“BENCH” MEANS A RELATIVELY LEVEL STEP EXCAVATED INTO EARTH MATERIAL ON
WHICH FILL IS TO BE PLACED.~~

~~“BEST MANAGEMENT PRACTICE” OR “BMP” MEANS PHYSICAL, STRUCTURAL, AND/OR
MANAGERIAL PRACTICES THAT, WHEN USED SINGLY OR IN COMBINATION, PREVENT
OR REDUCE POLLUTION OF WATER. BMPS ARE LISTED AND DESCRIBED IN THE
MANUAL.~~

~~“CERTIFIED EROSION AND SEDIMENT CONTROL LEAD (CESCL)” MEANS AN INDIVIDUAL
WHO HAS CURRENT CERTIFICATION THROUGH AN APPROVED EROSION AND
SEDIMENT CONTROL TRAINING PROGRAM THAT MEETS THE MINIMUM TRAINING
STANDARDS ESTABLISHED BY THE DEPARTMENT (SEE BMP C160 IN THE
STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (2005)). A CESCL
IS KNOWLEDGEABLE IN THE PRINCIPLES AND PRACTICES OF EROSION AND
SEDIMENT CONTROL. THE CESCL MUST HAVE THE SKILLS TO ASSESS SITE
CONDITIONS AND CONSTRUCTION ACTIVITIES THAT COULD IMPACT THE QUALITY OF
STORM WATER AND THE EFFECTIVENESS OF EROSION AND SEDIMENT CONTROL
MEASURES USED TO CONTROL THE QUALITY OF STORM WATER DISCHARGES.
CERTIFICATION IS OBTAINED THROUGH AN ECOLOGY APPROVED EROSION AND
SEDIMENT CONTROL COURSE. COURSE LISTINGS ARE PROVIDED ONLINE AT
ECOLOGY’S WEBSITE.~~

~~“CIVIL ENGINEER” MEANS A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF WASHINGTON IN CIVIL ENGINEERING WHO IS EXPERIENCED AND KNOWLEDGEABLE IN THE PRACTICE OF SOILS ENGINEERING.~~

~~“CIVIL ENGINEERING” MEANS THE APPLICATION OF THE KNOWLEDGE OF THE FORCES OF NATURE, PRINCIPLES OF MECHANICS AND THE PROPERTIES OF MATERIALS TO THE EVALUATION, DESIGN AND CONSTRUCTION OF CIVIL WORKS FOR THE BENEFICIAL USES OF MANKIND.~~

~~“CLEARING” MEANS THE DESTRUCTION AND REMOVAL OF VEGETATION BY MANUAL, MECHANICAL, OR CHEMICAL METHODS.~~

~~“COMMERCIAL AGRICULTURE” MEANS THOSE ACTIVITIES CONDUCTED ON LANDS DEFINED IN RCW [84.34.020\(2\)](#), AND ACTIVITIES INVOLVED IN THE PRODUCTION OF CROPS OR LIVESTOCK FOR WHOLESALE TRADE. AN ACTIVITY CEASES TO BE CONSIDERED COMMERCIAL AGRICULTURE WHEN THE AREA ON WHICH IT IS CONDUCTED IS PROPOSED FOR CONVERSION TO A NONAGRICULTURAL USE OR HAS LAIN IDLE FOR MORE THAN FIVE YEARS, UNLESS THE IDLE LAND IS REGISTERED IN A FEDERAL OR STATE SOILS CONSERVATION PROGRAM, OR UNLESS THE ACTIVITY IS MAINTENANCE OF IRRIGATION DITCHES, LATERALS, CANALS, OR DRAINAGE DITCHES RELATED TO AN EXISTING AND ONGOING AGRICULTURAL ACTIVITY.~~

~~“COMPACTION” MEANS DENSIFICATION OF A FILL BY MECHANICAL MEANS.~~

~~“CRITICAL AREAS” MEANS, AT A MINIMUM, AREAS WHICH INCLUDE WETLANDS, AREAS WITH A CRITICAL RECHARGING EFFECT ON AQUIFERS USED FOR POTABLE WATER, FISH AND WILDLIFE HABITAT CONSERVATION AREAS, FREQUENTLY FLOODED AREAS, GEOLOGICALLY HAZARDOUS AREAS, INCLUDING UNSTABLE SLOPES, AND ASSOCIATED AREAS AND ECOSYSTEMS.~~

~~“DESIGN STORM” MEANS A PRESCRIBED HYETOGRAPH AND TOTAL PRECIPITATION AMOUNT (FOR A SPECIFIC DURATION RECURRENCE FREQUENCY) USED TO ESTIMATE RUNOFF FOR A HYPOTHETICAL STORM OF INTEREST OR CONCERN FOR THE PURPOSES OF ANALYZING EXISTING DRAINAGE, DESIGNING NEW DRAINAGE FACILITIES OR ASSESSING OTHER IMPACTS OF A PROPOSED PROJECT ON THE FLOW OF SURFACE WATER. (A HYETOGRAPH IS A GRAPH OF PERCENTAGES OF TOTAL~~

~~PRECIPITATION FOR A SERIES OF TIME STEPS REPRESENTING THE TOTAL TIME DURING WHICH THE PRECIPITATION OCCURS.)~~

~~“DETENTION” MEANS THE RELEASE OF STORM WATER RUNOFF FROM THE SITE AT A SLOWER RATE THAN IT IS COLLECTED BY THE STORM WATER FACILITY SYSTEM, THE DIFFERENCE BEING HELD IN TEMPORARY STORAGE.~~

~~“DETENTION FACILITY” MEANS AN ABOVE OR BELOW GROUND FACILITY, SUCH AS A POND OR TANK, THAT TEMPORARILY STORES STORM WATER RUNOFF AND SUBSEQUENTLY RELEASES IT AT A SLOWER RATE THAN IT IS COLLECTED BY THE DRAINAGE FACILITY SYSTEM. THERE IS LITTLE OR NO INFILTRATION OF STORED STORM WATER.~~

~~“DRAINAGE BASIN” MEANS A GEOGRAPHIC AND HYDROLOGIC SUBUNIT OF A WATERSHED.~~

~~“EARTH MATERIAL” MEANS ANY ROCK, NATURAL SOIL OR FILL AND/OR ANY COMBINATION THEREOF.~~

~~“ECOLOGY” MEANS THE WASHINGTON STATE DEPARTMENT OF ECOLOGY.~~

~~“EFFECTIVE IMPERVIOUS SURFACE” MEANS THOSE IMPERVIOUS SURFACES THAT ARE CONNECTED VIA SHEET FLOW OR DISCRETE CONVEYANCE TO A DRAINAGE SYSTEM. IMPERVIOUS SURFACES ON RESIDENTIAL DEVELOPMENT SITES THAT DISPERSE RUNOFF THROUGH AT LEAST ONE HUNDRED FEET OF NATIVE VEGETATION IN ACCORDANCE WITH BMP T5.30 — “FULL DISPERSION,” AS DESCRIBED IN CHAPTER 5 OF VOLUME V OF THE STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (2005), ARE NOT CONSIDERED IMPERVIOUS SURFACES.~~

~~“ENGINEERING GEOLOGIST” MEANS A GEOLOGIST EXPERIENCED AND KNOWLEDGEABLE IN ENGINEERING GEOLOGY.~~

~~“ENGINEERING GEOLOGY” MEANS THE APPLICATION OF GEOLOGIC KNOWLEDGE AND PRINCIPLES IN THE INVESTIGATION AND EVALUATION OF NATURALLY OCCURRING ROCK AND SOIL FOR USE IN THE DESIGN OF CIVIL WORKS.~~

~~“EROSION” MEANS THE WEARING AWAY OF THE LAND SURFACE BY RUNNING WATER, WIND, ICE, OR OTHER GEOLOGICAL AGENTS, INCLUDING SUCH PROCESSES AS GRAVITATIONAL CREEP, DETACHMENT AND MOVEMENT OF SOIL OR ROCK FRAGMENTS BY WATER, WIND, ICE, OR GRAVITY.~~

~~“EXCAVATION” MEANS THE MECHANICAL REMOVAL OF EARTH MATERIAL.~~

~~“EXISTING SITE CONDITIONS” MEANS:~~

~~1. FOR DEVELOPED SITES WITH STORM WATER FACILITIES THAT HAVE BEEN CONSTRUCTED TO MEET THE STANDARDS IN THE MINIMUM REQUIREMENTS OF THIS MANUAL, EXISTING SITE CONDITIONS SHALL MEAN THE EXISTING CONDITIONS ON THE SITE.~~

~~2. FOR DEVELOPED SITES THAT DO NOT HAVE STORM WATER FACILITIES THAT MEET THE MINIMUM REQUIREMENTS, EXISTING SITE CONDITIONS SHALL MEAN THE CONDITIONS THAT EXISTED PRIOR TO LOCAL GOVERNMENT ADOPTION OF A STORM WATER MANAGEMENT PROGRAM. IF IN QUESTION, THE EXISTING SITE CONDITIONS SHALL BE DOCUMENTED BY AERIAL PHOTOGRAPH RECORDS OR OTHER APPROPRIATE MEANS.~~

~~3. FOR ALL SITES IN WATER QUALITY SENSITIVE AREAS AS IDENTIFIED UNDER MINIMUM REQUIREMENT NO. 8, WETLANDS PROTECTION, MMC [15.01.045](#) (H), EXISTING SITE CONDITIONS SHALL MEAN UNDISTURBED FOREST, FOR THE PURPOSE OF CALCULATING RUNOFF CHARACTERISTICS.~~

~~4. FOR ALL UNDEVELOPED SITES OUTSIDE OF WATER QUALITY SENSITIVE AREAS, EXISTING SITE CONDITIONS SHALL MEAN THE EXISTING CONDITIONS ON THE SITE.~~

~~“EXPERIMENTAL BMP” MEANS A BMP THAT HAS NOT BEEN TESTED AND EVALUATED BY THE DEPARTMENT OF ECOLOGY IN COLLABORATION WITH LOCAL GOVERNMENTS AND TECHNICAL EXPERTS.~~

~~“FILL” MEANS A DEPOSIT OF EARTH MATERIAL PLACED BY ARTIFICIAL MEANS.~~

~~“FOREST PRACTICE” MEANS ANY ACTIVITY CONDUCTED ON OR DIRECTLY PERTAINING TO FOREST LAND AND RELATING TO GROWING, HARVESTING, OR PROCESSING TIMBER, INCLUDING BUT NOT LIMITED TO:~~

- ~~1. ROAD AND TRAIL CONSTRUCTION.~~
- ~~2. HARVESTING, FINAL AND INTERMEDIATE.~~
- ~~3. PRECOMMERCIAL THINNING.~~
- ~~4. REFORESTATION.~~
- ~~5. FERTILIZATION.~~
- ~~6. PREVENTION AND SUPPRESSION OF DISEASES AND INSECTS.~~
- ~~7. SALVAGE OF TREES.~~
- ~~8. BRUSH CONTROL.~~

~~“FREQUENTLY FLOODED AREAS” MEANS THE ONE HUNDRED YEAR FLOODPLAIN DESIGNATIONS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE NATIONAL FLOOD INSURANCE PROGRAM.~~

~~“GEOLOGICALLY HAZARDOUS AREAS” MEANS AREAS THAT, BECAUSE OF THEIR SUSCEPTIBILITY TO EROSION, SLIDING, EARTHQUAKE OR OTHER GEOLOGICAL EVENTS, ARE NOT SUITED TO THE SITING OF COMMERCIAL, RESIDENTIAL OR INDUSTRIAL DEVELOPMENT CONSISTENT WITH PUBLIC HEALTH OR SAFETY CONCERNS.~~

~~“GRADE” MEANS THE SLOPE OF A ROAD, CHANNEL, OR NATURAL GROUND AND THE FINISHED SURFACE OF A CANAL BED, ROADBED, TOP OF EMBANKMENT, BOTTOM OF EXCAVATION OR ANY SURFACE PREPARED FOR THE SUPPORT OF CONSTRUCTION SUCH AS PAVING OR THE LAYING OF A CONDUIT.~~

- ~~1. EXISTING GRADE. THE GRADE PRIOR TO GRADING.~~

~~2. ROUGH GRADE. THE STAGE AT WHICH THE GRADE APPROXIMATELY CONFORMS TO THE APPROVED PLAN.~~

~~3. FINISH GRADE. THE FINAL GRADE OF THE SITE WHICH CONFORMS TO THE APPROVED PLAN.~~

~~“GRADE, (TO)” MEANS TO FINISH THE SURFACE OF A CANAL BED, ROADBED, TOP OF EMBANKMENT OR BOTTOM OF EXCAVATION.~~

~~“GRADIENT TERRACE” MEANS AN EARTH EMBANKMENT OR A RIDGE AND CHANNEL CONSTRUCTED WITH SUITABLE SPACING AND AN ACCEPTABLE GRADE TO REDUCE EROSION DAMAGE BY INTERCEPTING SURFACE RUNOFF AND CONDUCTING IT TO A STABLE OUTLET AT A STABLE NON-EROSIVE VELOCITY.~~

~~“GROUNDWATER” MEANS WATER IN A SATURATED ZONE OR STRATUM BENEATH THE SURFACE OF LAND OR A SURFACE WATER BODY.~~

~~“HIGHWAY” MEANS A MAIN PUBLIC ROAD CONNECTING TOWNS AND CITIES.~~

~~“HYDRO-PERIOD” MEANS THE SEASONAL OCCURRENCE OF FLOODING AND/OR SOIL SATURATION; IT ENCOMPASSES DEPTH, FREQUENCY, DURATION, AND SEASONAL PATTERN OF INUNDATION.~~

~~“ILLICIT DISCHARGE” MEANS ALL NON-STORM WATER DISCHARGES TO STORM WATER DRAINAGE SYSTEMS THAT CAUSE OR CONTRIBUTE TO A VIOLATION OF STATE WATER QUALITY, SEDIMENT QUALITY OR GROUNDWATER QUALITY STANDARDS, INCLUDING BUT NOT LIMITED TO SANITARY SEWER CONNECTIONS, INDUSTRIAL PROCESS WATER, INTERIOR FLOOR DRAINS, CAR WASHING AND GRAY WATER SYSTEMS.~~

~~“IMPERVIOUS SURFACE” MEANS A HARD SURFACE AREA THAT EITHER PREVENTS OR RETARDS THE ENTRY OF WATER INTO THE SOIL MANTLE AS UNDER NATURAL CONDITIONS PRIOR TO DEVELOPMENT AND/OR A HARD SURFACE AREA WHICH CAUSES WATER TO RUN OFF THE SURFACE IN GREATER QUANTITIES OR AT AN INCREASED RATE OF FLOW FROM THE FLOW PRESENT UNDER NATURAL CONDITIONS PRIOR TO DEVELOPMENT. COMMON IMPERVIOUS SURFACES INCLUDE,~~

~~BUT ARE NOT LIMITED TO, ROOF TOPS, WALKWAYS, PATIOS, DRIVEWAYS, PARKING LOTS OR STORAGE AREAS, CONCRETE OR ASPHALT PAVING, GRAVEL ROADS, PACKED EARTHEN MATERIALS, AND OILED, MACADAM OR OTHER SURFACES WHICH SIMILARLY IMPEDE THE NATURAL INFILTRATION OF STORM WATER. OPEN, UNCOVERED RETENTION/DETENTION FACILITIES SHALL NOT BE CONSIDERED AS IMPERVIOUS SURFACES FOR PURPOSES OF DETERMINING WHETHER THE THRESHOLDS FOR APPLICATION OF MINIMUM REQUIREMENTS ARE EXCEEDED. OPEN, UNCOVERED RETENTION/DETENTION FACILITIES SHALL BE CONSIDERED IMPERVIOUS SURFACES FOR PURPOSES OF RUNOFF MODELING.~~

~~“INTERFLOW” MEANS THAT PORTION OF RAINFALL THAT INFILTRATES INTO THE SOIL AND MOVES Laterally THROUGH THE UPPER SOIL HORIZONS UNTIL INTERCEPTED BY A STREAM CHANNEL OR UNTIL IT RETURNS TO THE SURFACE, FOR EXAMPLE, IN A WETLAND, SPRING OR SEEP.~~

~~“LAND DISTURBING ACTIVITY” MEANS ANY ACTIVITY THAT RESULTS IN MOVEMENT OF EARTH, OR A CHANGE IN THE EXISTING SOIL COVER (BOTH VEGETATIVE AND NONVEGETATIVE) AND/OR THE EXISTING SOIL TOPOGRAPHY. LAND DISTURBING ACTIVITIES INCLUDE, BUT ARE NOT LIMITED TO, CLEARING, GRADING, FILLING, AND EXCAVATION. COMPACTION THAT IS ASSOCIATED WITH STABILIZATION OF STRUCTURES AND ROAD CONSTRUCTION SHALL ALSO BE CONSIDERED A LAND DISTURBING ACTIVITY. VEGETATION MAINTENANCE PRACTICES ARE NOT CONSIDERED LAND DISTURBING ACTIVITY.~~

~~“LARGE PARCEL EROSION AND SEDIMENT CONTROL PLAN” OR “LARGE PARCEL ESC PLAN” MEANS A PLAN TO IMPLEMENT BMPS TO CONTROL POLLUTION GENERATED DURING LAND DISTURBING ACTIVITY. GUIDANCE FOR PREPARING A LARGE PARCEL ESC PLAN IS CONTAINED IN THE MANUAL. (NOTE: ECOLOGY WILL ADD A SAMPLE LARGE PARCEL ESC PLAN TO THIS GUIDANCE MANUAL.)~~

~~MAINTENANCE. REPAIR AND MAINTENANCE INCLUDES ACTIVITIES CONDUCTED ON CURRENTLY SERVICEABLE STRUCTURES, FACILITIES, AND EQUIPMENT THAT INVOLVES NO EXPANSION OR USE BEYOND THAT PREVIOUSLY EXISTING AND RESULTS IN NO SIGNIFICANT ADVERSE HYDROLOGIC IMPACT. IT INCLUDES THOSE USUAL ACTIVITIES TAKEN TO PREVENT A DECLINE, LAPSE, OR CESSATION IN THE~~

~~USE OF STRUCTURES AND SYSTEMS. THOSE USUAL ACTIVITIES MAY INCLUDE REPLACEMENT OF DYSFUNCTIONAL FACILITIES, INCLUDING CASES WHERE ENVIRONMENTAL PERMITS REQUIRE REPLACING AN EXISTING STRUCTURE WITH A DIFFERENT TYPE STRUCTURE, AS LONG AS THE FUNCTIONING CHARACTERISTICS OF THE ORIGINAL STRUCTURE ARE NOT CHANGED. ONE EXAMPLE IS THE REPLACEMENT OF A COLLAPSED, FISH BLOCKING, ROUND CULVERT WITH A NEW BOX CULVERT UNDER THE SAME SPAN, OR WIDTH, OF ROADWAY. SEE ALSO ROAD MAINTENANCE EXEMPTIONS IN MMC [15.01.015](#).~~

~~“MITIGATION” MEANS, IN THE FOLLOWING ORDER OF PREFERENCE:~~

- ~~1. AVOIDING THE IMPACT ALTOGETHER BY NOT TAKING A CERTAIN ACTION OR PART OF AN ACTION;~~
- ~~2. MINIMIZING IMPACTS BY LIMITING THE DEGREE OR MAGNITUDE OF THE ACTION AND ITS IMPLEMENTATION, BY USING APPROPRIATE TECHNOLOGY, OR BY TAKING AFFIRMATIVE STEPS TO AVOID OR REDUCE IMPACTS;~~
- ~~3. RECTIFYING THE IMPACT BY REPAIRING, REHABILITATING OR RESTORING THE AFFECTED ENVIRONMENT;~~
- ~~4. REDUCING OR ELIMINATING THE IMPACT OVER TIME BY PRESERVATION AND MAINTENANCE OPERATIONS DURING THE LIFE OF THE ACTION; AND~~
- ~~5. COMPENSATION FOR THE IMPACT BY REPLACING, ENHANCING, OR PROVIDING SUBSTITUTE RESOURCES OR ENVIRONMENTS.~~

~~“NATIVE VEGETATION” MEANS VEGETATION COMPRISED OF PLANT SPECIES, OTHER THAN NOXIOUS WEEDS, THAT ARE INDIGENOUS TO THE COASTAL REGION OF THE PACIFIC NORTHWEST AND WHICH REASONABLY COULD HAVE BEEN EXPECTED TO NATURALLY OCCUR ON THE SITE. EXAMPLES INCLUDE TREES SUCH AS DOUGLAS FIR, WESTERN HEMLOCK, WESTERN RED CEDAR, ALDER, BIG-LEAF MAPLE, AND VINE MAPLE; SHRUBS SUCH AS WILLOW, ELDERBERRY, SALMONBERRY, AND SALAL; AND HERBACEOUS PLANTS SUCH AS SWORD FERN, FOAM FLOWER, AND FIREWEED.~~

~~“NATURAL LOCATION” MEANS THE LOCATION OF THOSE CHANNELS, SWALES, AND OTHER NONMANMADE CONVEYANCE SYSTEMS AS DEFINED BY THE FIRST DOCUMENTED TOPOGRAPHIC CONTOURS EXISTING FOR THE SUBJECT PROPERTY, EITHER FROM MAPS OR PHOTOGRAPHS, OR SUCH OTHER MEANS AS APPROPRIATE.~~

~~“NEW DEVELOPMENT” MEANS LAND DISTURBING ACTIVITIES, INCLUDING CLASS IV GENERAL FOREST PRACTICES THAT ARE CONVERSIONS FROM TIMBER LAND TO OTHER USES; STRUCTURAL DEVELOPMENT, INCLUDING CONSTRUCTION OR INSTALLATION OF A BUILDING OR OTHER STRUCTURE; CREATION OF IMPERVIOUS SURFACES; AND SUBDIVISION, SHORT SUBDIVISION AND BINDING SITE PLANS, AS DEFINED AND APPLIED IN CHAPTER [58.17](#) RCW. PROJECTS MEETING THE DEFINITION OF REDEVELOPMENT SHALL NOT BE CONSIDERED NEW DEVELOPMENT.~~

~~“PERMANENT STORM WATER QUALITY CONTROL (PSQC) PLAN” MEANS A PLAN WHICH INCLUDES PERMANENT BMPS FOR THE CONTROL OF POLLUTION FROM STORM WATER RUNOFF AFTER CONSTRUCTION AND/OR LAND DISTURBING ACTIVITY HAS BEEN COMPLETED. FOR SMALL SITES, THIS REQUIREMENT IS MET BY IMPLEMENTING A SMALL PARCEL EROSION AND SEDIMENT CONTROL PLAN. GUIDANCE ON PREPARING A PSQC PLAN IS CONTAINED IN THE MANUAL.~~

~~“PERSON” MEANS ANY INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION, ORGANIZATION, COOPERATIVE, PUBLIC OR MUNICIPAL CORPORATION, AGENCY OF THE STATE, OR LOCAL GOVERNMENT UNIT, HOWEVER DESIGNATED.~~

~~“POLLUTION” MEANS CONTAMINATION OR OTHER ALTERATION OF THE PHYSICAL, CHEMICAL, OR BIOLOGICAL PROPERTIES OF WATERS OF THE STATE, INCLUDING CHANGE IN TEMPERATURE, TASTE, COLOR, TURBIDITY, OR ODOR OF THE WATERS, OR SUCH DISCHARGE OF ANY LIQUID, GASEOUS, SOLID, RADIOACTIVE OR OTHER SUBSTANCE INTO ANY WATERS OF THE STATE AS WILL BE OR IS LIKELY TO CREATE A NUISANCE OR RENDER SUCH WATERS HARMFUL, DETRIMENTAL OR INJURIOUS TO THE PUBLIC HEALTH, SAFETY OR WELFARE, OR TO DOMESTIC, COMMERCIAL, INDUSTRIAL, AGRICULTURAL, RECREATIONAL, OR OTHER LEGITIMATE BENEFICIAL USES, OR TO LIVESTOCK, WILD ANIMALS, BIRDS, FISH OR OTHER AQUATIC LIFE.~~

~~“POLLUTION-GENERATING IMPERVIOUS SURFACE (PGIS)” MEANS THOSE IMPERVIOUS SURFACES CONSIDERED TO BE A SIGNIFICANT SOURCE OF POLLUTANTS IN STORM WATER RUNOFF. SUCH SURFACES INCLUDE THOSE WHICH ARE SUBJECT TO: VEHICULAR USE; INDUSTRIAL ACTIVITIES (AS FURTHER DEFINED IN THE GLOSSARY); OR STORAGE OF ERODIBLE OR LEACHABLE MATERIALS, WASTES, OR CHEMICALS, AND WHICH RECEIVE DIRECT RAINFALL OR THE RUN-ON OR BLOW-IN OF RAINFALL. ERODIBLE OR LEACHABLE MATERIALS, WASTES, OR CHEMICALS ARE THOSE SUBSTANCES WHICH, WHEN EXPOSED TO RAINFALL, MEASURABLY ALTER THE PHYSICAL OR CHEMICAL CHARACTERISTICS OF THE RAINFALL RUNOFF. EXAMPLES INCLUDE ERODIBLE SOILS THAT ARE STOCKPILED, UNCOVERED PROCESS WASTES, MANURE, FERTILIZERS, OILY SUBSTANCES, ASHES, KILN DUST, AND GARBAGE DUMPSTER LEAKAGE. METAL ROOFS ARE ALSO CONSIDERED TO BE PGIS UNLESS THEY ARE COATED WITH AN INERT, NONLEACHABLE MATERIAL (E.G., BAKED-ON ENAMEL COATING).~~

~~A SURFACE, WHETHER PAVED OR NOT, SHALL BE CONSIDERED SUBJECT TO VEHICULAR USE IF IT IS REGULARLY USED BY MOTOR VEHICLES. THE FOLLOWING ARE CONSIDERED REGULARLY USED SURFACES: ROADS, UNVEGETATED ROAD SHOULDERS, BIKE LANES WITHIN THE TRAVELED LANE OF A ROADWAY, DRIVEWAYS, PARKING LOTS, UNFENCED FIRE LANES, VEHICULAR EQUIPMENT STORAGE YARDS, AND AIRPORT RUNWAYS.~~

~~THE FOLLOWING ARE NOT CONSIDERED REGULARLY USED SURFACES: PAVED BICYCLE PATHWAYS SEPARATED FROM AND NOT SUBJECT TO DRAINAGE FROM ROADS FOR MOTOR VEHICLES, FENCED FIRE LANES, AND INFREQUENTLY USED MAINTENANCE ACCESS ROADS.~~

~~“POLLUTION-GENERATING PERVIOUS SURFACES (PGPS)” MEANS ANY NONIMPERVIOUS SURFACE SUBJECT TO USE OF PESTICIDES AND FERTILIZERS OR LOSS OF SOIL. TYPICAL PGPS INCLUDE LAWNS, LANDSCAPED AREAS, GOLF COURSES, PARKS, CEMETERIES, AND SPORTS FIELDS.~~

~~“PREDEVELOPED CONDITION” MEANS THE NATIVE VEGETATION AND SOILS THAT EXISTED AT A SITE PRIOR TO THE INFLUENCE OF EURO-AMERICAN SETTLEMENT. THE PREDEVELOPED CONDITION SHALL BE ASSUMED TO BE A FORESTED LAND COVER~~

~~UNLESS REASONABLE, HISTORIC INFORMATION IS PROVIDED THAT INDICATES THE SITE WAS PRAIRIE PRIOR TO SETTLEMENT.~~

~~“PROJECT SITE” MEANS THAT PORTION OF A PROPERTY, PROPERTIES, OR RIGHT-OF-WAY SUBJECT TO LAND DISTURBING ACTIVITIES, NEW IMPERVIOUS SURFACES, OR REPLACED IMPERVIOUS SURFACES.~~

~~“RECEIVING WATERS” MEANS BODIES OF WATER OR SURFACE WATER SYSTEMS TO WHICH SURFACE RUNOFF IS DISCHARGED VIA A POINT SOURCE OF STORM WATER OR VIA SHEET FLOW.~~

~~“REDEVELOPMENT” MEANS, ON A SITE THAT IS ALREADY SUBSTANTIALLY DEVELOPED (I.E., HAS THIRTY-FIVE PERCENT OR MORE OF EXISTING IMPERVIOUS SURFACE COVERAGE), THE CREATION OR ADDITION OF IMPERVIOUS SURFACES; THE EXPANSION OF A BUILDING FOOTPRINT OR ADDITION OR REPLACEMENT OF A STRUCTURE; STRUCTURAL DEVELOPMENT INCLUDING CONSTRUCTION, INSTALLATION OR EXPANSION OF A BUILDING OR OTHER STRUCTURE; REPLACEMENT OF IMPERVIOUS SURFACE THAT IS NOT PART OF A ROUTINE MAINTENANCE ACTIVITY; AND LAND DISTURBING ACTIVITIES.~~

~~“REGIONAL RETENTION/DETENTION SYSTEM” MEANS A STORM WATER QUANTITY CONTROL STRUCTURE DESIGNED TO CORRECT EXISTING EXCESS SURFACE WATER RUNOFF PROBLEMS OF A BASIN OR SUB-BASIN. THE AREA DOWNSTREAM HAS BEEN PREVIOUSLY IDENTIFIED AS HAVING EXISTING OR PREDICTED SIGNIFICANT AND REGIONAL FLOODING AND/OR EROSION PROBLEMS. THIS TERM IS ALSO USED WHEN A DETENTION FACILITY IS USED TO DETAIN STORM WATER RUNOFF FROM A NUMBER OF DIFFERENT BUSINESSES, DEVELOPMENTS OR AREAS WITHIN A CATCHMENT.~~

~~“REPLACED IMPERVIOUS SURFACE” MEANS, FOR STRUCTURES, THE REMOVAL AND REPLACEMENT OF ANY EXTERIOR IMPERVIOUS SURFACES OR FOUNDATION. FOR OTHER IMPERVIOUS SURFACES, THE REMOVAL DOWN TO BARE SOIL OR BASE COURSE AND REPLACEMENT.~~

~~“RETENTION/DETENTION FACILITY (R/D)” MEANS A TYPE OF DRAINAGE FACILITY DESIGNED EITHER TO HOLD WATER FOR A CONSIDERABLE LENGTH OF TIME AND THEN RELEASE IT BY EVAPORATION, PLANT TRANSPIRATION, AND/OR INFILTRATION~~

~~INTO THE GROUND OR TO HOLD SURFACE AND STORM WATER RUNOFF FOR A SHORT PERIOD OF TIME AND THEN RELEASE IT TO THE SURFACE AND STORM WATER MANAGEMENT SYSTEM.~~

~~“SITE” MEANS THE AREA DEFINED BY THE LEGAL BOUNDARIES OF A PARCEL OR PARCELS OF LAND THAT IS (ARE) SUBJECT TO NEW DEVELOPMENT OR REDEVELOPMENT. FOR ROAD PROJECTS, THE LENGTH OF THE PROJECT SITE AND THE RIGHT-OF-WAY BOUNDARIES DEFINE THE SITE.~~

~~“SLOPE” MEANS THE DEGREE OF DEVIATION OF A SURFACE FROM THE HORIZONTAL MEASURED AS A NUMERICAL RATIO, PERCENT, OR IN DEGREES. EXPRESSED AS A RATIO, THE FIRST NUMBER IS THE HORIZONTAL DISTANCE (RUN) AND THE SECOND IS THE VERTICAL DISTANCE (RISE), AS TWO-TO-ONE. A TWO-TO-ONE SLOPE IS A FIFTY PERCENT SLOPE. EXPRESSED IN DEGREES, THE SLOPE IS THE ANGLE FROM THE HORIZONTAL PLANE, WITH A NINETY DEGREE SLOPE BEING VERTICAL (MAXIMUM) AND A FORTY-FIVE DEGREE SLOPE BEING A ONE-TO-ONE OR ONE HUNDRED PERCENT SLOPE.~~

~~“SMALL PARCEL EROSION AND SEDIMENT CONTROL PLAN” OR “SMALL PARCEL ESC PLAN” MEANS A PLAN FOR SMALL SITES TO IMPLEMENT TEMPORARY BMPS TO CONTROL POLLUTION GENERATED DURING THE CONSTRUCTION PHASE ONLY, PRIMARILY EROSION AND SEDIMENT. GUIDANCE FOR PREPARING A SMALL PARCEL ESC PLAN IS CONTAINED IN THE MANUAL.~~

~~“SOIL” MEANS THE UNCONSOLIDATED MINERAL AND ORGANIC MATERIAL ON THE IMMEDIATE SURFACE OF THE EARTH THAT SERVES AS A NATURAL MEDIUM FOR THE GROWTH OF LAND PLANTS.~~

~~“SOURCE CONTROL BMP” MEANS A STRUCTURE OR OPERATION THAT IS INTENDED TO PREVENT POLLUTANTS FROM COMING INTO CONTACT WITH STORM WATER THROUGH PHYSICAL SEPARATION OF AREAS OR CAREFUL MANAGEMENT OF ACTIVITIES THAT ARE SOURCES OF POLLUTANTS. THIS MANUAL SEPARATES SOURCE CONTROL BMPS INTO TWO TYPES. STRUCTURAL SOURCE CONTROL BMPS ARE PHYSICAL, STRUCTURAL, OR MECHANICAL DEVICES, OR FACILITIES THAT ARE INTENDED TO PREVENT POLLUTANTS FROM ENTERING STORM WATER.~~

OPERATIONAL BMPs ARE NONSTRUCTURAL PRACTICES THAT PREVENT OR REDUCE POLLUTANTS FROM ENTERING STORM WATER. SEE VOLUME IV OF THE STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (2005) FOR DETAILS.

“STORM WATER” MEANS THAT PORTION OF PRECIPITATION THAT DOES NOT NATURALLY PERCOLATE INTO THE GROUND OR EVAPORATE, BUT FLOWS VIA OVERLAND FLOW, INTERFLOW, CHANNELS OR PIPES INTO A DEFINED SURFACE WATER CHANNEL, OR A CONSTRUCTED INFILTRATION FACILITY.

“STORM WATER DRAINAGE SYSTEM” MEANS CONSTRUCTED AND NATURAL FEATURES WHICH FUNCTION TOGETHER AS A SYSTEM TO COLLECT, CONVEY, CHANNEL, HOLD, INHIBIT, RETAIN, DETAIN, INFILTRATE, DIVERT, TREAT OR FILTER STORM WATER.

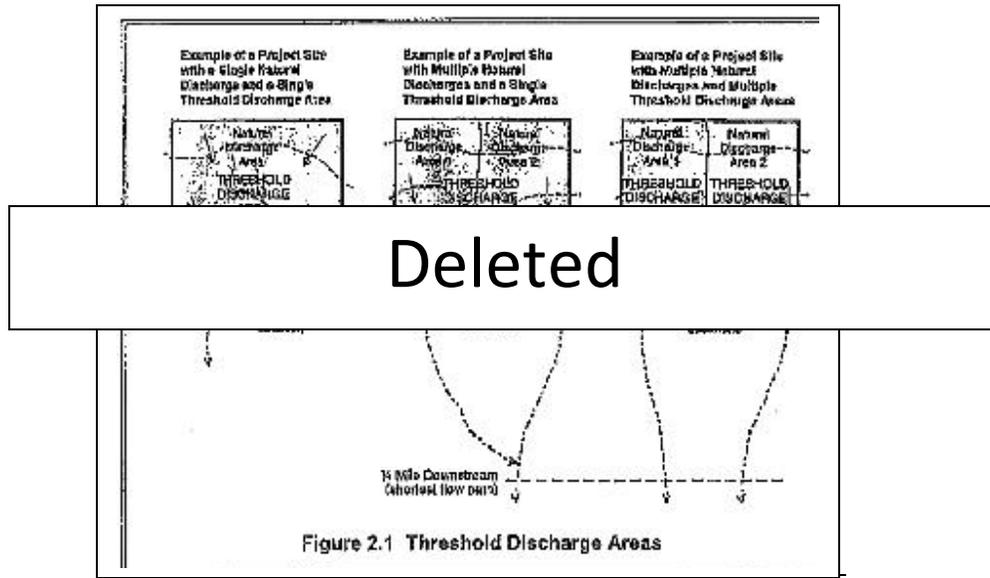
“STORM WATER FACILITY” MEANS A CONSTRUCTED COMPONENT OF A STORM WATER DRAINAGE SYSTEM, DESIGNED OR CONSTRUCTED TO PERFORM A PARTICULAR FUNCTION, OR MULTIPLE FUNCTIONS. STORM WATER FACILITIES INCLUDE, BUT ARE NOT LIMITED TO, PIPES, SWALES, DITCHES, CULVERTS, STREET GUTTERS, DETENTION BASINS, RETENTION BASINS, CONSTRUCTED WETLANDS, INFILTRATION DEVICES, CATCH BASINS, OIL/WATER SEPARATORS, SEDIMENT BASINS AND MODULAR PAVEMENT.

“STORM WATER MANAGEMENT MANUAL” OR “MANUAL” MEANS THE MANUAL ADOPTED BY REFERENCE AND PREPARED BY ECOLOGY THAT CONTAINS BMPs TO PREVENT OR REDUCE POLLUTION (OR A TECHNICALLY EQUIVALENT MANUAL APPROVED BY ECOLOGY).

“STORM WATER SITE PLAN” MEANS A PLAN WHICH INCLUDES AN EROSION AND SEDIMENT CONTROL (ESC) PLAN AND/OR A PERMANENT STORM WATER QUALITY CONTROL (PSQC) PLAN. FOR SMALL SITES, THIS PLAN IS THE EQUIVALENT OF A SMALL PARCEL EROSION AND SEDIMENT CONTROL PLAN. GUIDANCE ON PREPARING A STORM WATER SITE PLAN IS CONTAINED IN THE MANUAL.

“THRESHOLD DISCHARGE AREA” MEANS AN ON-SITE AREA DRAINING TO A SINGLE NATURAL DISCHARGE LOCATION OR MULTIPLE NATURAL DISCHARGE LOCATIONS

THAT COMBINE WITHIN ONE-QUARTER MILE DOWNSTREAM (AS DETERMINED BY THE SHORTEST FLOW PATH). THE EXAMPLES IN FIGURE 2.1 BELOW ILLUSTRATE THIS DEFINITION. THE PURPOSE OF THIS DEFINITION IS TO CLARIFY HOW THE THRESHOLDS OF THIS MANUAL ARE APPLIED TO PROJECT SITES WITH MULTIPLE DISCHARGE POINTS.



“TOE OF SLOPE” MEANS A POINT OR LINE OF SLOPE IN AN EXCAVATION OR CUT WHERE THE LOWER SURFACE CHANGES TO HORIZONTAL OR MEETS THE EXISTING GROUND SLOPE.

“TOP OF SLOPE” MEANS A POINT OR LINE ON THE UPPER SURFACE OF A SLOPE WHERE IT CHANGES TO HORIZONTAL OR MEETS THE ORIGINAL SURFACE.

“TREATMENT BMP” MEANS A BMP THAT IS INTENDED TO REMOVE POLLUTANTS FROM STORM WATER. A FEW EXAMPLES OF TREATMENT BMPS ARE DETENTION PONDS, OILWATER SEPARATORS, BIOFILTRATION SWALES AND CONSTRUCTED WETLANDS.

“UNSTABLE SLOPES” MEANS THOSE SLOPING AREAS OF LAND WHICH HAVE IN THE PAST EXHIBITED, ARE CURRENTLY EXHIBITING, OR WILL LIKELY IN THE FUTURE EXHIBIT MASS MOVEMENT OF EARTH.

“VEGETATION” MEANS ALL ORGANIC PLANT LIFE GROWING ON THE SURFACE OF THE EARTH.

~~“WATER BODY” MEANS SURFACE WATERS INCLUDING RIVERS, STREAMS, LAKES, MARINE WATERS, ESTUARIES, AND WETLANDS.~~

~~“WATERSHED” MEANS A GEOGRAPHIC REGION WITHIN WHICH WATER DRAINS INTO A PARTICULAR RIVER, STREAM, OR BODY OF WATER AS IDENTIFIED AND NUMBERED BY THE STATE OF WASHINGTON WATER RESOURCE INVENTORY AREAS (WRIAS) AS DEFINED IN CHAPTER [173-500](#) WAC.~~

~~“WETLAND” MEANS THOSE AREAS THAT ARE INUNDATED OR SATURATED BY SURFACE OR GROUND WATER AT A FREQUENCY AND DURATION SUFFICIENT TO SUPPORT, AND THAT UNDER NORMAL CIRCUMSTANCES DO SUPPORT, A PREVALENCE OF VEGETATION TYPICALLY ADAPTED FOR LIFE IN SATURATED SOIL CONDITIONS. WETLANDS GENERALLY INCLUDE SWAMPS, MARSHES, BOGS, AND SIMILAR AREAS. WETLANDS DO NOT INCLUDE THOSE ARTIFICIAL WETLANDS INTENTIONALLY CREATED FROM NONWETLAND SITES, INCLUDING, BUT NOT LIMITED TO, IRRIGATION AND DRAINAGE DITCHES, GRASS-LINED SWALES, CANALS, DETENTION FACILITIES, WASTEWATER TREATMENT FACILITIES, FARM PONDS, AND LANDSCAPE AMENITIES, OR THOSE WETLANDS CREATED AFTER JULY 1, 1990, THAT WERE UNINTENTIONALLY CREATED AS A RESULT OF THE CONSTRUCTION OF A ROAD, STREET, OR HIGHWAY. WETLANDS MAY INCLUDE THOSE ARTIFICIAL WETLANDS INTENTIONALLY CREATED FROM NONWETLAND AREAS TO MITIGATE THE CONVERSION OF WETLANDS.]~~

15.01.025 Stormwater Management Manual Adopted.

The 2012 Department of Ecology Stormwater Management Manual for Western Washington, as amended in December 2014, as amended by Sections 1-6 of Appendix 1 of the Western Washington Phase II Municipal Stormwater Permit, is hereby adopted as the City’s minimum stormwater regulations and as a technical reference manual and is referred to as the “2014 Stormwater Manual.”

~~[15.01.030 GENERAL PROVISIONS.~~

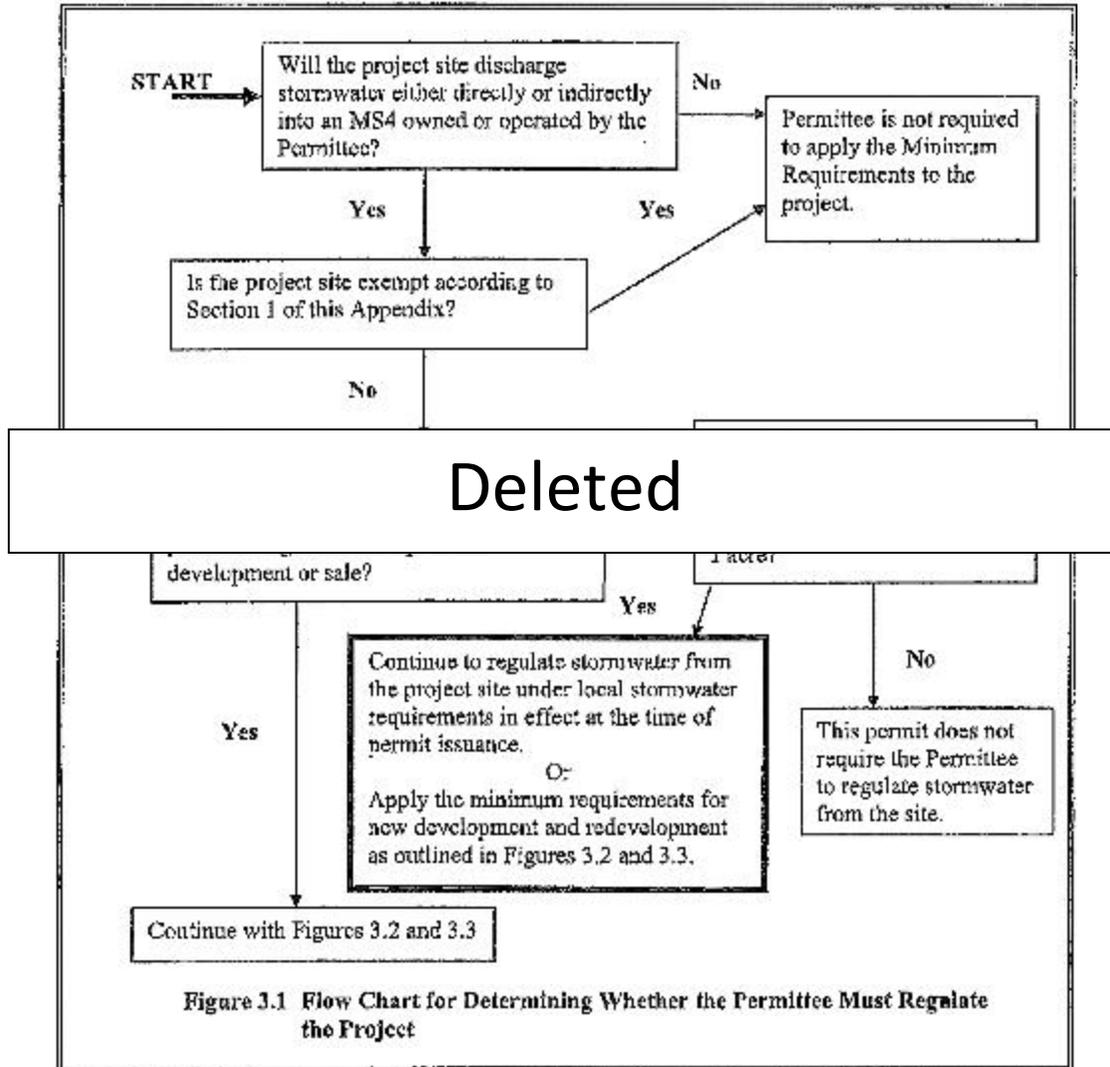
~~A. ABROGATION AND GREATER RESTRICTIONS. IT IS NOT INTENDED THAT THIS CHAPTER REPEAL, ABROGATE, OR IMPAIR ANY EXISTING REGULATIONS, EASEMENTS, COVENANTS, OR DEED RESTRICTIONS. HOWEVER, WHERE THIS CHAPTER IMPOSES GREATER RESTRICTIONS, THE PROVISIONS OF THIS CHAPTER SHALL PREVAIL.~~

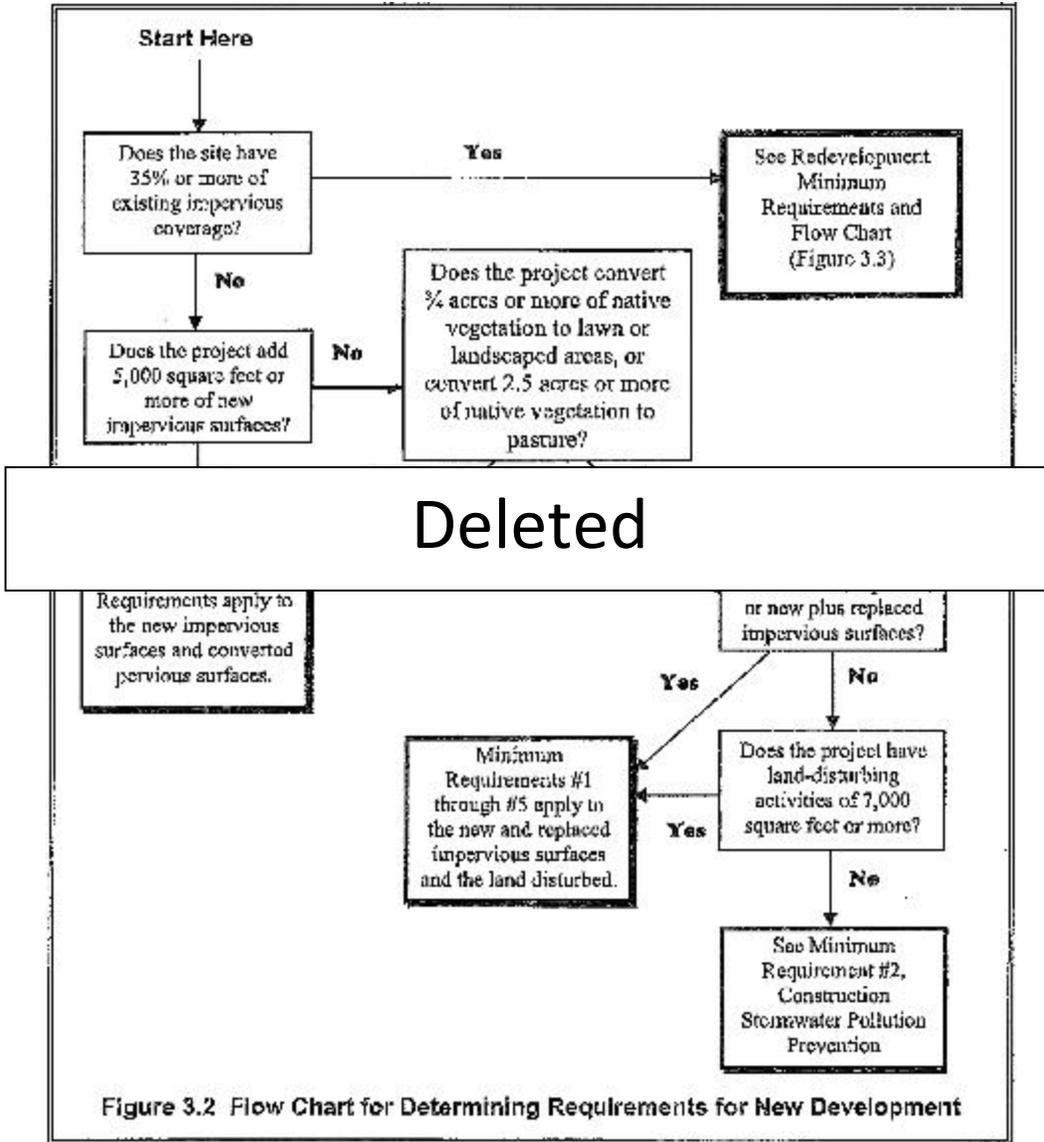
~~B. INTERPRETATION. THE PROVISIONS OF THIS CHAPTER SHALL BE HELD TO BE MINIMUM REQUIREMENTS IN THEIR INTERPRETATION AND APPLICATION AND SHALL BE LIBERALLY CONSTRUED TO SERVE THE PURPOSES OF THIS CHAPTER. (ORD. 009/2013 § 2 (EXH. 2); ORD. 1032, 1994)~~

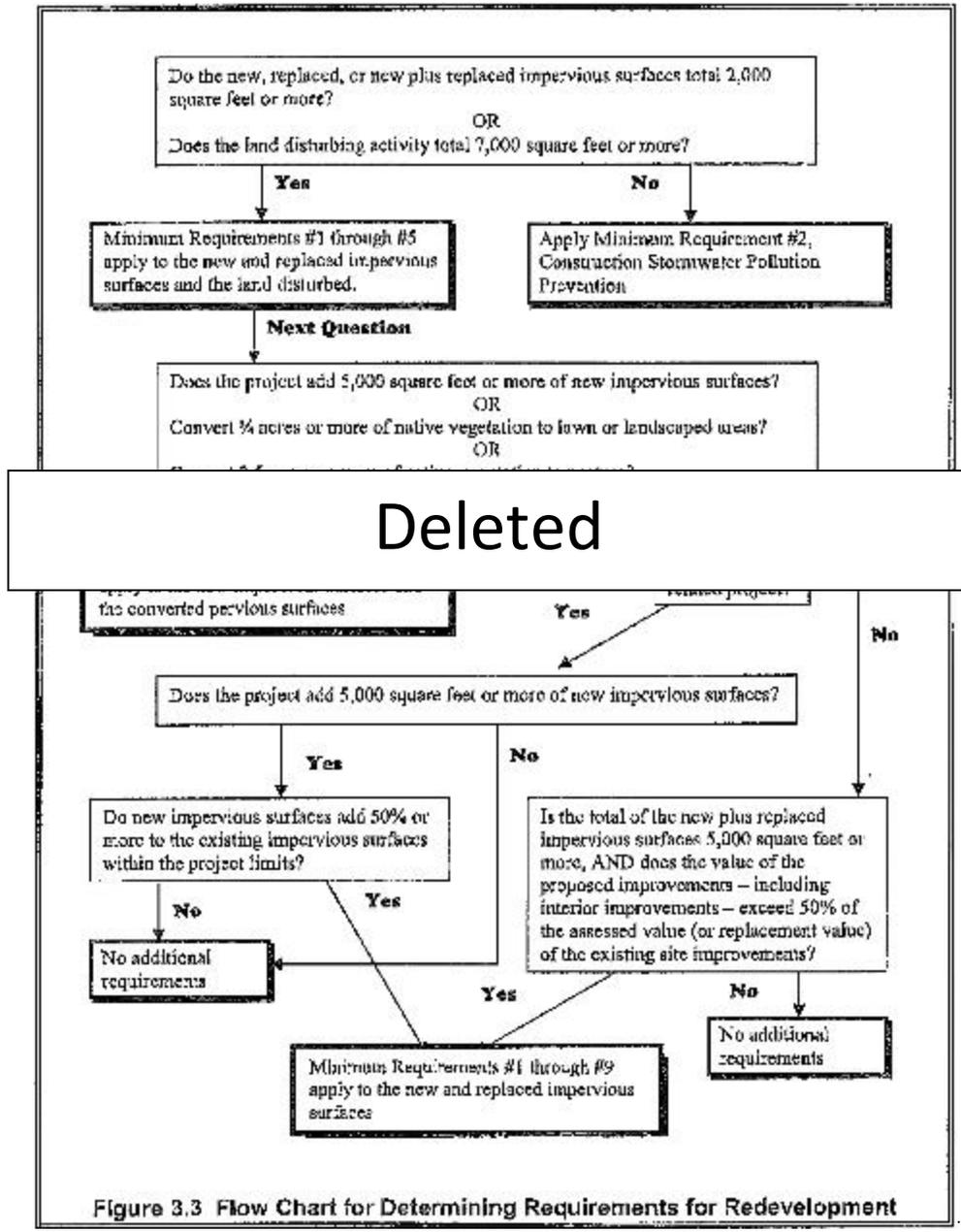
~~**15.01.040 APPLICABILITY OF THE MINIMUM REQUIREMENTS.**~~

~~A. THRESHOLDS. NOT ALL OF THE MINIMUM REQUIREMENTS APPLY TO EVERY DEVELOPMENT OR REDEVELOPMENT PROJECT. THE APPLICABILITY VARIES DEPENDING ON THE TYPE AND SIZE OF THE PROJECT. THIS SECTION IDENTIFIES THRESHOLDS THAT DETERMINE THE APPLICABILITY OF THE MINIMUM REQUIREMENTS TO DIFFERENT PROJECTS. THE FLOW CHARTS IN FIGURES 3.1, 3.2 AND 3.3 MUST BE USED TO DETERMINE WHICH OF THE MINIMUM REQUIREMENTS APPLY. THE MINIMUM REQUIREMENTS THEMSELVES ARE PRESENTED IN MMC [15.01.045](#). THE THRESHOLDS BELOW APPLY TO NEW DEVELOPMENT, REDEVELOPMENT, AND CONSTRUCTION SITE ACTIVITIES THAT RESULT IN LAND DISTURBANCE OF EQUAL OR GREATER THAN ONE ACRE, INCLUDING PROJECTS LESS THAN ONE ACRE THAT ARE PART OF A LARGER COMMON PLAN OF DEVELOPMENT OR SALE.~~

~~THIS THRESHOLD IS DEFINED AS THE “REGULATORY THRESHOLD.” IF, AS DESCRIBED ABOVE, THE PROJECT EXCEEDS THE ONE ACRE REGULATORY THRESHOLD, THE TECHNICAL THRESHOLDS CONTAINED IN THIS SECTION SHALL BE TO DETERMINE WHICH OF THE MINIMUM REQUIREMENTS MUST BE APPLIED TO THE PROJECT.~~







(ORD. 009/2013 § 2 (EXH. 2); ORD. 1260, 2002; ORD. 1032, 1994)

15.01.042 REGULATED ACTIVITIES AND ALLOWED ACTIVITIES.

A.—REGULATED ACTIVITIES. CONSISTENT WITH THE MINIMUM REQUIREMENTS CONTAINED IN THIS CHAPTER, THE CITY OF MONROE SHALL APPROVE OR DISAPPROVE THE FOLLOWING ACTIVITIES, UNLESS EXEMPTED IN MMC [15.01.015](#):

~~1. NEW DEVELOPMENT. ALL NEW DEVELOPMENT SHALL BE REQUIRED TO COMPLY WITH MINIMUM REQUIREMENT NO. 2.~~

~~THE FOLLOWING NEW DEVELOPMENT SHALL COMPLY WITH MINIMUM REQUIREMENTS NO. 1 THROUGH 5 FOR THE NEW AND REPLACED IMPERVIOUS SURFACES AND THE LAND DISTURBED:~~

~~A. CREATES OR ADDS TWO THOUSAND SQUARE FEET, OR GREATER, OF NEW, REPLACED, OR NEW PLUS REPLACED IMPERVIOUS SURFACE AREA;
OR~~

~~B. HAS LAND DISTURBING ACTIVITY OF SEVEN THOUSAND SQUARE FEET OR GREATER.~~

~~THE FOLLOWING NEW DEVELOPMENT SHALL COMPLY WITH MINIMUM REQUIREMENTS NO. 1 THROUGH 9 FOR THE NEW IMPERVIOUS SURFACES AND THE CONVERTED PERVIOUS SURFACES:~~

~~A. CREATES OR ADDS FIVE THOUSAND SQUARE FEET, OR MORE, OF NEW IMPERVIOUS SURFACE AREA; OR~~

~~B. CONVERTS THREE-QUARTERS ACRES, OR MORE, OF NATIVE VEGETATION TO LAWN OR LANDSCAPED AREAS; OR~~

~~C. CONVERTS TWO AND ONE-HALF ACRES, OR MORE, OF NATIVE VEGETATION TO PASTURE.~~

~~2. REDEVELOPMENT. ALL REDEVELOPMENT SHALL BE REQUIRED TO COMPLY WITH MINIMUM REQUIREMENT NO. 2. IN ADDITION, ALL REDEVELOPMENT THAT EXCEEDS CERTAIN THRESHOLDS SHALL BE REQUIRED TO COMPLY WITH ADDITIONAL MINIMUM REQUIREMENTS AS FOLLOWS.~~

~~THE FOLLOWING REDEVELOPMENT SHALL COMPLY WITH MINIMUM REQUIREMENTS NO. 1 THROUGH 5 FOR THE NEW AND REPLACED IMPERVIOUS SURFACES AND THE LAND DISTURBED:~~

~~A. THE NEW, REPLACED, OR TOTAL OF NEW PLUS REPLACED IMPERVIOUS SURFACES IS TWO THOUSAND SQUARE FEET OR MORE; OR~~

~~B. SEVEN THOUSAND SQUARE FEET OR MORE OF LAND DISTURBING ACTIVITIES.~~

~~THE FOLLOWING REDEVELOPMENT SHALL COMPLY WITH MINIMUM REQUIREMENTS NO. 1 THROUGH 9 FOR THE NEW IMPERVIOUS SURFACES AND CONVERTED PERVIOUS AREAS:~~

~~A. ADDS FIVE THOUSAND SQUARE FEET OR MORE OF NEW IMPERVIOUS SURFACES; OR~~

~~B. CONVERTS THREE-QUARTERS ACRES, OR MORE, OF NATIVE VEGETATION TO LAWN OR LANDSCAPED AREAS; OR~~

~~C. CONVERTS TWO AND ONE-HALF ACRES, OR MORE, OF NATIVE VEGETATION TO PASTURE.~~

~~IF THE RUNOFF FROM THE NEW IMPERVIOUS SURFACES AND CONVERTED PERVIOUS SURFACES IS NOT SEPARATED FROM RUNOFF FROM OTHER SURFACES ON THE PROJECT SITE, THE STORM WATER TREATMENT FACILITIES MUST BE SIZED FOR THE ENTIRE FLOW THAT IS DIRECTED TO THEM.~~

~~THE MINIMUM REQUIREMENTS ARE ALLOWED TO BE MET FOR AN EQUIVALENT (FLOW AND POLLUTION CHARACTERISTICS) AREA WITHIN THE SAME SITE. FOR PUBLIC ROADS PROJECTS, THE EQUIVALENT AREA DOES NOT HAVE TO BE WITHIN THE PROJECT LIMITS, BUT MUST DRAIN TO THE SAME RECEIVING WATER.~~

~~3. ADDITIONAL REQUIREMENTS FOR REDEVELOPMENT PROJECT SITES. FOR ROAD-RELATED PROJECTS, RUNOFF FROM THE REPLACED AND NEW IMPERVIOUS SURFACES (INCLUDING PAVEMENT, SHOULDERS, CURBS, AND SIDEWALKS) SHALL MEET ALL THE MINIMUM REQUIREMENTS IF THE NEW IMPERVIOUS SURFACES TOTAL FIVE THOUSAND SQUARE FEET OR MORE AND TOTAL FIFTY PERCENT OR MORE OF THE EXISTING IMPERVIOUS SURFACES~~

~~WITHIN THE PROJECT LIMITS. THE PROJECT LIMITS SHALL BE DEFINED BY THE LENGTH OF THE PROJECT AND THE WIDTH OF THE RIGHT-OF-WAY.~~

~~OTHER TYPES OF REDEVELOPMENT PROJECTS SHALL COMPLY WITH ALL THE MINIMUM REQUIREMENTS FOR THE NEW AND REPLACED IMPERVIOUS SURFACES IF THE TOTAL OF NEW PLUS REPLACED IMPERVIOUS SURFACES IS FIVE THOUSAND SQUARE FEET OR MORE, AND THE VALUATION OF PROPOSED IMPROVEMENTS — INCLUDING INTERIOR IMPROVEMENTS — EXCEEDS FIFTY PERCENT OF THE ASSESSED VALUE OF THE EXISTING SITE IMPROVEMENTS.~~

~~A VARIANCE/EXCEPTION TO THE APPLICATION OF THE FLOW CONTROL REQUIREMENTS TO REPLACED IMPERVIOUS SURFACES MAY BE GRANTED IF SUCH APPLICATION IMPOSES A SEVERE ECONOMIC HARDSHIP. SEE MMC [15.01.100](#).~~

~~4. MODIFICATION OF THE MINIMUM REQUIREMENTS. BASIN PLANNING IS ENCOURAGED AND MAY BE USED TO TAILOR MINIMUM REQUIREMENT NO. 6, RUNOFF TREATMENT, MINIMUM REQUIREMENT NO. 7, FLOW CONTROL, AND/OR MINIMUM REQUIREMENT NO. 8, WETLANDS PROTECTION. BASIN PLANNING MAY BE USED TO SUPPORT ALTERNATIVE TREATMENT, FLOW CONTROL, AND/OR WETLAND PROTECTION REQUIREMENTS TO THOSE CONTAINED IN MMC [15.01.045](#). BASIN PLANNING MAY ALSO BE USED TO DEMONSTRATE AN EQUIVALENT LEVEL OF TREATMENT, FLOW CONTROL, AND/OR WETLAND PROTECTION THROUGH THE CONSTRUCTION AND USE OF REGIONAL STORM WATER FACILITIES. SEE MMC [15.01.077](#) FOR DETAILS ON BASIN PLANNING AND HOW BASIN PLANNING MAY BE USED TO MODIFY THE MINIMUM REQUIREMENTS IN MMC [15.01.045](#).~~

~~DEVELOPMENT UNDERTAKEN BY THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION IN STATE HIGHWAY RIGHTS-OF-WAY IS REGULATED BY CHAPTER [173-270](#) WAC, THE PUGET SOUND HIGHWAY RUNOFF PROGRAM. (ORD. 009/2013 § 2 (EXH. 2); ORD. 1032, 1994)~~

15.01.045 MINIMUM REQUIREMENTS.

~~THIS SECTION DESCRIBES THE MINIMUM REQUIREMENTS FOR STORM WATER MANAGEMENT AT DEVELOPMENT AND REDEVELOPMENT SITES.~~

~~MMC [15.01.040](#) SHOULD BE CONSULTED TO DETERMINE WHICH OF THE MINIMUM REQUIREMENTS BELOW APPLY TO ANY GIVEN PROJECT. FIGURES 3.2 AND 3.3 SHOULD BE CONSULTED TO DETERMINE WHETHER THE MINIMUM REQUIREMENTS APPLY TO NEW SURFACES, REPLACED SURFACES OR NEW AND REPLACED SURFACES.~~

~~A.— MINIMUM REQUIREMENT NO. 1: PREPARATION OF STORM WATER SITE PLANS. ALL PROJECTS MEETING THE THRESHOLDS IN MMC [15.01.040](#) SHALL SUBMIT FOR APPROVAL A STORM WATER SITE PLAN PREPARED IN ACCORDANCE WITH CHAPTER 3 OF VOLUME 1 OF THE STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (2005).~~

~~B.— MINIMUM REQUIREMENT NO. 2: CONSTRUCTION STORM WATER POLLUTION PREVENTION PLAN (SWPPP). THIS MINIMUM REQUIREMENT MAY BE ACHIEVED FOR AN INDIVIDUAL SITE IF THE SITE IS COVERED UNDER ECOLOGY'S GENERAL NPDES PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES AND FULLY IMPLEMENTING THE REQUIREMENTS OF THAT PERMIT.~~

~~SITE OPERATORS MAY APPLY AN "EROSIVITY WAIVER" TO PROJECTS DISTURBING LESS THAN FIVE ACRES THAT MEET THE REQUIREMENTS OF MMC [15.01.055](#); SUCH PROJECTS ARE EXEMPT FROM THE REQUIREMENT TO SUBMIT CONSTRUCTION PHASE STORM WATER POLLUTION PREVENTION PLANS.~~

~~1.— GENERAL REQUIREMENTS. ALL NEW DEVELOPMENT AND REDEVELOPMENT PROJECTS ARE RESPONSIBLE FOR PREVENTING EROSION AND DISCHARGE OF SEDIMENT AND OTHER POLLUTANTS INTO RECEIVING WATERS. APPLICANTS MUST SUBMIT FOR APPROVAL A CONSTRUCTION STORM WATER POLLUTION PREVENTION PLAN (SWPPP) AS PART OF THE STORM WATER SITE PLAN (SEE MINIMUM REQUIREMENT NO. 1 ABOVE) FOR ALL PROJECTS WHICH MEET THE THRESHOLDS IN MMC [15.01.040](#). THE SWPPP SHALL BE IMPLEMENTED BEGINNING WITH INITIAL SOIL DISTURBANCE AND UNTIL FINAL STABILIZATION.~~

~~SEDIMENT AND EROSION CONTROL BMPs SHALL BE CONSISTENT WITH THE BMPs CONTAINED IN CHAPTERS 3 AND 4 OF VOLUME II OF THE STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (2005).~~

~~THE SWPPP SHALL INCLUDE A NARRATIVE AND DRAWINGS. ALL BMPs SHALL BE CLEARLY REFERENCED IN THE NARRATIVE AND MARKED ON THE DRAWINGS. THE SWPPP NARRATIVE SHALL INCLUDE DOCUMENTATION TO EXPLAIN AND JUSTIFY THE POLLUTION PREVENTION DECISIONS MADE FOR THE PROJECT. CLEARING AND GRADING ACTIVITIES FOR DEVELOPMENTS SHALL BE PERMITTED ONLY IF CONDUCTED PURSUANT TO AN APPROVED SITE DEVELOPMENT PLAN (E.G., SUBDIVISION APPROVAL) THAT ESTABLISHES PERMITTED AREAS OF CLEARING, GRADING, CUTTING, AND FILLING. WHEN ESTABLISHING THESE PERMITTED CLEARING AND GRADING AREAS, CONSIDERATION SHOULD BE GIVEN TO MINIMIZING REMOVAL OF EXISTING TREES AND MINIMIZING DISTURBANCE/COMPACTION OF NATIVE SOILS EXCEPT AS NEEDED FOR BUILDING PURPOSES. THESE PERMITTED CLEARING AND GRADING AREAS AND ANY OTHER AREAS REQUIRED TO PRESERVE CRITICAL OR SENSITIVE AREAS, BUFFERS, NATIVE GROWTH PROTECTION EASEMENTS, OR TREE RETENTION AREAS AS MAY BE REQUIRED BY LOCAL JURISDICTIONS SHALL BE DELINEATED ON THE SITE PLANS AND THE DEVELOPMENT SITE.~~

~~2. SEASONAL WORK LIMITATIONS. FROM OCTOBER 1ST THROUGH APRIL 30TH, CLEARING, GRADING, AND OTHER SOIL DISTURBING ACTIVITIES MAY ONLY BE AUTHORIZED IF SILT-LADEN RUNOFF WILL BE PREVENTED FROM LEAVING THE SITE THROUGH A COMBINATION OF THE FOLLOWING:~~

~~A. SITE CONDITIONS INCLUDING EXISTING VEGETATIVE COVERAGE, SLOPE, SOIL TYPE AND PROXIMITY TO RECEIVING WATERS; AND~~

~~B. LIMITATIONS ON ACTIVITIES AND THE EXTENT OF DISTURBED AREAS; AND~~

~~C. PROPOSED EROSION AND SEDIMENT CONTROL MEASURES.~~

~~THE FOLLOWING ACTIVITIES ARE EXEMPT FROM THE SEASONAL CLEARING AND GRADING LIMITATIONS:~~

~~A. ROUTINE MAINTENANCE AND NECESSARY REPAIR OF EROSION AND SEDIMENT CONTROL BMPs;~~

~~B. ROUTINE MAINTENANCE OF PUBLIC FACILITIES OR EXISTING UTILITY STRUCTURES THAT DO NOT EXPOSE THE SOIL OR RESULT IN THE REMOVAL OF THE VEGETATIVE COVER TO SOIL; AND~~

~~C. ACTIVITIES WHERE THERE IS ONE HUNDRED PERCENT INFILTRATION OF SURFACE WATER RUNOFF WITHIN THE SITE IN APPROVED AND INSTALLED EROSION AND SEDIMENT CONTROL FACILITIES.~~

~~C. MINIMUM REQUIREMENT NO. 3: SOURCE CONTROL OF POLLUTION. ALL KNOWN, AVAILABLE AND REASONABLE SOURCE CONTROL BMPs MUST BE REQUIRED FOR ALL PROJECTS APPROVED BY THE CITY OF MONROE. SOURCE CONTROL BMPs MUST BE SELECTED, DESIGNED, AND MAINTAINED IN ACCORDANCE WITH VOLUME IV OF THE STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (2005) OR AN APPROVED EQUIVALENT MANUAL APPROVED BY THE DEPARTMENT.~~

~~D. MINIMUM REQUIREMENT NO. 4: PRESERVATION OF NATURAL DRAINAGE SYSTEMS AND OUTFALLS. NATURAL DRAINAGE PATTERNS SHALL BE MAINTAINED, AND DISCHARGES FROM THE PROJECT SITE SHALL OCCUR AT THE NATURAL LOCATION, TO THE MAXIMUM EXTENT PRACTICABLE. THE MANNER BY WHICH RUNOFF IS DISCHARGED FROM THE PROJECT SITE MUST NOT CAUSE A SIGNIFICANT ADVERSE IMPACT TO DOWNSTREAM RECEIVING WATERS AND DOWN GRADIENT PROPERTIES. ALL OUTFALLS REQUIRE ENERGY DISSIPATION.~~

~~E. MINIMUM REQUIREMENT NO. 5: ON-SITE STORM WATER MANAGEMENT. ON-SITE STORM WATER MANAGEMENT BMPs MUST INFILTRATE, DISPERSE, AND RETAIN STORM WATER RUNOFF ON SITE TO THE MAXIMUM EXTENT FEASIBLE WITHOUT CAUSING FLOODING OR EROSION IMPACTS. ROOF DOWNSPOUT CONTROL BMPs, FUNCTIONALLY EQUIVALENT TO THOSE DESCRIBED IN CHAPTER 3 OF VOLUME III OF THE STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (2005), AND DISPERSION AND SOIL QUALITY BMPs, FUNCTIONALLY EQUIVALENT TO THOSE IN CHAPTER 5 OF VOLUME V OF THE STORMWATER MANAGEMENT MANUAL FOR~~

WESTERN WASHINGTON (2005), SHALL BE REQUIRED TO REDUCE THE HYDROLOGIC DISRUPTION OF DEVELOPED SITES.

F. ~~MINIMUM REQUIREMENT NO. 6: RUNOFF TREATMENT.~~

1. ~~PROJECT THRESHOLDS. THE FOLLOWING REQUIRE CONSTRUCTION OF STORM WATER TREATMENT FACILITIES (SEE TABLE 4.1 BELOW):~~

A. ~~PROJECTS IN WHICH THE TOTAL OF EFFECTIVE, POLLUTION-GENERATING IMPERVIOUS SURFACE (PGIS) IS FIVE THOUSAND SQUARE FEET OR MORE IN A THRESHOLD DISCHARGE AREA OF THE PROJECT; OR~~

B. ~~PROJECTS IN WHICH THE TOTAL OF POLLUTION-GENERATING PERVIOUS SURFACES (PGPS) IS THREE-QUARTERS OF AN ACRE OR MORE IN A THRESHOLD DISCHARGE AREA, AND FROM WHICH THERE IS A SURFACE DISCHARGE IN A NATURAL OR MANMADE CONVEYANCE SYSTEM FROM THE SITE.~~

Table 4.1 Treatment Requirements by Threshold Discharge Area				
Deleted				
PGIS				

~~PGPS = POLLUTION-GENERATING PERVIOUS SURFACES~~

~~PGIS = POLLUTION-GENERATING IMPERVIOUS SURFACES~~

~~SF = SQUARE FEET~~

2. ~~TREATMENT-TYPE THRESHOLDS.~~

A. ~~OIL CONTROL. TREATMENT TO ACHIEVE OIL CONTROL APPLIES TO PROJECTS THAT HAVE "HIGH-USE SITES." HIGH-USE SITES ARE THOSE THAT TYPICALLY GENERATE HIGH CONCENTRATIONS OF OIL DUE TO HIGH TRAFFIC TURNOVER OR THE FREQUENT TRANSFER OF OIL. HIGH-USE SITES INCLUDE:~~

~~I.— AN AREA OF A COMMERCIAL OR INDUSTRIAL SITE SUBJECT TO AN EXPECTED AVERAGE DAILY TRAFFIC (ADT) COUNT EQUAL TO OR GREATER THAN ONE HUNDRED VEHICLES PER ONE THOUSAND SQUARE FEET OF GROSS BUILDING AREA;~~

~~II.— AN AREA OF A COMMERCIAL OR INDUSTRIAL SITE SUBJECT TO PETROLEUM STORAGE AND TRANSFER IN EXCESS OF ONE THOUSAND FIVE HUNDRED GALLONS PER YEAR, NOT INCLUDING ROUTINELY DELIVERED HEATING OIL;~~

~~III.— AN AREA OF A COMMERCIAL OR INDUSTRIAL SITE SUBJECT TO PARKING, STORAGE OR MAINTENANCE OF TWENTY-FIVE OR MORE VEHICLES THAT ARE OVER TEN TONS GROSS WEIGHT (TRUCKS, BUSES, TRAINS, HEAVY EQUIPMENT, ETC.);~~

~~IV.— A ROAD INTERSECTION WITH A MEASURED ADT COUNT OF TWENTY-FIVE THOUSAND VEHICLES OR MORE ON THE MAIN ROADWAY AND FIFTEEN THOUSAND VEHICLES OR MORE ON ANY INTERSECTING ROADWAY, EXCLUDING PROJECTS PROPOSING PRIMARILY PEDESTRIAN OR BICYCLE USE IMPROVEMENTS.~~

~~B.— PHOSPHORUS TREATMENT. THE REQUIREMENT TO PROVIDE PHOSPHOROUS CONTROL IS DETERMINED BY THE LOCAL GOVERNMENT WITH JURISDICTION (E.G., THROUGH A LAKE MANAGEMENT PLAN), OR THE DEPARTMENT OF ECOLOGY (E.G., THROUGH A WASTE LOAD ALLOCATION). THE LOCAL GOVERNMENT MAY HAVE DEVELOPED A MANAGEMENT PLAN AND IMPLEMENTING ORDINANCES OR REGULATIONS FOR CONTROL OF PHOSPHORUS FROM NEW/REDEVELOPMENT FOR THE RECEIVING WATER(S) OF THE STORM WATER DRAINAGE. THE LOCAL GOVERNMENT CAN USE THE FOLLOWING SOURCES OF INFORMATION FOR PURSUING PLANS AND IMPLEMENTING ORDINANCES AND/OR REGULATIONS:~~

~~I.— THOSE WATER BODIES REPORTED UNDER SECTION 305(B) OF THE CLEAN WATER ACT, AND DESIGNATED AS NOT SUPPORTING BENEFICIAL USES DUE TO PHOSPHOROUS;~~

~~II. THOSE LISTED IN WASHINGTON STATE'S NONPOINT SOURCE ASSESSMENT REQUIRED UNDER SECTION 319(A) OF THE CLEAN WATER ACT DUE TO NUTRIENTS.~~

~~C. ENHANCED TREATMENT. ENHANCED TREATMENT FOR REDUCTION IN DISSOLVED METALS IS REQUIRED FOR THE FOLLOWING PROJECT SITES THAT DISCHARGE TO FISH-BEARING STREAMS, LAKES, OR TO WATERS OR CONVEYANCE SYSTEMS TRIBUTARY TO FISH-BEARING STREAMS OR LAKES:~~

~~I. INDUSTRIAL PROJECT SITES;~~

~~II. COMMERCIAL PROJECT SITES;~~

~~III. MULTIFAMILY PROJECT SITES; AND~~

~~IV. HIGH AADT ROADS AS FOLLOWS:~~

~~(A) FULLY CONTROLLED AND PARTIALLY CONTROLLED LIMITED ACCESS HIGHWAYS WITH ANNUAL AVERAGE DAILY TRAFFIC (AADT) COUNTS OF FIFTEEN THOUSAND OR MORE.~~

~~(B) ALL OTHER ROADS WITH AN AADT OF SEVEN THOUSAND FIVE HUNDRED OR GREATER.~~

~~HOWEVER, SUCH SITES LISTED ABOVE THAT DISCHARGE DIRECTLY (OR INDIRECTLY THROUGH A MUNICIPAL STORM SEWER SYSTEM) TO BASIC TREATMENT RECEIVING WATERS (APPENDIX I-C OF THE STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (2005)), AND AREAS OF THE ABOVE-LISTED PROJECT SITES THAT ARE IDENTIFIED AS SUBJECT TO BASIC TREATMENT REQUIREMENTS, ARE ALSO NOT SUBJECT TO ENHANCED TREATMENT REQUIREMENTS. FOR DEVELOPMENTS WITH A MIX OF LAND USE TYPES, THE ENHANCED TREATMENT REQUIREMENT SHALL APPLY WHEN THE RUNOFF FROM THE AREAS SUBJECT TO THE ENHANCED TREATMENT REQUIREMENT COMPRISES FIFTY PERCENT OR MORE OF THE TOTAL RUNOFF WITHIN A THRESHOLD DISCHARGE AREA.~~

~~D. BASIC TREATMENT. BASIC TREATMENT GENERALLY APPLIES TO:~~

~~I. PROJECT SITES THAT DISCHARGE TO THE GROUND, UNLESS:~~

~~(A) THE SOIL SUITABILITY CRITERIA FOR INFILTRATION TREATMENT ARE MET (SEE CHAPTER 3 OF VOLUME III OF THE STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (2005) FOR SOIL SUITABILITY CRITERIA); OR~~

~~(B) THE PROJECT USES INFILTRATION STRICTLY FOR FLOW CONTROL —NOT TREATMENT— AND THE DISCHARGE IS WITHIN ONE-QUARTER MILE OF A PHOSPHORUS SENSITIVE LAKE (USE A PHOSPHORUS TREATMENT FACILITY), OR WITHIN ONE-QUARTER MILE OF A FISH-BEARING STREAM, OR A LAKE (USE AN ENHANCED TREATMENT FACILITY).~~

~~II. RESIDENTIAL PROJECTS NOT OTHERWISE NEEDING PHOSPHORUS CONTROL AS DESIGNATED BY USEPA, THE DEPARTMENT OF ECOLOGY, OR BY THE CITY OF MONROE; AND~~

~~III. PROJECT SITES DISCHARGING DIRECTLY TO SALT WATERS, RIVER SEGMENTS, AND LAKES LISTED IN APPENDIX I-C OF THE STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (2005); AND~~

~~IV. PROJECT SITES THAT DRAIN TO STREAMS THAT ARE NOT FISH-BEARING, OR TO WATERS NOT TRIBUTARY TO FISH-BEARING STREAMS;~~

~~V. LANDSCAPED AREAS OF INDUSTRIAL, COMMERCIAL, AND MULTIFAMILY PROJECT SITES, AND PARKING LOTS OF INDUSTRIAL AND COMMERCIAL PROJECT SITES THAT DO NOT INVOLVE POLLUTION-GENERATING SOURCES (E.G., INDUSTRIAL ACTIVITIES, CUSTOMER PARKING, STORAGE OF ERODIBLE OR LEACHABLE MATERIAL, WASTES OR CHEMICALS) OTHER THAN PARKING OF EMPLOYEES' PRIVATE VEHICLES. FOR DEVELOPMENTS WITH A MIX OF LAND USE TYPES, THE BASIC TREATMENT REQUIREMENT SHALL APPLY WHEN THE RUNOFF FROM THE AREAS SUBJECT TO THE BASIC TREATMENT REQUIREMENT COMPRISES FIFTY PERCENT OR MORE OF THE TOTAL RUNOFF WITHIN A THRESHOLD DISCHARGE AREA.~~

~~3. TREATMENT FACILITY SIZING.~~

~~A. WATER QUALITY DESIGN STORM VOLUME. THE VOLUME OF RUNOFF PREDICTED FROM A TWENTY-FOUR HOUR STORM WITH A SIX-MONTH RETURN FREQUENCY (A.K.A., SIX-MONTH, TWENTY-FOUR HOUR STORM). WETPOOL FACILITIES ARE SIZED BASED UPON THE VOLUME OF RUNOFF PREDICTED THROUGH USE OF THE NATURAL RESOURCE CONSERVATION SERVICE CURVE NUMBER EQUATIONS IN CHAPTER 2 OF VOLUME III OF THE STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (2005), FOR THE SIX-MONTH, TWENTY-FOUR HOUR STORM. ALTERNATIVELY, THE NINETY-FIRST PERCENTILE, TWENTY-FOUR HOUR RUNOFF VOLUME INDICATED BY AN APPROVED CONTINUOUS RUNOFF MODEL MAY BE USED.~~

~~4. WATER QUALITY DESIGN FLOW RATE.~~

~~A. PRECEDING DETENTION FACILITIES OR WHEN DETENTION FACILITIES ARE NOT REQUIRED. THE FLOW RATE AT OR BELOW WHICH NINETY-ONE PERCENT OF THE RUNOFF VOLUME, AS ESTIMATED BY AN APPROVED CONTINUOUS RUNOFF MODEL, WILL BE TREATED. DESIGN CRITERIA FOR TREATMENT FACILITIES ARE ASSIGNED TO ACHIEVE THE APPLICABLE PERFORMANCE GOAL AT THE WATER QUALITY DESIGN FLOW RATE (E.G., EIGHTY PERCENT TSS REMOVAL).~~

~~B. DOWNSTREAM OF DETENTION FACILITIES. THE WATER QUALITY DESIGN FLOW RATE MUST BE THE FULL TWO-YEAR RELEASE RATE FROM THE DETENTION FACILITY.~~

~~ALTERNATIVE METHODS MAY BE USED IF THEY IDENTIFY VOLUMES AND FLOW RATES THAT ARE AT LEAST EQUIVALENT.~~

~~THAT PORTION OF ANY DEVELOPMENT PROJECT IN WHICH THE ABOVE PGIS OR PGPS THRESHOLDS ARE NOT EXCEEDED IN A THRESHOLD DISCHARGE AREA SHALL APPLY ON-SITE STORM WATER MANAGEMENT BMPS IN ACCORDANCE WITH MINIMUM REQUIREMENT NO. 5.~~

~~5. TREATMENT FACILITY SELECTION, DESIGN, AND MAINTENANCE. STORM WATER TREATMENT FACILITIES SHALL BE:~~

~~A. SELECTED IN ACCORDANCE WITH THE PROCESS IDENTIFIED IN CHAPTER 4 OF VOLUME I OF THE STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (2005);~~

~~B. DESIGNED IN ACCORDANCE WITH THE DESIGN CRITERIA IN VOLUME V OF THE STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (2005); AND~~

~~C. MAINTAINED IN ACCORDANCE WITH THE MAINTENANCE SCHEDULE IN VOLUME V OF THE STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (2005).~~

~~6. ADDITIONAL REQUIREMENTS. THE DISCHARGE OF UNTREATED STORM WATER FROM POLLUTION-GENERATING IMPERVIOUS SURFACES TO GROUND WATER IS NOT PERMITTED, EXCEPT FOR THE DISCHARGE ACHIEVED BY INFILTRATION OR DISPERSION OF RUNOFF FROM RESIDENTIAL SITES THROUGH USE OF ON-SITE STORM WATER MANAGEMENT BMPS.~~

~~G. MINIMUM REQUIREMENT NO. 7: FLOW CONTROL.~~

~~1. APPLICABILITY. EXCEPT AS PROVIDED BELOW, ALL PROJECTS MUST PROVIDE FLOW CONTROL TO REDUCE THE IMPACTS OF STORM WATER RUNOFF FROM IMPERVIOUS SURFACES AND LAND COVER CONVERSIONS. THE REQUIREMENT BELOW APPLIES TO PROJECTS THAT DISCHARGE STORM WATER DIRECTLY, OR INDIRECTLY THROUGH A CONVEYANCE SYSTEM, INTO FRESH WATER.~~

~~FLOW CONTROL IS NOT REQUIRED FOR PROJECTS THAT DISCHARGE DIRECTLY TO, OR INDIRECTLY THROUGH, AN MS4 TO A WATER LISTED IN APPENDIX I-E OF THE STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (2005) SUBJECT TO THE FOLLOWING RESTRICTIONS:~~

~~A. DIRECT DISCHARGE TO THE EXEMPT RECEIVING WATER DOES NOT RESULT IN THE DIVERSION OF DRAINAGE FROM ANY PERENNIAL STREAM CLASSIFIED AS TYPE 1, 2, 3, OR 4 IN THE STATE OF WASHINGTON INTERIM WATER TYPING SYSTEM, OR TYPE "S," "F," OR "NP" IN THE PERMANENT WATER TYPING SYSTEM, OR FROM ANY CATEGORY I, II, OR III WETLAND; AND~~

~~B. FLOW SPLITTING DEVICES OR DRAINAGE BMPS ARE APPLIED TO ROUTE NATURAL RUNOFF VOLUMES FROM THE PROJECT SITE TO ANY DOWNSTREAM TYPE 5 STREAM OR CATEGORY IV WETLAND:~~

~~I. DESIGN OF FLOW SPLITTING DEVICES OR DRAINAGE BMPS WILL BE BASED ON CONTINUOUS HYDROLOGIC MODELING ANALYSIS. THE DESIGN WILL ASSURE THAT FLOWS DELIVERED TO TYPE 5 STREAM REACHES WILL APPROXIMATE, BUT IN NO CASE EXCEED, DURATIONS RANGING FROM FIFTY PERCENT OF THE TWO-YEAR TO THE FIFTY-YEAR PEAK FLOW.~~

~~II. FLOW SPLITTING DEVICES OR DRAINAGE BMPS THAT DELIVER FLOW TO CATEGORY IV WETLANDS WILL ALSO BE DESIGNED USING CONTINUOUS HYDROLOGIC MODELING TO PRESERVE PREPROJECT WETLAND HYDROLOGIC CONDITIONS UNLESS SPECIFICALLY WAIVED OR EXEMPTED BY REGULATORY AGENCIES WITH PERMITTING JURISDICTION; AND~~

~~C. THE PROJECT SITE MUST BE DRAINED BY A CONVEYANCE SYSTEM THAT IS COMPRISED ENTIRELY OF MANMADE CONVEYANCE ELEMENTS (E.G., PIPES, DITCHES, OUTFALL PROTECTION, ETC.) AND EXTENDS TO THE ORDINARY HIGH WATER LINE OF THE EXEMPT RECEIVING WATER; AND~~

~~D. THE CONVEYANCE SYSTEM BETWEEN THE PROJECT SITE AND THE EXEMPT RECEIVING WATER SHALL HAVE SUFFICIENT HYDRAULIC CAPACITY TO CONVEY DISCHARGES FROM FUTURE BUILD-OUT CONDITIONS (UNDER CURRENT ZONING) OF THE SITE, AND THE EXISTING CONDITION FROM~~

~~NONPROJECT AREAS FROM WHICH RUNOFF IS OR WILL BE COLLECTED;
AND~~

~~E. ANY ERODIBLE ELEMENTS OF THE MANMADE CONVEYANCE SYSTEM
MUST BE ADEQUATELY STABILIZED TO PREVENT EROSION UNDER THE
CONDITIONS NOTED ABOVE.~~

~~IF THE DISCHARGE IS TO A STREAM THAT LEADS TO A WETLAND, OR TO A
WETLAND THAT HAS AN OUTFLOW TO A STREAM, BOTH THIS MINIMUM
REQUIREMENT (MINIMUM REQUIREMENT NO. 7) AND MINIMUM REQUIREMENT
NO. 8 APPLY.~~

~~2. THRESHOLDS. THE FOLLOWING REQUIRE CONSTRUCTION OF FLOW
CONTROL FACILITIES AND/OR LAND USE MANAGEMENT BMPS THAT WILL
ACHIEVE THE STANDARD FLOW CONTROL REQUIREMENT FOR WESTERN
WASHINGTON (SEE TABLE 4.2):~~

~~A. PROJECTS IN WHICH THE TOTAL OF EFFECTIVE IMPERVIOUS SURFACES
IS TEN THOUSAND SQUARE FEET OR MORE IN A THRESHOLD DISCHARGE
AREA; OR~~

~~B. PROJECTS THAT CONVERT THREE QUARTERS ACRES OR MORE OF
NATIVE VEGETATION TO LAWN OR LANDSCAPE, OR CONVERT TWO AND
ONE-HALF ACRES OR MORE OF NATIVE VEGETATION TO PASTURE IN A
THRESHOLD DISCHARGE AREA, AND FROM WHICH THERE IS A SURFACE
DISCHARGE IN A NATURAL OR MANMADE CONVEYANCE SYSTEM FROM THE
SITE; OR~~

~~C. PROJECTS THAT THROUGH A COMBINATION OF EFFECTIVE
IMPERVIOUS SURFACES AND CONVERTED PERVIOUS SURFACES CAUSE A
ONE-TENTH CUBIC FOOT PER SECOND INCREASE IN THE ONE-HUNDRED-
YEAR FLOW FREQUENCY FROM A THRESHOLD DISCHARGE AREA AS
ESTIMATED USING THE WESTERN WASHINGTON HYDROLOGY MODEL OR
OTHER APPROVED MODEL.~~

THAT PORTION OF ANY DEVELOPMENT PROJECT IN WHICH THE ABOVE THRESHOLDS ARE NOT EXCEEDED IN A THRESHOLD DISCHARGE AREA SHALL APPLY ON-SITE STORM WATER MANAGEMENT BMPS IN ACCORDANCE WITH MINIMUM REQUIREMENT NO. 5.

Table 4.2 Flow Control Requirements by Threshold Discharge Area		
	Flow Control Facilities	On-site Stormwater Management BMPs
Deleted		
Impervious area		
> 10,000 square feet of effective impervious area	✓	✓
> 0.1 cubic feet per second increase in the 100-year flood frequency	✓	✓

3. STANDARD FLOW CONTROL REQUIREMENT. STORM WATER DISCHARGES SHALL MATCH DEVELOPED DISCHARGE DURATIONS TO PREDEVELOPED DURATIONS FOR THE RANGE OF PREDEVELOPED DISCHARGE RATES FROM FIFTY PERCENT OF THE TWO-YEAR PEAK FLOW UP TO THE FULL FIFTY-YEAR PEAK FLOW. THE PREDEVELOPED CONDITION TO BE MATCHED SHALL BE A FORESTED LAND COVER UNLESS:

A. REASONABLE, HISTORIC INFORMATION IS AVAILABLE THAT INDICATES THE SITE WAS PRAIRIE PRIOR TO SETTLEMENT (MODELED AS "PASTURE" IN THE WESTERN WASHINGTON HYDROLOGY MODEL); OR

B. THE DRAINAGE AREA OF THE IMMEDIATE STREAM AND ALL SUBSEQUENT DOWNSTREAM BASINS HAS HAD AT LEAST FORTY PERCENT TOTAL IMPERVIOUS AREA SINCE 1985. IN THIS CASE, THE PREDEVELOPED CONDITION TO BE MATCHED SHALL BE THE EXISTING LAND COVER CONDITION. WHERE BASIN-SPECIFIC STUDIES DETERMINE A STREAM CHANNEL TO BE UNSTABLE, EVEN THOUGH THE ABOVE CRITERION IS MET, THE PREDEVELOPED CONDITION ASSUMPTION SHALL BE THE "HISTORIC" LAND COVER CONDITION, OR A LAND COVER CONDITION COMMENSURATE WITH ACHIEVING A TARGET FLOW REGIME IDENTIFIED BY AN APPROVED BASIN STUDY.

~~THIS STANDARD REQUIREMENT IS WAIVED FOR SITES THAT WILL RELIABLY INFILTRATE ALL THE RUNOFF FROM IMPERVIOUS SURFACES AND CONVERTED PERVIOUS SURFACES.~~

~~4. WESTERN WASHINGTON ALTERNATIVE REQUIREMENT. AN ALTERNATIVE REQUIREMENT MAY BE ESTABLISHED THROUGH APPLICATION OF WATERSHED-SCALE HYDROLOGICAL MODELING AND SUPPORTING FIELD OBSERVATIONS. POSSIBLE REASONS FOR AN ALTERNATIVE FLOW CONTROL REQUIREMENT INCLUDE:~~

~~A. ESTABLISHMENT OF A STREAM-SPECIFIC THRESHOLD OF SIGNIFICANT BEDLOAD MOVEMENT OTHER THAN THE ASSUMED FIFTY PERCENT OF THE TWO-YEAR PEAK FLOW;~~

~~B. ZONING AND LAND CLEARING ORDINANCE RESTRICTIONS THAT, IN COMBINATION WITH AN ALTERNATIVE FLOW CONTROL STANDARD, MAINTAIN OR REDUCE THE NATURALLY OCCURRING EROSION FORCES ON THE STREAM CHANNEL; OR~~

~~A DURATION CONTROL STANDARD IS NOT NECESSARY FOR PROTECTION, MAINTENANCE, OR RESTORATION OF DESIGNATED BENEFICIAL USES OR CLEAN WATER ACT COMPLIANCE.~~

~~SEE MMC [15.01.077](#) FOR DETAILS ON HOW ALTERNATIVE FLOW CONTROL REQUIREMENTS MAY BE ESTABLISHED.~~

~~5. ADDITIONAL REQUIREMENT. FLOW CONTROL BMPs SHALL BE SELECTED, DESIGNED, AND MAINTAINED IN ACCORDANCE WITH VOLUME III OF THE STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (2005) OR AN APPROVED EQUIVALENT.~~

~~H. MINIMUM REQUIREMENT NO. 8: WETLANDS PROTECTION.~~

~~1. APPLICABILITY. THE REQUIREMENTS BELOW APPLY ONLY TO PROJECTS WHOSE STORM WATER DISCHARGES INTO A WETLAND, EITHER DIRECTLY OR INDIRECTLY THROUGH A CONVEYANCE SYSTEM. THESE REQUIREMENTS MUST~~

BE MET IN ADDITION TO MEETING MINIMUM REQUIREMENT NO. 6, RUNOFF TREATMENT.

~~2.— THRESHOLDS. THE THRESHOLDS IDENTIFIED IN MINIMUM REQUIREMENT NO. 6 — RUNOFF TREATMENT, AND MINIMUM REQUIREMENT NO. 7 — FLOW CONTROL SHALL ALSO BE APPLIED FOR DISCHARGES TO WETLANDS.~~

~~3.— STANDARD REQUIREMENT. DISCHARGES TO WETLANDS SHALL MAINTAIN THE HYDROLOGIC CONDITIONS, HYDROPHYTIC VEGETATION, AND SUBSTRATE CHARACTERISTICS NECESSARY TO SUPPORT EXISTING AND DESIGNATED USES. THE HYDROLOGIC ANALYSIS SHALL USE THE EXISTING LAND COVER CONDITION TO DETERMINE THE EXISTING HYDROLOGIC CONDITIONS UNLESS DIRECTED OTHERWISE BY A REGULATORY AGENCY WITH JURISDICTION. A WETLAND CAN BE CONSIDERED FOR HYDROLOGIC MODIFICATION AND/OR STORM WATER TREATMENT IN ACCORDANCE WITH GUIDE SHEET 1B IN APPENDIX I-D OF THE STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (2005).~~

~~4.— ADDITIONAL REQUIREMENTS. STORM WATER TREATMENT AND FLOW CONTROL FACILITIES SHALL NOT BE BUILT WITHIN A NATURAL VEGETATED BUFFER, EXCEPT FOR:~~

~~A.— NECESSARY CONVEYANCE SYSTEMS AS APPROVED BY THE CITY OF MONROE; OR~~

~~B.— AS ALLOWED IN WETLANDS APPROVED FOR HYDROLOGIC MODIFICATION AND/OR TREATMENT IN ACCORDANCE WITH GUIDE SHEET 1B IN APPENDIX I-D OF THE STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (2005).~~

~~AN ADOPTED AND IMPLEMENTED BASIN PLAN PREPARED IN ACCORDANCE WITH THE PROVISIONS OF MMC [15.01.077](#) MAY BE USED TO DEVELOP REQUIREMENTS FOR WETLANDS THAT ARE TAILORED TO A SPECIFIC BASIN.~~

~~I.— MINIMUM REQUIREMENT NO. 9: OPERATION AND MAINTENANCE. AN OPERATION AND MAINTENANCE MANUAL THAT IS CONSISTENT WITH THE PROVISIONS IN VOLUME~~

~~V OF THE STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (2005) MUST BE SUBMITTED FOR APPROVAL FOR ALL PROPOSED STORM WATER FACILITIES AND BMPS. THE PARTY (OR PARTIES) RESPONSIBLE FOR MAINTENANCE AND OPERATION SHALL BE IDENTIFIED IN THE OPERATION AND MAINTENANCE MANUAL. FOR PRIVATE FACILITIES, A COPY OF THE MANUAL SHALL BE RETAINED ON SITE OR WITHIN REASONABLE ACCESS TO THE SITE, AND SHALL BE TRANSFERRED WITH THE PROPERTY TO THE NEW OWNER. FOR PUBLIC FACILITIES, A COPY OF THE MANUAL SHALL BE RETAINED IN THE APPROPRIATE DEPARTMENT. A LOG OF MAINTENANCE ACTIVITY THAT INDICATES WHAT ACTIONS WERE TAKEN SHALL BE KEPT AND BE AVAILABLE FOR INSPECTION BY THE LOCAL GOVERNMENT. (ORD. 009/2013 § 2 (EXH. 2))~~

~~**15.01.050 CONSTRUCTION STORM WATER POLLUTION PREVENTION PLAN (SWPPP) ELEMENTS.**~~

~~THE CONSTRUCTION SITE OPERATOR SHALL INCLUDE EACH OF THE TWELVE ELEMENTS BELOW IN THE SWPPP AND ENSURE THAT THEY ARE IMPLEMENTED UNLESS SITE CONDITIONS RENDER THE ELEMENT UNNECESSARY AND THE EXEMPTION FROM THAT ELEMENT IS CLEARLY JUSTIFIED IN THE SWPPP. THE SWPPP SHALL INCLUDE BOTH NARRATIVE AND DRAWINGS. ALL BMPS SHALL BE CLEARLY REFERENCED IN THE NARRATIVE AND MARKED ON THE DRAWINGS. THE SWPPP NARRATIVE SHALL INCLUDE DOCUMENTATION TO EXPLAIN AND JUSTIFY THE POLLUTION PREVENTION DECISIONS MADE FOR THE PROJECT.~~

~~A. PRESERVE VEGETATION/MARK CLEARING LIMITS.~~

~~1. PRIOR TO BEGINNING LAND DISTURBING ACTIVITIES, INCLUDING CLEARING AND GRADING, CLEARLY MARK ALL CLEARING LIMITS, SENSITIVE AREAS AND THEIR BUFFERS, AND TREES THAT ARE TO BE PRESERVED WITHIN THE CONSTRUCTION AREA.~~

~~2. THE DUFF LAYER, NATIVE TOP SOIL, AND NATURAL VEGETATION SHALL BE RETAINED IN AN UNDISTURBED STATE TO THE MAXIMUM DEGREE PRACTICABLE.~~

~~B. ESTABLISH CONSTRUCTION ACCESS.~~

~~1. CONSTRUCTION VEHICLE ACCESS AND EXIT SHALL BE LIMITED TO ONE ROUTE, IF POSSIBLE.~~

~~2. ACCESS POINTS SHALL BE STABILIZED WITH QUARRY SPALLS, CRUSHED ROCK OR OTHER EQUIVALENT BMP TO MINIMIZE THE TRACKING OF SEDIMENT ONTO PUBLIC ROADS.~~

~~3. WHEEL WASH OR TIRE BATHS SHALL BE LOCATED ON SITE, IF THE STABILIZED CONSTRUCTION ENTRANCE IS NOT EFFECTIVE IN PREVENTING SEDIMENT FROM BEING TRACKED ONTO PUBLIC ROADS.~~

~~4. IF SEDIMENT IS TRACKED OFF SITE, ROADS SHALL BE CLEANED THOROUGHLY AT THE END OF EACH DAY, OR MORE FREQUENTLY DURING WET WEATHER. SEDIMENT SHALL BE REMOVED FROM ROADS BY SHOVELING OR PICKUP SWEEPING AND SHALL BE TRANSPORTED TO A CONTROLLED SEDIMENT DISPOSAL AREA.~~

~~5. STREET WASHING IS ALLOWED ONLY AFTER SEDIMENT IS REMOVED IN ACCORDANCE WITH SUBSECTION (B)(4) OF THIS SECTION. STREET WASH WASTEWATER SHALL BE CONTROLLED BY PUMPING BACK ON SITE OR OTHERWISE BE PREVENTED FROM DISCHARGING INTO SYSTEMS TRIBUTARY TO WATERS OF THE STATE.~~

~~C. CONTROL FLOW RATES.~~

~~1. PROPERTIES AND WATERWAYS DOWNSTREAM FROM DEVELOPMENT SITES SHALL BE PROTECTED FROM EROSION DUE TO INCREASES IN THE VELOCITY AND PEAK VOLUMETRIC FLOW RATE OF STORM WATER RUNOFF FROM THE PROJECT SITE.~~

~~2. WHERE NECESSARY TO COMPLY WITH SUBSECTION (C)(1) OF THIS SECTION, STORM WATER RETENTION OR DETENTION FACILITIES SHALL BE CONSTRUCTED AS ONE OF THE FIRST STEPS IN GRADING. DETENTION FACILITIES SHALL BE FUNCTIONAL PRIOR TO CONSTRUCTION OF SITE IMPROVEMENTS (E.G., IMPERVIOUS SURFACES).~~

~~3. IF PERMANENT INFILTRATION PONDS ARE USED FOR FLOW CONTROL DURING CONSTRUCTION, THESE FACILITIES SHOULD BE PROTECTED FROM SILTATION DURING THE CONSTRUCTION PHASE.~~

~~D. INSTALL SEDIMENT CONTROLS.~~

~~1. STORM WATER RUNOFF FROM DISTURBED AREAS SHALL PASS THROUGH A SEDIMENT POND, OR OTHER APPROPRIATE SEDIMENT REMOVAL BMP, PRIOR TO LEAVING A CONSTRUCTION SITE OR PRIOR TO DISCHARGE TO AN INFILTRATION FACILITY. RUNOFF FROM FULLY STABILIZED AREAS MAY BE DISCHARGED WITHOUT A SEDIMENT REMOVAL BMP, BUT SHALL MEET THE FLOW CONTROL PERFORMANCE STANDARD OF SUBSECTION (C)(1) OF THIS SECTION.~~

~~2. SEDIMENT CONTROL BMPS (SEDIMENT PONDS, TRAPS, FILTERS, ETC.) SHALL BE CONSTRUCTED AS ONE OF THE FIRST STEPS IN GRADING. THESE BMPS SHALL BE FUNCTIONAL BEFORE OTHER LAND DISTURBING ACTIVITIES TAKE PLACE.~~

~~3. BMPS INTENDED TO TRAP SEDIMENT ON SITE SHALL BE LOCATED IN A MANNER TO AVOID INTERFERENCE WITH THE MOVEMENT OF JUVENILE SALMONIDS ATTEMPTING TO ENTER OFF-CHANNEL AREAS OR DRAINAGES.~~

~~E. STABILIZE SOILS.~~

~~1. EXPOSED AND UNWORKED SOILS SHALL BE STABILIZED BY APPLICATION OF EFFECTIVE BMPS THAT PREVENT EROSION.~~

~~2. NO SOILS SHOULD REMAIN EXPOSED AND UNWORKED FOR MORE THAN THE TIME PERIODS SET FORTH BELOW TO PREVENT EROSION:~~

~~A. DURING THE DRY SEASON (MAY 1ST THROUGH SEPTEMBER 30TH): SEVEN DAYS.~~

~~B. DURING THE WET SEASON (OCTOBER 1ST THROUGH APRIL 30TH): TWO DAYS.~~

~~3. THE TIME PERIOD MAY BE ADJUSTED BY THE CITY OF MONROE, IF THE APPLICANT CAN SHOW THAT LOCAL PRECIPITATION DATA JUSTIFY A DIFFERENT STANDARD.~~

~~4. SOILS SHALL BE STABILIZED AT THE END OF THE SHIFT BEFORE A HOLIDAY OR WEEKEND IF NEEDED BASED ON THE WEATHER FORECAST.~~

~~5. SOIL STOCKPILES MUST BE STABILIZED FROM EROSION, PROTECTED WITH SEDIMENT TRAPPING MEASURES, AND WHERE POSSIBLE, BE LOCATED AWAY FROM STORM DRAIN INLETS, WATERWAYS AND DRAINAGE CHANNELS.~~

~~F. PROTECT SLOPES.~~

~~1. DESIGN AND CONSTRUCT CUT AND FILL SLOPES IN A MANNER THAT WILL MINIMIZE EROSION.~~

~~2. OFF-SITE STORM WATER (RUN-ON) OR GROUNDWATER SHALL BE DIVERTED AWAY FROM SLOPES AND UNDISTURBED AREAS WITH INTERCEPTOR DIKES, PIPES AND/OR SWALES. OFF-SITE STORM WATER SHOULD BE MANAGED SEPARATELY FROM STORM WATER GENERATED ON THE SITE.~~

~~3. AT THE TOP OF SLOPES, COLLECT DRAINAGE IN PIPE SLOPE DRAINS OR PROTECTED CHANNELS TO PREVENT EROSION. TEMPORARY PIPE SLOPE DRAINS SHALL HANDLE THE EXPECTED PEAK TEN-MINUTE FLOW VELOCITY FROM A TYPE 1A, TEN-YEAR, TWENTY-FOUR-HOUR FREQUENCY STORM FOR THE DEVELOPED CONDITION. ALTERNATIVELY, THE TEN-YEAR, ONE-HOUR FLOW RATE PREDICTED BY AN APPROVED CONTINUOUS RUNOFF MODEL, INCREASED BY A FACTOR OF 1.6, MAY BE USED. THE HYDROLOGIC ANALYSIS SHALL USE THE EXISTING LAND COVER CONDITION FOR PREDICTING FLOW RATES FROM TRIBUTARY AREAS OUTSIDE THE PROJECT LIMITS. FOR TRIBUTARY AREAS ON THE PROJECT SITE, THE ANALYSIS SHALL USE THE TEMPORARY OR PERMANENT PROJECT LAND COVER CONDITION, WHICHEVER WILL PRODUCE THE HIGHEST FLOW RATES. IF USING THE WESTERN WASHINGTON HYDROLOGY MODEL TO PREDICT FLOWS, BARE SOIL AREAS SHOULD BE MODELED AS "LANDSCAPED AREA."~~

~~4. EXCAVATED MATERIAL SHALL BE PLACED ON THE UPHILL SIDE OF TRENCHES, CONSISTENT WITH SAFETY AND SPACE CONSIDERATIONS.~~

~~5. CHECK DAMS SHALL BE PLACED AT REGULAR INTERVALS WITHIN CONSTRUCTED CHANNELS THAT ARE CUT DOWN A SLOPE.]~~

~~G. PROTECT DRAIN INLETS.~~

~~1. STORM DRAIN INLETS MADE OPERABLE DURING CONSTRUCTION SHALL BE PROTECTED SO THAT STORM WATER RUNOFF DOES NOT ENTER THE CONVEYANCE SYSTEM WITHOUT FIRST BEING FILTERED OR TREATED TO REMOVE SEDIMENT.~~

~~2. INLET PROTECTION DEVICES SHALL BE CLEANED OR REMOVED AND REPLACED WHEN SEDIMENT HAS FILLED ONE-THIRD OF THE AVAILABLE STORAGE (UNLESS A DIFFERENT STANDARD IS SPECIFIED BY THE PRODUCT MANUFACTURER).~~

~~H. STABILIZE CHANNELS AND OUTLETS.~~

~~1. ALL TEMPORARY ON-SITE CONVEYANCE CHANNELS SHALL BE DESIGNED, CONSTRUCTED, AND STABILIZED TO PREVENT EROSION FROM THE FOLLOWING EXPECTED PEAK FLOWS. CHANNELS SHALL HANDLE THE EXPECTED PEAK TEN-MINUTE FLOW VELOCITY FROM A TYPE 1A, TEN-YEAR, TWENTY-FOUR-HOUR FREQUENCY STORM FOR THE DEVELOPED CONDITION. ALTERNATIVELY, THE TEN-YEAR, ONE-HOUR FLOW RATE PREDICTED BY AN APPROVED CONTINUOUS RUNOFF MODEL, INCREASED BY A FACTOR OF 1.6, MAY BE USED. THE HYDROLOGIC ANALYSIS SHALL USE THE EXISTING LAND COVER CONDITION FOR PREDICTING FLOW RATES FROM TRIBUTARY AREAS OUTSIDE THE PROJECT LIMITS. FOR TRIBUTARY AREAS ON THE PROJECT SITE, THE ANALYSIS SHALL USE THE TEMPORARY OR PERMANENT PROJECT LAND COVER CONDITION, WHICHEVER WILL PRODUCE THE HIGHEST FLOW RATES. IF USING THE WESTERN WASHINGTON HYDROLOGY MODEL TO PREDICT FLOWS, BARE SOIL AREAS SHOULD BE MODELED AS "LANDSCAPED AREA."~~

~~2. STABILIZATION, INCLUDING ARMORING MATERIAL, ADEQUATE TO PREVENT EROSION OF OUTLETS, ADJACENT STREAM BANKS, SLOPES, AND DOWNSTREAM REACHES, SHALL BE PROVIDED AT THE OUTLETS OF ALL CONVEYANCE SYSTEMS.~~

~~I. CONTROL POLLUTANTS.~~

~~1. ALL POLLUTANTS, INCLUDING WASTE MATERIALS AND DEMOLITION DEBRIS, THAT OCCUR ON SITE SHALL BE HANDLED AND DISPOSED OF IN A MANNER THAT DOES NOT CAUSE CONTAMINATION OF STORM WATER.~~

~~2. COVER, CONTAINMENT, AND PROTECTION FROM VANDALISM SHALL BE PROVIDED FOR ALL CHEMICALS, LIQUID PRODUCTS, PETROLEUM PRODUCTS, AND OTHER MATERIALS THAT HAVE THE POTENTIAL TO POSE A THREAT TO HUMAN HEALTH OR THE ENVIRONMENT. ON-SITE FUELING TANKS SHALL INCLUDE SECONDARY CONTAINMENT.~~

~~3. MAINTENANCE, FUELING AND REPAIR OF HEAVY EQUIPMENT AND VEHICLES SHALL BE CONDUCTED USING SPILL PREVENTION AND CONTROL MEASURES. CONTAMINATED SURFACES SHALL BE CLEANED IMMEDIATELY FOLLOWING ANY SPILL INCIDENT.~~

~~4. WHEEL WASH OR TIRE BATH WASTEWATER SHALL BE DISCHARGED TO A SEPARATE ON-SITE TREATMENT SYSTEM OR TO THE SANITARY SEWER WITH LOCAL SEWER DISTRICT APPROVAL.~~

~~5. APPLICATION OF FERTILIZERS AND PESTICIDES SHALL BE CONDUCTED IN A MANNER AND AT APPLICATION RATES THAT WILL NOT RESULT IN LOSS OF CHEMICAL TO STORM WATER RUNOFF. MANUFACTURERS' LABEL REQUIREMENTS FOR APPLICATION RATES AND PROCEDURES SHALL BE FOLLOWED.~~

~~6. BMPS SHALL BE USED TO PREVENT OR TREAT CONTAMINATION OF STORM WATER RUNOFF BY PH MODIFYING SOURCES. THESE SOURCES INCLUDE, BUT ARE NOT LIMITED TO: BULK CEMENT, CEMENT KILN DUST, FLY ASH, NEW CONCRETE WASHING AND CURING WATERS, WASTE STREAMS GENERATED~~

~~FROM CONCRETE GRINDING AND SAWING, EXPOSED AGGREGATE PROCESSES, DE-WATERING CONCRETE VAULTS, CONCRETE PUMPING AND MIXER WASHOUT WATERS. CONSTRUCTION SITE OPERATORS SHALL ADJUST THE PH OF STORM WATER IF NECESSARY TO PREVENT VIOLATIONS OF WATER QUALITY STANDARDS.~~

~~7. CONSTRUCTION SITE OPERATORS SHALL OBTAIN WRITTEN APPROVAL FROM THE DEPARTMENT OF ECOLOGY PRIOR TO USING CHEMICAL TREATMENT OTHER THAN CO₂ OR DRY ICE TO ADJUST PH.~~

~~J. CONTROL DE-WATERING.~~

~~1. FOUNDATION, VAULT, AND TRENCH DE-WATERING WATER, WHICH HAVE SIMILAR CHARACTERISTICS TO STORM WATER RUNOFF AT THE SITE, SHALL BE DISCHARGED INTO A CONTROLLED CONVEYANCE SYSTEM PRIOR TO DISCHARGE TO A SEDIMENT TRAP OR SEDIMENT POND.~~

~~2. CLEAN, NONTURBID DE-WATERING WATER, SUCH AS WELL-POINT GROUND WATER, CAN BE DISCHARGED TO SYSTEMS TRIBUTARY TO, OR DIRECTLY INTO, SURFACE WATERS OF THE STATE, AS SPECIFIED IN SUBSECTION (I) OF THIS SECTION, PROVIDED THE DE-WATERING FLOW DOES NOT CAUSE EROSION OR FLOODING OF RECEIVING WATERS. CLEAN DE-WATERING WATER SHOULD NOT BE ROUTED THROUGH STORM WATER SEDIMENT PONDS.~~

~~3. OTHER DE-WATERING DISPOSAL OPTIONS MAY INCLUDE: (A) INFILTRATION; (B) TRANSPORT OFF SITE IN VEHICLE, SUCH AS A VACUUM FLUSH TRUCK, FOR LEGAL DISPOSAL IN A MANNER THAT DOES NOT POLLUTE STATE WATERS; (C) ON-SITE CHEMICAL TREATMENT OR OTHER SUITABLE TREATMENT TECHNOLOGIES APPROVED BY THE CITY OF MONROE; (D) SANITARY SEWER DISCHARGE WITH LOCAL SEWER DISTRICT APPROVAL, IF THERE IS NO OTHER OPTION; OR (E) USE OF A SEDIMENTATION BAG WITH OUTFALL TO A DITCH OR SWALE FOR SMALL VOLUMES OF LOCALIZED DE-WATERING.~~

~~4. HIGHLY TURBID OR CONTAMINATED DE-WATERING WATER SHALL BE HANDLED SEPARATELY FROM STORM WATER.~~

~~K. MAINTAIN BMPS.~~

~~1. ALL TEMPORARY AND PERMANENT EROSION AND SEDIMENT CONTROL BMPS SHALL BE INSPECTED, MAINTAINED AND REPAIRED AS NEEDED TO ASSURE CONTINUED PERFORMANCE OF THEIR INTENDED FUNCTION IN ACCORDANCE WITH BMP SPECIFICATIONS.~~

~~2. ALL TEMPORARY EROSION AND SEDIMENT CONTROL BMPS SHALL BE REMOVED WITHIN THIRTY DAYS AFTER FINAL SITE STABILIZATION IS ACHIEVED OR AFTER THE TEMPORARY BMPS ARE NO LONGER NEEDED.~~

~~L. MANAGE THE PROJECT.~~

~~1. DEVELOPMENT PROJECTS SHALL BE PHASED TO THE MAXIMUM DEGREE PRACTICABLE AND SHALL TAKE INTO ACCOUNT SEASONAL WORK LIMITATIONS.~~

~~2. CONSTRUCTION SITE OPERATORS MUST MAINTAIN, AND REPAIR AS NEEDED, ALL SEDIMENT AND EROSION CONTROL BMPS TO ASSURE CONTINUED PERFORMANCE OF THEIR INTENDED FUNCTION.~~

~~3. CONSTRUCTION SITE OPERATORS MUST PERIODICALLY INSPECT THEIR SITES. FOR PROJECTS THAT DISTURB ONE OR MORE ACRES, SITE INSPECTIONS SHALL BE CONDUCTED BY A CERTIFIED EROSION AND SEDIMENT CONTROL LEAD WHO SHALL BE IDENTIFIED IN THE SWPPP AND SHALL BE PRESENT ON SITE OR ON-CALL AT ALL TIMES.~~

~~4. CONSTRUCTION SITE OPERATORS MUST MAINTAIN, UPDATE AND IMPLEMENT THEIR SWPPP. CONSTRUCTION SITE OPERATORS SHALL MODIFY THEIR SWPPP WHENEVER THERE IS A CHANGE IN DESIGN, CONSTRUCTION, OPERATION, OR MAINTENANCE AT THE CONSTRUCTION SITE THAT HAS, OR COULD HAVE, A SIGNIFICANT EFFECT ON THE DISCHARGE OF POLLUTANTS TO WATERS OF THE STATE. (ORD. 009/2013 § 2 (EXH. 2))~~

~~15.01.055 EROSIVITY WAIVER.~~

~~CONSTRUCTION SITE OPERATORS MAY APPLY FOR A WAIVER FROM THE REQUIREMENT TO SUBMIT A SWPPP FOR REVIEW AND APPROVAL BY THE CITY PROVIDED THE FOLLOWING CONDITIONS ARE MET:~~

~~A. THE SITE WILL RESULT IN THE DISTURBANCE OF LESS THAN FIVE ACRES; AND THE SITE IS NOT A PORTION OF A COMMON PLAN OF DEVELOPMENT OR SALE THAT WILL DISTURB FIVE ACRES OR GREATER; AND~~

~~B. THE PROJECT'S RAINFALL EROSION FACTOR ("R" FACTOR) IS LESS THAN FIVE DURING THE PERIOD OF CONSTRUCTION ACTIVITY, AS CALCULATED USING THE TEXAS A&M UNIVERSITY ONLINE RAINFALL EROSION CALCULATOR AT: [HTTP://EL.TAMU.EDU/](http://el.tamu.edu/). THE PERIOD OF CONSTRUCTION ACTIVITY BEGINS AT INITIAL EARTH DISTURBANCE AND ENDS WITH FINAL STABILIZATION; AND~~

~~C. THE ENTIRE PERIOD OF CONSTRUCTION ACTIVITY FALLS BETWEEN JUNE 15TH AND SEPTEMBER 15TH; AND~~

~~D. THE SITE OR FACILITY HAS NOT BEEN DECLARED A SIGNIFICANT CONTRIBUTOR OF POLLUTANTS; AND~~

~~E. THERE ARE NO PLANNED CONSTRUCTION ACTIVITIES AT THE SITE THAT WILL RESULT IN NON-STORM WATER DISCHARGES; AND~~

~~F. THE CONSTRUCTION SITE OPERATOR SHALL NOTIFY THE CITY OF MONROE OF THE INTENTION TO APPLY THIS WAIVER AT LEAST ONE WEEK PRIOR TO COMMENCING LAND DISTURBING ACTIVITIES. THE NOTIFICATION MUST INCLUDE A SUMMARY OF THE PROJECT INFORMATION USED IN CALCULATING THE PROJECT'S RAINFALL EROSION FACTOR (SEE SUBSECTION (B) OF THIS SECTION) AND A CERTIFIED STATEMENT THAT:~~

~~1. THE OPERATOR WILL COMPLY WITH APPLICABLE LOCAL STORM WATER REQUIREMENTS; AND~~

~~2. THE OPERATOR WILL IMPLEMENT APPROPRIATE EROSION AND SEDIMENT CONTROL BMPs TO PREVENT VIOLATIONS OF WATER QUALITY STANDARDS.~~

~~(ORD. 009/2013 § 2 (EXH. 2))~~

~~15.01.065 ADJUSTMENTS.~~

~~ADJUSTMENTS TO THE MINIMUM REQUIREMENTS MAY BE GRANTED; PROVIDED, THAT A WRITTEN FINDING OF FACT IS PREPARED THAT ADDRESSES THE FOLLOWING:~~

~~A. THE ADJUSTMENT PROVIDES SUBSTANTIALLY EQUIVALENT ENVIRONMENTAL PROTECTION.~~

~~B. BASED ON SOUND ENGINEERING PRACTICES, THE OBJECTIVES OF SAFETY, FUNCTION, ENVIRONMENTAL PROTECTION AND FACILITY MAINTENANCE ARE MET. (ORD. 009/2013 § 2 (EXH. 2))~~

~~15.01.077 BASIN/WATERSHED PLANNING.~~

~~BASIN/WATERSHED PLANNING MAY BE USED TO TAILOR MINIMUM REQUIREMENT NO. 6, RUNOFF TREATMENT, MINIMUM REQUIREMENT NO. 7, FLOW CONTROL, AND/OR MINIMUM REQUIREMENT NO. 8, WETLANDS PROTECTION. BASIN PLANNING MAY BE USED TO SUPPORT ALTERNATIVE TREATMENT, FLOW CONTROL, AND/OR WETLAND PROTECTION REQUIREMENTS TO THOSE CONTAINED IN MMC [15.01.045](#). BASIN PLANNING MAY ALSO BE USED TO DEMONSTRATE AN EQUIVALENT LEVEL OF TREATMENT, FLOW CONTROL, AND/OR WETLAND PROTECTION THROUGH THE CONSTRUCTION AND USE OF REGIONAL STORM WATER FACILITIES.~~

~~BASIN PLANNING PROVIDES A MECHANISM BY WHICH THE MINIMUM REQUIREMENTS AND IMPLEMENTING BMPS CAN BE EVALUATED AND REFINED BASED ON AN ANALYSIS OF A BASIN OR WATERSHED. BASIN PLANS ARE/MAY BE USED TO DEVELOP CONTROL STRATEGIES TO ADDRESS IMPACTS FROM FUTURE DEVELOPMENT AND TO CORRECT SPECIFIC PROBLEMS WHOSE SOURCES ARE KNOWN OR SUSPECTED. BASIN PLANS CAN BE EFFECTIVE AT ADDRESSING BOTH LONG-TERM CUMULATIVE IMPACTS OF POLLUTANT LOADS AND SHORT-TERM ACUTE IMPACTS OF POLLUTANT CONCENTRATIONS, AS WELL AS HYDROLOGIC IMPACTS TO STREAMS, WETLANDS, AND GROUND WATER RESOURCES.~~

~~BASIN PLANNING WILL REQUIRE THE USE OF COMPUTER MODELS AND FIELD WORK TO VERIFY AND SUPPORT THE MODELS. THE USGS HAS DEVELOPED SOFTWARE CALLED "GENSCN" (GENERATION AND ANALYSIS OF MODEL SIMULATION SCENARIOS) THAT CAN FACILITATE BASIN PLANNING. THE PROGRAM IS A WINDOWS-BASED~~

~~APPLICATION OF HSPF THAT PREDICTS WATER QUALITY AND QUANTITY CHANGES FOR MULTIPLE SCENARIOS OF LAND USE AND WATER MANAGEMENT WITHIN A BASIN. APPLICANTS WHO ARE CONSIDERING THE USE OF BASIN/WATERSHED PLANS TO MODIFY OR TAILOR ONE OR MORE OF THE MINIMUM REQUIREMENTS ARE ENCOURAGED TO CONTACT ECOLOGY EARLY IN THE PLANNING STAGE.~~

~~SOME EXAMPLES OF HOW BASIN PLANNING CAN ALTER THE MINIMUM REQUIREMENTS ARE GIVEN IN APPENDIX I-A FROM THE STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (2005).~~

~~IN ORDER FOR A BASIN PLAN TO SERVE AS A MEANS OF MODIFYING THE MINIMUM REQUIREMENTS THE FOLLOWING CONDITIONS MUST BE MET:~~

~~A. THE PLAN MUST BE FORMALLY ADOPTED BY ALL JURISDICTIONS WITH RESPONSIBILITIES UNDER THE PLAN; AND~~

~~B. ALL ORDINANCES OR REGULATIONS CALLED FOR BY THE PLAN MUST BE IN EFFECT; AND~~

~~C. THE BASIN PLAN MUST BE REVIEWED AND APPROVED BY ECOLOGY.~~

15.01.080 Administration.

A. ~~[DIRECTOR]~~**Administrator**. The city of Monroe city engineer shall administer this chapter and shall be referred to as the ~~[DIRECTOR]~~**administrator**. The ~~[DIRECTOR]~~**administrator** shall have the authority to develop and implement administrative procedures to administer and enforce this chapter.

B. Review and Approval. All activities regulated by this chapter shall be reviewed and approved ~~BY THE DIRECTOR~~ **by administrator or designee** prior to beginning any work. The ~~[DIRECTOR]~~ **administrator** may approve, conditionally approve or deny an application for activities regulated by this chapter.

C. Enforcement Authority. The ~~[DIRECTOR]~~ **administrator** shall enforce this chapter.

D. Inspection. All activities regulated by this chapter~~[, EXCEPT THOSE EXEMPT IN MMC [15.01.015](#),]~~ shall be inspected **by the administrator or designee**~~[BY THE DIRECTOR]~~.

The ~~[DIRECTOR]~~ **administrator** shall inspect projects at various stages of the work requiring approval to determine that adequate control is being exercised. Stages of work requiring inspection include, but are not limited to, preconstruction, installation of BMPs, land disturbing activities, installation of utilities, landscaping, retaining walls and completion of project. When required by the ~~[DIRECTOR]~~ **administrator or designee**, a special inspection and/or testing shall be performed.

E. Fees. Fees for plan review and inspection of activities regulated in this chapter shall be as set by periodic resolution of the city council.

15.01.090 Enforcement.

A. Compliance with the requirements of this code shall be mandatory. The general penalties and remedies established in Chapter [1.04](#) MMC for such violations shall apply to any violation of this chapter.

B. Stop Work Order. The director shall have the authority to serve a person a stop work order if an action is being undertaken in violation of this chapter. If a portion of a project is in violation of this chapter, the ~~[director]~~ **administrator or designee** may issue a stop work order for the entire project.

1. Content of Order. The order shall contain:

- a. A description of the specific nature, extent, and time of violation and the damage or potential damage; and
- b. A notice that the violation or the potential violation cease and desist and, in appropriate cases, the specific corrective action to be taken within a given time.

2. Notice. A stop work order shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same, or by posting at the project site.

3. Effective Date. The stop work order issued under this subsection shall become effective immediately upon receipt by the person to whom the order is directed or upon posting the project site.

4. Compliance. Failure to comply with the terms of a stop work order shall result in enforcement actions including, but not limited to, the issuance of a civil penalty.

C. Notice and Order of Code Violation and Civil Penalty. When the [DIRECTOR] **administrator** determines that a violation has occurred or is occurring, the [director]**administrator**, or designee, may issue a notice and order of code violation to the person responsible for the violation in conformance with the enforcement procedures of Chapter [1.04](#) MMC. The notice and order may be combined with the stop work order identified in subsection (B) of this section.

15.01.100 Exceptions.

~~A. After a public hearing, the hearing examiner may grant exceptions/variances (exceptions) to the Minimum Requirements. In granting any exceptions/variances, the hearing examiner may prescribe conditions that are deemed necessary or desirable for the public interest.~~

~~Project-specific design exceptions based on site-specific conditions do not require prior approval of the Department of Ecology.~~

~~The hearing examiner may grant an exception to the Minimum Requirements if such application imposes a severe and unexpected economic hardship. To determine whether the application imposes a severe and unexpected economic hardship on the project applicant, the hearing examiner must consider and document with written findings of fact the following:~~

- ~~1. The current (preproject) use of the site; and~~
- ~~2. How the application of the Minimum Requirement(s) restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of the Minimum Requirements; and~~
- ~~3. The possible remaining uses of the site if the exception were not granted; and~~
- ~~4. The uses of the site that would have been allowed prior to the adoption of the Minimum Requirements; and~~

~~5.—A comparison of the estimated amount and percentage of value loss as a result of the Minimum Requirements versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the Minimum Requirements; and~~

~~6.—The feasibility for the owner to alter the project to apply the Minimum Requirements.~~

~~In addition any exception must meet the following criteria:~~

~~1.—The exception will not increase risk to the public health and welfare, nor injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and~~

~~2.—The exception is the least possible exception that could be granted to comply with the intent of the Minimum Requirements.~~

~~B.—Prior Approval. Any exception shall be approved prior to approval and construction.~~

~~C.—Duration of Exception. Exceptions granted shall be valid for two years, unless granted for a shorter period.~~

~~D.—Right of Appeal. All actions of the hearing examiner shall be final and conclusive, unless the original applicant or an adverse party appeals the hearing examiner's decision to the city council per Chapter [21.60](#) MMC.~~

15.01.110 Severability.

If any provision of this chapter or its application to any person, entity, or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons, entities, or circumstances shall not be affected.

Section 2 MMC section 17.04.020 entitled "Purpose" is hereby amended as follows.

17.04.020 Purpose.

The purpose of the code is to provide for the orderly subdivision of land within the city in the public interest, to assure that:

A. Public facilities, such as streets, alleys, parks, playgrounds, etc., can be provided in an amount and size commensurate with the size of the subdivision and the land uses proposed;

B. Site planning and stormwater management are integrated at the initial design phases of a project to maintain a more hydrologically functional landscape even in denser settings.

~~[B]~~C. Lot sizes, land uses, streets and street extensions will be in conformance with the provisions of the zoning code and official plans;

~~[C]~~D. Officials are given a precise and simple procedure for the conveyance of titles on small tracts and parcels of land. (Ord. 1061, 1995)

Section 3. MMC section 17.20.040 entitled "Utility requirements" is hereby amended as follows.

17.20.040 Utility requirements.

A preliminary plat submittal shall contain the following:

- A. **A stormwater site assessment in substantial conformance to the *Low Impact Development Technical Guidance Manual for Puget Sound*;**
- B. **A plan showing the location, grade, and sizes of sewer lines, manholes, and other sewerage structures;**
- C. **A plan showing the location and size of water mains, hydrants, reservoirs, pump stations, and other elements of the proposed water system;**
- D. **A plan showing the location and size of storm water management facilities;**
- E. **A plan showing the location and grade of roads, pedestrian facilities, parking areas, and ADA provisions;**
- F. **Other information as may be required by the City Engineer.**

~~[STREET AND SEWER PROFILES MAY BE REQUIRED IN SUCH DETAIL AND SCALE AS DETERMINED BY THE CITY ENGINEER. THE CITY ENGINEER MAY~~

~~ALSO REQUIRE ADDITIONAL DETAILED UTILITY PLANS IF SPECIAL PROBLEMS ARE ENCOUNTERED, DUE TO TOPOGRAPHY, EXCESSIVE GRADES, OR UNUSUAL SOIL CONDITIONS INCLUDING THE FOLLOWING:~~

~~A. A PLAN SHOWING LOCATION AND SIZES OF SEWER LINES, CATCH BASINS, PUMPS OR OTHER DRAINAGE OR SEWERAGE STRUCTURES;~~

~~B. A PLAN SHOWING LOCATION AND SIZES OF WATER MAINS, RESERVOIRS, AND OTHER ELEMENTS OF A PROPOSED WATER DISTRIBUTION SYSTEM;~~

~~C. GRADES OF PROPOSED STREETS AND METHODS OF STORM DRAINAGE.]~~

Section 4. Monroe Municipal Code Chapter 18.10 “Land Use Zoning District and District Requirements” is hereby amended as follows:

**Chapter 18.10
LAND USE ZONING DISTRICT AND DISTRICT REQUIREMENTS**

Sections:

- [18.10.010](#) Purpose and density of single-family zoning districts.
- [18.10.020](#) Purpose of the multifamily zoning district.
- [18.10.025](#) Purpose of the professional office zoning district.
- [18.10.030](#) Purpose of the commercial zoning districts.
- [18.10.035](#) Purpose of the mixed use zoning districts.
- [18.10.040](#) Purpose of the industrial zoning districts.
- [18.10.043](#) Purpose of the limited open space airport zoning district.
- [18.10.045](#) Purpose of the limited open space zoning district.
- [18.10.047](#) Purpose of the public open space zoning district.
- [18.10.050](#) Zoning land use matrix.
- [18.10.055](#) District requirements.
- [18.10.060](#) Zoning lot area, lot coverage and setback requirements matrix.
- [18.10.065](#) Infill development incentives.
- [18.10.070](#) Public open space lot area requirements.
- [18.10.080](#) Limited open space lot area requirements.
- ~~[18.10.090](#) SINGLE-FAMILY LOT AREA REQUIREMENTS.~~
- ~~[18.10.100](#) DUPLEX LOT AREA REQUIREMENTS.~~

~~[18.10.110](#) MULTIFAMILY LOT AREA REQUIREMENTS.~~

~~[18.10.115](#) PROFESSIONAL OFFICE LOT AREA REQUIREMENTS.]~~

[18.10.120](#) Downtown, service and general commercial lot area requirements.

[18.10.130](#) Light and general industrial lot area requirements.

[18.10.132](#) Design standards.

[18.10.135](#) North Kelsey design guidelines.

[18.10.140](#) Bulk requirements.

[18.10.150](#) Minimum public open space zone setbacks.

[18.10.160](#) Minimum limited open space zone setbacks.

[18.10.170](#) Minimum single-family zone setbacks.

[18.10.180](#) Minimum multifamily zone setbacks.

[18.10.185](#) Minimum professional office zone setbacks.

[18.10.190](#) Minimum garage setbacks.

[18.10.200](#) Minimum commercial and industrial setbacks.

[18.10.210](#) Minimum zoning district setbacks.

[18.10.220](#) Lot coverage.

[18.10.230](#) Maximum building height.

[18.10.240](#) Parking.

[18.10.250](#) Signs.

[18.10.260](#) Street surface.

[18.10.270](#) Performance standards.

[18.10.280](#) Compliance required before permit issuance.

18.10.010 Purpose and density of single-family zoning districts.

A. Purpose. The purpose of the single-family zoning districts in the city of Monroe is to promote the existing small town character by providing that new development will be compatible with the density and setbacks of the present housing stock. The purpose is also to provide for a broad range of housing types and densities. Areas designated urban residential are envisioned to be served by the city water and city sanitary sewer systems when developed to their zoned densities. Single-family lots shall be limited to one residence except as otherwise prescribed.

B. Standard Density Calculation. To calculate the number of possible dwelling units/lots for single-family zoning districts, remove twenty percent from the gross site area, in square feet, for roads, gutters, curbs, sidewalks, and retention areas and then **multiply the net site area, in**

acres, by the units allowed per acre from table below:~~[DIVIDE THE NET SITE AREA IN SQUARE FEET BY THE MINIMUM LOT SIZE TO DETERMINE THE BASE DENSITY. IN THE R-4 ZONE, REMOVE TWENTY PERCENT FROM THE GROSS SITE AREA IN ACRES FOR ROADS, GUTTERS, CURBS, SIDEWALKS, AND RETENTION AREAS AND THEN MULTIPLY THE NET SITE AREA, IN ACRES, BY FOUR].~~

<u>Zoning District</u>	<u>Units allowed per acre</u>
<u>MR 6,000</u>	<u>7.26</u>
<u>UR 6,000</u>	<u>5.80</u>
<u>R-4</u>	<u>4.00</u>
<u>UR 9,600</u>	<u>3.63</u>
<u>SR 15,000</u>	<u>2.32</u>

1. When calculating the maximum residential density, any resulting fraction 0.50 or over shall be rounded up to the next whole number and any fraction 0.49 or under shall be rounded down to the preceding whole number. For example, in the UR 6,000 zone, a one-acre site could yield six units (43,560 square feet x 0.80 = 34,848 square feet / 6,000 square feet = 5.8 units or six total units).

2. Nothing contained within this chapter guarantees the maximum defined density. The identified maximum residential density may not always be achievable due to unique site considerations including but not limited to critical areas, topography, right-of-way dedication, stormwater requirements, etc. (Ord. 026/2011 § 2 (Exh. 1); Ord. 1177, 1999)

18.10.020 Purpose of the multifamily zoning district.

- A. Purpose. The purpose of the multifamily zoning district is threefold: to promote the small town character of Monroe by providing that new multifamily housing be developed on small lots mixed with other housing stock, that development be compatible with the present housing stock, and that multifamily development provide for a broad range of housing types and densities. When single-family dwelling units are constructed on multifamily lots, they shall be limited to one detached single-family residence per lot except as otherwise prescribed.

- B. Standard Density Calculation. To calculate the number of possible dwelling units/lots, for multifamily and zoning districts, divide the gross site area by the minimum unit/lot size, in square feet, to determine the base density. In cases when multifamily parcels are subdivided into

individual parcels, pursuant to MMC Title [17](#), the standards of MMC [18.10.010](#)(B) apply. In areas that do not have a minimum lot size, multiply the net site area, in acres, by the maximum allowed number of units/lots per acre.

1. When calculating the maximum residential density, any resulting fraction 0.50 or over shall be rounded up to the next whole number and any fraction 0.49 or under shall be rounded down to the preceding whole number. For example, in the MR 6,000 zone, a one-acre site could yield eleven units (43,560 square feet / 4,000 square feet = 10.89 units or eleven total units).
2. Nothing contained within this chapter guarantees the maximum defined density. The identified maximum residential density may not always be achievable due to unique site considerations including but not limited to critical areas, topography, right-of-way dedication, stormwater requirements, etc. (Ord. 026/2011 § 2 (Exh. 1); Ord. 033/2008 § 6; Ord. 1177, 1999)

18.10.025 Purpose of the professional office zoning district.

A. Purpose. The purpose of the professional office (PO) zoning district is to provide an area for personal and professional service businesses that commonly locate in office buildings, such as banks, medical and dental clinics, accounting, law, real estate, insurance, travel agencies and similar businesses, as well as allowing residential use at varying densities, while providing a transitional zone between commercial and residential zoning districts. When single-family dwelling units are constructed on professional office lots, they shall be limited to one detached single-family residence per lot except as otherwise prescribed.

B. Standard Density Calculation. The density calculation for single-family units/lots will follow the requirements found in MMC [18.10.010](#)(B). The density calculation for multifamily units/lots will follow the requirements found in MMC [18.10.020](#)(B). (Ord. 026/2011 § 2 (Exh. 1); Ord. 033/2008 § 6)

18.10.030 Purpose of the commercial zoning districts.

The purposes of the commercial districts are to provide opportunities for the enhancement of existing commercial uses and for the location of new commercial development.

A. General commercial uses (GC) should be located on traffic corridors that have adequate capacities for traffic flow. Such location assures that uses do not generate traffic through residential areas. Uses located in this (GC) class should be designed into planned centers with safe and convenient access to minimize curb cuts and facilitate better parking and traffic flows.

B. Service commercial uses (SC) should be located at intersections of major and minor arterials or their intersections with collector roads. Service commercial areas should be designed so as not to disrupt traffic movement on the arterial and collector roadways. Access and egress should be kept at a minimum and should be so located that they do not conflict with traffic movement and queuing at intersections.

C. Downtown commercial uses (DC) should follow the vision outlined in the downtown master plan. (Ord. 026/2011 § 2 (Exh. 1); Ord. 006/2009 § 4; Ord. 1177, 1999)

18.10.035 Purpose of the mixed use zoning districts.

The purposes of the mixed use zoning districts are to integrate a mix of office, retail, light industrial, institutional, public facilities, and attached residential units throughout the district, within the same property, or inside a single building.

A. Mixed use commercial (MUC) should be located on corridors with available public services and adequate traffic capacities. The mixed use commercial district allows high-intensity development and requires that new developments provide safe and convenient access, minimize curb cuts, and facilitate better parking and traffic flow. This district permits residential, commercial, office, and light industrial land uses.

1. Residential Density. New residential development is limited to attached structures with a density between twelve and twenty dwelling units per acre. The density calculation for multifamily units will follow the requirements found in MMC [18.10.020\(B\)](#).

2. Commercial Uses. Commercial uses should serve primarily the employment, housing, shopping, service, and recreational needs of those residing within the district and surrounding area. Individual commercial uses should be limited to thirty thousand square feet or less. The city may allow buildings up to sixty thousand square feet with a conditional use permit, per Chapter [18.96](#) MMC.

3. Design Standards. All development within the mixed use commercial zone shall comply with the [Infill, Multifamily, and Mixed Use Design Standards](#), subject to the requirements of MMC [18.10.132](#).

B. Mixed use neighborhood center (MUNC) should be located on corridors with available public services and adequate capacities. Access points should prevent conflict with traffic movement and back-ups at intersections. This district permits residential, commercial, and office land uses.

1. Residential Density. New residential development is limited to attached structures with a density between eight and eleven dwelling units per acre. The density calculation for multifamily units will follow the requirements found in MMC [18.10.020\(B\)](#).

2. Commercial Uses. Small-scale office, retail, and service businesses should meet primarily the convenience shopping and services needs of the immediate mixed use area. Individual commercial uses should be limited to ten thousand square feet or less. The city may allow buildings up to thirty thousand square feet with a conditional use permit per Chapter [18.96](#) MMC.

3. Design Standards. All development within the mixed use neighborhood center zone shall comply with the [Infill, Multifamily, and Mixed Use Design Standards](#), subject to the requirements of MMC [18.10.132](#). (Ord. 026/2011 § 2 (Exh. 1); Ord. 024/2011 § 2 (Exh. 1))

18.10.040 Purpose of the industrial zoning districts.

The purpose of the industrial zones is to provide opportunities for enhancement of existing industrial and compatible commercial use and intensities in areas of the city which are suitable for such development. Suitability is based on characteristics such as existing land use, natural features, transportation, and utility service and associated environmental impacts.

Industrial areas should take advantage of rail and highway access points. Development should be separated or well buffered from nearby residential areas. The location of industrial zones should be dependent on and compatible with the size and scale of the surrounding adjacent uses. In addition, design standards are incorporated into the code to ensure compatibility with adjacent uses. (Ord. 026/2011 § 2 (Exh. 1); Ord. 1177, 1999)

18.10.043 Purpose of the limited open space airport zoning district.

The purpose of the limited open space airport zoning district is to protect the viability of First Air Field, a general aviation facility, encourage compatible land uses and densities, and reduce hazards that may endanger the lives and property of the public and aviation users in proximity to First Air Field. (Ord. 026/2011 § 2 (Exh. 1); Ord. 033/2008 § 6)

18.10.045 Purpose of the limited open space zoning district.

The purpose of the limited open space zoning district is to provide for low-density residential uses on lands that lack the full range of public services and facilities necessary to support urban development and that are severely impacted by critical areas. This zone also provides a buffer between urban areas and transitional land uses on the urban growth boundaries of the city, and/or may also provide for enhanced recreational facilities and linkages to existing trails or open space systems. (Ord. 026/2011 § 2 (Exh. 1); Ord. 033/2008 § 6)

18.10.047 Purpose of the public open space zoning district.

The purpose of the public open space zoning district is to provide areas to include public neighborhood, community and regional parks, recreational facilities, and undisturbed natural open space; public school facilities; public city facilities; and other special regional use facilities operated by the county, state, or federal government, within the city's urban growth area. (Ord. 026/2011 § 2 (Exh. 1); Ord. 033/2008 § 6)

18.10.050 Zoning land use matrix.

The zoning administrator, under MMC [18.08.020](#), Interpretations, is charged with the responsibility of determining in which zone similar or like uses, not shown in the matrix, would be located and whether or not such uses are permitted outright, require a conditional use permit or special use permit, are an accessory use, or are prohibited.

A zoning matrix is used to summarize all land uses and districts to show at a glance both the uses permitted in a specific zoning district as well as the zones in which specific uses are permitted.

Zoning Matrix

Conforming Use	Public Open Space	Limited Open Space	Limited Open Space – Airport	SR 15,000	UR 9,600	Residential 4 Units	UR 6,000	MR 6,000	Mixed Use Commercial^{P8}	Mixed Use Neighborhood Center^{P9}	General Commercial	Service Commercial	Downtown Commercial	Professional Office	Light Industrial	General Industrial
Aviation																
Aircraft and flight schools			P ⁷													
Aircraft hangars and parking areas			P ⁷													
Aircraft sales, rentals, repair (major and minor), rebuilds, and maintenance services			P ⁷													
Airports, landing fields, and heliports	EPF	EPF	EPF													
Aviation fuel sales			P ⁷													
Storage and sale of aviation fuel, oil, and other fluids commonly used in aircraft			P ⁷													
Government and Education																
Fire stations	P	C	A ¹	C	C	C	C	C	P	P	P	P	See Chapter 18.12 MMC	C	P	P

Government facilities	P								P	P	C	C	See Chapter 18.12 MMC	C	C	C
Jails	C															
Libraries	P								P	P	P	P		C	P	P
Preschools	C	C		C	C	C	C	C	C	C	C	C	See Chapter 18.12 MMC	C	C	C
Schools	P	C		C	C		C	C	C	C	C	C		C	C	
State and local correctional facilities	EPF															
State educational facilities including colleges, community colleges, and universities, ten acres in size or larger	EPF								EPF		EPF				EPF	EPF
Work release facilities	EPF								EPF							
Health Services																
Clinics, health services	P								P	P	P	P	See Chapter 18.12 MMC	P	P	
Hospitals	EPF								EPF	EPF	EPF	EPF	See Chapter 18.12 MMC	EPF		
In-patient facilities, including substance abuse and mental health facilities	P								C	C	C	C	See Chapter 18.12 MMC	P	P	
Industrial Uses																
Animal shelters									C		C		See Chapter 18.12 MMC		C	C

Animal slaughtering, processing, and/or incidental rendering		S									S				S	S
Asphalt batch plants (mix asphalt)															C	P
Auto wrecking yards															C	C
Cement manufacturing	S	S													S	S
Fabrication shops			A ¹						C		C				P	P
Mineral extraction	S	S													S	S
Outdoor storage			A ¹						A						P ⁴	P ⁴
Printing plants									P						P	P
Processing of sand, gravel, rock, black soil, and other natural deposits	S	S													S	S
Recycling centers									C						C	C
Shake and shingle mills															P	P
Tow truck operations									C		C	C	See Chapter 18.12 MMC		C	C
Warehouses			A ¹						A		P				P	P
Infrastructure/Utilities																
Electrical transmission lines of higher voltage than 115 kV, in existing corridors	P	P		P	P	P	P	P	P	P	P	P	See Chapter 18.12 MMC	P	P	P

Electrical transmission lines of higher voltage than 115 kV, in new corridors	C	C		C	C	C	C	C	C	C	C	C	See Chapter 18.12 MMC	C	C	C
Regional transit stations, including bus, train, and other high-capacity vehicle bases	EPF	EPF	EPF						EPF	EPF	EPF	EPF	See Chapter 18.12 MMC	EPF	EPF	EPF
Sewer treatment plants/facilities	EPF	EPF							EPF	EPF					EPF	EPF
State and regional transportation facilities including highways of statewide significance	EPF	EPF	EPF	EPF	EPF	EPF	EPF	EPF	EPF	EPF	EPF	EPF	See Chapter 18.12 MMC	EPF	EPF	EPF
Utility power-generating facilities, public or private, including hydroelectric	S								S	S					S	S
Utility services	P	P	P ⁷	P	P	P	P	P	P	P	P	P	See Chapter 18.12 MMC	P	P	P
Parks/Recreation																
Parks and recreation facilities	P	C ⁴		C ⁴	P	P										
Parks, RV		C									C					
Public stables	C	C														

Residential and Associated Uses																
Accessory dwelling units				P ⁵	P	P			See Chapter 18.12 MMC							
Dwellings, caretaker/security			A ¹						C	C						
Dwellings, duplex				P ²	P ²	P ²	P ²	P ⁶		P				P ⁶		
Dwellings, farm worker		A		A							A	A				
Dwellings, mobile home/manufactured home		P		P	P	P	P	P								
Dwellings, multifamily								P	P	P			See Chapter 18.12 MMC	P		
Dwellings, single-family		P	P ⁷	P	P	P	P	P	1,2	1,3			See Chapter 18.12 MMC	P		
Dwellings, townhouse								P	P	P			See Chapter 18.12 MMC	P		
Family day care				A	A	A	A	A	A	A						
Group homes, Type 1		P		P	P	P	P	P		P			See Chapter 18.12 MMC	P		
Group homes, Type 2		C ²		C ²		C			See Chapter 18.12 MMC	C ²						
Halfway houses		EPF		EPF	EPF	EPF	EPF	EPF		EPF			See Chapter 18.12 MMC	EPF		
Home occupations				P	P	P	P	P	P	P			See Chapter 18.12 MMC	P		
Mobile/manufactured home parks				C	C	C	C	C								

Model home(s) and sales offices				P	P	P	P	P	P	P				P		
Nursing and/or convalescent homes	P							C	P	P	C	C		P		
Retirement housing/ assisted living facilities								P ³	P	P		C ³	See Chapter 18.12 MMC	P ³		
Temporary dwelling unit			A ¹	C	C			C	C	A	A			C		
Retail and Commercial																
Art galleries									P	P	P	P	See Chapter 18.12 MMC	P	P	
Bakeries									P	P	P	P	See Chapter 18.12 MMC		P	P
Breweries									P						P	P
Breweries, micro									P	P	P	P	See Chapter 18.12 MMC		P	P
Coffee shops			A ¹						P	P ¹⁰	P	P	See Chapter 18.12 MMC	A	P	P
Convenience stores									P	P ¹⁰	P	P	See Chapter 18.12 MMC			
Department stores											P		See Chapter 18.12 MMC			
Drug store/pharmacy			A ¹						P	P ¹⁰	P	P	See Chapter 18.12 MMC	A		
Garden produce		P		C	C				P	P	P	P	See Chapter 18.12 MMC		P	P

Greenhouses, retail		P							P		P	P	See Chapter 18.12 MMC		P	P
Grocery stores									P	P	P		See Chapter 18.12 MMC	P	P	P
Hardware store 1									P	P	P	P	See Chapter 18.12 MMC		P	
Hardware store 2									C		P	P			P	
Home improvement centers											P				P	
Lumber yards									A		P		See Chapter 18.12 MMC		P	P
Motor vehicle sales facility									P		P	P	See Chapter 18.12 MMC		P	P
Restaurants			A ¹						P	P	P	P	See Chapter 18.12 MMC	C	P	P
Retail stores			A ¹						P	P	P	P	See Chapter 18.12 MMC		P	P
Secondhand stores									P	P	P	P	See Chapter 18.12 MMC			
Taverns									P	C	P	P	See Chapter 18.12 MMC			
Tool sales and rental									P		P	A	See Chapter 18.12 MMC		P	P
Wholesale establishments									P						P	P
Service																
Amusement facilities									P		P	C	See Chapter 18.12 MMC		P	P

Auto repair, minor			P ⁷						P		P	P	See Chapter 18.12 MMC		P	P
Auto repair, major									C		P	P			P	
Banks									P	P ¹⁰	P	P	See Chapter 18.12 MMC			
Bed and breakfasts		C	A ¹		C	C	C	C		P				P		
Car washes									P		P	P			P	P
Cleaning establishments									P	P	P	P	See Chapter 18.12 MMC		P	P
Clubs			A ¹						P	C	P	P	See Chapter 18.12 MMC	C		
Clubs, fitness		P							P	P	P	P	See Chapter 18.12 MMC	A	P	P
Day care centers		C ¹		C ¹	P	C	C ¹	C ¹	See Chapter 18.12 MMC	C ¹	A	A				
Fix-it shops			A ¹						A	A	P	P	See Chapter 18.12 MMC		P	P
Hotels									C				See Chapter 18.12 MMC			
Kennels				C					C		C	C	See Chapter 18.12 MMC		C	C
Locksmiths									P	P	P	P	See Chapter 18.12 MMC			
Mini self-storage			A ¹										See Chapter 18.12 MMC		P	P
Motels			A ¹						C		P	P	See Chapter 18.12 MMC			

Print shops									P	P	P	P	See Chapter 18.12 MMC	C	P	P
Professional offices			P ⁷						P	P	P	P	See Chapter 18.12 MMC	P	P	P
Religious institution	P	C		C	C	C	C	C	P	P	P	P	See Chapter 18.12 MMC	P	P	C
Research facilities									P					P	P	P
Service establishments									P	P	P	P	See Chapter 18.12 MMC	C	P	P
Service stations									P		P	P	See Chapter 18.12 MMC		P	
Veterinary clinics/animal hospitals									P ¹¹	P ¹¹	C	C	See Chapter 18.12 MMC	P	P	P
Other																
Adult entertainment (business use)											P ¹	P ¹	See Chapter 18.12 MMC		P ¹	P ¹
Agricultural uses		P		P												
Cemeteries	P	C														
Hazardous/dangerous waste facilities	EPF								EPF		EPF				EPF	EPF
Mortuaries									P	P	P	P	See Chapter 18.12 MMC	P		
Parking lots	P		A ¹						P	P	A	A	See Chapter 18.12 MMC	A	A	A
Shooting ranges (indoor)									P		P	P	See Chapter 18.12 MMC		P	P

Solid waste handling and/or transfer facilities	EPF										EPF					EPF	EPF
Solid waste landfills	EPF																

P = Permitted use; A = Accessory use; C = Requires a conditional use permit; S = Requires a special use permit; EPF = Essential public facility (see Chapter [18.15](#) MMC)

Notations to Zoning Matrix

1. Existing single-family dwellings in MUC are considered allowed, legally conforming uses. Existing single-family dwellings that are destroyed may be rebuilt within the building footprint as it existed immediately prior to the destruction. No other new single-family residences are permitted.
2. Existing single-family dwellings in MUC that are converted to a nonresidential use for no longer than twelve months may be converted back to residential use.
3. Existing single-family dwellings in MUNC are considered allowed, legally conforming uses. Existing detached single-family dwellings that are destroyed may be rebuilt in accordance with current code setback requirements. No other new detached single-family residences are permitted.
4. Existing single-family dwellings in MUNC that are converted to a nonresidential use may be converted back to residential use.

P¹ Must be located within the city's defined adult entertainment boundary.

P² Requires one and one-half the minimum lot area of a single-family dwelling.

P³ Based upon bedrooms as opposed to dwelling units in any combination of one-, two- and/or three-bedroom units, not to exceed the maximum density allowed in the underlying zoning district. The standard formula would be to use the maximum allowed density per acre (forty-three thousand five hundred sixty square feet divided by minimum zone lot size) multiplied by three (standard bedroom equivalent unit) to achieve bedroom density. For example, in the MR 6,000 zone, a one-acre site could achieve thirty-three bedrooms per acre ($43,560/4,000 = 10.89$ or 11 dwelling units per acre $\times 3 = 33$).

P⁴ All outdoor storage shall be enclosed by a six-foot-tall site-obscuring fence or wall, and shall include a Type III landscaping buffer along the exterior perimeter of the property or site (see MMC 18.78.030).

P⁵ Must meet criteria outlined in Chapter [18.40](#) MMC, Accessory Dwelling Units.

P⁶ The minimum lot size for duplex and multifamily structures shall be four thousand square feet per unit.

P⁷ Subject to Chapter [18.60](#) MMC, Airport Compatibility.

P⁸ Individual commercial uses should be limited to thirty thousand square feet or less. The city may allow buildings up to sixty thousand square feet with a conditional use permit per Chapter [18.96](#) MMC.

P⁹ Individual commercial uses should be limited to ten thousand square feet or less. The city may allow buildings up to thirty thousand square feet with a conditional use permit per Chapter [18.96](#) MMC.

P¹⁰ Drive-up facilities not permitted.

P¹¹ If any outdoor caging of animals is proposed, a conditional use permit is required per Chapter [18.96](#) MMC.

C¹ Limitation on number of children permitted per establishment.

C² Group homes that qualify as essential public facilities shall follow the regulations in Chapter [18.15](#) MMC, Essential Public Facilities.

C³ Based upon bedrooms as opposed to dwelling units; see P³.

C⁴ If a parks and recreation facility is the primary use a conditional use permit will be required; if the facility is secondary to a larger project, the use is considered accessory.

A¹ Subject to Chapter [18.60](#) MMC, Airport Compatibility.

(Ord. 007/2012 § 2 (Exh. 1); Ord. 024/2011 § 2 (Exh. 2); Ord. 008/2010 §§ 1, 2 (Exhs. 1, 2); Ord. 006/2009 § 4; Ord. 033/2008 § 6; Ord. 028/2006 § 3; Ord. 016/2006 § 4; Ord. 013/2005; Ord. 006/2004 § 2; Ord. 1269, 2002; Ord. 1177, 1999)

18.10.055 District requirements.

In addition to all other requirements of this chapter, no property shall be rezoned if the rezone would create any total contiguous area containing less than one acre with the same zoning

classification; provided, that the foregoing shall not apply to the public open space zoning district. (Ord. 026/2011 § 2 (Exh. 1))

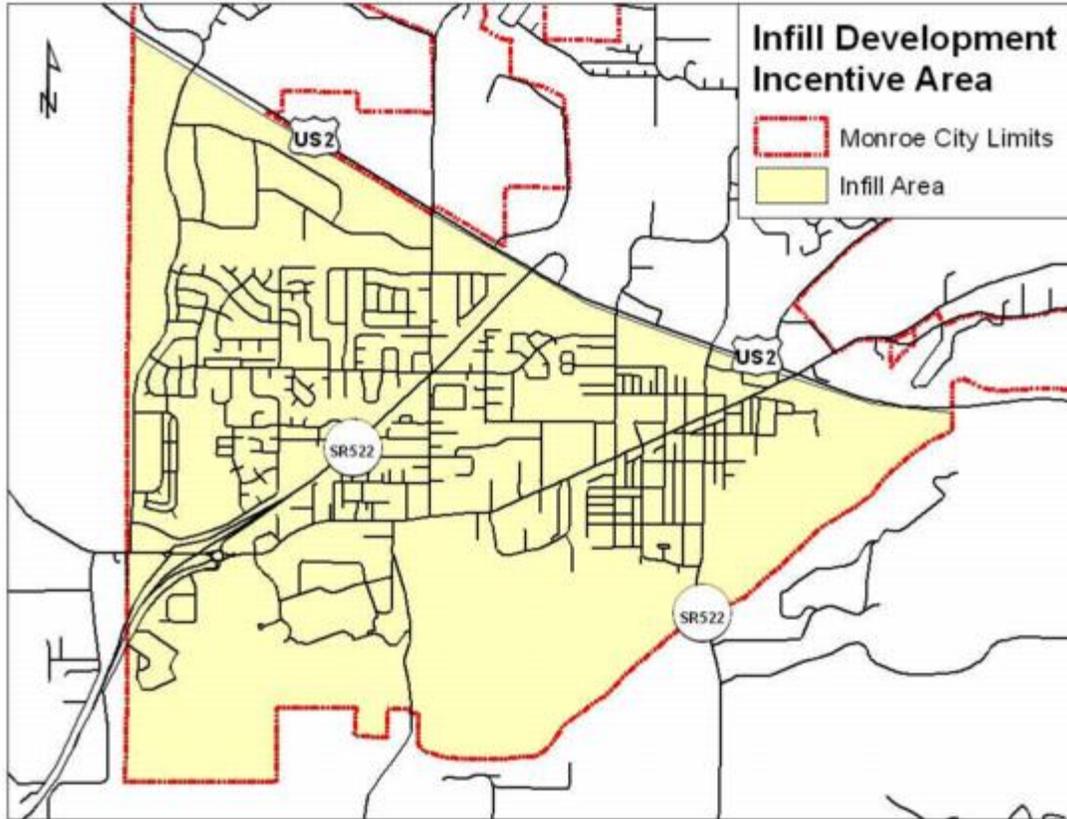
18.10.060 Zoning lot area, lot coverage and setback requirements matrix.

The setback matrix establishes minimum and maximum zoning lot coverage, height, and setback requirements for lots within the city. These requirements may be amended under Chapter [18.84](#) MMC, Planned Residential Development (PRD). (Ord. 1177, 1999)

18.10.065 Infill development incentives.

A. The city will grant a thirty percent density bonus, allow a minimum lot size reduction, and permit modifications to the bulk requirements for infill development projects, within zoning districts that allow single-family and multifamily uses, south of US 2 and less than three acres in size, as shown in the figure below.

1. To be eligible for infill development incentives, projects must meet the [Infill, Multifamily, and Mixed Use Design Standards](#), unless otherwise restricted or subject to other design standards subject to the requirements of MMC [18.10.132](#).
2. Table A to MMC [18.10.140](#), Bulk requirements, defines the specific infill incentives, by zoning district, under the PRD columns.



(Ord. 026/2011 § 2 (Exh. 1))

18.10.070 Public open space lot area requirements.

The lot area in the PS zone shall not be less than in the most restrictive abutting zone. The abutting zone shall be the one the public use is most nearly oriented towards. (Ord. 1177, 1999)

18.10.080 Limited open space lot area requirements.

Minimum lot area in the LOS zone shall be five acres. (Ord. 1177, 1999)

~~18.10.090 SINGLE-FAMILY LOT AREA REQUIREMENTS.~~

~~MINIMUM LOT AREAS WITHIN THE CITY RESIDENTIAL ZONING DISTRICTS ARE REFLECTED IN THE ZONING DISTRICT TITLE DESCRIPTION. MINIMUM LOT SIZE WITHIN THE SUBURBAN RESIDENTIAL (SR 15,000) ZONING DISTRICT IS FIFTEEN THOUSAND SQUARE FEET, WITHIN THE URBAN RESIDENTIAL (UR 9,600) ZONING DISTRICT IS NINE THOUSAND SIX HUNDRED SQUARE FEET, WITHIN THE RESIDENTIAL 4 UNITS (R-4) ZONING DISTRICT IS SEVEN THOUSAND FIVE HUNDRED SQUARE FEET, AND WITHIN~~

~~THE URBAN RESIDENTIAL (UR 6,000) ZONING DISTRICT IS SIX THOUSAND SQUARE FEET. (ORD. 1177, 1999)~~

~~18.10.100 DUPLEX LOT AREA REQUIREMENTS.~~

~~DUPLEXES ARE PERMITTED IN THE SR 15,000, UR 9,600, R-4, AND UR 6,000 SINGLE-FAMILY ZONING DISTRICTS ON LOTS THAT ARE AT LEAST ONE AND ONE-HALF TIMES THE MINIMUM SINGLE-FAMILY LOT AREA. DUPLEXES ARE PERMITTED IN THE MR 6,000 AND PO ZONING DISTRICTS ON LOTS THAT ARE A MINIMUM OF EIGHT THOUSAND SQUARE FEET. (ORD. 033/2008 § 6; ORD. 1177, 1999)~~

~~18.10.110 MULTIFAMILY LOT AREA REQUIREMENTS.~~

~~MINIMUM LOT AREA REQUIREMENTS WITHIN THE MULTIFAMILY (MR 6,000) ZONING DISTRICT ARE FOUR THOUSAND SQUARE FEET PER MULTIFAMILY UNIT OR SINGLE-FAMILY DWELLING UNIT. DUPLEXES LOCATED WITHIN THE MR 6,000 ZONING DISTRICT ARE PERMITTED. MINIMUM LOT AREA FOR DUPLEXES LOCATED WITHIN THE MR 6,000 ZONING DISTRICT SHALL BE EIGHT THOUSAND SQUARE FEET PER DUPLEX. (ORD. 033/2008 § 6; ORD. 006/2004 § 3; ORD. 1177, 1999)~~

~~18.10.115 PROFESSIONAL OFFICE LOT AREA REQUIREMENTS.~~

~~MINIMUM LOT AREA REQUIREMENTS WITHIN THE PROFESSIONAL OFFICE (PO) ZONING DISTRICT ARE SIX THOUSAND SQUARE FEET PER SINGLE-FAMILY DWELLING UNIT, EIGHT THOUSAND SQUARE FEET PER DUPLEX, AND FOUR THOUSAND SQUARE FEET PER MULTIFAMILY UNIT. (ORD. 033/2008 § 6)~~

18.10.120 Downtown, service and general commercial lot area requirements.

There shall be no minimum lot size in commercial zones with the exception of the downtown commercial zone; lot area requirement for individual downtown commercial neighborhoods are defined in Chapter [18.12](#) MMC. The district boundaries of a commercial zone shall not be less than one acre in size. (Ord. 006/2009 § 4; Ord. 1177, 1999)

18.10.130 Light and general industrial lot area requirements.

There shall be a minimum lot area in the industrial zones of six thousand square feet. (Ord. 1177, 1999)

18.10.132 Design standards.

A. Design guideline review will be administrative by the director or designee as part of the overall permit review.

1. Approval shall be based on the extent to which the proposed project meets applicable design standards;
2. Projects subject to administrative design review must meet all codes and regulatory requirements applicable to the subject site; and
3. Administrative decisions may be appealed to the hearing examiner subject to MMC [21.60.010](#).

B. The city reserves the right to hire an independent qualified professional, at the applicant's expense, per MMC [3.34.040](#), to review and comment on the subsequent report and/or plans for consistency with the current district design standards. (Ord. 026/2011 § 2 (Exh. 1))

18.10.135 North Kelsey design guidelines.

A. The North Kelsey Planning Area consists of approximately one hundred acres of land and has three primary property owners: the city of Monroe, Snohomish County and Lakeside Industries. The North Kelsey Planning Area is located north of SR 2, south of the proposed SR 2 bypass, east of the SR 522 overpass and west of Chain Lake Road. The North Kelsey Planning Area is graphically depicted on the map attached to the ordinance codified in this section and incorporated herein as if set forth in full.

B. The North Kelsey Design Guidelines prepared by Makers Architecture and Urban Design and attached to the ordinance codified in this section are hereby adopted and incorporated into this section by this reference as if set forth in full. All development within the North Kelsey Planning Area shall comply with the design guidelines.

C. All development within the North Kelsey Planning Area shall comply with the North Kelsey Design Guidelines, subject to the requirements of MMC [18.10.130](#). (Ord. 026/2011 § 2 (Exh. 1); Ord. 006/2004)

18.10.140 Bulk requirements.

A. The bulk requirement tables establish the maximum lot coverage, height, and setback requirements for lots within the city by zoning district. The bulk regulation tables identify the

standards for broad use categories including residential, mixed use, commercial/industrial, and open space and public use. Within each table, specific categories cluster individual zones together by function. For example, the residential use bulk requirements table divides the main category into subcategories of single-family and multifamily development; these are further refined to include subgroups such as mid-density multifamily/small lot single-family, urban residential, suburban residential, and rural residential. A final categorical refinement represents standard requirements and planned residential requirements for zoning districts and functional classifications.

B. All setbacks are measured from the outside lot line unless otherwise noted.

Table A
– Residential Zoning District Bulk Development Requirements

	Residential ^{1,2}											
	Single-Family											
	Multifamily		Urban Residential						Suburban Residential		Rural Residential	
	Mid-density Multifamily Small Lot Single-Family											
	MR 6,000/PO ³		UR 6,000		R-4		UR 9,600		SR 15,000		LOS ⁷	LOSA ⁷
	Standard	PRD	Standard	PRD	Standard	PRD	Standard	PRD	Standard	PRD	Standard	Standard
<u>Units per Acre</u> MINIMUM LOT SIZE, IN SQ. FT. ^{4,5,6}	<u>7.26</u> [4,000]	[2,500]	<u>5.80</u> [6,000]	[3,700]	<u>4.00</u> [7,500]	[4,500]	<u>3.63</u> [9,600]	[6,000]	<u>2.32</u> [15,000]	[10,000]	1 unit per 5 acres	1 unit per 2 acres

Minimum Lot Width ^{8,9,10}	[45] 30	[40] 30	[60] 30	[40] 30	[65] 30	[40] 30	[70] 30	[45] 30	[70] 30	[45] 30	70	70
Maximum Lot Coverage	80 [75]%	80 [75]%	60 [50]%	60%	60 [50]%	60%	60 [50]%	60%	50 [40]%	60 [50]%	30%	100%
Maximum Building Height	35	35	35	35	35	35	35	35	35	35	35	35
Front Yard Setback ¹¹	10	10	10/20	10/20	10/20	10/20	10/20	10/20	20	15	50' from arterials, 25' other streets	20
Side Yard Setback ¹²	5 [W/ TOTAL 40]	5[W/ TOTAL 40]	5 [W/ TOTAL-15]	5 [W/ TOTAL 40]	5 [W/ TOTAL-15]	5 [W/ TOTAL 40]	5 [W/ TOTAL-15]	5 [W/ TOTAL 40]	10	5 [W/ TOTAL 45]	25	20
Rear Yard Setback ¹³	20	20	10 [15]	10	10 [15]	10	10 [15]	10	15 [20]	10 [15]	25	20
Landscape Buffer ^{14,15}	5	10		10		10		10		10		5

Notes:

1. MMC [18.12.200](#) defines residential lot requirements for the DC zone and MMC [18.10.140\(B\)](#) defines residential lot requirements for mixed use zones.
2. The city will provide development incentives, by zoning district, as defined under the PRD columns for single-family and multifamily infill projects, south of US 2 and less than three acres in size, when the proponent designs projects that meet the [Infill, Multifamily, and Mixed Use Design Standards](#), unless otherwise restricted. The density bonus and development modifications will not require an additional open space dedication as required in MMC [18.84.080](#) for planned residential developments.
3. The mid-density multifamily category includes the MR 6,000 and PO zones; however, the PRD standards only apply to MR 6,000 zone per Chapter [18.84](#) MMC unless otherwise restricted in this title.
4. Lot size is per dwelling unit unless otherwise specified.
5. Lot sizes for residential zoning districts may be reduced up to thirty percent to accommodate limited density transfers attributable to critical areas as authorized by MMC [20.05.070\(I\)](#).
6. Duplexes are allowed at one and one-half times the underlying minimum lot size.
7. Refer to the open space and public use matrix for nonresidential standards (Table D).
8. To maintain proportionate lots, the minimum lot width-to-depth ratio for single-family lots will be approximately 1:2; that is, the lot depth should be approximately two times greater than the lot width. When townhomes or other attached housing units are built on separate lots, the lot width-to-depth ratio will be approximately 1:4 and the lot width can be reduced to twenty-five feet. There will be no minimum lot width or width-to-depth ratio for low-rise multifamily apartments/condominiums to maintain flexibility for lot configuration.
9. All lots shall have access to a public street and meet the minimum lot width requirement along the frontage. Lots fronting a cul-de-sac shall meet the minimum lot width at the building setback line.

10. Lots with access to a public street via private access easement or panhandle shall have a minimum frontage of not less than twenty feet in width at the public street and shall meet the minimum lot width at the setback line measured from the end of the panhandle or easement where it joins the wide portion of the lot. An access easement or panhandle shall be a minimum of twenty feet wide along its entire length; the remainder of the lot shall provide adequate area to comply with the bulk development requirements.

11. The standard front setback for zones that allow single-family uses is ten feet to the living area and twenty feet to the garage, unless otherwise specified. Front setbacks in zones that allow single-family uses along arterials will be twenty feet for both living area and garage.

12. When townhomes or other attached housing units are built on separate lots, a zero setback between units is permitted in allowed zones. The outside setback for attached housing units abutting a ROW, separate detached unit(s), or different zone will be ten feet.

13. The rear setback can be reduced to ten feet if parking is underground or in a structure underneath the unit for multifamily developments or parking is accessed off an alley/private drive to the rear and provides a maximum backup area of twenty feet including the alley or private lane.

14. The landscape buffer is along the perimeter of the lot.

15. The PRD landscape buffer is required along the outside of the development where it abuts a standard subdivision or different zoning district. This landscaped buffer may coincide with required open space.

Table B
– Mixed Use Zoning District Bulk
Development Requirements

	Mixed Use	
	MUNC	MUC
Minimum Lot Size, in sq. ft.	NA	NA

Minimum Lot Width¹	NA	NA
Maximum Lot Coverage	75%	NA ²
Maximum Building Height³	35 – 45	35 – 55
Minimum First Story Height (mixed use buildings)	15	15
Front Yard Setback^{4,5}	5/20	5/20
Side Yard Setback^{6,7,8}	5 – 10	10
Rear Yard Setback⁹	10 – 20	10 – 20
Landscape Buffer¹⁰	5	5

Notes:

1. When townhomes or other attached housing units are built on separate lots, the lot width-to-depth ratio will be approximately 1:4.
2. Except as required by the landscape and parking district requirements.
3. The maximum height along street frontages is limited to thirty-five feet (three stories); in the MUNC zone height can be increased to forty-five feet when the fourth floor is stepped back and in the MUC zone height can be increased to fifty-five feet when the fourth and fifth floors are stepped back.
4. The minimum required setback is five feet; the maximum allowed setback is twenty feet.
5. Porches, covered entries, or pedestrian-oriented spaces may project up to five feet into front yard setbacks.
6. When townhomes or other attached housing units are built on separate lots, a zero setback between units is permitted in allowed zones. The outside setback for attached housing units abutting a ROW, separate detached unit(s), or different zone will be ten feet.

7. Side yard setbacks for single-family residences will be five feet minimum; all other mixed use, commercial and multifamily structures will be ten feet minimum.
8. Side yard setbacks for fourth and fifth floors require an additional five feet per floor. That is, the fourth floor must be set back at least five feet from the building's edge and the fifth floor must be set back at least ten feet from the building's edge.
9. The rear setback can be reduced to ten feet if parking is underground or underneath the unit for multifamily developments or parking is accessed off an alley/private drive to the rear and provides a minimum backup area of twenty feet including the alley or private lane.
10. Landscape buffers will be five feet along property lines; however, the city may waive the five-foot perimeter landscape buffer for internal property lines when the adjacent properties share parking, access, or other common features that will make intensive landscaping impractical.

Table C
– Commercial/Industrial Zoning District Bulk Development Requirements

	Commercial/Industrial					
	Commercial/Office				Industrial	
	GC	SC	DC	PO	GI	LI
Minimum Lot Size, in sq. ft.	NA	NA	per MMC 18.12.200	4,000	NA	NA
Minimum Lot Width	NA	NA	NA	per Table A	NA	NA
Maximum Lot Coverage¹	100%	85%	per MMC 18.12.200	75%	85%	85%

Maximum Building Height	35 – 45	35	per MMC 18.12.200	35	35 – 45	35
Front Yard Setback	20	20	per MMC 18.12.200	10	20	20
Side Yard Setback^{2,3}	IBC/IFC	IBC/IFC	per MMC 18.12.200	5 w/ total 10	IBC/IFC	IBC/IFC
Rear Yard Setback²	IBC/IFC	IBC/IFC	per MMC 18.12.200	10	IBC/IFC	IBC/IFC
Landscape Buffer	5 ft. perimeter / 20 ft. residential	5 ft. perimeter / 20 ft. residential	5 ft.	5 ft.	5 ft. perimeter / 20 ft. residential	5 ft. perimeter / 20 ft. residential

Notes:

1. Except as required by the landscape and parking district requirements.
2. Landscape buffers will be five feet along property lines; however, the city may waive the five-foot perimeter landscape buffer for internal property lines when the adjacent properties share parking, access, or other common features that will make intensive landscaping impractical.
3. Commercial and industrial zoned properties shall maintain a twenty-foot landscaped setback buffer from any properties that allow residential uses, including properties across rights-of-way.

**Table D
– Open Space and Public Use Zoning District Bulk Development Requirements**

	Open Space and Public Use	
	Open Space	Public

	LOS	LOSA	PS¹
Minimum Lot Size, insq. ft.	5 acres	Commercial and airport uses – None	NA
Minimum Lot Width	70	70	NA
Maximum Lot Coverage	30%	100% with Type I landscaping along exterior perimeter of LOS-Airport zone	75%
Maximum Building Height	35	35	45
Front Yard Setback	50' from arterials 25' other streets	Interior LOSA – per IBC and IFC Adjacent to non-LOSA zones: 20'	20
Side Yard Setback^{2,3}	25	Interior LOSA – per IBC and IFC Adjacent to non-LOSA zones: 20'	10/20
Rear Yard Setback	25	Interior LOSA – per IBC and IFC Adjacent to non-LOSA zones: 20'	10/20
Landscape Buffer	5	5	5 ³

Notes:

1. Small structures, one thousand square feet or less in size and twenty-five feet in height or less, shall provide a ten-foot front setback and five-foot rear and side yard setback inclusive of a five-foot landscape buffer.
2. Side and rear setbacks to interior lot lines are ten feet, except in the case of common ownership of multiple adjacent lots. Where a parcel directly abuts a residential zone, the side and rear setbacks to exterior property lines are twenty feet.
3. The city may waive the five-foot perimeter landscape buffer for internal property lines when the adjacent properties share parking, access, or other common features that will make intensive landscaping impractical.

(Ord. 007/2012 § 2 (Exh. 1); Ord. 026/2011 § 2 (Exh. 1); Ord. 006/2009 § 4; Ord. 033/2008 § 6; Ord. 024/2008 § 1; Ord. 028/2006 § 4; Ord. 036/2004 § 1; Ord. 006/2004 § 4; Ord. 1234, 2001; Ord. 1177, 1999)

18.10.150 Minimum public open space zone setbacks.

Setbacks shall be no less than the most restrictive setbacks permitted in an abutting zone. Such abutting zone shall be determined by the orientation of the public use. (Ord. 1177, 1999)

18.10.160 Minimum limited open space zone setbacks.

All structures shall observe the following setbacks:

- A. From an arterial highway, fifty feet;
- B. From all other public streets, twenty-five feet;
- C. From a side or rear yard, twenty-five feet;
- D. From a wetland or slope, see Chapter [20.05](#) MMC, Critical Areas. (Ord. 006/2004 § 5; Ord. 1177, 1999)

18.10.170 Minimum single-family zone setbacks.

There shall be a front yard setback of not less than ten feet for the living side of a residential building and twenty feet for a garage, except that residences fronting on a collector or arterial roadway shall have a twenty-foot setback. Side and rear yard setbacks shall be five feet, except that side yard and rear yard setbacks shall be increased by two feet for every story exceeding the first story. (Ord. 036/2004 § 2; Ord. 1177, 1999)

18.10.180 Minimum multifamily zone setbacks.

There shall be twenty-foot front yard setbacks. Rear yard and side yard setbacks in the multifamily zone shall not be less than five feet. Side yard setbacks shall be increased by two feet for every story exceeding the first story. For single-family residential uses in the multifamily zone, the rear yard and side yard setbacks shall be five feet, except that side yard setback shall be increased by two feet for every story exceeding the first story. (Ord. 036/2004 § 3; Ord. 1177, 1999)

18.10.185 Minimum professional office zone setbacks.

There shall be twenty-foot front yard setbacks. For office uses, the side and rear yard setbacks in the professional office zone shall not be less than ten feet. For multifamily residential uses in the professional office zone, the rear yard and side yard setbacks shall be five feet, except that side yard setback shall be increased by two feet for every full story exceeding the first story. For single-family residential uses in the professional office zone, the rear yard and side yard setbacks shall be five feet, except that side yard setback shall be increased by two feet for every story exceeding the first story. (Ord. 036/2004 § 4)

18.10.190 Minimum garage setbacks.

A. Garages shall have the same front, side and rear yard setbacks as principal structures as noted in the bulk requirement tables (MMC 18.10.140), except that setbacks from public alleys shall be such that a motor vehicle parked on a garage apron (see MMC 18.86.115) either parallel to or perpendicular to the alley will not protrude into the alley right-of-way. Apron (parking space) dimensions are described in Table I of MMC [18.86.115](#).

B. Side and rear garage setbacks can be reduced to five feet in zones when a one-story detached garage is built toward the rear of the lot and when access is from a public street at the front of the lot. (Ord. 026/2011 § 2 (Exh. 1); Ord. 1177, 1999)

18.10.200 Minimum commercial and industrial setbacks.

Commercial and industrial zoned right-of-way setbacks shall be twenty-five feet from arterial roadways, and twenty feet for all other roadways. Side yard and rear yard setbacks shall be determined by the city building code. (Ord. 1177, 1999)

18.10.210 Minimum zoning district setbacks.

Commercial and industrial zoned property shall maintain a twenty-five-foot landscaped setback buffer from any residentially zoned property lines, including residentially zoned properties across rights-of-way. (Ord. 033/2008 § 6; Ord. 1177, 1999)

18.10.220 Lot coverage.

The total impervious area to be covered by buildings, driveways, parking areas, sidewalks, pools, and similar impervious surface areas shall not exceed the percentage of a building lot area defined in the bulk requirement tables (MMC 18.10.140). When a proposal incorporates porous paving into the project design, complies with the standards of the **stormwater manual**

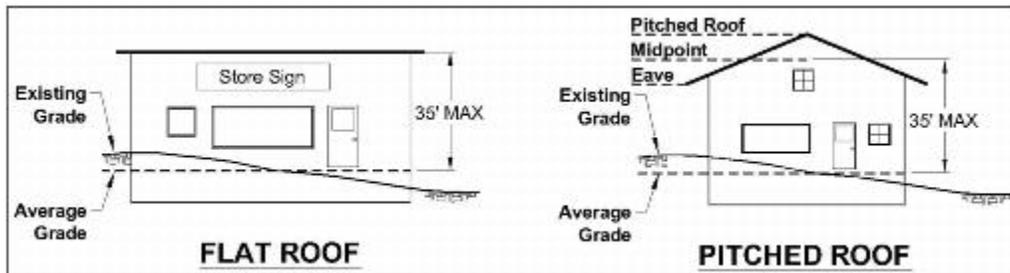
as adopted by MMC 15.01.025~~[DEPARTMENT OF ECOLOGY STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON (CURRENT EDITION)]~~, and is allowed by the director and city engineer, the city will provide a fifty percent credit toward determining total lot coverage for the portion of the project using this material. (Ord. 026/2011 § 2 (Exh. 1); Ord. 006/2009 § 4; Ord. 033/2008 § 6; Ord. 1177, 1999)

18.10.230 Maximum building height.

- A. The maximum height of structures within the city of Monroe is defined in the bulk requirement tables (MMC 18.10.140). Heights greater than the maximum height in a zoning district shall require a variance (VAR).

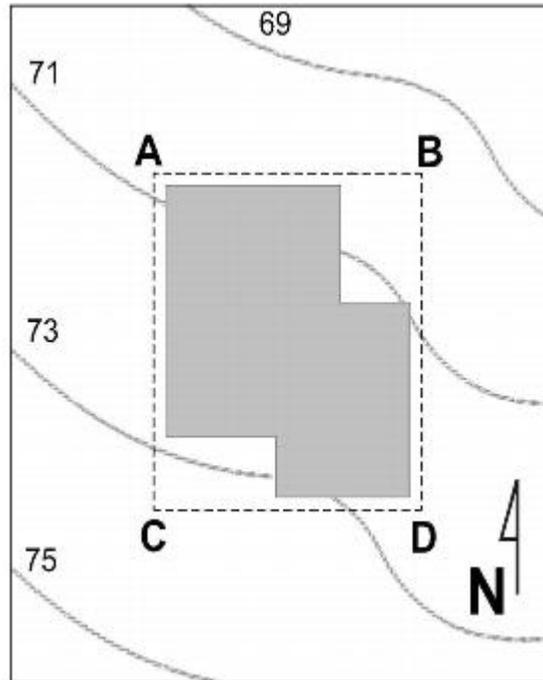
- B. Building height shall be measured vertically from the finished average grade level to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof (not illustrated), and to the midpoint between the eaves and ridge of pitched roofs (e.g., gable, hip, gambrel roof, etc.), illustrated below in Figure 18.10.230B.

**Figure 18.10.230B
Building Height Measurement**



- C. The average grade level shall be measured by delineating the smallest rectangle which can enclose the proposed building, and then averaging the four corner elevations of the rectangle, as illustrated in Figure 18.10.230C. The standard formula for calculating average grade level is $(A+B+C+D)/4 = \text{average grade level}$. In the event the corner point of the rectangle drawn is not located on the subject property, the measurement point shall be determined by establishing the corner point from the property line where it intersects the rectangle.

Figure 18.10.230C



Average Grade Level Calculation Diagram

D. Submittal Requirements.

1. All applicants shall submit a site plan to scale that includes contour lines, elevation points, and benchmark location or source to determine the average grade level and building footprint;
2. All applicants are required to submit a building height calculation worksheet, with the building permit application, to determine the average ground level and the actual building height; and
3. A professional land surveyor must complete a certificate of average ground level with the building permit application, when the structure is within three feet of the maximum allowed height. (Ord. 026/2011 § 2 (Exh. 1); Ord. 033/2008 § 6; Ord. 1234, 2001)

18.10.240 Parking.

Parking shall be provided as required in Chapter [18.86](#) MMC. (Ord. 1177, 1999)

18.10.250 Signs.

All signage shall be in accordance with Chapter [18.80](#) MMC. (Ord. 1177, 1999)

18.10.260 Street surface.

A. **Low impact development best management practices shall be used for** a[A]ll access drive[s], access easement[s], parking space[s], and garage apron[s] **design and construction, unless site and soil conditions make low impact development infeasible as determined by the Stormwater Management Administrator** and shall meet the requirements for access and circulation as per MMC Title [17](#) and the public works standards. **Low impact development best management practices shall be designed and constructed in accordance with the Low Impact Development Technical Guidance Manual for Puget Sound (current edition) and approved by the Storm Water Management Administrator.** .

~~[B. Porous paving, such as pervious asphalt or concrete, and other low impact materials or techniques including tire treads may be considered for use when the proposed application complies with standards of the Department of Ecology Stormwater Management Manual for Western Washington (current edition) and is approved by the director and city engineer.]~~

18.10.270 Performance standards.

Performance standards and regulations are used to control dangerous or objectionable environmental effects in the city. Any use of a building or property within the city shall comply with these standards. Prior to issuance of any permit, license or certificate of occupancy, an applicant shall furnish the city with information regarding the environmental effects of any proposed activity as regulated by this section. The applicant may submit a report by expert consultants to supplement the required information. This information may be submitted with any environmental assessment required by this code. A certificate of occupancy, license or permit shall not be issued until such time that the zoning code administrator has determined the use as proposed will not violate any of the applicable performance standards.

A. Odor. No emissions of noxious gases or particles shall be permitted in any district so as to exceed the odor threshold as measured beyond the lot lines. The odor threshold is defined as the concentration in the air of gases or vapors which will just evoke a response in the average human olfactory system.

B. Liquid and Solid Wastes. The discharge of any materials into any natural water or drainage system shall be regulated by the State of Washington Department of Ecology and city sewer code.

C. Fire and Explosion Hazards. All activities involving flammable and explosive materials shall provide adequate safety devices against the hazard of fire and explosion and shall provide adequate fire fighting and fire suppression equipment as determined by the city.

D. Electromagnetic Radiation. No use of a process established in the city shall involve any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, hearing, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical measurement, personal pleasure or any other use directly or indirectly associated with these purposes which does not comply with the current regulations of the Federal Communications Commission (FCC) regarding such sources of electromagnetic radiation, which commission enforces these regulations within the city.

E. Noise. The following table sets forth the maximum acceptable sound pressure level or noise:

Frequency Band in Cycles/Second	Sound Pressure Level DE RE 0.0002 Microbar
Below 75	72
75 – 150	59
150 – 300	52
300 – 600	46
600 – 1200	42
1,200 – 2,400	39
2,400 – 4,800	34
Above 4,800	32

It is expected that sound pressure level of noise radiated from any enterprise located in a zone will never exceed the above described values in any residential district between the hours of eight p.m. and seven a.m. and not more than ten percent of the time between seven a.m. and eight p.m., except construction between six a.m. and ten p.m.

F. Smoke. It is expected that smoke will not be emitted from any source in a light industrial zone in greater density or shade of gray than that described as No. 1 on the Ringlemann chart, except that visible gray smoke, of a shade not darker than that described as No. 2 on the Ringlemann chart, may be emitted for not more than four minutes in any thirty minutes. These provisions applicable to visible gray smoke also apply to visible smoke of a different color with an equivalent apparent opacity.

G. Dust, Dirt. It is expected that dust, dirt, fly ash or other airborne solids will not be emitted from any source in any zone in greater density than that described as No. 1 on the Ringlemann chart.

H. Vibration. It is expected that vibrations from any machine, operation or process will not exceed three thousandths of one inch displacement applied to the frequency range of zero to five thousand cycles per second, as measured at any point off the lot on which the machine, operation, or process is located.

I. Glare and Heat. It is expected that customary operation or process which causes offensive glare or heat will be conducted in a completely enclosed building, and that any such operation or process of any unusual or sporadic nature will be so conducted as to be invisible beyond the lot on which it is located.

J. Toxic Gases. It is expected that toxic gases or matter will not be emitted in quantities damaging to health, animals, vegetation, or which can cause any excessive soiling beyond the lot on which they are generated. (Ord. 1177, 1999)

18.10.280 Compliance required before permit issuance.

Prior to the issuance of a permit for construction, the applicant shall show that the requirements of Chapter [18.90](#) MMC have been met, as well as the provisions of all other applicable city codes:

- A. Comply with the International Fire Code to the satisfaction of the city;
- B. Comply with the state and federal regulations on noise and noise abatement;
- C. Comply with the state and federal regulations on emission and emission control, and sewage and industrial waste discharge;

- D. Comply with state and federal regulations on logging practices and mineral extractions;
- E. Comply with the International Building Code to the satisfaction of the city;
- F. Comply with all requirements for connection to sewer and water as set forth in the applicable Monroe codes;
- G. Comply with the drainage ordinance to the satisfaction of the city;
- H. Comply with the state and city subdivision codes;
- I. Comply with all other applicable Monroe codes (see the zoning matrix table in MMC 18.10.050). (Ord. 1177, 1999)

Section 5. Monroe Municipal Code section 18.12.170 “Downtown neighborhood land use matrix” is hereby amended as follows,

18.12.170 Downtown neighborhood land use matrix.

This matrix shall be considered supplemental to the zoning land use matrix, MCC 18.10.050. Uses identified in the matrix below, but not in MCC 18.10.050, shall be considered prohibited in the zoning districts identified in MCC 18.10.050.

Downtown Neighborhood Zoning Matrix	Downtown Commercial Zone			
	Downtown Neighborhood	Rails and Roads Neighborhood	Historic Main Area	Borlin Park Neighborhood
Accessory dwelling units	P ¹		P ¹	P ¹
Adult entertainment (business use) P2				
Amusement facility		P	C	C
Antique shop		P	P	P
Art gallery		P	P	P

Auto repair, minor		P		
Auto repair, major		P		
Bakery		P	P	P
Bank with drive-up facility		P	P	
Bed and breakfast	C ¹		C ¹	C ¹
Brewery, micro		P	P	C
Church	C	P	P	P
Cleaning establishment		P	P	C
Clinic, health services	C	C	C	C
Club		P	P	C
Club, fitness	P	P	P	A
Coffee shop	A	P	P	P
Community open-air market		P	P	P
Convenience stores		P	P	
Day care center	C ²	C ²	C ²	C ²
Drive-up/through		P	P ³	P ³
Drug store		P	P	P
Dwelling, duplex	P			
Dwelling, mobile home	P		C	
Dwelling, multifamily			P ⁴	P
Dwelling, single-family	P		C	
Dwelling, townhouse				P
Electrical transmission lines of higher voltage than 115 kV, in existing corridors	P	P	P	P

Electrical transmission lines of higher voltage than 115 kV, in new corridors	C	C	C	C
Family day care	A	A	A	A
Garden produce		P	P	P
Gas station		P	C	
Government facilities	C	C	C	C
Greenhouse, retail		P	C	
Grocery store		P	P ⁵	P ⁵
Group homes, Type 1	P		C	P
Group homes, Type 2	C ³		C ³	C ³
Halfway house	EPF		EPF	EPF
Hardware store 1		P	P	
Hardware store 2		P		
Home occupations	P		P	P
Hotel		P	C	C
Library		P		P
Mixed-use (commercial and residential)	P		P	P
Mobile vendors		P ⁶	P ⁶	P ⁶
Motel		P		
<u>Motor vehicle sales facility – Motorsports Only</u>		<u>P</u>		
Nursing and/or convalescent home			P ⁸	P ⁸
Office, professional	P	P	P	P

Parking lots (accessory use)	P	P	P	P
Parking lots (stand-alone)	C	C	C	C
Pawn shop		P	P	
Preschool	C	C	C	C
Print shop		P	P	C
Regional transit station, including bus, train, and other high-capacity vehicle bases	EPF	EPF	EPF	EPF
Restaurant		P	P	P
Retail stores		P	P ⁷	P ⁷
Retirement housing/assisted living facility		P ⁸	P ⁸	P ⁸
Service establishment	C	P	P	P
State and regional transportation facilities including highways of statewide significance	EPF	EPF	EPF	EPF
Tavern/pub		P	P	A
Tool sales and rental		P		
Utility services	P	P	P	P
Veterinary clinic/animal hospital	C	P	C	

P = Permitted use; A = Accessory use; C = Requires a conditional use permit;
and EPF = Essential public facility (see Chapter [18.15](#) MMC)

P¹ Accessory dwelling units must meet criteria outlined in Chapter [18.40](#) MMC.

P² Adult entertainment facilities are subject to Chapter [5.48](#) MMC and are not allowed in the downtown commercial zone.

P³ Drive-up/through windows or areas are prohibited in any establishment serving food and/or beverages.

- P⁴ Multifamily dwellings are only allowed in conjunction with mixed-use structures.
- P⁵ Grocery stores may not exceed 20,000 square feet in gross floor area.
- P⁶ Mobile vendors must meet the criteria outlined in MMC [18.12.190\(A\)](#).
- P⁷ In the Historic Main and Borlin Park neighborhoods, retail stores are limited to low-intensity uses no more than two thousand five hundred gross square feet, which are typically part of a larger development. Low-intensity uses may include, but are not limited to, boutiques, galleries, jewelry stores, clothing shops, and similar retail uses.
- P⁸ Based upon bedrooms as opposed to dwelling units in any combination of one-, two-, and/or three-bedroom units, not to exceed the maximum density allowed in the underlying zoning district. The standard formula would be to use the maximum allowed density per acre (43,560 square feet divided by minimum zone lot size) multiplied by three (standard bedroom equivalent unit) to achieve bedroom density. For example, in the MR 6,000 zone a one-acre site could achieve thirty-three bedrooms per acre (43,560 / 4,000 = 10.89 or 11 dwelling units per acre x 3 = 33).
- C¹ Caretaker must be on site.
- C² Limitation on number of children permitted per establishment.
- C³ Group homes that qualify as essential public facilities shall follow the regulations in Chapter [18.15](#) MMC, Essential Public Facilities.

Section 6. Monroe Municipal Code Chapter 18.82 “Site Plan Review” is hereby amended as follows:

Chapter 18.82 SITE PLAN REVIEW

Sections:

- [18.82.010](#) Purpose.
- [18.82.020](#) Plan review required.
- [18.82.030](#) Contents of application.
- [18.82.040](#) *Repealed.*
- [18.82.050](#) Standards to be used for review.
- [18.82.060](#) *Repealed.*
- [18.82.070](#) *Repealed.*

18.82.010 Purpose.

The purpose of this title is to ensure that all uses of land and developments are consistent with the adopted plans, policies and ordinances of the city **and that site planning and stormwater management are integrated at the initial design phases of a project to maintain a more hydrologically functional landscape.** As such, the following chapter is designed, primarily, to assure the regulation of the layout of buildings and open space, including parking areas, [AND]

the provisions for access to and from the public street system, **and stormwater management**.
(Ord. 922, 1989)

18.82.020 Plan review required.

Site plan review and approval shall be required prior to the use and/or issuance of a building permit for any commercial, industrial, public building or activity, or residential building. Such review and approval shall be according to the provisions of this chapter. (Ord. 033/2008 § 6; Ord. 922, 1989)

18.82.030 Contents of application.

All applications submitted in compliance with this title shall include the information set forth in Chapter [21.30](#) MMC and the following section. No application shall be deemed complete, nor accepted by the city, until all information set forth below has been submitted.

Applications shall show such information as the proposed location of the buildings, parking areas, and other installations on the plot, and their relation to existing conditions, such as roads, neighboring land uses, natural features, public facilities, ingress and egress roads, interior roads, and similar features. Specifically, the following information shall be included, in a clear and intelligible form, in all applications for site plan review:

- A. The title and location of the proposed development, together with the names, addresses and telephone numbers of the record owner or owners of the land and wives, and of the applicant, and, if applicable, the names, addresses and telephone numbers of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;
- B. The proposed use or uses of the land and buildings;
- C. A site plan drawing or drawings at a scale of not less than one inch for each fifty feet which shall include or show:
 - 1. The location of all existing and proposed structures, including, but not limited to, buildings, fences, culverts, bridges, roads and streets on the subject property,
 - 2. The boundaries of the property proposed to be developed,

3. All proposed and existing buildings and setback lines,
 4. All areas, if any, to be preserved as buffers or to be dedicated to a public, private, or community use or for open space under the provisions of this or any other city ordinance, information regarding percentage of area covered, locations, and general types of landscaping,
 5. All existing and proposed easements,
 6. The locations and size of all existing and proposed utility structures and lines,
 7. The storm water drainage systems for existing and proposed structures, including the location and extent of curbs and gutters,
 8. All means of vehicular and pedestrian ingress and egress to and from the site and the size and location of driveways, streets and roads,
 9. The location and design of off-street parking areas showing their size and locations of internal circulation and parking spaces,
 10. Traffic volumes and flows estimated to be generated by the proposed development on adjacent roads,
 11. Location and extent of street dedication, widening or other road improvements,
 12. Location and extent of acceleration and deceleration lanes, if needed,
 13. Location of traffic-control devices on and off the site,
 14. The location of all loading spaces, including, but not limited to, loading platforms and loading docks where trucks will load or unload,
 15. Location and area, in square feet, of all signs;
- D. Topographic map or maps which delineate contours, both existing and proposed at intervals of two feet and which locate existing lakes, streams and forested areas;
- E. The existing zoning district of the proposed development site and any other zoning district within three hundred feet of the site;

- F. The proposed number of square feet in paved or covered surfaces, whether covered by buildings, driveways, parking lots or any other structure covering land and the total amount of square feet in the entire proposed development site;
- G. The proposed number of dwelling units and number of bedrooms in the development;
- H. The proposed number of square feet in gross floor area for each commercial and industrial use;
- I. A description of each commercial and industrial use;
- J. The written approvals of the Snohomish Health District, if required;

K. A stormwater site assessment in substantial conformance to the *Low Impact Development Technical Guidance Manual for Puget Sound*;

~~[K]~~L. The zoning code administrator shall specify the submittal requirements, including type, detail, and number of copies for a site plan application, and determine if the application is complete. The city may require additional information not specified in the submittal requirements when such information is necessary to assure compliance with this code. (Ord. 033/2008 § 6; Ord. 922, 1989)

18.82.040 Review process.

Repealed by Ord. 033/2008. (Ord. 1203, 2000)

18.82.050 Standards to be used for review.

The development review committee (DRC), as defined in MMC [21.30.050](#), shall approve a site plan unless it makes one or more of the following written findings with respect to the proposed development or major alteration:

- A. The provisions for vehicular access, circulation, loading and unloading, and parking, and for pedestrian circulation on the site and onto adjacent public streets and ways will create hazards, will impact site-sensitive features of the land, or impose a significant burden upon public facilities which could be avoided by modifications in the plan.
- B. The bulk, location and/or height of proposed uses will be detrimental or injurious to other private development in the neighborhood, will impose undue burdens on public facilities or will

result in the loss or damage to unique natural features of the site that are important to the environmental quality of life for the citizens of Monroe, and development of the site is feasible in a manner that will avoid these detrimental and injurious results.

C. The provisions for on-site landscaping do not provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.

D. The site plan fails to provide measures to mitigate soil and drainage problems that may occur from development.

E. The provisions for exterior lighting are inadequate for the safety of occupants or users of the site or such provisions will damage the value and diminish the usability of adjacent properties and/or create a safety hazard (especially traffic hazard), as defined in Chapter [15.15](#) MMC.

F. The site provides for common open space and landscaping, but the applicant has not set forth a reasonable plan for the private care and maintenance of that open space and landscaping, and this failure may result in a burden on the public or cause injury and detriment to the neighborhood.

G. The proposed development will impose an undue burden upon off-site public services including sewer, water and streets, which conclusion shall be based upon a written report of the city engineer filed with the DRC, a copy of which shall be provided the applicant, and there is no provision in the capital improvements program of the city to correct the specific burden within a reasonable period after the development or major alteration shall be completed.

H. In cases where a preliminary plan has been approved, there is a substantial change in the final site plan from the approved preliminary site plan and such substantial change will have an adverse effect on public services, adjacent properties, or will adversely affect the environmental conditions on the site itself.

I. The proposed development does not comply with critical areas requirements per Chapter [20.05](#) MMC or shoreline requirements per Chapter [19.01](#) MMC. (Ord. 033/2008 § 6; Ord. 1203, 2000; Ord. 922, 1989)

18.82.060 Appeal of administrative interpretations and approvals.

Repealed by Ord. 033/2008. (Ord. 022/2004; Ord. 1203, 2000)

18.82.070 Appeal of hearing examiner decision.

Repealed by Ord. 033/2008. (Ord. 022/2004; Ord. 1203, 2000; Ord. 922, 1989)

Section 7. Monroe Municipal Code 18.82 “Planned Residential Development (PRD)” is hereby amended as follows:

**Chapter 18.84
PLANNED RESIDENTIAL DEVELOPMENT (PRD)**

Sections:

- [18.84.010](#) Purpose.
- [18.84.020](#) Application.
- [18.84.030](#) Acreage requirements.
- [18.84.040](#) Permitted uses.
- [18.84.050](#) Initiation of application for PRD.
- [18.84.055](#) *Repealed.*
- [18.84.060](#) Submittal requirements for a PRD.
- [18.84.070](#) Review stages of a PRD.
- [18.84.080](#) General requirements for PRD.
- [18.84.090](#) Procedures for preliminary development plan review.
- [18.84.100](#) Time limitations of preliminary development plan approval.
- [18.84.110](#) Hearing of development plans concurrent with other applications.
- [18.84.120](#) Decision criteria for preliminary development plan approval.
- [18.84.130](#) Final development plan review and approval.
- [18.84.140](#) Developable acreage for calculation of dwelling unit base density.
- [18.84.150](#) Bonus provision.
- [18.84.155](#) *Repealed.*
- [18.84.160](#) Establishing the total number of permitted units.
- [18.84.170](#) Flexibility provisions of PRD.
- [18.84.180](#) Phased development.
- [18.84.190](#) Requirements for filing a final PRD.

[18.84.200](#) Encumbrances by assignment of funds.

[18.84.210](#) Minor adjustments.

18.84.010 Purpose.

The purpose of this chapter is to implement the goals and policies of the Monroe comprehensive plan by promoting creativity in site layout and design, allowing flexibility in the application of the standards for residential development to protect and enhance environmental features, and provide other public benefits. This chapter provides performance criteria to encourage flexibility in the choice of the types of living units available to the public through a discretionary planned residential development (PRD) process. The PRD is an alternative to the traditional approach to subdividing property, allowing for variety in plat design and building type, while incorporating additional open space requirements and provision of recreational facilities in exchange for density bonuses. The PRD process provides mechanisms that allow the city to achieve:

- A. The preservation of open space, natural vegetation, watercourses, historic buildings and places, and other features of value to the community.
- B. Efficient street and utility systems by clustering of structures.
- C. Integrated design of landscape with sensitive areas.
- D. Integration of new development into the existing community while protecting and preserving existing neighborhoods and sensitive areas.
- E. *Repealed by Ord. 024/2009.*
- F. *Repealed by Ord. 024/2009. (Ord. 024/2009 § 7; Ord. 033/2007 § 1; Ord. 038/2005 § 5; Ord. 012/2005; Ord. 1159, 1999)*

18.84.020 Application.

A PRD is permitted within the MR 6,000, UR 6,000, UR 9,600, R-4 and SR 15,000 residential zoning districts. (Ord. 033/2007 § 1; Ord. 038/2005 § 5; Ord. 1159, 1999)

18.84.030 Acreage requirements.

The minimum site area of a PRD shall be three acres. (Ord. 033/2007 § 1; Ord. 038/2005 § 5; Ord. 1159, 1999)

18.84.040 Permitted uses.

Permitted uses are those permitted, accessory and conditional uses as set forth in the underlying zoning district. (Ord. 033/2007 § 1; Ord. 038/2005 § 5; Ord. 1159, 1999)

18.84.050 Initiation of application for PRD.

The property owner(s) may file for a PRD. The city may require the filing of a PRD as a condition of a rezone of property or properties. (Ord. 033/2007 § 1; Ord. 038/2005 § 5; Ord. 1159, 1999)

18.84.055 Predevelopment/preapplication conference.

Repealed by Ord. 033/2008. (Ord. 033/2007 § 1)

18.84.060 Submittal requirements for a PRD.

The application must be filed on forms furnished by the city. An application for a preliminary PRD and development plan shall contain the following (verify the number of copies/sets of each of the following items for submittal with the permit department prior to submittal):

- A. Completed and signed application form;
- B. Site plans, which must be drawn and signed by a licensed surveyor in accordance with the Survey Recording Act and must include (if applicable) both existing boundary lines (bearing and distance) and proposed boundary line changes, all easements and other encumbrances occurring within the affected lots, drain field, building footprints, building setbacks, and all other pertinent setbacks. The preliminary development plan shall include:
 - 1. Conceptual utility plan showing proposed location of water, sewer and other utilities;
 - 2. Conceptual site plan showing location of all proposed lot boundaries, common area tracts, open space tracts, public and private streets, park/recreation facilities, and including topographic contour lines at maximum five-foot intervals;
 - 3. Natural features plan showing the location of all environmentally sensitive areas and their buffers;

- C. SEPA (environmental) checklist;
- D. Current title report (current is dated within thirty days of submittal);
- E. *Repealed by Ord. 033/2008*;
- F. Vicinity map eight and one-half inches by eleven inches or eleven inches by seventeen inches;
- G. Set of plans reduced to eight-and-one-half-inch by eleven-inch or eleven-inch by seventeen-inch sized paper;
- H. Soils report;
- I. ~~STORM DRAINAGE REPORT INCLUDING CALCULATIONS~~ **A stormwater site assessment in substantial conformance to the *Low Impact Development Technical Guidance Manual for Puget Sound***;
- J. Wetland delineation/mitigation plan (if applicable);
- K. Preliminary landscape and irrigation plans;
- L. Traffic analysis, as directed by the city engineer;
- M. Other requested information specific to the application as required by the community development department.
- N. Required filing fees shall be paid and the application shall be completed before processing of the application may begin. Filing fees are established by the city council through the most recent fee resolution.
- O. Upon submittal of a complete application, the city may require a consultant for professional services in accordance with MMC [3.34.040](#). The consultant shall review the PRD design and prepare a written report to the director, or his designee, summarizing the proposal's compliance and/or noncompliance with all applicable standards. (Ord. 033/2008 § 6; Ord. 033/2007 § 1; Ord. 038/2005 § 5; Ord. 012/2005; Ord. 1159, 1999)

18.84.070 Review stages of a PRD.

Review and approval of a PRD shall include the following steps:

A. Preliminary PRD and Development Plan. Following submittal and certification as a complete application, a preliminary PRD shall be scheduled for a public hearing before the hearing examiner. Following the public hearing, the hearing examiner shall forward a recommendation to the city council, in accordance with MMC [21.50.030](#). Upon receipt of the hearing examiner's recommendation, the city council shall schedule a date at which it shall consider the recommendation, in accordance with MMC [21.50.050](#). A city council decision on the hearing examiner's recommendation shall include one of the following actions:

1. Approve as recommended;
2. Approve with conditions. All new or modified conditions imposed by the city council on a recommendation by the hearing examiner must be based on the record developed at the public hearing;
3. Modify, with or without the applicant's concurrence; provided, that the modifications do not:
 - a. Enlarge the area or scope of the project;
 - b. Increase the density or proposed building size;
 - c. Significantly increase adverse environmental impacts as determined by the responsible official;
4. Deny (reapplication or resubmittal is permitted);
5. Deny with prejudice (reapplication or resubmittal is not allowed for one year);
6. Remand for clarification of the evidence or findings; provided, that in any matter that is before the city council on a closed record, no new evidence shall be admitted in any remanded proceeding.
7. The requirements of RCW [58.17.100](#) through [58.17.120](#) shall be applicable to the decision of the city council.

B. Final Development Plan. Following preliminary approval of the PRD, the applicant shall submit a final development plan which includes all required construction and utility plans. The final development plan shall be reviewed by city departments. If the final development plan is approved or modified, the applicant may initiate construction. If the plan is denied, the applicant may submit a new final development plan for review.

C. Final PRD Application and Map. Upon completion of required improvements or upon submittal of financial guarantees as required by the city engineer, and completion of all necessary inspections, a final PRD application and map shall be submitted for review and a decision by the city council. The city council shall schedule a date at which it shall take action on the final PRD. The city council shall approve or deny the PRD. In the event the final PRD is denied, the applicant may resubmit a final PRD for review by the city council. (Ord. 033/2007 § 1; Ord. 038/2005 § 5; Ord. 012/2005; Ord. 1159, 1999)

18.84.080 General requirements for a PRD.

The requirements of a planned residential development area are as follows:

A. Each PRD shall provide a minimum dedication of park and recreational usable open space within the PRD as shown in Table 1.

Table 1

Zoning District	[MINIMUM LOT SIZE	[MINIMUM LOT SIZE WITHIN A PRD	Dedication of Park and Recreational Usable Open Space per Base Dwelling Unit Within a PRD
SR 15,000	15,000	10,000	1,125
UR 9,600	9,600	6,000	975
R-4	7,500	4,500	900
UR 6,000	6,000	3,700	675
MR 6,000	4,000]	2,500]	600

B. A bonus shall be granted for such park and recreational open space retention and development as provided under MMC [18.84.150](#). All of the park and recreational open space land for which a bonus is obtained shall be exclusive of critical areas and their buffers required to be preserved under Chapter [20.05](#) MMC. Where critical areas and their buffers are included in the open space areas dedicated within a PRD, a separate calculation shall be provided for the park and recreational open space area, exclusive of critical areas and their buffers, for determination of compliance with the minimum park and recreational open space requirement.

C. In addition to the park and recreational open space dedicated under subsection (A) of this section, within each PRD, additional open space for recreational opportunities may be provided. The value of such open space land may be applied towards the total park mitigation fee as a credit. The dedication of such park and recreational open space land shall be subject to prior city approval. Land value used as a credit towards park mitigation shall not be applied towards the park and recreational open space bonus provided under MMC [18.84.150](#).

D. A PRD shall provide mitigation for impacts to the city's park and recreation system in accordance with Chapter [20.10](#) MMC.

E. As part of the review of a final PRD, the city shall review the proposed homeowners' association bylaws to ensure they provide for sufficient assessments to assure the retention and continued maintenance of all open space and recreation areas. In addition, the city may require a reasonable performance or maintenance assurance device.

F. The city may permit an increase of building heights for buildings or structures in the interior of a PRD in exchange for a reduction of building heights for buildings or structures near the perimeter of a proposed site; provided, that such an increase does not unreasonably impair the scenic views in the surrounding area.

G. Housing Standards. Housing standards shall require the mixing of housing styles to eliminate repetition in block/street frontage and housing design, as follows:

1. Buildings shall include modulation along the building facades visibly facing public rights-of-way, private access driveways and roads, and private yards.
2. All residences shall be provided with a covered main entry porch to create a private outdoor space protected from the weather and provide a transition from the interior private

residential space to the semi-private outdoor space. Covered porches shall be usable both in design and dimension. All residential covered main entry porches shall have a minimum floor area measuring sixty square feet in size, having a minimum dimension of not less than five feet in any direction (length or width).

3. Housing development structures shall be provided with substantial uniform exterior trim elements. Roofs shall have eaves to efficiently shed rain and provide rain protection for exterior walls.

4. Horizontal facades longer than thirty feet shall be articulated into smaller units of the residential scale. At least two of the following methods shall be included:

- a. Distinctive roof forms and wall forms or elements.
- b. Changes in materials or patterns.
- c. Windows shape, trim, pattern and/or details.
- d. Color differentiation.
- e. Recesses/offsets/cantilevers.
- f. Architectural features (bays, Bombay windows and awnings or lower roofs).

5. A minimum of fifteen percent of the total window area permitted by the Washington State Energy Code shall be provided in building facades facing streets.

6. Window and door trim with a minimum width of three and one-half inches shall be provided on all housing development structures.

7. Structures shall incorporate pitched roof forms having slopes between 2:12 and 15:12 or greater (not applicable to porches and dormers). Flat roofs with parapets shall also be allowed. Gables or other roofline variations (i.e., parapets, second roof, dormers, etc.) facing the street are encouraged. Dormers, chimneys, bay windows and other architectural features may be incorporated to break up long lengths of roof.

8. Air conditioners, heating, cooling, ventilating equipment, pumps and heaters and all other mechanical devices shall be screened from surrounding properties and streets.

9. Variations in adjacent building height, side, rear and front yard setbacks are encouraged.
10. Building design and layout shall minimize the impacts on natural features of the site where possible.
11. Duplex dwelling units must have single unit, ground level front access either on different sides of the building or use staggered front yard setbacks.
12. When garage doors are facing the street or private driveways, they shall be set back at least twenty feet from the property line or sidewalk or edge of pavement of private street. The garage shall be set back a minimum of four feet from the face of the main structure. Where alley access is available or is provided within the development, vehicle access shall be from the alley with no curb cuts on the fronting street.

H. Street and Site Design Standards. All PRDs should fulfill the standards set forth in the city of Monroe public works and construction standards.

1. Mailboxes shall be clustered in convenient locations and shall be designed using architectural features such as peaked roofs over mailboxes. Locations shall be approved by the local U.S. Postmaster and the city engineer.
2. Housing developments shall be designed to minimize lighting and to meet the following lighting standards:
 - a. To reduce overall energy consumption and eliminate unneeded lighting, exterior lighting installations shall include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight hours or hours when the lighting is not needed.
 - b. Exterior lighting installations shall be designed to avoid harsh contrasts in lighting levels.
 - c. Light heads for parking lots and display area light fixtures shall not have bulbs or reflectors that project below the bottom rim of the fixture unless shielded by a softening diffuser.

- d. Lighting levels shall not exceed two-tenths foot candles measured five feet from an exterior property line. An exception may be approved by the director for areas adjacent to rights-of-way.
 - e. Parking lot light fixtures should be non-glare and mounted no more than twenty-five feet above the ground to minimize the impact onto adjacent properties. All fixtures over fifteen feet in height shall be fitted with a full cutoff shield.
 - f. Fixtures and lighting systems used for safety and security shall be maintained in good working order.
 - g. Vegetation and landscaping shall be maintained in a manner that does not obstruct security lighting.
 - h. Open-air parking lot lighting shall be designed to provide sufficient illumination for comfort and safety and shall be adequate to facilitate the activities taking place in a given location.
 - i. Lighting of outside areas shall not be used to attract attention to a business. Signs installed in accordance with this code may be used for that purpose.
 - j. Lighting fixtures shall be of a type or adequately shielded so as to prevent glare from normal viewing angles.
 - k. Streetlights located on private properties/roads shall have a maximum height of fourteen feet to the base of the luminaire and shall be maintained by the homeowners' association.
3. Housing developments shall be designed to minimize noise to meet standards referenced in MMC [18.10.270](#).
4. Heating (and cooling, if applicable) equipment for housing developments shall be designed to cause little or no noise impacts within the development and to adjacent properties.
5. No dimension of the private open space/yard shall be less than five feet.

6. Trash receptacles having a capacity in excess of one cubic yard shall be screened from view from adjacent properties and public rights-of-way in accordance with city solid waste disposal policy.
7. Landscaping shall screen undesirable elements such as views to adjacent commercial or industrial development, utility equipment/boxes, outdoor storage areas, and dumpsters.
8. Plat/development signs shall be located on private property within private easement(s) adjacent to the entrances of PRD developments and shall be limited to monument type signs in compliance with the provisions of Chapter [18.80](#) MMC, or shall be as approved on the PRD plan. Plat signage shall be maintained by the homeowners' association and defined within the CC&Rs.
9. Required parking shall be located on the private property.
10. Off-street parking lots/pods shall be located within the PRD development. Parking lots/pods shall not be located between the residential development and the primary street frontage.
11. Parking Lot/Pod Landscaping. Where landscaping is required for off-street parking areas (parking lots/pods within the PRD), such landscaping shall be in addition to the minimum percent of open space required, as shown in Table 1. Parking lot landscaping shall comply with the requirements of Chapter [18.78](#) MMC (landscaping/fencing shall have a minimum opacity of seventy-five percent at the time of planting/construction).
12. Parking on the side (nonprimary street) shall be screened from the side street by a structure, garage, landscaping, and/or screened fencing.
13. Preferred locations for parking, in descending order of preference, are as follows:
 - a. To the rear of housing units accessed by an alley.
 - b. To the side of housing units accessed by a private driveway.
14. All individual lot widths, lengths, sizes and similar lot configurations shall be subject to those established on the approved PRD plan.

15. Lot sizes along PRD perimeter boundary lines with other residential uses should be no less than seventy-five percent of the minimum lot size of the underlying zone.

16. Housing developments shall limit their impervious surface area in recognition of the storm water and soil conditions present in the residential development area and to prevent adverse storm water impacts. Low-impact development techniques for storm water management shall be used in accordance with the MMC 15.01.060, and as directed by the city engineer. Housing developments shall be designed to take advantage of open space and landscape features to utilize storm water low-impact development techniques including natural filtration and on-site infiltration of storm water.

I. Park and Recreational Usable Open Space. A PRD shall provide a detailed description of the requirements for parks and open space including the incorporation, dedication, specifications and placement.

1. Each PRD shall provide a minimum dedication of park and recreational usable open space within the PRD as shown in Table 1 (prior to calculation of the bonus). Park and recreational usable open space areas shall complement and be consistent with the provisions of the current city of Monroe park plan.

2. All park and recreational usable open space shall be three-fourths acre or larger unless the overall size of the PRD precludes this requirement. If there is less than three-fourths acre of park and recreational usable open space, then all of that amount shall be used for a single park and recreational usable open space.

3. All housing units shall be within walking distance of one-third mile to some form of developed park and recreational usable open space.

4. The developer shall design park and recreational usable open space to take advantage of existing contiguous open space.

5. Multiple parks may be allowed within PRDs so long as:

a. They conform to subsections (1)(2), (3) and (4) of this section.

b. No park and recreational usable open space area shall be less than three-fourths acre in size.

6. Design of park and recreational usable open space shall:
 - a. Be approved by the city of Monroe parks department prior to development in accordance with MMC [18.84.090](#).
 - b. Conform to the minimum requirements of the city of Monroe landscape ordinance and landscape guidelines contained in Chapter [18.78](#) MMC.
 - c. Meet the standards set forth by the city of Monroe parks department and the National Park and Recreation Standards.
7. Park and recreational equipment/utility, landscaping, irrigation and construction improvements shall be installed or bonded prior to final plat approval.
8. Park and recreational usable open space shall be protected in perpetuity by a recorded covenant, in a form approved by the director of community development. The recorded covenant must restrict uses of the park and recreational usable open space to those specified in the approved PRD site plan and must provide for the maintenance of the park and recreational usable open space in a manner that assures its continuing use for the intended purpose.
9. When pedestrian corridors are proposed within the PRD, a portion of the park and recreational usable open space may be devoted to the pedestrian corridor, as directed by the parks department.
10. The park and recreational usable open space shall be of a size and configuration so as to accommodate a variety of recreational functions for residents. Common recreational facilities such as play fields, play equipment, slides, swings, seating/picnic areas, swimming pools, tennis/basketball courts, trails, tot lots, exercise rooms, etc., should be included within the project site design in keeping with the scope, scale and needs of the project, as approved by the city of Monroe parks department.
11. In specified areas, park and recreational usable open space that will serve as public parks will be dedicated to the city for maintenance at the time of final plat approval.
12. Park and recreational usable open space areas shall be fronted by secondary roadways for convenient access to residence.

13. All park and recreational usable open space shall be designed, landscaped and recreational amenities be provided consistent with city of Monroe and National Recreation and Park Association Standards.

J. Landscaping Design Standards.

1. Front yards for individual lots shall be landscaped from the back of curb within the public right-of-way to the edge of the front property line, and along private roads/tracts. All such required landscaping shall be maintained in a healthy growing condition by the property owner and/or homeowners' association.

2. Housing developments shall be designed to incorporate existing trees to the extent possible. New trees shall be located to create amenities in the common open space, private open space, provide shade where appropriate, to create separation between buildings when desired, and to screen and soften the perimeter of parking areas and street facing sides of housing units.

3. Preservation of existing trees shall be provided. Trees are defined as any perennial woody plant with one main stem or multiple stems that supports secondary branches, that has a distinct and elevated crown, that will commonly reach a height of fifteen feet or greater, and that has a caliper of six inches or greater measured four and one-half feet above the ground level. At the direction of the parks department, up to twenty-five percent of the native trees and other vegetation shall be preserved to the fullest extent possible and the overall site design shall take advantage of the location of existing trees as well as natural openings or clearings on forested sites.

K. Density Determination for a PRD. The intent of the PRD is to provide an exchange of density for the proper integration, placement, and dedication of open space, parks, and trails within the city of Monroe. The city of Monroe provides an increase in the density of a development for the amenities described within these standards.

1. The maximum density of a PRD is based on the underlying density calculation found in MMC [18.10.010\(B\)](#) for single-family units/lots and MMC [18.10.020\(B\)](#) for multifamily units/lots.

2. A thirty percent density bonus will be granted in the SR 15,000, UR 9,600 and R-4 residential zoning districts and a twenty-five percent density bonus will be granted in the UR 6,000 and MR 6,000 zoning districts when the developer provides the following:

- a. The inclusion of housing site standards as described in subsection (G) of this section.
- b. The inclusion of street design standards as described in subsection (H) of this section.
- c. The inclusion of park, recreation, open space and landscaping as described in subsection (I) of this section.
- d. The inclusion of landscape design standards as described in subsection (J) of this section.

3. For example, in the UR 9,600 zone, a one-acre site could yield five units (~~43,560 SQUARE FEET~~ **1 acre** x 0.80 = **0.80 acres x 3.63 units per acre**~~34,848 SQUARE FEET / 9,600 SQUARE FEET~~) = 3.63 units. 3.63 units x 0.30 = 1.09 bonus units. 3.63 units + 1.09 bonus units = 4.72 units or five total units).

4. The final density is a maximum density. The density will be subject to all the requirements set forth in the PRD standards.

~~[L. THERE SHALL BE A MINIMUM LOT SIZE WITHIN EACH RESIDENTIAL ZONING DISTRICT AS SHOWN IN TABLE 1. ACTUAL SIZE OF THE LOTS MAY VARY FROM THE MINIMUM LOT SIZE OF THE SPECIFIC RESIDENTIAL ZONING DISTRICT TO LARGE SINGLE-FAMILY TRACTS. DUPLEXES MAY BE PLACED ON LOTS OF AT LEAST ONE AND ONE HALF THE MINIMUM LOT SIZE OF A SINGLE FAMILY DWELLING UNIT AND SHALL NOT MAKE UP MORE THAN FIFTEEN PERCENT OF THE TOTAL NUMBER OF UNITS ALLOWED BY THE DENSITY CALCULATION.]~~

M. The city may allow other modifications of the zoning code, except as prohibited elsewhere in this chapter or the specific design standards.

N. A PRD located within the R-4 zoning district containing six acres or more must contain a minimum of three lot sizes separated by at least a one thousand square feet threshold. No single lot size may make up more than fifty percent or less than fifteen percent of the total lots.

O. A PRD located within the R-4 zoning district containing less than six gross acres must contain a minimum of two lot sizes separated by at least a one thousand square feet threshold. No single lot size may make up less than twenty-five percent of the total lots. (Ord. 026/2011 § 2 (Exh. 1); Ord. 033/2007 § 1; Ord. 038/2005 § 5; Ord. 012/2005; Ord. 1207, 2000; Ord. 1159, 1999)

18.84.090 Procedures for preliminary development plan review.

The applicant shall submit to the city a preliminary development plan for review by all affected city departments. Following review of the preliminary development plan, a public hearing shall be scheduled at which the hearing examiner shall review and provide a recommendation to the city council regarding whether the proposed preliminary development plan, as conditioned, complies with the following:

- A. The requirements of this chapter; and
- B. Provisions of the city's comprehensive plan; and
- C. Provisions of the city's shoreline management plan; and
- D. The requirements of other applicable city codes, ordinances, regulations and standards. If the preliminary development plan is approved, the applicant shall submit to the city, within the permitted time frame, a final development plan for review and approval by the city. (Ord. 033/2007 § 1; Ord. 038/2005 § 5; Ord. 012/2005; Ord. 1159, 1999)

18.84.100 Time limitations of preliminary development plan approval.

Preliminary development plan approval of the PRD shall expire five years from the date of approval by the city council, or concurrently with the expiration of the preliminary plat, whichever occurs earlier. (Ord. 033/2007 § 1; Ord. 038/2005 § 5; Ord. 1159, 1999)

18.84.110 Hearing of development plans concurrent with other applications.

The preliminary development plan may be considered with the following applications:

- A. Conditional use;
- B. Extraordinary use;
- C. Preliminary plat;
- D. Rezone;
- E. Street vacation.

The public hearing in this case shall serve the public hearing requirements for the individual applications. (Ord. 033/2007 § 1; Ord. 038/2005 § 5; Ord. 1159, 1999)

18.84.120 Decision criteria for preliminary development plan approval.

The city shall approve a preliminary development plan if the plan meets the following criteria:

- A. The PRD is in accordance with the comprehensive plan; and
- B. The PRD accomplishes a development that is better than that resulting from traditional development and provides a net benefit to the city. A net benefit to the city may be demonstrated by the following:
 - 1. Conservation of natural features and sensitive area,
 - 2. Placement, style or design of structures,
 - 3. Recreational facilities,
 - 4. Interconnected usable open space,
 - 5. Provision of other public facilities,
 - 6. Aesthetic features and harmonious design, and
 - 7. Energy-efficient site design and/or building features; and
- C. The PRD will be served by adequate public facilities including streets, fire protection, water, storm water ~~[DRAINAGE]~~management, and sanitary sewer for acceptable waste controls, as

demonstrated by the submittal and review of plans for such facilities as described under MMC [18.84.060](#); and

D. The proposed landscaping within the PRD's perimeter is superior to that normally required by the city; and

E. At least one major circulation point is functionally connected to a public right-of-way; and

F. The open space within the PRD is integrated into the design of the project rather than an isolated element; and

G. The PRD is compatible with the adjacent development; and

H. Undeveloped land adjoining the PRD may be developed in coordination with the PRD; and

I. The PRD is harmonious and appropriate in design, character and appearance to the existing or intended character of development in the immediate vicinity; and

J. Roads, streets and sidewalks, existing and proposed, comply with the standards and requirements of this chapter and the Monroe Municipal Code; and

K. Each phase of the PRD, as it is completed, shall contain the required parking spaces, open space, recreation facilities, landscaping, and utility area planned for that phase. (Ord. 033/2007 § 1; Ord. 038/2005 § 5; Ord. 012/2005; Ord. 1159, 1999)

18.84.130 Final development plan review and approval.

The city shall specify the submittal requirements, including type, detail, and number of copies for a final development plan review of a PRD.

The community development director or his/her designee shall determine if the final development plan conforms to the approved preliminary development plan. If the community development director or his/her designee grants approval of the final development plan, the city is authorized to issue necessary development permits to construct the proposed development. (Ord. 033/2007 § 1; Ord. 038/2005 § 5; Ord. 012/2005; Ord. 1159, 1999)

18.84.140 Developable acreage for calculation of dwelling unit base density.

To arrive at the net area for purposes of calculating dwelling units, the following formula must be followed:

Developable acreage = gross acreage x 0.8 (twenty percent is set aside for roads and other areas required for public use). (Ord. 033/2007 § 1; Ord. 038/2005 § 5; Ord. 012/2005; Ord. 1159, 1999)

18.84.150 Bonus provision.

The applicant shall be allowed an increased number of dwelling units based upon the bonus provision established in this chapter or corresponding subarea plan. Dedication of open space shall be provided in accordance with Table 1 in this chapter. Open space dedicated under this section may not include space set aside for private yards and individual unit(s) play areas. (Ord. 033/2007 § 1; Ord. 038/2005 § 5; Ord. 012/2005; Ord. 1159, 1999)

18.84.155 Affordable housing bonus.

Repealed by Ord. 024/2009. (Ord. 033/2007 § 1; Ord. 038/2005 § 5; Ord. 012/2005; Ord. 011/2003)

18.84.160 Establishing the total number of permitted units.

Calculation of the total number of permitted units includes the following:

- A. The result of the division of the developable acreage by the **maximum dwelling units per acre**~~[MINIMUM PARCEL SIZE]~~ permitted under the zoning district for planned residential developments~~]; EXCEPT IN THE R-4 ZONING DISTRICT THE DENSITY SHALL BE CALCULATED AT FOUR DWELLING UNITS PER DEVELOPABLE ACRE, UNLESS SPECIFIED OTHERWISE IN THIS CHAPTER];~~
- B. MMC [20.05.070\(I\)](#), Limited Density Transfer, shall apply;
- C. The additional units as determined by the bonus provisions of this chapter. (Ord. 033/2007 § 1; Ord. 038/2005 § 5; Ord. 012/2005; Ord. 1159, 1999)

18.84.170 Flexibility provisions of PRD.

The dimensional and other standards found in the underlying zoning district may only be varied with city council approval using the PRD process. However, the following zoning code requirements may not be varied under the PRD process:

- A. Off-street parking;
- B. Perimeter setbacks; for the purpose of this section, perimeter setback(s) shall be defined as the setback(s) from the exterior property boundary line of the site;
- C. Uses permitted in the underlying zone. (Ord. 033/2007 § 1; Ord. 038/2005 § 5; Ord. 012/2005; Ord. 1159, 1999)

18.84.180 Phased development.

A phasing schedule may be provided as a part of the application. (Ord. 033/2007 § 1; Ord. 038/2005 § 5; Ord. 1159, 1999)

18.84.190 Requirements for filing a final PRD.

All improvements required by the approval of the preliminary PRD and development plan shall be installed, with the exception of improvements exempted under MMC [18.84.200](#), prior to recording of the final plat map. The final plat map shall be submitted for review concurrently with the final PRD. The city council shall take action on the final PRD in accordance with the procedures for final plats in Chapter [17.28](#) MMC. (Ord. 033/2007 § 1; Ord. 038/2005 § 5; Ord. 012/2005; Ord. 1159, 1999)

18.84.200 Encumbrances by assignment of funds.

The following requirements of a PRD may be postponed by the placement of an assignment of funds to the city:

- A. Street landscaping improvements;
- B. Final street paving lift. (Ord. 033/2007 § 1; Ord. 038/2005 § 5; Ord. 1159, 1999)

18.84.210 Minor adjustments.

In issuing permits connected with the construction of a PRD the city community development director or his/her designee may allow minor adjustments; provided, that:

- A. There is no increase in the number of lots or dwelling units; and
- B. There is no decrease in the parking facilities; and

- C. No structures are being moved closer to the perimeter of the site, to water bodies, or to sensitive areas; and
- D. No points of ingress or egress are being moved; and
- E. The amount of landscaping, buffering, and open space is not reduced; and
- F. The adjustments shall not relocate a building, street or other uses more than twenty feet in any direction and shall not reduce the required yard and/or setback; and
- G. The height of the building and other structures does not increase beyond the approved height of the PRD; and
- H. Traffic volumes shall not increase and traffic patterns shall not change; and
- I. Changes in color, plant material and parking configuration are minor; and
- J. The adjustments do not add significant new environmental impacts or significantly increase any adverse impacts disclosed in the original SEPA documents; and
- K. The community development director determines that changes will not increase any adverse impacts or undesirable effects of the project, or that the change in no way significantly alters the project. (Ord. 033/2007 § 1; Ord. 038/2005 § 5; Ord. 012/2005; Ord. 1159, 1999)

Section 8. Monroe Municipal Code section 18.86.040 entitled “General requirements” is hereby amended as follows:

18.86.040 General requirements.

Low impact development best management practices shall be used for parking lot design and construction, unless site and soil conditions make low impact development infeasible as determined by the Stormwater Management Administrator. Low impact development best management practices shall be designed and constructed in accordance with the *Low Impact Development Technical Guidance Manual for Puget Sound* (current edition) and approved by the Storm Water Management Administrator.

Additionally, a[A]ny required off-street parking and loading facilities shall be developed in accordance with the following standards:

A. Any on-premises parking area which contains parking spaces located more than three hundred feet from the perimeter of the site shall require the hearing body approval for the entire parking lot.

B. All required parking must be under the same ownership as the development site served, except through special covenant agreements as approved by the city attorney, which bind the parking to the development site.

C. In any residential district, public or private parking areas and parking spaces are not permitted in any required yard except as provided herein:

1. Vacation trailers, boat trailers, camperettes and other vehicles not in daily use are restricted to parking in front yard setback for not more than forty-eight hours, and mobile homes, vacation trailers, boat trailers, camperettes and all other vehicles not in daily use are permitted to be located in the required rear yards. Variances from this requirement, if no feasible alternative exists, may be granted by the hearing body.

2. Public or private parking areas, parking spaces of any building intended for parking which is developed or maintained in conjunction with any building or use permitted in any rear or side yard that abuts an alley, provided the parking areas, structures or spaces comply with the parking dimensions available from the city engineer.

D. Parking will be to the rear or side for all apartments and condominiums unless otherwise specified in the municipal code or in the City of Monroe [Infill, Multifamily, and Mixed Use Design Standards](#).

E. Parking Area and Parking Area Entrance and Exit Slopes. The slope of off-street parking spaces shall not exceed eight percent. The slope of entrance and exit driveways providing access for off-street parking areas and internal driveway aisles without parking spaces shall not exceed fifteen percent.

F. Driveways and Maneuverability.

1. Adequate ingress to and egress from each parking space shall be provided without moving another vehicle and without backing more than fifty feet.
2. Turning and maneuvering space shall be located entirely on private property unless specifically approved by the city engineer.
3. All parking spaces shall be internally accessible to one another without re-entering adjoining public streets except where no other alternative exists.
4. When off-street parking is provided in the rear of a building and a driveway or lane alongside the building provides access to rear parking area, such driveway shall require a minimum width of twelve feet and a sidewalk of at least a three-foot section, adjoining the building, curbed or raised six inches above the driveway surface.
5. Ingress and egress to any off-street parking lot should not be located closer than twenty feet from point of tangent to an intersection unless allowed by the city engineer.
6. The city engineer may require ingress separate from an egress for smoother and safer flow of traffic.

G. Surface.

~~[1. THE SURFACE OF ANY REQUIRED OFF-STREET PARKING OR LOADING FACILITY SHALL BE PAVED WITH ASPHALT OR CONCRETE (LOOSE SURFACES INCLUDING GRAVEL, CRUSHED ROCK, OR SIMILAR AGGREGATE MATERIALS ARE PROHIBITED) UNLESS OTHERWISE APPROVED BY THE HEARING BODY AND SHALL BE GRADED AND DRAINED SO AS TO DRAIN ALL SURFACE WATER, IN ACCORDANCE WITH THE CITY'S DRAINAGE ORDINANCES. POROUS PAVING, SUCH AS PERVIOUS ASPHALT OR CONCRETE, MAY BE CONSIDERED FOR USE WHEN THE PROPOSED APPLICATION COMPLIES WITH STANDARDS OF THE DEPARTMENT OF ECOLOGY STORMWATER MANAGEMENT MANUAL FOR WESTERN~~

~~WASHINGTON (CURRENT EDITION) AND IS APPROVED BY THE DIRECTOR AND CITY ENGINEER.]~~

~~[2]~~1. All traffic-control devices such as parking stripes designating parking spaces, directional arrows or signs, bull rails, curbs and other developments shall be installed and completed as shown on the approved plans.

~~[3]~~2. Paved parking areas shall use paint or similar devices to delineate parking spaces and direction of traffic.

~~[4]~~3. Where pedestrian walks are used in parking lots for the use of foot traffic only, they shall be curbed or raised six inches above the lot surface where possible.

~~[5]~~4. Wheel stops shall be required on the periphery of parking lots so cars will not protrude into the right-of-way, or off the parking lot or strike buildings. Wheel stops shall be two feet from the end of the parking of head-in parking.

H. Parallel parking spaces shall be designed so that doors of vehicles do not open onto the right-of-way.

I. Obstructions. No obstruction, which would restrict car door opening, shall be permitted within five feet of the centerline of a parking space.

J. Lighting. Any required lighting shall be installed as required in Chapter [15.15](#) MMC.

K. Curb Cuts. All parking areas shall have specific entrance and/or exit areas to the adjacent rights-of-way. The width of access roads and curb cuts shall be determined by the city engineer. The edge of the curb cut or access road shall be finished as required by the city engineer for safe movement of vehicles or pedestrians. Curb cuts in single-family districts shall be limited to a maximum of twenty feet in width and the location shall be approved by the city engineer.

L. No commercial trucks over eight thousand pounds gross vehicle weight, machinery, bulldozers or similar construction equipment shall be allowed to be stored or parked in any residential zones without a permit as required by other city ordinances.

M. Parking spaces shall not be used for permanent or semipermanent parking or storage of trucks or materials.

Section 9. Monroe Municipal Code section 18.86.050 entitled “Required number of parking spaces” is hereby amended as follows:

18.86.050 Required number of parking spaces.

The minimum number of off-street parking spaces shall be as follows for the listed uses:

Required Off-Street Parking

Type of Use	Required Parking Spaces
Single-family and multifamily dwellings	2 for each unit
Mixed use multiple-dwelling units ¹ 1. Studio/1 bedroom 2. 2 or more bedrooms	1. 1.5 per dwelling unit 2. 2.0 per dwelling unit
Churches, mortuaries and funeral homes	1 for each 4 fixed seats
Convalescent homes, nursing and rest homes	1 for every 4 beds with a minimum of 10 stalls
Fast-food restaurants	1 for each 100 [50] square feet of gross floor area
Food stores and retail establishments	1 for each 200 square feet of gross floor area
Hospitals	2 for each employee and 1 for each bed
Motels, hotels, rooming houses, boardinghouses	1 for each room plus additional parking in accordance with the schedule for restaurants and/or conference facilities
Bowling alleys	5 spaces per alley plus additional parking in accordance with the schedule for restaurants if appropriate

Mortuaries	1 for each 4 seats
Banks, office uses and professional buildings	1 for each 400 square feet
Dental and medical clinics	1 for each 200 square feet of floor area plus one space per employee
Outdoor sports areas or parks	Shall be determined by the hearing body when granting a special use permit
Places of public assembly, auditoriums, stadiums, clubs, exhibition halls, community centers and theaters	1 for every 4 persons based on occupancy load or seats (if fixed)
Post offices	1 for each 400 square feet of gross floor area
Private clubs	1 for every 4 persons based on occupancy load
Public facilities, including libraries, City Hall, police and fire stations	Shall be determined by the hearing body when granting a special use permit
Schools, including preschool, elementary, junior high, private and parochial schools	1.5 for each staff member plus parking required for any public assembly areas as outlined above
High school	1 for each staff member, 1 for every 10 students, plus parking required for any public assembly areas as outlined above
Manufacturing and industrial uses of all types, except a building used exclusively for warehouse purposes	1 per employee plus 1 per 800 square feet of gross floor area
Warehouses, storage buildings or structures used exclusively for storage purposes, except mini self storage	[1 PER EMPLOYEE PLUS 1 PER 2,000 SQUARE FEET OF GROSS FLOOR AREA] 1 per 1,000 sf (less office space). 1 per 300 sf of office space
Mini self storage	1 space per each 10 storage cubicles equally distributed in close proximity to storage buildings plus 1 space for each 50 storage cubicles to be located at the project office

Service or repair shop, including retail store handling exclusively bulky merchandise such as automobiles and furniture	1 for every 400 square feet of gross floor area
Auto wrecking yards	15 spaces for yards less than 10 acres in size and 25 spaces for yards 10 acres and larger in size
Utility and communication establishments without regular on-site employment	1 space
Taverns/restaurants	1 for every 4 persons based on occupancy load

1. In mixed use zones, off-street parking shall include adequate parking stalls to meet the sum of the requirements for the various uses as listed in the required parking table. For example, if a site has office and residential uses, the parking area would need to include the required number of parking spaces for both uses; provided, the director or designee may approve a reduction of up to twenty percent of the required off-street parking spaces, per MMC [18.86.050](#), when the applicant enters into a joint parking agreement, for use of a cooperative parking facility, in accordance with MMC [18.86.070](#) and [18.86.080](#).

Section 10. Monroe Municipal Code section 18.94.010 “General exceptions to yard standards” is hereby amended as follows:

18.94.010 General exceptions to yard standards.

The general exceptions to yard standards are:

A. Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornament features, and other similar architectural features, in addition to common mechanical equipment such as air conditioners, heat pumps, and the like, **as well as rainwater harvesting systems,** may project not more than two feet into a required setback or into required open space as established by coverage standards.

B. Except for that portion of the setback which is listed in subsection (C) of this section, the following are exceptions to the front yard requirement for a dwelling:

1. If there are dwelling units on both abutting lots with front yards of less than the depth otherwise required, the front yard for a lot need not exceed the average front yard of the abutting dwelling units.
 2. If there is a dwelling unit on one abutting lot with a front yard of less than the depth otherwise required, the front yard for a lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth.
- C. To permit or afford better light, air and vision on more heavily traveled streets and on streets of substandard width, to protect arterial streets, and to have the location of structures compatible with the need for the eventual widening of streets, additional yard setbacks may be required. Where a street is not standard width, the required yard width shall be increased by half the amount of the additional right-of-way needed to create a standard width street.

Section 11. Monroe Municipal Code section 20.05.080 "Wetland development standards is hereby amended as follows:

20.05.080 Wetland development standards.

A. General Standards. Activities and uses shall be prohibited from wetlands and wetland buffers, except as provided by this chapter. The following activities may only be permitted in a wetland or wetland buffer if the applicant can demonstrate that the activity will not degrade the functions and values of the wetland and other critical areas.

1. Category I Wetlands. Activities and uses shall be prohibited from Category I wetlands, except as provided in the public agency and utility exception, reasonable use exception, and variance sections of this chapter.

2. Category II and III Wetlands. The following standards shall apply to Category II and III wetlands:

a. Water-dependent activities may be allowed where there are no practicable alternatives that would have a less adverse impact on the wetland and other critical areas.

b. Where non-water-dependent activities are proposed, it shall be presumed that alternative locations are available, and activities and uses shall be prohibited, unless the applicant demonstrates that:

i. The basic project purpose cannot reasonably be accommodated on another site in the general region and successfully avoid, or result in less adverse impacts on, a wetland or its buffer;

ii. There are no feasible alternative designs of the project as proposed that would avoid, or result in less of an adverse impact on, a wetlands or its buffer, such as a reduction in the size, scope, configuration, or density of the project.

3. Category IV Wetlands. Activities and uses that result in unavoidable and necessary impacts may be permitted in Category IV wetlands and associated buffers in accordance with an approved critical areas report and mitigation plan, and only if the proposed activity is the only reasonable alternative that will accomplish the applicant's objective.

4. Property Access. Any wetland may be altered with the least possible impact

and to the minimum extent necessary to gain access to developable property when no other alternative access exists. Alteration proposals shall be subject to city review and shall require compensation pursuant to a mitigation plan (see MMC 20.05.050, Applicability, exemptions, and exceptions).

5. Storm Water Management. Storm water management facilities are not allowed in wetlands. Storm water management facilities, limited to storm water dispersion outfall and bioswales, may be allowed within the outer twenty-five percent of the buffer of Category III and IV wetlands only; provided, that:

a. No other location is feasible; and
b. The location of such facilities will not degrade the functions and values of the wetland.

6. Trails. Public and private trails may be allowed within all buffers where it can be demonstrated in a critical areas report that the wetland and wetland buffer functions and values will not be degraded by trail construction or use. Trail planning, construction, and maintenance shall adhere to the following criteria:

a. Trail alignment shall follow a path beyond a distance from the wetland edge equal to seventy-five percent of the buffer width except as needed to access viewing platforms. Trails may be placed on existing levees or railroad grades within these limits;

b. Trails shall be constructed of pervious materials. The trail surface shall meet all other requirements, including water quality standards set forth in **the stormwater manual adopted in MMC Section 15.01.025 [THE WASHINGTON STATE DEPARTMENT OF ECOLOGY STORM WATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON, AUGUST 2001 OR AS REVISED];**

c. Trail alignment shall avoid trees in excess of six inches in diameter of any tree trunk at a height of four and one-half feet above the ground on the upslope side of the tree;

d. Trail construction and maintenance shall follow the U.S. Forest Service Trails Management Handbook (FSH 2309.18, June 1987) and Standard Specifications for Construction of Trails (EM-7720-102, June 1984 or as revised);

e. Access trails to viewing platforms within the wetland may be provided. Trail access and platforms shall be aligned and constructed to minimize disturbance to valuable functions of the wetland or its buffer and still provide enjoyment of the resource;

f. Buffer widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas; and

g. Equestrian trails shall provide measures to assure that runoff from the trail does not directly discharge to the wetland.

7. Utilities. Public and private utility corridors may be allowed within wetland buffers for Category II, III, and IV wetlands when no lesser impacting alternative alignment is feasible, and wetland and wetland buffer functions and values will not be degraded. Utilities, whenever possible, shall be constructed in existing, improved roads, drivable surface or shoulder, subject to compliance with road and maintenance BMPs, or within an existing utility corridor. Otherwise, corridor alignment, construction, restoration and maintenance shall adhere to the following criteria:

a. Corridor alignment shall follow a path beyond a distance from the wetland edge equal to seventy-five percent of the buffer width, except when crossing a Category IV wetland and its buffer;

b. Corridor construction and maintenance shall maintain and protect the hydrologic and hydraulic functions of the wetland and the buffer;

c. Corridors shall be fully revegetated with appropriate native vegetation upon completion of construction; and

d. Utilities requiring maintenance roads shall be prohibited in wetland buffers

unless the following criteria are met:

- i. There are no lesser impacting alternatives;
- ii. Any required maintenance roads shall be no greater than fifteen feet wide. Roads shall closely approximate the location of the utility to minimize disturbances; and
- iii. The maintenance road shall be constructed of pervious materials and designed to maintain and protect the hydrologic functions of the wetland and its buffer.

B. Best Available Science. Any approval of alterations of impacts to a wetland or its buffer shall be supported by the best available science.

C. Native Growth Protection Easement/Critical Area Tract. As part of the implementation of approved development applications and alterations, wetlands and their buffers that remain undeveloped pursuant to the critical areas regulations, in accordance with MMC 20.05.070, Protection and mitigation measures, shall be designated as native growth protection easements (NGPE). Any wetland and its associated buffer created as compensation for approved alterations shall also be designated as an NGPE.

When the subject development is a formal subdivision, short subdivision (short plat), or planned residential development (PRD), wetlands and their buffers shall be placed in a critical areas tract instead of an NGPE, as described in MMC 20.05.070, Protection and mitigation measures.

D. Minimum Buffers. The following buffers are minimum requirements. All buffers are measured from the wetland's edge as surveyed in the field:

1. Category I wetlands shall have a two-hundred-foot undisturbed buffer.
2. Category II wetlands shall have a one-hundred-foot undisturbed buffer.
3. Category III wetlands shall have a seventy-five-foot undisturbed buffer.
4. Category IV wetlands shall have a fifty-foot undisturbed buffer.
5. Any wetland created as compensation for approved wetland alteration shall have the minimum buffer required for the new classification of the created wetland.
6. Uninventoried wetlands shall be assigned a rating based on the wetland report and field verification, and the appropriate buffer shall apply.

E. Additional Buffers. The city may require increased buffer sizes as necessary to protect wetlands when either the wetland is particularly sensitive to disturbance or the development poses unusual impacts. Examples of circumstances that may require buffers beyond minimum requirements include, but are not limited to:

1. Unclassified uses;
2. The wetland is in a critical drainage basin;
3. The wetland is a critical fish habitat for spawning or rearing as determined by the Washington Department of Fish and Wildlife;
4. The wetland serves an important groundwater recharge area as determined by a groundwater management plan;
5. The wetland acts as habitat for endangered, threatened, rare, sensitive, or monitor species;
6. The land adjacent to the wetland and its associated buffer and included in the development proposal is classified as an erosion hazard area; or
7. A trail or utility corridor in excess of ten percent of the buffer width is proposed for inclusion in the buffer.

F. Buffer Reduction. The city may reduce up to twenty-five percent of the wetland buffer requirement only if sufficient information is available showing:

1. The applicant has demonstrated that mitigation sequencing efforts have been appropriately utilized: avoid, minimize, and lastly mitigate;
2. The proposed buffer reduction shall be accompanied by a mitigation plan that includes enhancement of the reduced buffer area;
3. The reduction will not adversely affect water quality;

4. The reduction will not destroy, damage, or disrupt a significant habitat area; and

5. The reduction is necessary for reasonable development of the subject property.

G. Buffer Averaging. The city will consider the allowance of wetland buffer averaging only when the buffer area width after averaging will not adversely impact the critical area and/or buffer functions and values. At a minimum, any proposed buffer averaging must also meet the following criteria:

1. The buffer area after averaging is no less than that which would be contained within the standard buffer; and

2. The buffer width shall not be reduced by more than twenty-five percent at any one point as a result of the buffer averaging.

H. Additional Wetland Mitigation Requirements. No net loss of wetland functions and values shall occur as a result of the overall project. If a wetland alteration is allowed, then the associated impacts will be considered unavoidable and the following mitigation measures to minimize and reduce wetland impacts shall be required, in addition to the requirements in MMC 20.05.070, Protection and mitigation measures.

1. Restoration/rehabilitation is required when a wetland (or stream) or its buffers has been altered on the site in violation of city regulations prior to development approval and as a consequence its functions and values have been degraded. Restoration is also required when the alteration occurs in violation of city regulations during the construction of an approved development proposal. At a minimum, all impacted areas shall be restored to their previous condition pursuant to an approved mitigation plan.

2. Restoration/rehabilitation is required when a wetland (or stream) or its buffers will be temporarily altered during the construction of an approved development proposal. At a minimum, all impacted areas shall be restored to their previous condition pursuant to an approved mitigation plan.

3. Compensation. The overall aim of compensation is no net loss of wetland and/or buffer functions on a development site. Compensation includes replacement or enhancement of wetlands and/or buffer (stream) depending on the scope of the approved alteration and what is needed to maintain or improve wetland and/or buffer functions. Compensation for approved wetland and/or buffer alterations shall meet the following minimum performance standards and shall occur pursuant to an approved mitigation plan.

4. a. Mitigation shall achieve equivalent or greater biological functions. Mitigation plans shall be consistent with the state Department of Ecology Guidelines for Developing Freshwater Wetland Mitigation Plans and Proposals, 1994, as revised.

b. Preference of Mitigation Actions. Mitigation actions that require compensation shall occur in the following order of preference:

i. Restoring wetlands on upland sites that were formerly wetlands.

ii. Creating wetlands on disturbed upland sites such as those with vegetation cover consisting primarily of exotic introduced species.

iii. Enhancing significantly degraded wetlands only after a minimum one-to-one replacement ratio has been met.

c. On-Site and In-Kind. Unless otherwise approved, all wetland impacts shall be compensated for through restoration or creation of replacement wetlands that are in-kind, on-site, and of similar or better wetland category. Mitigation shall be timed prior to or concurrent with the approved alteration and shall have a high probability of success. The following ratios shall apply to wetland restoration and creation for mitigation:

i. Category I on a six-to-one area basis with equal or greater functions and values.

ii. Category II on a three-to-one area basis with equal or greater functions and

values.

iii. Category III on a two-to-one area basis with equal or greater functions and values.

iv. Category IV on a one-and-one-half-to-one area basis with equal or greater functions and values.

d. Off-Site and In-Kind. The city may consider and approve off-site compensation where the applicant can demonstrate that equivalent or greater biological and hydrological functions and values will be achieved. The compensation may include restoration, creation, or enhancement of wetland or streams so long as the project is within the same subdrainage basin. The compensation formulas required in subsection (H)(4)(c) of this section shall apply for off-site compensation as well.

e. Increased Replacement Ratios. The director may increase the ratios under the following circumstances:

i. Uncertainty exists as to the probable success of the proposed restoration or creation due to an unproven methodology or proponent; or

ii. A significant period will elapse between impact and replication of wetland functions; or

iii. The impact was unauthorized.

f. Decreased Replacement Ratios. The city may decrease the ratios required in subsection (H)(4)(c) of this section when all the following criteria are met:

i. A minimum replacement ratio of one to one will be maintained;

ii. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions have a very high rate of success;

iii. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions will provide functions and values that are significantly greater than the wetland being impacted; and

iv. The proposed mitigation actions are conducted in advance of the impact and have been shown to be successful.

g. Wetland Enhancement as Mitigation.

i. Impacts to wetlands may be mitigated by enhancement of existing significantly degraded wetlands only after a one-to-one minimum acreage replacement ratio has been satisfied. Applicants proposing to enhance wetlands must produce a critical areas report that identifies how enhancement will increase the functions and values of the degraded wetland and how this increase will adequately mitigate for the loss of wetland function at the impact site.

ii. At a minimum, enhancement acreage shall be double the acreage required for creation acreage under subsection (H)(4)(c) of this section. The ratios shall be greater than double the required acreage when the enhancement proposal would result in minimal gain in the performance of wetland functions currently provided in the wetland.

iii. Mitigation Plans for Alterations to Wetlands and Wetland Buffers. Mitigation plans shall be consistent with the state Department of Ecology Guidelines for Developing Freshwater Wetland Mitigation Plan and Proposals, 1994, or as revised. At a minimum, the following components shall be included in a complete mitigation plan:

(A) Baseline Information. Provide existing conditions information for both the impacted critical area and the proposed mitigation site as described in MMC 20.05.060(C), General Critical Area Report Requirements and 20.05.060(D), Additional Wetland Report Requirements.

(B) Environmental Goals and Objectives. The mitigation plan shall include a written report identifying environmental goals and objectives of the compensation proposed and include:

(1) A description of the anticipated impacts to the critical areas and the mitigating

actions proposed and the purposes of the compensation measures, including the site selection criteria, identification of compensation goals, identification of resource functions, and dates for beginning and completing site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area; and

(2) A review of the best available science supporting the proposed mitigation.

(C) Performance Standards. The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained and whether or not the requirements of this chapter have been met. They may include water quality standards, species richness and diversity targets, habitat diversity indices, or other ecological, geological, or hydrological criteria.

(D) Detailed Construction Plan. These are the written specifications and descriptions of mitigation techniques. This plan should include the proposed construction sequencing, grading and excavation details, erosion and sedimentation control features, a native planting plan, and detailed site diagrams and any other drawings appropriate to show construction techniques or anticipated final outcome.

(E) Monitoring and/or Evaluation Program. The mitigation plan shall include a program for monitoring construction of the compensation project, and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring, and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for five years or a period necessary to establish that performance standards have been met.

(F) Contingency Plan. This section identifies potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates projected performance standards have not been met.

Section 12. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 13. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this _____ day of _____, 2016.

First Reading: _____, 2016
Adoption: _____, 2016
Published: _____, 2016
Effective: _____, 2016

CITY OF MONROE, WASHINGTON:

Geoffrey Thomas, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:

Elizabeth M. Smoot, MMC, City Clerk

J. Zachary Lell, City Attorney

Monroe Public Works Design & Construction Standards

Current Roadway Geometrics

CLASSIFICATION of PUBLIC STREET	PRIVATE RD ① SHORT FLAT	PRIVATE ROAD PLANNED RESIDENTIAL DEVELOPMENT	LOCAL ACCESS PARKING ON BOTH SIDES	COLLECTOR	ARTERIAL
Maximum Number of dwelling units serviced	4	8	N/A	N/A	N/A
Minimum R.O.W	30' PRIVATE EASEMENT	35' PRIVATE EASEMENT	60'	60'	80'
Minimum Pavement Width Curb to Curb	20'	20'	36'	36'	48'
Curb, Gutter, & Sidewalk	OPTIONAL	Required	Required	Required	Required
Geometrics & Structural Section	St. Plan # 303B	St. Plan # 303A	St. Plan # 301	St. Plan # 301	St. Plan # 301
Max. Allowable Grade ②	15%	15%	12%	12%	9%

Proposed Roadway Geometrics

Classification of street	PRIVATE RD	PRIVATE RD	LOCAL ACCESS	COLLECTOR	ARTERIAL
Maximum number of dwelling units	4	8	N/A	N/A	N/A
Minimum R-O-W width	30' private easement	35' private easement	52'	64'	80'
Minimum pavement width	20'	20'	20'	32	34'
Minimum curb to curb width	20	20	22'	34'	36'
Curb & gutter,	Optional	Required	Required	Required unless pedestrian protection provided	Required unless pedestrian protection provided
Sidewalk	Optional	Required	Required	Required	Required
Maximum allowable grade	15%	15%	12%	12%	9%
Parking per side	Add 8'	Add 8'	Add 8'	Add 10'	Add 12'
Geometrics & structural section	St. Plan #303B	St. Plan #303A	St. Plan #301	St. Plan #301	St. Plan #301



DETERMINATION OF NON-SIGNIFICANCE (DNS)

LOCAL FILE NUMBER: SEPA2016-15 (Associated with CA2016-04)

NAME OF PROPOSAL: Low Impact Development and Other Miscellaneous Code amendments

DESCRIPTION OF PROPOSAL: Code amendments to Monroe Municipal Code Title 15 (Buildings and Construction), Title 17 (Subdivisions), Title 18 (Planning and Zoning) and Title 20 (Environment) related to Low Impact Development along with other miscellaneous code amendments.

LOCATION OF PROPOSAL: Citywide. Because this is a non-project action, the code amendments do not apply to a specific property or properties but rather to the entire city limits of the City of Monroe. The City of Monroe is approximately 14 miles east of the City of Everett on US Route 2 and 22 miles north of the City of Seattle on State Route 522.

PROPONENT:

City of Monroe
Public Works Department
806 West Main Street
Monroe, WA 98272

LEAD AGENCY: City of Monroe

THRESHOLD DETERMINATION:

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) **IS NOT** required under RCW 43.21C.030(2)(c). This decision was made after reviewing the proposal. This information is available to the public for review upon request at Monroe City Hall, 806 West Main Street, Monroe, WA 98272 between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding holidays.

This Determination of Non-significance is issued after using the DNS process in WAC 197-11-340 (2); there is a comment period and an appeal period on the DNS.

() There is no comment period for the DNS.

(X) This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days.

Date of Determination: September 27, 2016

Date of Issuance: September 27, 2016

Comments must be submitted by: 5:00 p.m. on October 11, 2016

Appeals must be submitted by: 5:00 p.m. on October 18, 2016

Responsible Official:

David Osaki, AICP
Community Development Director
806 West Main Street
Monroe, WA 98272

Signature: _____



Appeals:

Appeals to the above Determination of Non-significance must be filed with the City of Monroe within fifteen working days of the date of issuance above (**Appeal deadline is 5:00 p.m., October 18, 2016**). Appeals must be made on appeal forms available at Monroe City Hall, 806 West Main Street, Monroe, WA 98272. Appeals must be filed in original form in accordance with MMC Chapter 21.60. Appeals shall set forth the specific reason, rationale, and/or basis for the appeal.

Staff Contact

Questions about the proposal may be directed to Brad Feilberg, Public Works Director, Public Works Department, at bfeilberg@monroewa.gov or (360) 863-4540.

“Make City licensing and permitting regulations and procedures coherent, fair and expedient.”

Attached are two draft ordinances addressing permit processing. Both ordinances are still being reviewed by staff and subject to change and revision. However, time permitting, the October 10, 2016 Planning Commission meeting will provide an opportunity to generally discuss each ordinance’s objectives.

A summary of each ordinance is as follows.

Attachment 1 is a draft ordinance that seeks to:

- a. Unless provided for otherwise by law, allow notice for meetings/hearings/ pending actions required by Monroe Municipal Code Titles 17 through 20 to be made ten (10) days in advance rather than 15 days.
- b. Provides for a 14 (calendar) day appeal period for administrative decisions and administrative interpretations rather than for a 15 working day appeal period.
- c. Although it wasn’t the primary objective of the ordinance, adds that notice for certain items can be provided by for by email or hand delivery, as an alternative to the current language that it (notice) be mailed.

The purpose of these amendments is to reduce timelines and provide more flexibility for staff in timelines related to giving public notice.

The second draft ordinance (Attachment 2) seeks to:

- a. Repeal MMC Chapter 18.82 entitled "Site Plan Review"
- b. Repeal MMC Chapter 18.90 entitled “Monroe Municipal Code Chapter 18.90 “Construction Permit Requirements”

The purpose of removing the “Site Plan Review” Chapter is that the Site Plan Review process adds time to the development review process and duplicates the objective of the building permit review process. The repealing of the “Construction Permit requirements” Chapter is because it also duplicates the building plan review process and can be achieved through other existing processes. Repealing of both Chapters can be done without compromising the ability to ensure development standards are met.

RECOMMENDED ACTION

Discussion

DRAFT: Oct. 4 2016

DRAFT

**CITY OF MONROE
ORDINANCE NO. 0XX/2016**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING SECTIONS 17.30.070, 20.12.080, 21.40.020, 21.40.030, 21.40.040, 21.50.090, 21.60.010, AND 21.60.020 OF THE MONROE MUNICIPAL RELATED TO PERMIT PROCESSING IMPROVEMENTS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Washington State Growth Management Act Goal 7 (RCW 36.70A.020(7)) states,

“7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability”

and

WHEREAS, Monroe Municipal Code (MMC) Title 21 entitled “Development Review Procedures” constitute the City of Monroe’s permit processing procedures to comply with RCW 36.70B “Local Project Review”; and

WHEREAS, MMC Title 21 has not gone through any substantial revisions since 2003, with only various miscellaneous amendments since that time; and

WHEREAS, from time to time, it is appropriate to review the review the City's permit processing procedures and identify amendments that apply best practices, find efficiencies, clarify codes and improve processes consistent with Washington State Growth Management Act Goal 7 (RCW 36.70A.020 (7)); and

WHEREAS, City of Monroe Comprehensive Plan Policy P.081 states, “Make City licensing and permitting regulations and procedures coherent, fair and expedient.”; and

WHEREAS, upon a review of MMC Title 21 it was found that both the City’s permit appeal timeline and public hearing notice timeline were greater than that used by many other jurisdictions; and

WHEREAS, the 15 working day appeal adds, when compared to other local jurisdiction appeal periods, up to a week of time for an applicant to record an approved document or to be issued a permit when no appeals are filed; and

WHEREAS, the City of Monroe’s use of a weekly paper to publish public hearing notices, when combined with a 15 day advanced public hearing notice requirement, results in long advanced timelines between scheduling the public hearing and the actual hearing itself; and

WHEREAS, WAC 197-11-800 (19) (a) and (b), categorically exempts from threshold determination and EIS requirements, procedural actions where the proposal, amendment or

adoption of an ordinance relates solely to governmental procedures, and contains no substantive standards respecting use or modification of the environment and text amendments resulting in no substantive changes respecting use or modification of the environment; and

WHEREAS, the proposed text amendments relate only to timelines and is not a substantive change respecting the use or modification of the environment and has therefore been determined by the City's SEPA Responsible Official to be categorically exempt from threshold determination and EIS requirements; and

WHEREAS, Monroe Municipal Code (MMC) subsection 21.20.040(B) requires that amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20) require Planning Commission review and recommendation; and

WHEREAS, an amendment to MMC Title 17 and Title 20 is included in the code amendments; and,

WHEREAS, the Monroe Planning Commission received a briefing on the proposed permit processing code revisions on _____, 2016, held a duly noticed public hearing on _____, 2016, and deliberated on _____ 2016; and

WHEREAS, following the public hearing and deliberation, on _____, 2016 the Planning Commission adopted findings and recommended amendments related to permit processing code revisions; and

WHEREAS, on _____, 2016, the City Council considered the recommendation of the Planning Commission;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE DO ORDAIN AS FOLLOWS:

Section 1. Monroe Municipal Code section 17.30.070 "Decision – Effective Date" is hereby amended as follows,

17.30.070 Decision – Effective date.

The designated official shall make findings of fact and conclusions **and issue a written decision**, to be effective ~~fifteen working days after issuance~~ **at the conclusion of the appeal period referenced in MMC section 17.30.080.**

Section 2. Monroe Municipal Code section 20.12.080 "Appeals" is hereby amended as follows,

20.12.080 Appeals.

A. Payment Under Protest. An applicant may pay the impact fees imposed by this chapter under protest in order to obtain a building permit. No appeal shall be permitted unless and until the impact fees at issue have been fully remitted to the city.

B. Standing. Only the applicant for the proposed development activity shall have standing to file an appeal under this section.

C. Request for Review. An applicant seeking to appeal the imposition, allowed credit against, or amount of impact fees pursuant to this chapter shall first file a request for review with the city engineer.

1. The request for review shall be submitted to the city engineer using a form provided by the city. The request for review shall be filed within twenty-one calendar days of payment of the impact fees at issue. Failure to timely file such a request shall conclusively waive the applicant's appeal.
2. No administrative fee will be imposed for the request for review by the city engineer.
3. The city engineer shall issue his/her determination in writing regarding a request for review within thirty calendar days after receiving the request for review.

D. Determinations of the city engineer pursuant to subsection (C) of this section may be appealed by the applicant to the hearing examiner. All appeals of a city engineer determination shall proceed as follows:

1. Within fourteen calendar days of the city engineer's determination, the applicant shall file a written notice of appeal with the city clerk. Failure to timely file such notice of appeal shall conclusively waive the applicant's appeal. The notice of appeal shall be signed by the applicant, shall include a copy of the city engineer determination challenged by the applicant, and shall contain the following information:
 - a. The applicant's name and address;
 - b. A description of the development activity at issue;
 - c. The amount of impact fees imposed by the city upon the development activity; and
 - d. A brief explanation as to why the applicant believes the city engineer's determination was erroneous.
2. The city clerk shall transmit the notice of appeal to the hearing examiner, together with all documents constituting the record for the city engineer's determination.
3. The hearing examiner shall schedule a hearing to be conducted within sixty calendar days of the city clerk's receipt of the notice of appeal. Prior to the hearing date, the applicant and the city may submit evidence and/or briefing pursuant to a schedule issued by the hearing examiner.
4. Within ten calendar working days after the close of the hearing, the hearing examiner shall enter written findings, conclusions, and a final decision with respect to the appeal. The hearing examiner may affirm, reverse, modify or remand, in whole or in part, the city engineer's determination; provided, that the hearing examiner shall affirm the city engineer's determination unless the applicant demonstrates that said determination is clearly erroneous; and

provided further, that, pursuant to RCW [82.02.070](#), the hearing examiner may modify the impact fee amount based upon principles of fairness.

5. The decision of the hearing examiner shall be final unless appealed to the city council in accordance with Chapter [21.60](#) MMC.

Section 3. Monroe Municipal Code section 21.40.020 "Notice of Public Hearing" is hereby amended as follows,

21.40.020 Notice of public hearing.

Notice of a public hearing for all development applications and all open record appeals shall be given as follows:

A. Time of Notices. Except as otherwise required **by law**, public notification of meetings, hearings, and pending actions under MMC Titles 17 through 20 shall be made by:

1. Publication at least ~~fifteen~~ **ten (10)** days before the date of a public meeting, hearing, or pending action in the official newspaper, if one has been designated, or a newspaper of general circulation in the city; and
2. The city shall mail a notice of the proposed application to owners identified by Snohomish County assessor records as owning property within five hundred feet of the property. The mailing shall take place at least ~~fifteen~~ **ten (10)** days before any pending action by the city, to allow for public comment; and
3. Posting at least ~~fifteen~~ **ten (10)** days before the meeting, hearing, or pending action in three public places where ordinances are posted and at least one notice on the subject property; and
4. Failure to provide all three types of notice will not necessarily prevent the hearing. It shall be at the discretion of the hearing examiner as to whether notice was reasonable and adequate.

B. Content of Notice. The public notice shall include a general description of the proposed project, action to be taken, a nonlegal description of the property or a vicinity map or sketch, the time, date and place of the public hearing, and the place where further information may be obtained.

C. Continuations. If, for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date certain and no further notice under this section is required.

Section 4. Monroe Municipal Code section 21.40.030 "Notice of appeal hearings" is hereby amended as follows,

21.40.030 Notice of appeal hearings.

In addition to the posting and publication requirements of MMC [21.40.020](#), notice of appeal hearings shall be as follows:

- A. For administrative approvals of lot boundary adjustments and short plats, notice shall be mailed, **emailed or hand delivered** to parties of record.
- B. For planning commission recommendations on quasi-judicial actions, notice shall be mailed, **emailed or hand delivered** to parties of record from the planning commission public hearing.
- C. For all recommendations and decisions of the hearing examiner, notice shall be mailed, **emailed or hand delivered** to parties of record from the hearing examiner public hearing.

Section 5. Monroe Municipal Code section 21.40.040 "Notice of decision" is hereby amended as follows,

21.40.040 Notice of decision.

A written notice for all final decisions and hearing examiner recommendations shall be sent to the applicant and all parties of record within five working days of city receipt, via United States mail, **email or hand delivery**, of the decision by the hearing examiner or other hearing body.

Section 6. Monroe Municipal Code section 21.50.090 "Procedures" is hereby amended as follows,

21.50.090 Procedures.

- A. Time for Appeal. Any interested party who participated in the public hearing by testifying or submitting written evidence, other than a petition, aggrieved by the hearing examiner's final decision on all procedures listed under MMC [21.20.050](#), or any other permit for which the hearing examiner takes final action, may submit a notice of appeal to the community development department, upon a form furnished by the department in accordance with MMC [21.60.020](#). No appeal shall be allowed from a hearing examiner's recommendation and only final decisions of the hearing examiner may be appealed. For purposes of this section, the date of issuance of the hearing examiner's decision shall be three days after the date on which the hearing examiner's decision is mailed, **emailed or hand delivered** to all parties of record.
- B. Notice to Parties of Record. Within five working days of receipt of an appeal, the city shall mail, **email or hand deliver** notice to all parties of record.
- C. Opportunity to Provide Comments. Parties of record may submit written statements in support of their positions regarding the appeal within ten working days of the date of mailing of the appeal notice. The written statements will not be a part of the closed record, but will only identify the error being appealed.
- D. Council Review Procedures. The city council shall hold a closed record hearing. The hearing shall consider the record and appeal. No additional evidence or testimony shall be accepted by the city council. If the council determines that further review and consideration of existing evidence is required, it may remand the matter to the examiner. The cost of transcription of the hearing record shall be borne by the appellant.

E. Council Evaluation Criteria. The consideration by the city council shall be based solely on the record, the hearing examiner's decision and the appeal.

F. Findings and Conclusions Required. If, upon appeal of a decision of the hearing examiner, and after examination of the record, the council determines that a substantial error in fact or law exists in the record, it may remand the proceeding to the examiner for reconsideration, or request the city attorney to prepare findings and conclusions in support of its decision on the appeal.

G. Decision Documentation. In any event, the decision of the city council shall be in writing and shall specify any modified or amended findings and conclusions other than those set forth in the report by the hearing examiner.

H. Council Action Final. The action of the council approving, modifying or rejecting a decision of the examiner shall be final and conclusive, unless appealed as provided by law.

Section 7. Monroe Municipal Code section 21.60.010 "Appeal of administrative interpretations and appeals" is hereby amended as follows,

21.60.010 Appeal of administrative interpretations and appeals.

A. Applicants or parties of record may appeal administrative interpretations and administrative approvals to the hearing examiner, within ~~fifteen working~~ **fourteen (14)** days of the decision, at an open record hearing. The hearing examiner shall have the authority to hear and decide appeals from any order, requirement, permit, decision or determination made by the zoning code administrator or his designee in the administration and enforcement of provisions of this code.

1. The appeal shall be filed on forms provided by the community development department and must be filed in original form.
2. The appeal shall set forth the specific reason, rationale, and/or basis for the appeal.
3. Payment of the appeal fee, as specified in the city's fee resolution, shall occur at the time the appeal is filed.

B. Except when superior court or any other body is the designated appeal body, or the Monroe Municipal Code or state law requires otherwise, appeals of the hearing examiner's appellate decisions for administrative interpretations and administrative approvals, by a party of record, are made to the city council at a closed record hearing, in accordance with MMC [21.50.070](#). All appeals shall be filed in writing and shall be based on the review of the record established at the hearing before the hearing examiner in accordance with MMC [21.50.090](#) and [21.60.020](#).

Section 8. Monroe Municipal Code section 21.60.020 "Appeal to the city council" is hereby amended as follows

21.60.020 Appeal to the city council.

A. Filing. Every appeal to the city council shall be filed with the director of community development within ~~fifteen working~~ **fourteen (14)** days after the date of the recommendation or decision of the matter being appealed.

B. Contents. The notice of appeal shall contain a concise statement identifying:

1. The decision being appealed.
2. The name and address of the appellants and their interest(s) in the matter.
3. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong.
4. The desired outcome or changes to the decision.
5. The appeals fee.

Section 9. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 10. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this _____ day of _____, 2016.

First Reading: _____, 2016
 Adoption: _____, 2016
 Published: _____, 2016
 Effective: _____, 2016

CITY OF MONROE, WASHINGTON:

Geoffrey Thomas, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:

Elizabeth M. Smoot, MMC, City Clerk

J. Zachary Lell, City Attorney

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**CITY OF MONROE
ORDINANCE NO. 0XX/2016**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING SECTIONS 15.15.030, 17.12.030, 18.02.010, 18.02.040, 18.02.160, 18.02.190, 18.10.280, 18.12.190, 18.78.060, 18.80.150, 18.60.160, 20.06.030, 20.07.040, 20.08.030, 21.10.030, 20.10.110, 21.30.010 AND REPEALING CHAPTERS 18.82 and 18.90 OF THE MONROE MUNICIPAL RELATED TO PERMIT PROCESSING IMPROVEMENTS ; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Washington State Growth Management Act Goal 7 (RCW 36.70A.020(7)) states,

“7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability”
and

WHEREAS, from time to time, it is appropriate to review the review the City's permit processing procedures and identify amendments that apply best practices, find efficiencies, clarify codes and improve processes consistent with Washington State Growth Management Act Goal 7 (RCW 36.70A.020 (7)); and

WHEREAS, upon a review of the Municipal Code it was found that the intent and objectives of both the City's site review process and certificate of zoning compliance can be achieved through other processes without adversely affecting the City's ability to ensure development proposal meet City code requirements; and

WHEREAS, the intent of the site plan review process can be achieved through review of site and other plans during the building permit review process; and

WHEREAS, the intent of the certificate of zoning compliance process also can be achieved through the building permit review process; and

WHEREAS, in accordance with RCW 36.70A.106, the proposed amendments were transmitted to the Washington State Department of Commerce for State agency review; and

WHEREAS, Monroe Municipal Code (MMC) subsection 21.20.040(B) requires that amendments to MMC Chapters 17 through 20 require Planning Commission review and recommendation; and

WHEREAS, on _____, 2016, the City of Monroe Planning Commission held a duly noticed public hearing on the amendments to accept public testimony; and

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WHEREAS, on _____, 2016 the Planning Commission adopted findings and made a recommendation to the City Council; and

WAC 197-11-800 (19) (a) and (b), categorically exempts from threshold determination and EIS requirements, procedural actions where the proposal, amendment or adoption of an ordinance relates solely to governmental procedures, and contains no substantive standards respecting use or modification of the environment and text amendments resulting in no substantive changes respecting use or modification of the environment; and

WHEREAS, the proposed text amendments relate only to procedures and is not a substantive change respecting the use or modification of the environment and has therefore been determined by the City's SEPA Responsible Official to be categorically exempt from threshold determination and EIS requirements

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE DO ORDAIN AS FOLLOWS:

Section X. Monroe Municipal Code section 15.15.030 "Applicability" is amended as follows,

15.15.030 Applicability.

~~This section describes the instances when lighting design and fixtures shall be reviewed by the community development department during development permit review~~ **including but not limited to SEPA review, building permits, conditional use permits and similar quasi-judicial or administrative actions.** ~~The community development department shall review and approve the lighting design and lighting fixtures as part of the permitting process as follows:~~

~~A. When an exterior lighting installation is part of a new development proposal requiring site plan review or a conditional use permit; and~~

~~B. For projects undergoing redevelopment or expansion when the redevelopment requires site plan approval or other land use approvals.~~

Section X. Monroe Municipal Code section 17.12.030 "Specific requirements" is hereby amended as follows,

17.12.030 Specific requirements.

A. Any person desiring to subdivide land in the city shall submit a complete application for preliminary plat approval to the administrator, on forms authorized by the city. All permits required in conjunction with a subdivision application such as rezones, variances, planned residential developments, SEPA, ~~site plan approvals~~, and similar quasi-judicial or administrative actions shall be processed concurrently with the preliminary plat application.

B. The administrator shall determine if an application is complete within twenty-eight days of the date the application is filed with the city. If an application is incomplete, the

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administrator shall notify the applicant as to the information needed by the city to be considered a complete application.

C. Upon acceptance of the subdivision application as complete, the administrator shall affix a file number and the date of acceptance of the application and promptly forward copies of the preliminary plat to the city engineer and other departments and agencies having jurisdiction for their review and recommendations.

D. Each of the departments, districts, public officials, utility companies, or public agencies to which the application has been submitted shall have twenty days from the date the preliminary plat was mailed within which to forward to the administrator written reports of its findings and recommendations thereon.

E. The administrator shall make a report and recommendations to the hearing authority and obtain and transmit recommendations to the hearing authority from other departments and agencies to which the application was referred.

1. City Planner. The city planner shall submit a report to the administrator which shall include, but not be limited to:

- a. Whether the proposed subdivision follows all zoning regulations, development standards, and ordinances;
- b. If the proposed subdivision is in compliance with the comprehensive plan; and
- c. Complete documents have been submitted pursuant to the State Environmental Policy Act (SEPA).

2. City Engineer. The city engineer shall submit a preliminary report to the administrator as to any required initial engineering for the proposed subdivision including, but not limited to:

- a. The proposed street system, sewage disposal system, storm sewer system, and water supply system;
- b. Requirements needed to minimize flood hazard and damage including utilities located and constructed to minimize or eliminate flood damage and to ensure that an adequate drainage system is provided to reduce exposure to flood damage shall be attached to and made a part of the hearing authority's report and for transmittal to the city council;
- c. Improvements required pursuant to this title;
- d. Any easements required to be replaced, to be relocated or to be abandoned;
- e. Effects of the proposed subdivision on other public works under the engineer's jurisdiction.

3. Public Safety Officials. The city's chief public safety officials shall submit a report on:

- a. The adequacy of access for emergency vehicles;
- b. Recommendations on improving public safety and protection;

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c. Other matters affecting fire safety and fire protection, including any temporary fire protection measures needed during the development of the subdivision.

F. To assist in determining the public interest to be served by the proposed subdivision or dedication, the city shall hold one consolidated public hearing. Public notice procedures shall be in conformance with Chapter [21.40](#) MMC.

Such notice shall clearly indicate the purpose, time, and place of the proposed hearing and if the subdivider seeks any modification of the provisions of this code.

G. Subsequent to such public hearing, but no more than ninety days from the date the application was determined to be complete, the hearing authority shall inform the subdivider, in written findings of fact, of its decision.

H. If the hearing authority finds the criteria set forth herein is not met, it may recommend approval with conditions or it may recommend denial of the proposed preliminary plat. The hearing authority shall inquire into how the public interest of future residents of the preliminary plat are to be served by the subdivision and its dedications. It shall determine if provisions are made to protect the public health, safety and general welfare by the provision of open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary waste, parks, playgrounds, sites for schools 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:

1. The hearing authority shall consider if the proposed subdivision conforms to the comprehensive plan and the Shoreline Master Program;

2. The hearing authority shall consider the physical characteristics of a proposed subdivision site and may recommend disapproval of a proposed plat because of improper protection from floods, inundation or wetland conditions;

3. All identified direct impacts must be mitigated or meet concurrency as set forth in MMC Title [20](#).

I. If the hearing authority finds the items set forth in this section are met, a recommendation of approval of the preliminary plat shall be forwarded to the city council.

J. Conditions or recommendation shall be precisely recited in the hearing authority's report to the council. Every recommendation made under this section shall be in writing and shall include findings of fact and conclusions to support the recommendation, including findings that the proposed subdivision is in conformity with MMC Title [18](#) and all other existing land use controls.

K. Preliminary plats for any proposed subdivision including any dedications shall be approved, approved with conditions, disapproved, or returned to the applicant by the city for modification or correction within ninety days from date the application was deemed complete unless the applicant consents to an extension of such time period; provided, that if an Environmental Impact Statement is required as provided in RCW [43.21C.030](#), the ninety day period shall not include the time spent in preparing and circulating the Environmental Impact Statement. If preliminary approval is withheld, the city shall clearly indicate what changes or additional material is necessary to obtain preliminary approval.

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L. Upon receipt of the hearing authority's recommendation, and at a scheduled meeting for considering the preliminary plat, the council shall:

1. Adopt, reject or amend the recommendations of the hearing authority or return the preliminary plat to the hearing authority for further consideration. The council shall consider the same factors and criteria as reviewed by the hearing authority in making its decision on the proposed preliminary plat.

2. The council may adopt all or part of the hearing authority's findings or make separate findings to support its decision. Every decision or recommendation made under this section shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation. A record of all public meetings and the public hearing shall be kept by the city and shall be open to public inspection.

3. Dedication of land and/or the construction of improvements may be required as a condition of subdivision approval. An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any waiver is effective. Such waiver may be required by the city as a condition of approval. The council shall not, as a condition of the approval of any plat, require a release from damages to be procured from other property owners.

M. If preliminary approval is given, the subdivider shall provide assurance that, before they request final approval, installation of improvements will be carried out under the supervision of the city engineer in accordance with the following provisions:

1. Furnishing a subdivision improvement financial security, in an amount approved by the city engineer;

2. Actual installation of the improvements in accordance with provisions of Chapter [17.24](#) MMC;

3. A combination of the above, satisfactory to the city engineer.

N. On completion of installation of improvement as set forth above, the city engineer shall make an inspection, and, if satisfied the work is in accordance with the approved specification, shall notify the subdivider that they may prepare a final plat for approval. Prior to submitting a final plat, the subdivider shall furnish the city with a maintenance financial security for a period not to exceed two years in an amount set by the city engineer.

O. The subdivider shall submit a final plat to the administrator, in accordance with the provisions of Chapter [17.28](#) MMC, Final Plats. The administrator shall submit copies of the final plat to the city engineer for final review and recommendation. The application shall be accompanied by a filing fee in an amount established by the city council by periodic resolution. The administrator shall determine if the application is sufficiently complete and contains sufficient information to support review by the appropriate departments. If an application is determined to be incomplete or unclear as to its intent or design, the final plat shall be returned to the applicant for completion and clarification. Notification of the completeness of the final plat application shall be made within twenty-eight days of submission of the final plat.

P. Interested public agencies shall return their comments to the administrator within twenty days of the date the application was determined to be complete.

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Q. The administrator shall review these comments and make a determination of completeness within sixty days of the date the application was determined to be complete.

R. The administrator's decision shall clearly indicate to the subdivider what changes will be necessary to obtain approval.

S. After the administrator has given final approval, and before recording, the subdivider shall pay the balance of any fees owed the city.

T. When the administrator has given approval to the final plat, the subdivider shall have the final plat recorded, at his expense, by the auditor of Snohomish County and it shall then be known as an authorized plat, subdivision or dedication of the land as provided in RCW [58.16.060](#). (Ord. 033/2008 § 5; Ord. 1203, 2000; Ord. 1177, 1999; Ord. 1061, 1995)

Section X. Monroe Municipal Code Chapter 18.02.010 "A definitions" is hereby amended as follows,

18.02.010 A definitions.

"Abandonment" means to cease operation for a period of sixty or more consecutive days.

"Access road" means a driveway that may provide access to more than one parking lot or area, may provide access to more than one property or lot, and may provide internal access from one street to another.

"Accessory use or structure" means a use incidental and subordinate to the principal use and located on the same lot or in the same building as the principal use. If an accessory building is attached to the main building by a common wall, breezeway or roof, the accessory building shall be considered a part of the main building.

"Active fault" means a fault that is considered likely to undergo renewed movement within a period of concern to humans. Faults are commonly considered to be active if the fault has moved one or more times in the last ten thousand years.

"Adjacent" means immediately adjoining (in contact with the boundary of the influence area) or within a distance less than that needed to separate activities from critical areas to ensure protection of the functions and values of the critical areas. "Adjacent" shall mean any activity or development located:

- A. On a site immediately adjoining a critical area; or
- B. A distance equal to or less than the required critical area buffer width and building setback.

Administrator. Unless otherwise specified, the administrator shall be the director of community development or his/her designated representative.

~~"Adopted site plan" means a comprehensive document and scale drawing prepared in conformance with Chapter [18.82](#) MMC which:~~

- ~~A. Identifies and shows the area and locations of all streets, roads, improvements, utilities, open spaces and other such matters specified by Chapter [18.82](#) MMC;~~

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~~B. Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the commission as approved or modified by the council; and~~

~~C. Contains provisions requiring conformity with the adopted site plan by any development.~~

“Adult family home” means a residential home in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

“Advertising vehicle” means any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way which has attached thereto, or located thereon, any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same property or nearby property or any other premises. The vehicle must be used primarily for the purpose of advertising, as opposed to serving some other function such as delivery of goods or services or transport.

“Affected employee” means a full-time employee who begins his or her regular workday at a major employer work site between six a.m. and nine a.m. (inclusive) on two or more weekdays for at least twelve continuous months, who is not an independent contractor, and who is scheduled to be employed on a continuous basis for fifty-two weeks for an average of at least thirty-five hours per week.

“Affected urban growth area” means:

- A. An urban growth area, designated pursuant to RCW [36.70A.110](#), whose boundaries contain a state highway segment exceeding the one hundred persons per hours of delay threshold calculated by the Washington State Department of Transportation, and any contiguous urban growth areas; and
- B. An urban growth area, designated pursuant to RCW [36.70A.110](#), containing a jurisdiction with a population over seventy thousand that adopted a commute trip reduction ordinance before the year 2000, and any contiguous urban growth areas; or
- C. An urban growth area identified by the Washington Department of Transportation as listed in WAC [468-63-020\(2\)\(b\)](#).

“Affiliate” means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person.

“Agricultural use” means those activities conducted on lands defined in RCW [84.34.020\(2\)](#), and activities involved in the production of crops or livestock for wholesale trade. An activity ceases to be considered agriculture when the area on which it is conducted is proposed for conversion to a nonagricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity.

“Airport” means First Air Field, city of Monroe, Washington.

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“Airspace obstruction” means any structure, tree, land mass, smoke or steam, or use of land that penetrates the primary, approach, transitional, horizontal, or conical surface of the airport as defined by Federal Aviation Regulations (FAR), Part 77.

“Air-supported structure” means an air-supported or inflated object with or without cable supports and braces intended to attract attention to the location, event or promotion.

“Alley” means a public thoroughfare which affords only a secondary means of access to abutting property, and is not intended for general traffic circulation.

“Alteration” means any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to, grading, filling, dredging, channelizing, clearing (vegetation), applying pesticides, discharging waste, construction, compaction, excavation, modifying for storm water management, relocating, or other activities that change the existing landform, vegetation, hydrology, wildlife or wildlife habitat value of critical areas.

“Alternative mode” means any means of commute transportation other than that in which the single-occupant motor vehicle is the dominant mode, including telecommuting and compressed workweeks if they result in reducing commute trips.

“Alternative work schedules” means work schedules that allow employees to work their required hours outside of the traditional Monday to Friday, eight a.m. to five p.m. schedule. Programs such as compressed workweeks eliminate work trips for affected employees.

“Amendment,” unless otherwise specified, means a change to this title. There are two types of zoning amendments: those which change the text of this title, and those which change the use classifications and/or boundaries upon the official zoning map (a rezone). Of these, small area rezones are treated with a more intensified substantive review.

“Amusement facilities” means those establishments such as theaters, dance halls, bowling alleys, skating rinks, miniature golf courses, arcades, waterslides and other similar uses which provide recreation either indoors or in a confined intensively utilized outdoor area.

“Anadromous fish” means fish that spawn in fresh water and mature in the marine environment.

“Animal shelter” means a public or private facility which houses four or more stray or unwanted small animals (that number not including one unweaned litter) for periods longer than twenty-four hours.

“Animal slaughtering, processing and/or incidental rendering” means an establishment engaged in operations which include the handling and slaughtering of livestock, including manufacturing of products from animal substances such as glue, lard and tallow.

“Antenna” means any exterior apparatus designed for telephonic, radio, data, Internet, or television communications through the sending and/or receiving of electromagnetic waves, and includes equipment attached to a tower or building for the purpose of providing personal wireless services, including unlicensed wireless telecommunications services, wireless telecommunications services utilizing frequencies authorized by the Federal Communications Commission for “cellular,” “enhanced specialized mobile radio” and “personal communications services,” telecommunications services, and its attendant base station.

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“Antenna height” means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

“Antenna support structure” means any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting or receiving of radio frequency signals.

“Antique” means any article that because of its age, rarity or historical significance has a monetary value greater than the original value; provided, that for the purpose of this code, the term “antique” shall not include automobiles.

“Antique shop” means a place that sells predominantly those articles which are antiques and antique-related objects.

“Apartment” means a room, or suite of two or more rooms, in a multifamily dwelling, occupied or suitable for occupancy as a dwelling unit for one family.

“Apartment house” means any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of five or more families living independently of each other and doing their own cooking in the said building.

“Applicant” means a person or entity who files an application for a permit with the city and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person.

“Approval, final” means official action taken by the city with respect to a final plat.

“Approval, preliminary” means official action taken by the hearing authority and council with respect to a proposed plat.

“Apron” means the portion of the driveway approach that extends from the gutter flow line to the sidewalk area and underlying between the end slopes of the driveway approach.

“Aquifer recharge area” means an area that, due to the presence of certain soils, geology, and surface water, acts to recharge groundwater by percolation.

“Architecturally consistent” means conforming in overall design, form or structure by incorporating two or more of the following common elements: design, color, and/or material.

“Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V. The term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard.”

“Area or surface area of sign” means the greatest area of a sign, visible from any one viewpoint, excluding the sign support structures, which do not form part of the sign proper or of the display. Surface area shall be measured as follows:

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A. The “surface area” of the sign is determined by the height times the width of a typical rectangular sign, or other appropriate mathematical computation of surface area, for nonrectangular signs.

“Art galleries” means an enclosed area or building dedicated to the exhibition and/or sale of works of art.

“Asphalt batch plants (mix asphalt)” means an establishment engaged in the manufacture of asphalt mixtures used for road paving operations from raw materials purchased from others.

“Athletic field” means an outdoor open area dedicated to recreational sports; these fields may be under the ownership of public or private entities.

“Authority, hearing” means the hearing examiner for the city of Monroe.

“Auto repair, major” means any area of land, including the structures thereon, that is used for general motor repair and replacement of parts to vehicles and machinery that are primarily over eight thousand pounds, including body and fender works and painting.

“Auto repair, minor” means any area of land, including the structures thereon, that is used for auto repairs including, but not limited to, engine or transmission overhaul and replacement, collision services such as auto body and frame repair and painting, and the general servicing and replacement of parts. “Auto repair, minor” primarily includes vehicles up to eight thousand pounds (curb weight).

“Auto wrecking yards” means a premises devoted to dismantling or wrecking of motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts.

“Average assessed value” means the average assessed value by dwelling unit type of all residential units constructed within the district.

“Average grade level” means a reference plane representing the finished ground level measured by delineating the smallest rectangle which can enclose the proposed building, and then averaging the four corner elevations of the rectangle. In the event the corner point of the rectangle drawn is not located on the subject property, the measurement point shall be determined by establishing the corner point from the property line where it intersects the rectangle.

“Avigation easement” means an easement granted for the free and unobstructed use and passage of aircraft over, across, and through the airspace above, or in the vicinity or property.

“Awning” means a roof-like cover which projects from the wall of a building for the purpose of shielding the door, window or pedestrians from the elements. (Ord. 008/2010 § 3 (Exh. 3); Ord. 024/2009 § 5 (Exh. B); Ord. 006/2009 § 4; Ord. 033/2008 § 6; Ord. 028/2006 § 2; Ord. 013/2005; Ord. 922, 1989)

Section X. Monroe Municipal Code Chapter 18.02.040 "D definitions" is hereby amended as follows,

18.02.040 D definitions.

“Date of issuance of decision” means, in the case of decisions that may be appealed administratively, the date on which the decision is mailed to all parties of record and from which

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the appeal period is calculated. In the case of decisions that may be appealed only to the superior court, the date prescribed by the Land Use Petition Act, Chapter [36.70B](#) RCW.

“Day care” means any type of group day care program licensed by the state of Washington for the care of children during part of a twenty-four-hour day, including nurseries for children of working parents, nursery schools for children under minimum age for education in public schools, and programs covering after-school care for school children.

“Day care center” means any type of group child care facility other than an occupied dwelling unit which receives children for day care or an occupied dwelling unit which receives thirteen or more children for day care.

“Day nursery” means a public center for the care and training of young children.

“De minimis development” means a proposed development relating to land use of such a low intensity as to have a de minimis effect, if any, upon the level of service standards set forth in the comprehensive plan; such development shall be exempt from concurrency review. Development approvals for single-family dwellings shall be deemed de minimis. Any development generating less than thirty-eight average daily trips shall be deemed de minimis for purposes of assessing transportation levels of service.

“Decision” means the written report of findings and conclusions issued by the hearing body and forwarded to all parties of record.

“Dedication” means the appropriation of land by its owner for general or public use, who reserves no special rights to himself.

“Department store” means a large-scale retail store typically one hundred thousand square feet in size.

“Design guidelines” means a regulatory document used in implementing the community’s design-related goals and objectives.

“Detached building” means a building surrounded on all sides by open space.

“Developable area” means areas outside of any critical areas and their required setbacks or buffers.

“Developer” means the proponent of a development activity, such as any person or entity who owns or holds purchase options or other development control over property for which development activity is proposed within the city.

“Development” means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. “Development” also means subdivision of a parcel or parcels into one or more lots.

“Development action” means an action of the city, such as a land use amendment to the comprehensive plan or a rezoning.

“Development approval” means any written authorization from the city which authorizes the commencement of a development activity, including but not limited to building permits, **and** final **plat** subdivision and site plan approval.

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“Development moratorium” means the denial by the city of Monroe of all applications for permits or approvals for a period of six years as established in Chapter [76.09](#) RCW, including but not limited to building permits, right-of-way permits, subdivisions, rezones, and variances on the subject property.

“Development permit” means any permit issued by the city of Monroe, or other authorized agency, for construction, land use, or the alteration of land.

“Development regulations” means MMC Titles [15](#), [17](#), [18](#), [19](#), and [20](#).

Director. Unless otherwise specified, “director” refers to the community development director or his/her designee.

“Display” means the visual information shown on a sign, including the text, graphics, logo, pictures, lights and background.

“Display area” means the greatest area of display meant to contain the text, graphics, pictures, lights and other background details to be viewed as signage. Display area shall be measured as the smallest rectangle placed around all that composes the display area. On no sign shall the display area be less than fifty percent of the surface area of the sign.

A. “Display area” includes only one face of a double-faced sign where the faces of the sign are parallel. If any face is offset from parallel or separated by more than two feet, such face shall be counted as a separate surface area.

B. “Display area” of a spherical, cubical or polyhedral sign equals the sum of the surface area of all faces, divided by two.

“District” means the Monroe School District No. 103.

“District” or “zone” means an area accurately defined as to boundaries and locations on the official zoning map and within which certain land use regulations are prescribed by the text of MMC Title [18](#).

“District property tax levy rate” means the district’s current capital property tax rate per thousand dollars of assessed value.

“Dominant mode” means the mode of travel used for the greatest distance of a commute trip.

“Drip line boundary” means the circle that can be drawn on the ground below a tree directly under its outermost branch tips.

“Drive-alone” means a single-occupant vehicle.

“Drive-in business establishment” means a business establishment where customers are permitted or encouraged, either by the design of physical facilities or by service and/or parking area accessory to the building, to remain seated in their motor vehicles while conducting business.

“Driveway” means a private road giving access from a public way to a building or abutting grounds.

“Drug store/pharmacy” means an establishment engaged in the retail sale of prescription drugs, nonprescription medicines, and miscellaneous health, beauty, household and similar articles.

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“Dwelling, duplex” means a building, on a single lot, containing two kitchens and designed to be occupied by two families living independently of each other, sharing a common wall; a “common wall” includes floors or ceilings. This definition does not include single-family dwellings within an approved accessory dwelling unit.

“Dwelling, farm worker” means a dwelling unit occupied by a full- or part-time farmer on a lot or lots used exclusively for agriculture.

“Dwelling, multifamily” means any residential building containing three or more attached dwelling units that may include triplexes, fourplexes, apartments, townhouses, condominiums, and the like.

“Dwelling, single-family” means a detached building containing only one dwelling unit.

“Dwelling unit” means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

“Dwelling unit type” means:

- A. Single-family residences;
- B. Multifamily, one-bedroom apartment or condominium units; and
- C. Multifamily multiple-bedroom apartment or condominium units.

“Dwelling unit, accessory” or “accessory dwelling unit” means a separate living unit attached to or contained within the structure of the primary dwelling unit or detached from the primary dwelling unit, but located on the same lot. The accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and conforms to the requirements of Chapter [18.40](#) MMC.

Section X. Monroe Municipal Code Chapter 18.02.160 "P definitions" is hereby amended as follows,

18.02.160 P definitions.

“Parapet” means that portion of a building wall and/or facade which extends above the roof of the building.

“Parcel” means a tract or plat of land of any size, which may or may not be subdivided or improved.

“Park – capital facilities program (CFP)” means a six-year plan that is approved by the city council in order to finance the development of capital facilities necessary to support the projected population of Monroe over the six-year period. The city’s CFP is found in the capital facilities element of the Monroe comprehensive plan, as the same now exists or may be hereafter amended.

“Park – development activity,” as the term relates to park impact fees, means any construction or expansion of a building, structure, or use, any changes in the use of a building or structure, or

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any changes in the use of land that created additional demand and need for public park, open space or recreation facilities.

“Park – encumbered” means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for park, open space or recreation capital facilities. Impact fees shall be considered encumbered on a first-in, first-out basis.

“Park – existing development” means that development which physically exists or for which the developer holds a valid building permit as of the effective date of the first ordinance establishing Chapter [20.10](#) MMC.

“Park – impact fee” means a payment of money imposed upon new growth or development as a condition of development approval in order to pay for park, open space or recreation facilities needed to serve such new growth or development. “Impact fee” does not include any permit or application fee.

“Park – project improvements” means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project and are not system improvements. No park, open space or recreation improvement or facility included in the capital facilities plan shall be considered a project improvement.

“Park – proportionate share” means that portion of the cost of park, open space and recreation improvements that are reasonably related to the service demands and needs of new development.

“Park – system improvements” means park, open space and recreation facilities that are included in the capital facilities plan and are designed to provide service-to-service areas within the community at large, in contrast to project improvements.

“Park, RV” means land under single ownership or control, designed and improved to accommodate the temporary parking of two or more recreational vehicles with associated common facilities such as showers and waste disposal areas. The term shall include campgrounds when designed to accommodate recreational vehicles, but does not include land zoned and used for the storage, display or sale of recreational vehicles.

“Parking space” means an off-street parking space which is maintained and used for the sole purpose of accommodating a temporarily parked motor vehicle and which has access to a street or alley.

“Parks and recreation facilities” means any park and/or recreational facility owned or dedicated to the public or a government agency.

“Parks and recreation facility” means a facility or area for recreation purposes including but not limited to swimming pools, parks, tennis courts, playgrounds, picnic areas, athletic fields, trails and/or other similar uses.

“Party of record” means any person who has testified at a hearing or has submitted a written statement related to a development action and who provides the city with a complete address.

“Party to an appeal” means the appellant(s), applicant, and city of Monroe.

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“Pawn shop” means an establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

“Peak period” means the hours from six a.m. to nine a.m., Monday through Friday, except legal holidays.

“Peak period trip” means any employee trip that delivers the employee to begin his or her regular workday between six a.m. and nine a.m. (inclusive), Monday through Friday, except legal holidays.

Performance Standards. See MMC [18.10.270](#).

“Permanent facilities” means facilities of the district with a fixed foundation, which are not relocatable facilities.

“Permitted lot coverage” means the percentage of total lot area, based on square footage, covered by impervious surfaces, divided by the total lot area.

“Permitted use” means any use authorized or permitted alone or in conjunction with any other use in a specified district and subject to the limitation of the regulations of such use district.

“Person” means any person, individual, public or private corporation, firm, association, joint venture, partnership, owner, lessee, tenant, or any other entity whatsoever or any combination of such, jointly or severally.

“Person hours of delay” means the daily person hours of delay per mile in the peak period of six a.m. to nine a.m., as calculated using the best available methodology by the Washington State Department of Transportation.

“Personal wireless service,” “personal wireless service facilities” and “facilities” as used in this title shall be defined in the same manner as in [47 USC 332\(c\)\(7\)\(C\)](#), as it may be amended now or in the future, and includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.

“Planned action” means a significant development proposal as defined in RCW [43.21C.031](#) as amended.

“Planned residential development” means a flexible method of land development, which accomplishes the purposes of Chapter [18.84](#) MMC, in which the principal use is residential.

“Plat, final” and “final short plat” mean the final drawing of the subdivision or short subdivision and dedication prepared for filing for record with the county auditor and contains all elements and requirements set forth in Chapter [17.28](#) MMC.

“Plat, preliminary” and “preliminary short plat” means a neat and approximate drawing of a proposed subdivision or short subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision or short subdivision consistent with the requirements of this chapter. The preliminary plat or preliminary short plat shall be the basis for

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the approval or disapproval of the layout of a final subdivision or final short subdivision by the hearing authority and/or city council.

“Plat, proposed” means the preliminary plan for subdivision submitted by the subdivider to obtain hearing authority and city council approval.

“Plat, short” means the map or representation of a short subdivision.

“Porte cochere” means a covering structure projecting horizontally from and attached to a building, affording protection from the elements, typically used for loading and unloading of vehicles.

“Potable water” means water that is safe and palatable for human use.

“Practical alternative” means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impacts to critical areas.

“Pre-development meeting” means a meeting between the applicant and city development staff to discuss process, code requirements and development alternatives.

“Preexisting lot of record” means a lot of record legally existing prior to December 31, 1968. Such a lot shall be deemed to have complied with the minimum required lot area and width of the underlying zoning district. A structure may be permitted on the lot of record providing it meets all front, side and rear yard requirements.

“Preschool” means a facility for the organized instruction of children who have not reached the age for enrollment in kindergarten.

“Previously incurred system improvements” means system improvements that were accomplished in order to serve new growth and development.

“Primary facade” means those portions of a facade which are adjacent to or front on a public street, park or plaza.

“Primary surface” means a surface that is longitudinally centered on a runway, extends two hundred feet beyond each end of a runway, and is two hundred fifty feet wide.

“Principal use” or “principal building” means the primary or predominant use or building or lot to which the property or usage is or may be devoted, and to which all other uses or buildings on the premises are accessory.

“Print shop” means a service/retail establishment offering print services for individual consumers or small businesses.

“Printing plant” means a printing operation involving printing presses and/or other industrial machinery.

“Prior system improvement deficiencies” means deficiencies in public facilities serving existing development and that do not meet the proposed level of service.

“Priority habitat” means habitat types or elements with unique or significant value to one or more species as classified by the state Department of Fish and Wildlife.

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“Private” means solely or primarily for the use of the resident(s) or occupant(s) of the premises; e.g., a noncommercial garage used solely by the residents or their guests is a private garage.

“Private detached garage” means an accessory building or structure other than a portion of the main building, enclosed on not less than three sides and designed or used only for the shelter or storage of vehicles, primarily only those vehicles belonging to the occupants of the main building.

“Private recreational facility” means any recreational facility not owned or dedicated to the public or a government agency.

“Private road” means any right-of-way or road surface not open to general public use which is retained permanently as a privately owned and maintained road and is created to provide access from a street to a lot or lots.

“Processing of sand, gravel, rock, black soil and other natural deposits” means the mining and quarrying of sand, gravel, rock, black soil, and other natural deposits.

“Professional offices” means a use that provides professional, administrative, or business-related services such as engineers, attorneys, architects, accountants, and other persons providing services utilizing training in and knowledge of mental disciplines such as real estate and insurance as distinguished from training in occupations requiring skills or manual dexterity or the handling of commodities.

“Project area” means all areas within fifty feet of the area proposed to be disturbed, altered, or used by the proposed activity or the construction of any proposed structures.

“Project permit” or “project permit application” means any land use or environmental permit or license required by the city of Monroe for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, ~~site plan review~~, permits or approvals required for critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations.

“Property line” means the line denoting the limits of legal ownership of the property.

“Proportion of single-occupant vehicle trips” or “SOV rate” means the number of commute trips made by single-occupant automobiles divided by the number of full-time employees.

“Public facilities and services” means the following public facilities and services for which level of service standards have been established in the comprehensive plan:

- A. Potable water;
- B. Wastewater;
- C. Storm water drainage;
- D. Police and fire protection;
- E. Parks and recreation;
- F. Arterial roadways;

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G. Public schools.

“Public hearing” means an open record hearing at which evidence is presented and testimony is taken.

“Public roads” means all lanes, roads, streets, and alleys which are open as a matter of right to public vehicular traffic.

“Public stable” means any commercial or semi-public establishment where horses are kept for riding, driving or stabling. It may include structures and/or open roaming areas.

“Public use” means a structure or use intended or used for a public purpose by a city, a school district, the county, the state, or by any other public agency or by a public utility.

Section X. Monroe Municipal Code Chapter 18.02.190 "S definitions" is hereby amended as follows,

18.02.190 S definitions.

“Sales area” means any stall, booth, stand, space, section, unit or specified floor area within a licensed community-oriented open-air market location where goods or services are offered or displayed by a vendor for the purpose of sale, trade, barter, exchange or advertisement.

“Salmonid” means a member of the fish family Salmonidae. In Snohomish County: chinook, coho, chum, sockeye, and pink salmon; cutthroat, brook, brown, rainbow, and steelhead trout; kokanee; and native char (bull trout and Dolly Varden).

“Satellite television antenna” means an apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

“School” means an institution of learning, whether public or private, which offers instruction in those courses of study required by the Washington Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a kindergarten, elementary school, junior high school, senior high school or any special institution of education. This definition also includes vocational or professional institutions of higher education, community or junior colleges, or universities under ten acres in size.

“School – capital facilities” means school facilities identified in the district’s capital facilities plan and are “system improvements” as defined by the GMA as opposed to localized “project improvements.”

“School – design standards” means the space required, by grade span and taking into account the requirements of students with special needs, which is needed in order to fulfill the educational goals of the district as identified in the district’s capital facilities plan.

“School – development activity” means any residential construction or expansion of a building, structure or use of land, or any other change in use of a building, structure, or land that creates additional demand and need for school facilities, but excluding building permits for attached or detached accessory apartments, and remodeling or renovation permits which do not result in additional dwelling units. Also excluded from this definition is “housing for older persons” as defined by [46 USC 3607](#), when guaranteed by a restrictive covenant, and new single-family detached units constructed on legal lots created prior to May 1, 1991.

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“School – encumbered” means impact fees identified by the district as being committed as part of the funding for a school facility for which the publicly funded share has been assured, development approvals have been sought, or construction contracts have been let.

“School impact fee” means a payment of money imposed upon development, as a condition of development approval, to pay for school facilities needed to serve new growth and development. The school impact fee does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling impact fees, or the cost of reviewing independent fee calculations.

“School – land development permit” means any land use or environmental permit or license including but not limited to a preliminary or final plat for a single-family residential project, building permit, ~~site plan~~, or preliminary or final planned residential development plan.

“School – multifamily unit,” for purposes of school mitigation, means any residential dwelling unit that is not a single-family unit as defined by Chapter [20.07](#) MMC.

“Screening” means a continuous fence and/or evergreen landscaped planting that effectively obscures the property it encloses.

“Scrolling” means the vertical movement of a static message or display on an electronic sign.

“Searchlight” means any device emitting a strong beam of light not normally associated with the daily operation or outdoor lighting of the business or location, used to attract attention to the site.

“Secondary facade” means those portions of a facade that are adjacent to or front on alleys, private roads, trails or sidewalks.

“Secondary use” means a use subordinate to the principal use of the property, such as commercial, residential, utilities, etc.

“Secondhand store” means a retail establishment dealing in the selling and buying of used merchandise which is not antique, as defined in MMC [18.02.010](#), and not including the sale of used automobiles.

“Section 404 permit” means a permit issued by the Army Corps of Engineers for the placement of dredge or fill material waterward of the ordinary high water mark or clearing in waters of the United States, including wetlands, in accordance with [33](#) USC [1344](#).

“Security barrier” means a wall, fence, or berm that has the purpose of sealing a personal wireless service facility from unauthorized entry or trespass.

“Seismic hazard areas” means areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

“Service area” means a geographic area defined by the city or, in the case of facilities providing service to areas outside the city, by interlocal agreement, as being that area in which a defined set of park, open space and recreation facilities provide service to development within the area.

“Service establishment” means any business, professional or government office providing a substantial function of the business as on-site services, which involve personal contact with people who do not work in the office. Examples would include, but not be limited to, residential

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real estate sales, banks and loan offices, medical offices and employment agencies. Also included are personal service shops which administer personal services, including beauty and barber shops, nail salons, tanning salons, day spas, pet grooming, tailoring, shoe repair, and other similar uses.

“Service station” means an establishment which provides for the servicing of motor vehicles and operations incidental thereto, limited to the retail sale of petroleum products and automobile accessories; automobile washing (not including auto laundry); waxing and polishing of automobiles; tire changing and repair (not including recapping); battery service, charging and replacement (not including repair and rebuilding); installation of accessories; and the following operations if conducted wholly within a building: lubrication of motor vehicles, brake servicing, wheel balancing, the testing and replacing of carburetors, coils, condensers, fan belts, wiring, water hoses and similar parts.

“Setback” means the minimum required distance between a structure and a lot line, access easement boundary, critical areas buffer, or other boundary line that is required to remain free of structures. A setback is measured perpendicularly from the property line, access easement, or other boundary to the outer wall of the structure. In the case where a structure does not have an outer wall, such as a carport, the measurement shall be to the posts of such structure.

“Shake and shingle mill” means an establishment operating an automated shake and shingle mill which manufactures shakes, shingles and/or ridge caps using automated processes.

“Short subdivision” means the division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

“Side lot line” means any boundary of a lot which is not a front nor a rear lot line.

“Sidewalk area” means the space on the right-of-way set aside as the walking area for pedestrian traffic as shown and established on the records of the city as a sidewalk and where the city records do not specify such walking area, the sidewalk area shall be that space within the public right-of-way which is actually used as the walking area for pedestrian as distinguished from vehicular traffic.

“Sight visibility triangle” means a method of providing adequate visual clearance for vehicular and pedestrian traffic approaching a street intersection which is established by measuring a certain distance back from the point where street corner lines meet and connecting the two points established by such measurement.

“Sign” means all surfaces/structures (permitted, exempt or prohibited) regulated by this chapter that have letters, figures, design, symbols, trademark or devices intended to attract attention to any activity, service, place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever.

“Sign, address” means any sign of a noncommercial nature stating the address of the structure upon which said sign is located.

“Sign, banner” means a sign of nonpermanent nature constructed of nonrigid materials.

“Sign, building-mounted/wall” means a single- or multiple-faced sign of a permanent nature, made of rigid material, attached to or painted upon the wall/facade of a building or the face of a marquee in such a manner that the wall/facade becomes the supporting structure or forms the

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background surface of the sign and does not project more than eighteen inches from such wall/facade.

“Sign, cabinet” generally means an internally illuminated sign in which a removable sign face (typically with translucent graphics) is enclosed on all edges by a metal cabinet. A cabinet sign may be multi-sided.

“Sign, changeable message” means any sign capable of changing the message by means of manual methods.

“Sign, construction” means an informational sign, which identifies the architects, engineers, contractors and other individuals or firms involved with the construction of a building, which is erected during the construction period.

“Sign, directory” means a sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.

“Sign, electronic” means a sign containing a display that can be changed by electrical, electronic or computerized process, not including video signs.

“Sign, flashing” means a sign or a portion thereof which changes light intensity or switches on and off in a constant, random or irregular pattern or contains motion or the optical illusion of motion by use of electrical energy.

“Sign, freestanding” means a sign permanently mounted into the ground, supported by poles, pylons, braces or a solid base and not attached to any building. Freestanding signs include those signs otherwise known as “pedestal signs,” “pole signs,” “pylon signs,” and “monument signs.”

“Sign, illegal” means any sign which does not comply with the requirements of this code within the city limits, as they now or hereafter exist.

“Sign, informational” means small signs, not exceeding six square feet in surface area, of a noncommercial nature, and not announcing the name of the business or use, intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, directions, help wanted, public telephone, parking directions and the like.

“Sign, legal nonconforming” means any sign erected prior to the effective date of the ordinance codified in this chapter, pursuant to a city sign permit, not meeting the parameters of this chapter.

“Sign maintenance” means the work of keeping something in a suitable condition such as repair would accomplish.

“Sign, monument” means a ground-mounted, freestanding sign where the base is attached to the ground as a wide base of solid construction and no part of the sign is wider than the base.

“Sign, off-premises” means a sign which displays a message relating to a use of property or sale of goods or services at a location other than that on which the sign is located.

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“Sign, on-premises” means a sign which displays a message that is directly related to the use of the property on which it is located. Including those freestanding signs approved under a master sign site plan as referenced in MMC [18.80.100](#).

“Sign, political” means a sign advertising a candidate or candidates for public elective office, or a political party, or signs urging a particular vote on a public issue decided by ballot.

“Sign, portable” means a sign which has no permanent attachment to a building or the ground, including A-frame signs, sandwich board signs, pole attachments, and signs mounted on a mobile base, but not including real estate open house and political signs or portable reader board signs as prohibited under MMC 18.80.220.

“Sign, primary” means all permitted monument/freestanding and building-mounted signs.

“Sign, projecting” means a sign other than a wall sign, which projects from and is supported by a wall of a building or structure.

“Sign, real estate” means a sign that pertains to the sale or lease of the premises, or a portion of the premises on which the sign is located.

“Sign, roof” means any sign erected above a roof, parapet, canopy, or porte cochere of a building or structure, including a sign affixed to any structure erected upon a roof, including a structure housing building equipment.

“Sign, snipe” means an off-premises sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, utility poles or to other objects, not applicable to the present use of the premises or structure upon which the sign is located.

“Sign, subdivision” means a sign used to identify a land development of a residential nature.

“Sign, suspended” means a sign hanging down from a marquee, awning, canopy or porte cochere that would exist without the sign.

“Sign, temporary” means a nonpermanent sign intended for use for a limited period of time. Types of temporary signs are: construction, banner, inflatable, real estate and political signs.

“Sign, trailer” means a sign which is attached to a trailer or has been constructed as a trailer for the purpose of being towed by a motor vehicle, whether operable or not.

“Sign, video” means video devices such as televisions, computer monitors, flat panel displays, plasma screens, and similar video electronics used as signage.

“Sign, window” means all signs located inside and affixed to or within three feet of a window of a building, whether temporary or permanent, lighted or unlighted, which may be viewed from the exterior of the building. The term does not include merchandise located within three feet of a window.

“Single occupancy building” means a commercial or industrial building or structure with one major enterprise. A building is classified as “single occupancy” only if:

- A. It has only one occupant;
- B. It has no wall in common with another building; and

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C. It has no part of its roof in common with another building.

“Single-occupant vehicle (SOV)” means a motor vehicle occupied by one employee for commute purposes, including a motorcycle. If there are other passengers occupying the motor vehicle, but the ages of these passengers are sixteen or under, the motor vehicle is still considered a “single-occupant vehicle” for measurement purposes.

“Single-occupant vehicle (SOV) trips” means commute trips made by affected employees in SOVs.

“Site area” means the total horizontal dimensional area within the property lines excluding external rights-of-way.

“Site plan” means a plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features, both natural and manmade, and, depending on requirements, the locations of proposed utility lines.

“Special event” means any event for which a special event permit has been issued pursuant to Chapter [5.28](#) MMC.

“Special use” means a use possessing characteristics of such unusual, large-scale, unique or special form as to require additional scrutiny, above and beyond the requirements of a conditional use. The purpose of a review shall be to determine that the characteristics of any such use shall not be unreasonably incompatible with the type of uses permitted in surrounding areas and for the further purpose of stipulating such conditions as may reasonably assure that the basic purpose of this title shall be served.

“Species, endangered” means a fish or wildlife species that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species.

“Species, threatened” means any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species.

“Stand” means a homogenous grouping of tree species or a group of trees that contains a large proportion of the same species.

“Standard of service” means the standard adopted by the district which identifies the program year, the class size by grade span and taking into account the requirements of students with special needs, the number of classrooms, the types of facilities the district believes will best serve its student population, and other factors as identified by the district. The district’s standard of service shall not be adjusted for any portion of the classrooms housed in relocatable facilities which are used as transitional facilities or any other specialized facilities housed in relocatable facilities.

“State” means the state of Washington.

“State match percentage” means the proportion of funds that are provided to the district for specific capital projects from the state’s Common School Construction Fund. These funds are

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disbursed based on a formula which calculates district-assessed valuation per pupil relative to the whole state-assessed valuation per pupil to establish the maximum percentage of the total project eligible to be paid by the state.

“Steep slopes” means those slopes forty percent or steeper within a vertical elevation change of at least ten feet. A slope is defined by establishing its toe and top and is measured by averaging the inclination over at least ten feet of vertical relief. For the purpose of this definition:

A. The toe of slope is a distinct topographical break in slope that separates slopes inclined at less than forty percent from slopes forty percent or steeper. When no distinct break exists, the toe of slope of a steep slope is the lowermost limit of the area where the ground surface drops ten feet or more vertically within a horizontal distance of twenty-five feet; and

B. The top of slope is a distinct, topographical break in slope that separates slopes inclined at less than forty percent from slopes forty percent or steeper. When no distinct break exists, the top of slope is the uppermost limit of the area where the ground surface drops ten feet or more vertically within a horizontal distance of twenty-five feet.

“Story” means the space in a building from top to top of the successive finished floor surfaces or between a finished floor and the roof.

“Stream” means water contained within a channel, either perennial or intermittent, and classified according to WAC [222-16-030](#) or [222-16-031](#) and as listed under “water typing system.” Streams also include natural watercourses modified by man. Streams do not include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, storm water runoff facilities, or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse.

“Street” means a right-of-way which affords a primary means of public access to abutting property.

“Structure” means any permanent or temporary edifice or building, or any piece or work artificially built or composed of parts joined together in some definite manner.

“Structure alteration” means any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams or girders.

“Student factor (student generation rate)” means the number of students of each grade span (elementary, middle/junior high, high school) that a district determines are typically generated by different dwelling unit types within the district. The district will use a survey or statistically valid methodology to derive the specific student generation rate.

“Subdivider” means one who undertakes the subdivision or short subdivision of land. The term includes agents of the subdivider, such as engineers, surveyors, etc.

“Subdivision” means the division or redivision of land into ten or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

“Subdivision code” means MMC Title [17](#).

“Surplus space” means that portion of the usable space on a utility pole which has the necessary clearance from other pole users, as required by the orders and regulations of the

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Washington Utilities and Transportation Commission, to allow its use by a telecommunications carrier for a pole attachment.

“Surveyor, professional land” means a person who, by reason of his or her special knowledge of the mathematical and physical sciences and principles and practices of land surveying, which is acquired by professional education and practical experience, is qualified to practice land surveying and as attested to by his or her legal registration in the state of Washington as a professional land surveyor.

Section X. Monroe Municipal Code section 18.10.280 "Compliance required before permit issuance" is hereby amended as follows,

18.10.280 Compliance required before permit issuance.

Prior to the issuance of a permit for construction, the applicant shall show that ~~the requirements of Chapter 18.90 MMC have been met, as well as the provisions of all other applicable city codes~~ **have been met. The proposal shall:**

- A. Comply with the International Fire Code to the satisfaction of the city;
- B. Comply with the state and federal regulations on noise and noise abatement;
- C. Comply with the state and federal regulations on emission and emission control, and sewage and industrial waste discharge;
- D. Comply with state and federal regulations on logging practices and mineral extractions;
- E. Comply with the International Building Code to the satisfaction of the city;
- F. Comply with all requirements for connection to sewer and water as set forth in the applicable Monroe codes;
- G. Comply with the drainage ordinance to the satisfaction of the city;
- H. Comply with the state and city subdivision codes;
- I. Comply with all other applicable Monroe codes (see the zoning matrix table in MMC 18.10.050). (Ord. 1177, 1999)

Section X. Monroe Municipal Code section 18.12.190 "Special uses" is hereby amended as follows

18.12.190 Special uses.

A. Mobile Vendors. The purpose of this section is to regulate the activities of mobile vendors, where permitted, and promote the safety and welfare of the general public.

- 1. Requirements.

a. Submit a site plan, **to scale, that shall include and depict the following:** that includes the elements described in MMC [18.82.030](#).

- i. The boundaries of the property,**
- ii. The location of all existing structures and proposed structures and their distances to property lines including, but not limited to, the proposed mobile vendor location and proposed seating, if any,**
- iii. All existing easements,**
- iv. All means of vehicular and pedestrian ingress and egress to and from the site and the size and location of driveways, streets and roads,**
- v. The location and design of off-street parking areas showing their size and locations of internal circulation and parking spaces,**
- vi. Location and area, in square feet, of all proposed signs, and**
- vii. Additional information not specified in this Section when such information is necessary to assure compliance with this code.**

b. Submit property owner's written approval to locate on property.

c. Provide a signed agreement with a neighboring property owner within two hundred feet of the business for use of restrooms.

d. All mobile vendors engaged in the sale of food shall comply with all laws, rules, and regulations regarding food handling and provide a statement of approval from the Snohomish Health District. All vehicles or conveyances used by mobile vendors shall comply with all applicable laws, rules, and regulations as established by the Washington State Motor Vehicle Code and the Monroe Municipal Code.

e. If inside seating is provided within the vehicle or unit, compliance with the accessibility code is required including, but not limited to:

- i. Accessible ramp;
- ii. Aisle width of thirty-six inches;
- iii. Door width of thirty-six inches;
- iv. Seating to accommodate a wheelchair;
- v. An accessible restroom within the vehicle/unit.
- f. Vehicles must bear a seal that indicates it has been inspected and approved by L & I.

2. Business License. A business license is required for all mobile vendors prior to conducting business, in conformance with licensing requirements established in Chapter [5.02](#) MMC, Business Licenses.

3. Site Restrictions.

a. Mobile vendors shall be limited to two, per linear block on each side of the street, if the vendors are separated by a minimum distance of one hundred feet.

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- b. No mobile vendor shall sell or convey goods in the public right-of-way.
- c. Mobile vendors cannot obstruct the passage of any sidewalk, street, avenue, alley or any other public place, by causing people to congregate at or near the place where any article is being sold or offered for sale.
- d. No merchandise will be offered, displayed, or sold, and no customers served, in any vehicle travel lane.
- e. Mobile vendors cannot conduct business unless the vehicle or conveyance is parked and operated in full compliance with the traffic and sidewalk ordinances of the city, in effect at the time of application or as hereafter amended.
- f. This section shall not apply to vendors operating in conjunction with, and at the location of, events known as the farmers' market or as part of permitted special event, per Chapter [5.28](#) MMC.
- g. No temporary/portable restrooms are allowed on site.
- h. All mobile vendors shall clean up all litter originating from their business, each day, within a one hundred fifty-foot radius of the location where sales occur.

B. Community-Oriented Open-Air Markets.

1. The purpose of this chapter is to regulate community-oriented open-air markets within the downtown commercial zone, including farmers' markets, art fairs, and the like. Community-oriented open-air markets are intended to be operated by a public or private organization, which is open to the public and operates from individual booths or stands.

2. Permitted Uses.

- a. All fruits, vegetables, berries, butter, eggs, milk, or any farm produce sold by the grower or a representative.
- b. Edibles raised or caught by the seller, including fish and meats.
- c. The sale of goods and products produced by artisans, crafts persons, or their representative.
- d. Sale of food and beverages prepared on site such as concession stands.

3. Prohibited Uses.

- a. The secondhand sale of goods and products;
- b. The sale of any raw meat, fish or poultry product unless approved by the Snohomish Health District;
- c. The sale of any beverage or food unless appropriately licensed from the Snohomish Health District; and
- d. No sound amplification system shall be used in conjunction with the market, which produces noise and which is audible beyond the boundaries of the area designated in the application per MMC [18.10.270](#), Performance standards.

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4. Required License and Permits.
 - a. A business license from the city must be obtained by the sponsoring organization in conformance with licensing requirements established in Chapter [5.02](#) MMC, Business Licenses.
 - b. Any permits required by the Snohomish County Health District.
 - c. Exemptions. Required license and permits shall not be applied to any farmer, gardener or other person who sells any fruits, vegetables or other farm produce or edibles produced by such person within Snohomish County, Washington, and exempt pursuant to RCW [36.71.090](#) from paying any fee or application. Such persons are exempt from the licensing and fee requirements of Chapter [5.02](#) MMC.
 - d. A special event permit will be required per Chapter [5.28](#) MMC, for events on public property. (Ord. 026/2011 § 2 (Exh. 1); Ord. 006/2009 § 3)

Section X. Monroe Municipal Code Chapter 18.78.060 "Landscaping plan and submittal" is hereby amended as follows,

18.78.060 Landscaping plan and submittal.

A. Compliance. This chapter does not intend to stifle creative problem solving, but is rather a guideline for landscape requirements. Where strict interpretation of requirements is impractical, variances may be approved by the hearing examiner. The following criteria will be considered in granting variances:

1. Because of special circumstances, not the result of the owner's action, applicable to the subject property (including size, shape, and topography), the strict application of the provisions of this chapter is found to deprive the property of rights and privileges enjoyed by other property subject to this chapter.
2. That the granting of the variance will not be unduly detrimental to the public interest nor injurious to the property or improvements in the vicinity and zone in which the subject property is located.
3. That the subject property together with all adjacent property under the same ownership cannot be reasonably used under the regulations as written.

B. Submittal Requirements.

1. Preliminary Plans. **Where applicable, a** A conceptual landscaping plan shall be submitted with the development application for all projects specified in MMC [18.78.040](#). The preliminary plan shall indicate existing and proposed plant material, including species name, size, plant count and location.
2. Final Plans. **In instances where a Preliminary Plan is required,** ~~three~~ **three** copies of the final landscape plan shall be submitted with the building permit application ~~and site plan~~ for any project referenced under MMC [18.78.040](#). No clearing, grading or building permit shall be issued before the submittal and approval of this final plan. The final plan submission must include:

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- a. Location. Provide legal description of site or parcel as well as name and address of owner or developer.
 - b. Planting Schedule. The planting schedule shall indicate common names, quantities, sizes at planting, and spacing for all plants. The final site plan will show individual trees and shrubs. Ground cover may be expressed as on-center (o.c.) placement.
 - c. Cost Estimate. If a performance assurance is proposed as an alternative, the applicant must submit a current estimate of the cost to install the required landscaping. The community development director may approve the submitted cost estimate or require that written bids be obtained.
 - d. Elevation Drawing. An elevation and/or cross section drawing is required for steep slopes that exceed five feet in height and are steeper than one unit vertical in one and one-half units horizontal. The scale should be appropriate to show structures and plantings at time of installation.
 - e. Grading Details. If land contours are to be altered, existing and proposed grading contours with spot elevations shall be drawn to scale on the preliminary and final site or landscape plan. All landscaped mounds and gullies are to be shown.
 - f. Existing Tree Survey. Applicants shall submit a tree survey indicating the name, caliper, and location of any existing tree greater than four inches in caliper. The boundaries and species of any strands of trees shall be detailed. The plan shall note which trees shall be retained, using the drip line boundary delineation to locate retained trees on the grading plan.
 - g. Utility Easements. Utility easements and other similar areas between property lines and curbing shall be landscaped and/or treated with dust and erosion control planting or surfacing such as evergreens, ground cover, shrubs, trees, sod or a combination of similar materials. In the areas of overhead wire no shrubs or trees over fifteen feet at maturity will be allowed.
 - h. Right-of-Way. Landscaping and irrigation must be provided in adjacent right-of-way between property line and curb or street edge and shown on plan.
 - i. Standards. Shall be in accordance with the city of Monroe landscaping design and installation standards.
3. Revisions. A revised landscaping plan may be approved by the community development director in the event there are significant physical elements which are discovered during or after plan review which may prevent installation of the required landscaping. Revisions to the approved landscaping plan may be required if the installed landscaping has failed to perform as intended.
 4. Performance Assurance. Before the issuance of a certificate of occupancy for any project, the approved landscaping must be installed, unless the developer provides a performance security to guarantee the installation of the landscaping. The amount of the security will be based on one hundred fifty percent of the projected cost of material and

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installation of the approved landscaping, prior to issuance of a certificate of occupancy or, if no certificate is required, prior to final inspection approval. Once the landscaping and irrigation has been installed, a fifteen percent maintenance financial security is required before the release of the performance financial security. Any plants that die within two years of installation must be replaced before the maintenance financial security can be released. Upon inspection and approval, the maintenance financial security may be released after two years.

C. Irrigation System. Landscape areas shall be irrigated by a permanent underground sprinkler or drip water system, complete with automatic controls.

1. Automatic irrigation systems shall be installed and operation shall occur between the hours of midnight and five a.m., so that the final irrigation zone has concluded its sequence prior to five a.m.

2. An as-built irrigation drawing to scale shall be submitted prior to the issuance of the certificate of occupancy or release of the performance security. The method of irrigation for all landscaped areas shall be shown on the plans. In addition, the location of sprinkler heads, water source, controls and approved backflow prevention assembly shall be shown on final plans.

D. Drought-tolerant plants used exclusively throughout a project will be exempt from automatic irrigation requirements upon approval of the landscape plan by the planning and permitting division and the city's landscape specialist. (Ord. 026/2011 § 2 (Exh. 1); Ord. 1203, 2000; Ord. 1177, 1999)

Section X. Monroe Municipal Code Chapter 18.80.150 "Nonconforming signs" is hereby amended as follows,

18.80.150 Nonconforming signs.

A. General. Every permanent sign except historic and landmark signs which, by reason of any amendment to the provisions of this chapter which occurred after the date the sign was installed, or by change of zoning district or by annexation of territory to the city, becomes in violation of or does not conform to the provisions hereof, shall be removed or altered so as to conform with the provisions of this chapter within five years from the effective date of such amendment or change unless the owner submits a written request for an extension to the city at least thirty days prior to the expiration of the original five-year period, and the city approves the same. The city may grant up to two separate extensions for a total of two additional years.

B. Every limited duration and temporary sign must conform to the provisions of this chapter within six months from the effective date of such amendment or change in all zones of the city.

C. Maintenance. Nonconforming signs may be maintained, repaired and repainted without permit or fee during the periods specified in subsection (A) of this section or any

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extensions granted under subsection (E) of this section, but no structural change shall be made nor shall any increase in area be permitted.

D. Moving or Alterations. In such cases where a nonconforming sign is moved or changed, the sign shall be treated as a new sign and subject to the requirements of this chapter.

E. Appeal. The period specified in subsection (A) of this section may be extended by the hearing examiner upon application of the person maintaining such sign if the examiner finds that such an extension is necessary for the preservation of substantial property rights of the applicant. The application for the extension shall be made in writing within ten days after notice to remove the sign has been issued by the city.

F. Removal of Nonconforming Signs. If the provisions of subsection (A) of this section are not complied with regarding removal or alteration of nonconforming signs, and no appeal is made in accordance with subsection (E) of this section, the nonconforming sign is to be removed, and the cost thereof shall be charged to the owner or tenant.

G. Any Change in Building Use or Classification. Any change requiring submittal of a ~~land use permit for site plan approval~~, or any new sign structure installation, will be cause of applicable signage to conform to the provisions of this section. (Ord. 011/2014 § 2 (Exh. B); Ord. 029/2005 § 1. Formerly 18.80.160)

Section X. Monroe Municipal Code Chapter 18.80.160 "Permits and fees" is hereby amended as follows,

18.80.160 Permits and fees.

A. Permits Required. It shall be unlawful for any person to erect, re-erect, construct, enlarge, display, alter or move a sign, or cause the same to be done, without first obtaining a permit for each sign from the city of Monroe as required by this chapter. This section shall not be construed to require an additional permit to clean, repaint, or otherwise perform normal maintenance or repair of a permitted sign or sign structure. If, however, a sign is modified in any way, a permit is required. No permit shall be required to change the message on a changeable message and electronic sign.

B. Permit Application Procedure – Single-Occupancy Buildings, Complexes, or Properties. A sign permit shall be filed providing completed forms and supplemental information deemed necessary by the city of Monroe to show full compliance with this and all other laws and ordinances concerning single-occupancy buildings, complexes, or properties. A separate permit shall be required for a sign or signs for each business entity or location and a separate permit shall be required for each group of signs on a single supporting structure. Additional signs applied for separately shall require a separate permit.

C. Permit Application Procedure – Multi-Occupancy Buildings, Complexes, or Properties. A sign permit shall be filed providing completed forms and supplemental information deemed necessary by the city of Monroe to show full compliance with this and all other laws and ordinances concerning multi-occupancy buildings, complexes, or properties.

1. The purpose of this section is to establish binding master sign site plans for multi-occupancy buildings, multi-building complexes or properties under common ownership and/or control, in order to establish consistent sign design, location and materials and to allow for

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certain signage bonuses as set forth below. All development permits for multi-occupancy buildings, multi-building complexes and commonly developed properties sharing common access points and adjacent to one another, approved after the effective date of the ordinance codified in this chapter, shall submit a master sign site plan to the city for approval.

2. Transfer for Master Sign Site Plan. The maximum determined signage for the development may be transferred from one tenant and/or parcel to another within the site.

3. Approval and Modification of Master Sign Site Plan. The city shall approve a master sign site plan and subsequent modifications. Any deviation from the approved master sign site plan such as additional signage, relocating signs, replacement signs and other modifications not including tenant name changes shall require modifying and updating the approved master sign site plan on file at the city.

D. Electrical Permits. An electrical permit shall be obtained for electric signs. Portable sign shall not be located on any property until such time as a building permit has been issued. No building permit will be issued until there is compliance with other codes and ordinances of the city of Monroe and the Washington State Department of Labor and Industries has approved the method of electrical power for said portable sign.

E. Insurance and Hold Harmless Provisions. The owners of temporary sandwich signs and projecting signs, including blade signs, that are located in, project into or overhang a public right-of-way shall prior to approval of a sign permit execute and deliver to the city a hold harmless agreement in a form approved by the city attorney, holding the city harmless against any and all claims of any nature whatsoever arising out of the presence of such sign in or over the public right-of-way.

F. Permit Processing. All proposed signs other than those requesting a variance from the requirements of this chapter shall be processed by the city of Monroe following review and comment as specified above, and provided the proposed sign(s) is within the intent and purposes of this chapter, complies with this chapter's provisions, and will not be contrary to the public interest, detrimental to the public welfare or safety, or injurious to property in the vicinity. Signs must be inspected by the city and must conform to the currently adopted International Building Code.

G. Sign Permit Fees. A nonrefundable fee shall be paid upon the filing of an application for a sign permit in accordance with the sign fee which shall be established by city council.

H. Permit – Time Limitation. If, after the issuance of a sign permit, the operations authorized thereunder are not completed or substantially completed within one hundred eighty days after the date of the permit, such sign permit shall be automatically null and void.

I. Revocation of Permit. The city of Monroe may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information or whenever the sign is in violation of any ordinance, regulation or provision of this chapter.

J. Change of Copy. The holder of a permit, for the duration thereof, shall have the right to change the advertising copy words only on the structure or sign for which the permit was issued, without being required to pay any additional fees.

K. Wall Sign and Mural Maintenance. Failure to properly maintain the mediums used within a painted wall sign or mural or artwork as defined herein shall be sufficient grounds to revoke the sign permit.

L. Interpretation. In all applications for permits where a matter of interpretation arises, the most restrictive definition shall prevail. (Ord. 011/2014 § 2 (Exh. B); Ord. 029/2005 § 1. Formerly 18.80.170)

Section X. Monroe Municipal Code Chapter 18.82 "SITE PLAN REVIEW" is hereby repealed,

~~18.82.010 Purpose.~~

~~The purpose of this title is to ensure that all uses of land and developments are consistent with the adopted plans, policies and ordinances of the city. As such, the following chapter is designed, primarily, to assure the regulation of the layout of buildings and open space, including parking areas, and the provisions for access to and from the public street system. (Ord. 922, 1989)~~

~~18.82.020 Plan review required.~~

~~Site plan review and approval shall be required prior to the use and/or issuance of a building permit for any commercial, industrial, public building or activity, or residential building. Such review and approval shall be according to the provisions of this chapter. (Ord. 033/2008 § 6; Ord. 922, 1989)~~

~~18.82.030 Contents of application.~~

~~All applications submitted in compliance with this title shall include the information set forth in Chapter [21.30](#) MMC and the following section. No application shall be deemed complete, nor accepted by the city, until all information set forth below has been submitted.~~

~~Applications shall show such information as the proposed location of the buildings, parking areas, and other installations on the plot, and their relation to existing conditions, such as roads, neighboring land uses, natural features, public facilities, ingress and egress roads, interior roads, and similar features. Specifically, the following information shall be included, in a clear and intelligible form, in all applications for site plan review:~~

~~A.—The title and location of the proposed development, together with the names, addresses and telephone numbers of the record owner or owners of the land and wives, and of the applicant, and, if applicable, the names, addresses and telephone numbers of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;~~

~~B.—The proposed use or uses of the land and buildings;~~

~~C.—A site plan drawing or drawings at a scale of not less than one inch for each fifty feet which shall include or show:~~

- ~~1. The location of all existing and proposed structures, including, but not limited to, buildings, fences, culverts, bridges, roads and streets on the subject property;~~
- ~~2. The boundaries of the property proposed to be developed;~~
- ~~3. All proposed and existing buildings and setback lines;~~
- ~~4. All areas, if any, to be preserved as buffers or to be dedicated to a public, private, or community use or for open space under the provisions of this or any other city ordinance, information regarding percentage of area covered, locations, and general types of landscaping;~~
- ~~5. All existing and proposed easements;~~
- ~~6. The locations and size of all existing and proposed utility structures and lines;~~
- ~~7. The storm water drainage systems for existing and proposed structures, including the location and extent of curbs and gutters;~~
- ~~8. All means of vehicular and pedestrian ingress and egress to and from the site and the size and location of driveways, streets and roads;~~
- ~~9. The location and design of off-street parking areas showing their size and locations of internal circulation and parking spaces;~~
- ~~10. Traffic volumes and flows estimated to be generated by the proposed development on adjacent roads;~~
- ~~11. Location and extent of street dedication, widening or other road improvements;~~
- ~~12. Location and extent of acceleration and deceleration lanes, if needed;~~
- ~~13. Location of traffic control devices on and off the site;~~
- ~~14. The location of all loading spaces, including, but not limited to, loading platforms and loading docks where trucks will load or unload;~~
- ~~15. Location and area, in square feet, of all signs;~~

~~D. Topographic map or maps which delineate contours, both existing and proposed at intervals of two feet and which locate existing lakes, streams and forested areas;~~

~~E. The existing zoning district of the proposed development site and any other zoning district within three hundred feet of the site;~~

~~F. The proposed number of square feet in paved or covered surfaces, whether covered by buildings, driveways, parking lots or any other structure covering land and the total amount of square feet in the entire proposed development site;~~

~~G. The proposed number of dwelling units and number of bedrooms in the development;~~

~~H. The proposed number of square feet in gross floor area for each commercial and industrial use;~~

~~I. A description of each commercial and industrial use;~~

~~J. The written approvals of the Snohomish Health District, if required;~~

~~K. The zoning code administrator shall specify the submittal requirements, including type, detail, and number of copies for a site plan application, and determine if the application is complete. The city may require additional information not specified in the~~

~~submittal requirements when such information is necessary to assure compliance with this code. (Ord. 033/2008 § 6; Ord. 922, 1989)~~

~~**18.82.040 Review process.**~~

~~*Repealed by Ord. 033/2008. (Ord. 1203, 2000)*~~

~~**18.82.050 Standards to be used for review.**~~

~~The development review committee (DRC), as defined in MMC [21.30.050](#), shall approve a site plan unless it makes one or more of the following written findings with respect to the proposed development or major alteration:~~

~~A.—The provisions for vehicular access, circulation, loading and unloading, and parking, and for pedestrian circulation on the site and onto adjacent public streets and ways will create hazards, will impact site-sensitive features of the land, or impose a significant burden upon public facilities which could be avoided by modifications in the plan.~~

~~B.—The bulk, location and/or height of proposed uses will be detrimental or injurious to other private development in the neighborhood, will impose undue burdens on public facilities or will result in the loss or damage to unique natural features of the site that are important to the environmental quality of life for the citizens of Monroe, and development of the site is feasible in a manner that will avoid these detrimental and injurious results.~~

~~C.—The provisions for on-site landscaping do not provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.~~

~~D.—The site plan fails to provide measures to mitigate soil and drainage problems that may occur from development.~~

~~E.—The provisions for exterior lighting are inadequate for the safety of occupants or users of the site or such provisions will damage the value and diminish the usability of adjacent properties and/or create a safety hazard (especially traffic hazard), as defined in Chapter [15.15](#) MMC.~~

~~F.—The site provides for common open space and landscaping, but the applicant has not set forth a reasonable plan for the private care and maintenance of that open space and landscaping, and this failure may result in a burden on the public or cause injury and detriment to the neighborhood.~~

~~G.—The proposed development will impose an undue burden upon off-site public services including sewer, water and streets, which conclusion shall be based upon a written report of the city engineer filed with the DRC, a copy of which shall be provided the applicant, and there is no provision in the capital improvements program of the city to correct the specific burden within a reasonable period after the development or major alteration shall be completed.~~

~~H.—In cases where a preliminary plan has been approved, there is a substantial change in the final site plan from the approved preliminary site plan and such substantial change will have an adverse effect on public services, adjacent properties, or will adversely affect the environmental conditions on the site itself.~~

~~I.—The proposed development does not comply with critical areas requirements per Chapter [20.05](#) MMC or shoreline requirements per Chapter [19.01](#) MMC. (Ord. 033/2008 § 6; Ord. 1203, 2000; Ord. 922, 1989)~~

~~**18.82.060 Appeal of administrative interpretations and approvals.**~~

~~Repealed by Ord. 033/2008. (Ord. 022/2004; Ord. 1203, 2000)~~

~~**18.82.070 Appeal of hearing examiner decision.**~~

~~Repealed by Ord. 033/2008. (Ord. 022/2004; Ord. 1203, 2000; Ord. 922, 1989)~~

Section X. Monroe Municipal Code Chapter 18.90 “Construction Permit Requirements” is hereby repealed,

~~**18.90.010 Proposed uses.**~~

~~Prior to the issuance of a permit for construction, the applicant shall show that the proposed use will:~~

- ~~A.— Comply with the International Fire Code as determined by the fire code official;~~
- ~~B.— Comply with state and federal regulations on noise and noise abatement;~~
- ~~C.— Comply with state and federal regulations on emissions, emission control and sewage and industrial waste discharge;~~
- ~~D.— Comply with the International Building Code as determined by the building official;~~
- ~~E.— Comply with the drainage ordinance as determined by the city engineer;~~
- ~~F.— Comply with all requirements for connection to sewer and water as set forth in applicable Monroe codes;~~
- ~~G.— Comply with state and city subdivisions codes; and~~
- ~~H.— Comply with all other applicable Monroe codes;~~
- ~~I.— Comply with the sidewalk ordinance. (Ord. 922, 1989)~~

~~**18.90.020 Certificate of zoning compliance — Required.**~~

~~A.— No building permit shall be issued without the prior issuance of a certificate of zoning compliance by the city planner except for single-family residence structures.~~

~~B.— Prior to issuing a certificate of zoning compliance, the city shall review the development proposal contained in the application for such certificate.~~

~~C.— The purpose of the review is to ensure the following:~~

- ~~1.— The proposed development is a permitted use;~~
- ~~2.— A conditional use permit or a variance has been granted or is necessary;~~

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3. ~~That such development conforms to the basic intent of the comprehensive plan;~~
 4. ~~The need for basic street improvements, including but not limited by this reference to storm drainage, curbs, gutters and sidewalks;~~
 5. ~~Compliance with applicable requirements for ingress and egress:~~
 - a. ~~Parking;~~
 - b. ~~Landscaping;~~
 - c. ~~Signs;~~
 - d. ~~Dimensional standards.~~
- D. ~~Street and/or other improvements may be required as a condition of the issuance of the certificate of zoning compliance and/or building permit when found to be required pursuant to the review provided for in this section.~~
- E. ~~A certificate of zoning compliance issued pursuant to this chapter shall be valid for one year from the date of approval. Failure of an applicant or his/her successors in interest to proceed under an approved certificate of zoning compliance within the time periods established within this section shall require the applicant or his/her successors to reapply for a certificate of zoning compliance and shall not be deemed to have vested any rights to proceed with development without first obtaining a new certificate of zoning compliance. (Ord. 922, 1989)~~

~~18.90.030 Application — Referral to hearing body.~~

~~The zoning code administrator shall have the authority, within ten days from the date of filing of an application for building permit or for a certificate of zoning compliance, to decline in writing to act upon the question of zoning compliance and shall forward the application to the hearing body for such determination following the standards set forth in MMC [18.82.030](#). (Ord. 922, 1989)~~

~~18.90.040 Certificate of zoning compliance — Denial — Appeal.~~

~~The action of the zoning code administrator either granting or denying an application for certificate of zoning compliance shall be final and conclusive, unless the applicant or an adverse party files a written appeal with the department of community development. Upon the filing of an appeal, the action of the zoning code administrator shall be invalid, and the hearing examiner shall hear the application for certificate of zoning compliance. The hearing examiner shall follow, in its review of the application, the standards as set forth in Chapter [18.82](#) MMC. The action of the hearing examiner either granting or denying an application by the zoning code administrator or upon written demand as set forth in this section shall be final and conclusive unless the applicant or an adverse party appeals the decision to the city council under the procedure set forth in Chapter [21.60](#) MMC. (Ord. 003/2008 (Exh. D); Ord. 022/2004; Ord. 922, 1989)~~

Section X. Monroe Municipal Code section 20.06.030 "Definitions" is hereby amended as follows,

20.06.030 Definitions.

As used in this chapter, the following definitions shall apply:

- A. "Building permit" means an official document or certificate issued by the building official authorizing performance of construction or alteration of a building or structure.
- B. *Repealed by Ord. 033/2008.*
- C. "Comprehensive plan" means the city of Monroe comprehensive plan.
- D. "Concurrency" means when adequate public facilities meeting the level of service standard are in place at the time a development permit is issued, or a development permit is issued subject to the determination that the necessary facilities will be in place when the impacts of the development occur, or that improvements or strategy are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six years of the time of the development, as set forth in the comprehensive plan.
- E. "Concurrency determination" means a nonbinding determination of what public facilities and services are available at the date of inquiry.
- F. "Concurrency management system" means the procedures and processes utilized by the city to determine that development approvals, when issued, will not result in the reduction of the level of service standards set forth in the comprehensive plan.
- G. "De minimis development" means a proposed development relating to land use of such a low intensity as to have a de minimis effect, if any, upon the level of service standards set forth in the comprehensive plan; such development shall be exempt from concurrency review. Development approvals for single-family dwellings shall be deemed de minimis. Any development generating less than thirty-eight average daily trips shall be deemed de minimis for purposes of assessing transportation levels of service.
- H. "Development" means the particular development activity authorized by the unexpired development approval issued for a specific project.
- I. Development Approvals. The following unexpired development approvals shall be considered to be final development approvals:
 - 1. Final subdivision plat approval; **and**;
 - ~~2. Final site plan approval; and~~
 - 23.** Building permit.
- J. "Development action" means an action of the city, such as a land use amendment to the comprehensive plan or a rezoning.
- K. Public Facilities and Services. The following public facilities and services for which level of service standards have been established in the comprehensive plan:
 - 1. Potable water;
 - 2. Wastewater;

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3. Storm water drainage;
4. Police and fire protection;
5. Parks and recreation;
6. Arterial roadways;
7. Public schools. (Ord. 033/2008 § 7; Ord. 1052, 1995)

Section X. Monroe Municipal Code section 20.07.040 "School mitigation definitions" is hereby amended as follows,

20.07.040 School mitigation definitions.

"Average assessed value" means the average assessed value by dwelling unit type of all residential units constructed within the district.

"Boeckh Index" means the current construction trade index of construction costs for each school type.

"Capacity" means the number of students the district's facilities can accommodate district-wide, as determined by the district.

"Capital facilities" means school facilities identified in the district's capital facilities plan and are "system improvements" as defined by the GMA as opposed to localized "project improvements."

"Capital facilities plan" means the district's facilities plan adopted by the school board consisting of those elements meeting the requirements of the GMA.

"City" means the city of Monroe.

"City council" means the Monroe city council.

"Classrooms" mean educational facilities of the district required to house students for its basic educational program. The classrooms are those facilities the district determines are necessary to best serve its student population. Specialized facilities as identified by the district, including but not limited to gymnasiums, cafeterias, libraries, administrative offices, and child care centers, shall not be counted as classrooms.

"Construction cost per student" means the estimated cost of construction of a permanent school facility in the district for the grade span of school to be provided, as a function of the district's design standard per grade span.

"County" means Snohomish County.

"Design standards" means the space required, by grade span and taking into account the requirements of students with special needs, which is needed in order to fulfill the educational goals of the district as identified in the district's capital facilities plan.

"Developer" means the proponent of a development activity, such as any person or entity who owns or holds purchase options or other development control over property for which development activity is proposed.

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“Development” means all subdivisions, short subdivisions, conditional or special use permits, binding site plan approvals, rezones accompanied by an official site plan, or building permits (including building permits for multifamily and duplex residential structures, and all similar uses) and other applications requiring land use permits or approval by the city of Monroe.

“Development activity” means any residential construction or expansion of a building, structure or use of land, or any other change in use of a building, structure, or land that creates additional demand and need for school facilities, but excluding building permits for attached or detached accessory apartments, and remodeling or renovation permits which do not result in additional dwelling units. Also excluded from this definition is “housing for older persons” as defined by [46 USC 3607](#), when guaranteed by a restrictive covenant, and new single-family detached units constructed on legal lots created prior to May 1, 1991.

“Development approval” means any written authorization from the city which authorizes the commencement of a development activity.

“District property tax levy rate” means the district’s current capital property tax rate per thousand dollars of assessed value.

“Dwelling unit type” means (1) single-family residences, (2) multifamily, one-bedroom apartment or condominium units, and (3) multifamily multiple-bedroom apartment or condominium units.

“Encumbered” means impact fees identified by the district as being committed as part of the funding for a school facility for which the publicly funded share has been assured, development approvals have been sought, or construction contracts have been let.

“Estimated facility construction cost” means the planned costs of new schools or the actual construction costs of schools of the same grade span recently constructed by the district, including on-site and off-site improvement costs. If the district does not have this cost information available, construction costs of school facilities of the same or similar grade span within another district are acceptable.

“Facility design capacity” means the number of students each school type is designed to accommodate, based on the district’s standard of service as determined by the district.

“Grade span” means a category into which a district groups its grades of students (e.g., elementary, middle or junior high, and high school).

“Growth Management Act (GMA)” means the Growth Management Act, Chapter 17, Laws of the State of Washington of 1990, 1st Ex. Session, as now in existence or as hereafter amended.

“Impact fee schedule” means the table of impact fees to be charged per unit of development, computed by the formula adopted under this chapter, indicating the standard fee amount per dwelling unit that shall be paid as a condition of residential development within the city.

“Interest rate” means the current interest rate as stated in the Bond Buyer Twenty-Bond General Obligation Bond Index.

“Land cost per acre” means the estimated average land acquisition cost per acre (in current dollars) based on recent site acquisition costs, comparisons of comparable site acquisition costs in other districts, or the average assessed value per acre of properties comparable to school sites located within the district.

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“Multifamily unit” means any residential dwelling unit that is not a single-family unit as defined by this chapter.

“Nursing home” and/or “convalescent home” means an establishment which provides full-time convalescent or chronic care or both for three or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home. A hospital or sanitarium shall not be considered to be included in this definition.

“Permanent facilities” means facilities of the district with a fixed foundation, which are not relocatable facilities.

“Relocatable facilities” means any factory-built structure, transportable in one or more sections, that is designed to be used as an education space and is needed to prevent the overbuilding of school facilities, to meet the needs of service areas within the district or to cover the gap between the time that families move into new residential developments and the date that construction is completed on permanent school facilities.

“Relocatable facilities cost” means the total cost, based on actual facilities costs incurred by the district, for purchasing and installing portable classrooms.

“Relocatable facilities student capacity” means the rated capacity of a typical portable classroom used for a specified grade span.

“Retirement housing” and/or “assisted living facility” means any form of congregate housing designed to provide for the particular needs of the elderly, seniors, or the physically disabled, who may have functional limitations due to age or physical impairment, but are otherwise in good health. Residents of such housing can maintain an independent or semi-independent lifestyle and do not require more intensive care as provided in a nursing or convalescent home. For the purposes of this definition, “elderly” or “senior” typically means persons fifty-five years of age or older. Design features may include but are not limited to wide doors and hallways and low counters to accommodate wheelchairs, support bars, specialized bathrooms and common dining, recreation or lounge areas. This definition shall not be construed to include facilities to house persons under the jurisdiction of the Superior Court or the Board of Prison Terms and Paroles.

“School impact fee” means a payment of money imposed upon development, as a condition of development approval, to pay for school facilities needed to serve new growth and development. The school impact fee does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling impact fees, or the cost of reviewing independent fee calculations.

“Single-family unit” means any detached residential dwelling unit designed for occupancy by a single-family or household.

“Standard of service” means the standard adopted by the district which identifies the program year, the class size by grade span and taking into account the requirements of students with special needs, the number of classrooms, the types of facilities the district believes will best serve its student population, and other factors as identified by the district. The district’s standard of service shall not be adjusted for any portion of the classrooms housed in relocatable facilities

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which are used as transitional facilities or any other specialized facilities housed in relocatable facilities.

“State match percentage” means the proportion of funds that are provided to the district for specific capital projects from the state’s Common School Construction Fund. These funds are disbursed based on a formula which calculates district-assessed valuation per pupil relative to the whole state-assessed valuation per pupil to establish the maximum percentage of the total project eligible to be paid by the state.

“Student factor (student generation rate)” means the number of students of each grade span (elementary, middle/junior high, high school) that a district determines is typically generated by different dwelling unit types within the district. The district will use a survey or statistically valid methodology to derive the specific student generation rate.

Section X. Monroe Municipal Code section 20.08.030 "Definitions" is hereby amended as follows,

20.08.030 Definitions.

“Commercial agriculture” means those activities conducted on lands defined in RCW [84.34.020](#)(2), and activities involved in the production of crops or livestock for wholesale trade. An activity ceases to be considered commercial agriculture when the area on which it is conducted is proposed for conversion to a nonagricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity.

“Conversion” means a forest practice involving the removal of trees to convert forestland to permanent nonforestry urban uses that results in residential, commercial, or industrial activities.

“Development moratorium” means the denial by the city of Monroe of all applications for permits or approvals for a period of six years as established in Chapter [76.09](#) RCW, including but not limited to building permits, right-of-way permits, subdivisions, rezones, and variances on the subject property.

“Forest practices” means activities conducted on or directly pertaining to forestlands, regulated in Chapter [222-16](#) WAC or Chapter [76.09](#) RCW, relating to growing, harvesting, or processing timber. This includes but is not limited to: road and trail construction; harvesting, final and intermediate; pre-commercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control.

“Ground cover” means small plants such as salal, ivy, ferns, mosses, grasses, or other types of vegetation which normally cover the ground and includes trees and shrubs less than six inches in diameter.

“Ground cover management” means the mowing or cutting of ground cover when such activities do not disturb the root structures of plants.

“Land clearing” means the act of removing or destroying trees, ground cover, and other vegetation by manual, mechanical, or chemical methods.

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“Land development permit” means any land use or environmental permit or license including but not limited to preliminary or final plat for a single-family residential project, a building permit, ~~site plan~~, or preliminary or final planned residential development plan.

“Person” means any person, individual, public or private corporation, firm, association, joint venture, partnership, owner, lessee, tenant, or any other entity whatsoever or any combination of such, jointly or severally.

“Qualified professional forester” means an individual with academic and field experience in forestry or urban forestry, with a minimum of two years experience in tree evaluation. This may include Society of American Foresters (SAF) Certified Forester, Registered American Society of Consulting Arborists (ASCA) Consulting Arborist, Washington State Licensed Landscape Architect, or an International Society of Arborists (ISA) Certified Arborist.

“Removal” means the actual removal or causing the effective removal through damaging, poisoning, root destruction or other direct or indirect actions resulting in the death of vegetation.

“Routine vegetation management” means tree trimming or pruning and ground cover management undertaken by a person in connection with the normal maintenance and repair of property.

“Tree” means any perennial woody plant with one main stem or multiple stems that supports secondary branches, that has a distinct and elevated crown, that will commonly reach a height of fifteen feet or greater, and where the main stem or one stem of a multi-stemmed tree has a DBH (diameter at breast height) measurement of six inches or greater four and one-half feet above the ground.

“Tree cutting” means the actual removal of the above-ground plant material of a tree through manual or mechanical methods.

“Tree topping” means the severing of the main stem of the tree in order to reduce the overall height of the tree; provided, that no more than forty percent of the live crown is removed during any topping. If more than forty percent of the top is removed, it is considered removal.

“Tree trimming” means the pruning or removal of limbs; provided, that the main stem is not severed and no more than forty percent of the live crown is removed. If more than forty percent of the limbs or crown is removed, it is considered removal. (Ord. 004/2009 § 2)

Section X. Monroe Municipal Code section 21.10.030 “Definitions” is hereby amended as follows,

21.10.030 Definitions.

The following definitions shall apply to this title; other definitions may be found in individual chapters:

“Applicant” means a person seeking development or permit approval from the city.

“Boundary line adjustment” means the adjustment of a boundary line between existing lots which results in no more lots, tracts, parcels, sites, or divisions than existed before the adjustment and which meets the criteria set forth in Chapter [17.30](#) MMC.

“City” means the city of Monroe.

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“City administrator” means the city administrator of the city of Monroe, or his or her designee.

“City council” means the city council of the city of Monroe.

“Closed record appeal” means an appeal to the city council or hearing examiner, following an open record hearing on a project permit application, when the appeal is based on the existing record with no or limited new evidence or information allowed to be submitted and only appeal arguments are allowed.

“Comprehensive plan” means the Monroe comprehensive plan adopted in 1994 as amended.

“Comprehensive plan amendment” means an amendment or change to the text or maps of the comprehensive plan.

“Conditional use” means a use allowed in one or more zones as defined by the zoning code, but which, because of characteristics peculiar to such use, the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent and compatible with other existing or permissible uses in the same zone and mitigate adverse impacts of the use.

“Date of issuance of decision” means, in the case of decisions that may be appealed administratively, the date on which the decision is mailed to all parties of record and from which the appeal period is calculated. In the case of decisions that may be appealed only to the superior court, the date prescribed by the Land Use Petition Act, Chapter [36.70B](#) RCW.

“Decision” means the written report of findings and conclusions issued by the hearing body and forwarded to all parties of record.

“Developer” means any person who proposes an action or seeks a permit regulated by MMC Titles [15](#), [17](#), [18](#), [19](#), and [20](#), inclusive.

“Development” means any land use permit or action regulated by MMC Titles [15](#), [17](#), [18](#), [19](#), and [20](#), including but not limited to subdivision, binding site plans, rezones, conditional use permits, or variances.

“Development regulations” means MMC Titles [15](#), [17](#), [18](#), [19](#), and [20](#).

“Director” means the director of community development or his designee.

“Effective date” means the date a final decision becomes effective.

“Essential public facilities” means facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW [47.06.140](#), state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW [71.09.020](#).

“Final decision” means the final action by the director of community development, planning commission, hearing examiner, or city council.

“Open record hearing” means a hearing, conducted by a single hearing body that creates the record through testimony and submission of evidence and information, under procedures

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prescribed by the hearing body. An open record hearing may be held prior to a decision being issued on a project permit to be known as an “open record pre-decision hearing.” An open record hearing may be held on an appeal, to be known as an “open record appeal hearing,” if no open record pre-decision hearing has been held on the project permit.

“Party of record” means any person who has testified at a hearing or has submitted a written statement related to a development action and who provides the city with a complete address.

“Party to an appeal” means the appellant(s), applicant, and city of Monroe.

“Planned action” means a significant development proposal as defined in RCW [43.21C.031](#) as amended.

“Planned residential development” means a flexible method of land development, which accomplishes the purposes of Chapter [18.84](#) MMC, in which the principal use is residential.

“Plat” means a scale drawing of a subdivision showing lots, blocks, streets, or tracts, or other division or dedications of land to be subdivided.

“Plat, final” means a precise drawing of a subdivision and dedications which conforms to the approved preliminary plat, meets all the conditions of approval, and meets the requirements of the Snohomish County auditor for recording.

“Plat, final short” means a precise drawing of a short subdivision and dedications which conforms to the approved preliminary short plat, meets all conditions of approval, and meets the requirements of the Snohomish County auditor for recording.

“Plat, preliminary” means a neat and approximate scale drawing of a proposed subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks, and other information needed to properly review the proposal.

“Plat, preliminary short” means a neat and approximate scale drawing of a proposed short subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks, encumbrances, encroachments, and other information needed to properly review the proposal.

“Plat, short” means the plat of a short subdivision.

“Project” means a proposal for development.

“Project permit” or “project permit application” means any land use or environmental permit or license required by the city of Monroe for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, ~~site plan review~~, permits or approvals required for critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations.

“Public hearing” means an open record hearing at which evidence is presented and testimony is taken.

“Rezone” means an amendment which changes the use classifications and/or boundaries upon the official zoning map.

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“Site plan” means a scale drawing which shows the areas and locations of all buildings, streets, roads, improvements, easements, utilities, open spaces, and other principal development features for a specific parcel of property.

“Site plan, binding” means a site plan reviewed and approved pursuant to MMC Title [18](#) and ~~Chapter 18.82~~ MMC, containing the inscriptions or attachments setting forth the limitations and conditions of use for a specific parcel of property and meeting the requirements of the Snohomish County auditor for recording.

“Special use” means a use that because of its unusual, large-scale, and/or unique impacts requires additional scrutiny and mitigation, above and beyond the requirements of a conditional use, and for which the Monroe city council is the final decision-making body.

“Subdivision, short” means the division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

“Subdivision” means the division or redivision of land into ten or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

“Subdivision code” means MMC Title [17](#).

“Variance” means a permissible modification of the application of MMC Title [18](#) to a particular property, subject to the approval of the hearing examiner.

“Working day” means any day which the city of Monroe is open for business.

“Zoning code” means MMC Title [18](#).

Section X. Monroe Municipal Code section 20.10.110 "Payment of fee" is hereby amended as follows,

20.10.110 Payment of fee.

A. Impact fees shall be imposed upon development activity in the city, based upon the schedule set forth in this chapter, and shall be collected by the city from any applicant where such development activity requires final plat, PRD approval, issuance of a residential building permit or a mobile home permit and the fee for the lot or unit has not been previously paid.

B. For a plat or PRD applied for on or after the effective date of the ordinance codified in this chapter, the impact fees due on the plat or the PRD shall be assessed and collected from the applicant at the time of final approval, using the impact fee schedule in effect when the plat or PRD was approved; provided, that the applicants may opt to:

1. Have impact fees allocated to the lots or dwelling units in the project and collected when the building permits are issued; or
2. For single-family attached and detached units only, the impact fee payment may be deferred and collected in accordance with subsection (C) of this section.

Where the applicant exercises the option for collection of impact fees at the time of building permit or deferral, the fees to be collected shall be those in effect at the time building permits

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are issued. Residential development proposed for short plats shall not be governed by this section, but shall be governed by subsection (E) of this section.

C. Deferral of Impact Fee Payment.

1. For single-family detached or attached single-family residential dwelling units only, impact fee payments may be deferred to final inspection or up to eighteen months from the date of issuance of the building permit, whichever occurs first. Deferral shall only be allowed when, prior to issuance of the building permit, the applicant:

a. Submits a deferred impact fee application form for the property which the applicant is requesting deferral of the impact fee payment; and

b. Grants and records a deferred impact fee lien against the property in favor of the city of Monroe in a form as approved by the city. The content, form and procedure for the lien shall also be in accordance with RCW 82.02.050. Recording and release of the deferred impact fee lien shall be at the expense of the applicant.

Applications for an impact fee deferral shall be accompanied by payment of an administrative fee as provided for in the city's adopted fee resolution.

2. Each applicant for a single-family residential construction permit is entitled to annually receive (per calendar year) deferral for only the first twenty single-family residential construction building permits. For the purposes of this subsection, an "applicant" includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.

3. The city shall withhold approval of final inspection until the deferred impact fees are paid and collected. For the purposes of this section, "final inspection" shall mean the city's signed approval of the final inspection for occupancy on the job card.\

D. If, on the effective date of the ordinance codified in this chapter, a plat or PRD has already received preliminary approval and is not otherwise exempt from the payment of impact fees under MMC 20.10.160, such plat or PRD shall not be required to pay the impact fees at the time of final approval, but the impact fees shall be allocated to the lots or dwelling units and assessed and collected from the lot or unit owner at the time the building permits are issued or deferred in accordance with subsection (C) of this section, using the impact fee schedule then in effect. If, on the effective date of the ordinance codified in this chapter, an applicant has applied for preliminary plat or PRD approval, but has not yet received such approval, the applicant shall follow the procedures set forth in subsection (B) of this section.

E. For existing lots or lots not covered by subsection (B) of this section, application for single-family and multifamily residential building permits, mobile home permits, and **binding** site plan approval for mobile home parks proposed, the total amount of the impact fees shall be assessed and collected from the applicant when the building permit is issued or deferred in accordance with subsection (C) of this section, using the impact fee schedules then in effect.

F. Any application for preliminary plat or PRD approval which has been approved subject to conditions requiring the payment of impact fees established pursuant to this chapter shall be required to pay the fee in accordance with the conditions of approval. (Ord. 011/2016 § 2; Ord. 005/2003)

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Section X. Monroe Municipal Code section 21.30.010 "Application" is hereby amended as follows,

21.30.010 Application.

A. The city shall consolidate development application and review in order to integrate the development permit and environmental review processes, while avoiding duplication of the review processes.

B. All applications for development permits, ~~site plan review approvals~~, variances, and other city approvals under the development regulations shall be submitted on forms provided by the department of community development. All applications shall be acknowledged by the property owner(s) and any interested parties, if applicable. (Ord. 001/2003; Ord. 1227, 2001; Ord. 1092, 1996)

Section X. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section X. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this _____ day of _____, 2016.

First Reading: _____, 2016

Adoption: _____, 2016

Published: _____, 2016

Effective: _____, 2016

CITY OF MONROE, WASHINGTON:

Geoffrey Thomas, Mayor

(SEAL)

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ATTEST:

APPROVED AS TO FORM:

Elizabeth M. Smoot, MMC, City Clerk

J. Zachary Lell, City Attorney

DRAFT: Oct 4, 2016