



City of Monroe
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Planning Commission Agenda

Monday, November 28, 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

November 14, 2016

Documents:

[PC11142016.pdf](#)

PUBLIC HEARING

Code Amendments - Commute Trip Reduction Regulations - MMC Chapter 18.88

Documents:

[A. Public Hearing AB CTR Code Amendments.pdf](#)
[A. Public Hearing ATT 1 Draft Monroe CTR Ordinance.pdf](#)
[A. Public Hearing ATT 2-STAFF REPORT.pdf](#)
[A. Public Hearing ATT 3 PC FINDINGS AND CONCLUSIONS.pdf](#)

OLD BUSINESS

Code Amendments - Downtown

Documents:

[A. Old Business AB Downtown Code Amendment 11 28 16.pdf](#)
[A. Old Business Attach 1 Downtown Code Amendment.pdf](#)
[A. Old Business Attach 2 Downtown Promenade.pdf](#)

NEW BUSINESS

NONE

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.
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**CITY OF MONROE
PLANNING COMMISSION MINUTES
Monday, November 14, 2016**

The regular meeting of the Monroe Planning Commission was held on **Monday, November 14, 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 7:02 p.m.

ROLL CALL

Secretary Stephanie Johnson called the roll.

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

Commissioners Absent: None

Staff Present: Community Development Director David Osaki, Senior Planner Shana Restall, and Planning Commission Secretary Stephanie Johnson

COMMENTS FROM CITIZENS

None

APPROVAL OF MINUTES

- October 24, 2016 – **Commissioner Bull** moved to accept the October 24, 2016 Planning Commission meeting minutes as submitted. **Commissioner Jensen** seconded. Vice Chair Tuttle and Commissioner Fisher abstained because they were absent for the October 24, 2016 meeting (both excused). Motion carried **5/0**.

PUBLIC HEARING

None

The order of Agenda Items was modified to allow Senior Planner Restall to present first.

NEW BUSINESS

1. Proposed Code Amendments to Commute Trip Reduction (CTR) regulations (MMC Chapter 18.88)

Senior Planner Restall discussed the Commute Trip Reduction (CTR) Act, and explained to the Commissioners that the City of Monroe has been asked to amend its

Commute Trip Reduction ordinance by February 2017. She explained that the proposed amendments to the City's existing CTR ordinance are mostly terminology changes, to be updated and consistent with the State CTR program.

Every jurisdiction with qualifying employers is going through the same changes right now. Notice of Public Hearing was published and SEPA Determination of Non-Significance (DNS) was issued 11/1/16. A public hearing on the proposed amendments is scheduled for the November 28, 2016 Planning Commission meeting.

Commissioner Jensen and **Chair Kristiansen** explained the commission's preference to keep wordiness to a minimum on all code changes. For example, if another document can be referenced in the code rather than lengthy descriptions being "copied and pasted" into it, that method would be preferable.

The Planning Commission suggested mailing notice of the upcoming November 28, 2016 Planning Commission public hearing to transportation coordinators for Monroe businesses who are obligated to comply with the CTR requirements.

OLD BUSINESS

1. Proposed Code Amendments to Critical Areas Regulations (MMC Chapter 20.05)

Senior Planner Restall revisited the discussion from the September 12, 2016 Planning Commission meeting regarding increasing minimum required buffer widths for category II and III wetlands to comply with Department of Ecology mandates based on State law to keep up with "best available science."

The Planning Commission discussed how increased buffer widths might impact existing homeowners and their ability to add on to their home or build structures on their property. Per Senior Planner Restall, the existing allowed alterations in our current code would apply. Every situation could be assessed on a case-by-case basis (with individual critical areas studies to determine allowances).

The Planning Commission directed staff to proceed with the current proposed buffer changes and schedule a public hearing on the proposed amendments in January 2017. Additional information will be provided to the Commission at future meetings.

2. Downtown Code Amendments - MMC Chapter 18.12 Downtown Commercial Zone

Director Osaki continued discussion from the October 24, 2016 Planning Commission meeting regarding density and height requirements for the Borlin Park (East Downtown) neighborhoods.

The commissioners agreed with the changes made in the ordinance and agreed that **Director Osaki** could proceed with the changes, including suggested updates to table formatting within the code section. This topic will be revisited at the next Planning Commission meeting.

DISCUSSION BY COMMISSIONERS AND STAFF

Director Osaki showed the commissioners another update to the Planning Commission Extended Agenda template, and proposed that the December 12, 2016 Planning Commission meeting be more informal. There will be no Planning Commission meeting on December 26, 2016, as City Hall is closed that day.

Director Osaki told the commissioners that there continues to be considerable plat and subdivision activity going on.

Director Osaki informed the commissioners that City Administrator Gene Brazel has accepted a position to become the City Administrator of Lake Stevens.

Vice Chair Tuttle asked about a work docket for the Planning Commission from the City Council. **Chair Kristiansen** suggested holding a joint meeting with the City Council to make sure everyone is on the same page.

Director Osaki updated the commissioners on the status of the STOP sign at Beaton Rd. in the industrial park that was mentioned at the October 24, 2016 planning commission meeting.

ADJOURNMENT

Commissioner Jensen moved to adjourn the **November 14, 2016** Planning Commission meeting. Seconded by **Commissioner Bull**. Motion carried **7/0** and the meeting was adjourned at **8:33 p.m.**

Bill Kristiansen
Chair

Stephanie Johnson
Planning Commission Secretary



MONROE PLANNING COMMISSION
Agenda Item Cover Sheet

TITLE:	<i>Public Hearing: Proposed Amendments to Commute Trip Reduction (CTR) Regulations (Monroe Municipal Code Chapter 18.88)</i>
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DATE:		CONTACT:	PRESENTER:	ITEM:
11/28/16		Shana Restall	Shana Restall	Old Business

Discussion: 11/14/2016

Public Hearing: 11/28/2016

- Attachments:**
1. Draft Ordinance – Proposed Amendments to Commute Trip Reduction (CTR) Regulations (MMC Chapter 18.88)
 2. Staff Report to the Planning Commission
 3. Planning Commission Findings of Fact and Conclusions of Law

BACKGROUND

In 1991, the Washington legislature passed the Commute Trip Reduction Act (“CTR Act”) and incorporated it into the Washington Clear Air Act (RCW 70.94.521 through 70.94.555). The CTR Act requires certain counties and cities to develop ordinances, plans and programs to reduce Vehicle Miles Traveled (VMT) and drive alone commute trips, and thereby reduce vehicle-related air pollution, traffic congestion and energy use. The CTR Act was amended in 2006 by the Commute Trip Reduction Efficiency Act.

The Commute Trip Reduction Act (CTR) is locally initiated and enforced per the requirements of the Revised Code of Washington (RCW). Once a local jurisdiction has identified a “major employer,” defined as “a private or public employer, including state agencies, that employs one hundred or more full-time employees at a single work site who begin their regular workday between six a.m. and nine a.m. on at least two weekdays for at least twelve continuous months”, the jurisdiction also automatically becomes an affected employer and must comply with the law.

The City of Monroe is subject to these requirements. In 2000, the City of Monroe adopted Ordinance 1192, establishing the City’s Commute Trip Reduction provisions, which are contained in Monroe Municipal Code (MMC) Chapter 18.88 entitled “Commute Trip Reduction (CTR).” To implement MMC Chapter 18.88, the City has historically entered into an agreement with Community Transit to perform requirements and services of the Act on behalf the City of Monroe. Under that arrangement, Community Transit received the City’s share of the State Commute Trip Reduction (CTR) implementation funds.

On September 26, 2014, the CTR board adopted the State CTR Plan 2015 – 2019. It includes new statewide program goals and targets and new options for local goals and targets. Local jurisdictions that have recently been asked by Community Transit to update and amend their CTR regulations to incorporate the new statewide goals and target. The attached draft ordinance incorporates these amendments. For the most part, the amendments are intended to clarify, update definitions, and relate to administration of the program.

PROCESS

Review and Public Notice

Notice of Public Hearing was provided in accordance with MMC 21.40.020, and published in the Monroe Monitor on November 1, 2016. No public comments were received.

A State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued on the proposed zoning code amendments on November 1, 2016. The public comment deadline is November 16, 2016, with an appeal deadline of November 23, 2016.

On October 25, 2016, the proposed zoning code amendments were transmitted to the State of Washington for State agency review in accordance with RCW 36.70A.106. Expedited review (14 days rather than 60 days) was requested.

Procedures for Legislative Actions

As the City of Monroe's CTR provisions are included in MMC Title 18 "Planning and Zoning", a Planning Commission public hearing and recommendation to the City Council is required. MMC section 21.20.040(B) requires that the planning commission shall review and make recommendations on the following:

"Amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20)."

A Planning Commission briefing on the proposed code amendments was held November 14, 2016. Based on the Planning Commission's direction, qualifying CTR employers in Monroe were notified on November 21, 2016 regarding the November 28, 2016 Planning Commission public hearing.

Following the close of the public hearing, the Planning Commission will forward a recommendation to the City Council. The City Council will review the Commission's recommendation no earlier than December 13, 2016. The Council's decision is the City's final action on the proposed code amendments.

Upon adoption of the ordinance by the City Council, final reviews will be conducted by the Puget Sound Regional Council (PSRC) and the WSDOT CTR Board. The 2017 – 2019 CTR plan contract cycle begins in July 2017.

RECOMMENDED ACTION

1. Open the public hearing
2. Staff presentation and questions from the Planning Commission
3. The Commission accepts testimony from the public
4. Move to close the public testimony portion of the public hearing
5. Rebuttal, response, or clarifying statements by the staff
6. Move to close the public hearing
7. Deliberation by the Planning Commission
8. Move that the Planning Commission adopt the Findings of Fact and Conclusions of Law contained in Attachment 3 to the Planning Commission agenda bill and recommend that the Monroe City Council APPROVE the proposed amendments to Monroe Municipal Code Chapter 18.88.

ATTACHMENT 1

CITY OF MONROE ORDINANCE NO. XXX/2016

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON,
AMENDING MONROE MUNICIPAL CODE CHAPTER 18.88
ENTITLED COMMUTE TRIP REDUCTION, PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, In 1991, the Washington legislature passed the Commute Trip Reduction Act (“CTR Act”) and incorporated it into the Washington Clear Air Act (RCW 70.94.521 through 70.94.555); and

WHEREAS, the CTR Act, which was amended in 2006 by the Commute Trip Reduction Efficiency Act, requires certain counties and cities to develop ordinances, plans and programs to reduce Vehicle Miles Traveled (VMT) and drive alone commute trips, and thereby reduce vehicle-related air pollution, traffic congestion and energy use; and

WHEREAS, the Commute Trip Reduction Act (CTR) is locally initiated and enforced per the requirements of the Revised Code of Washington (RCW); and

WHEREAS, the City of Monroe is subject to CTR requirement and has an inter-local agreement with Community Transit to administer the requirements of the CTR Act on behalf of the City of Monroe; and

WHEREAS, in 2000, the City of Monroe adopted Ordinance 1192, establishing the City’s Commute Trip Reduction provisions, which are contained in Monroe Municipal Code (MMC) Chapter 18.88 entitled “Commute Trip Reduction (CTR)”; and

WHEREAS, On September 26, 2014, the CTR board adopted the State CTR Plan 2015 – 2019 that includes new statewide program goals and targets and new options for local goals and targets; and

WHEREAS, local jurisdictions have been asked by Community Transit to update and amend their CTR regulations to incorporate the new statewide goals and targets; and

WHEREAS, the proposed code amendments incorporate the statewide goals and targets, which mostly serve to clarify items, update definitions, and relate to administration of the program; and

WHEREAS, as the City of Monroe’s CTR provisions are included in MMC Title 18 “Planning and Zoning”, a Planning Commission public hearing and recommendation to the City Council is required; and

WHEREAS, Monroe Municipal Code (MMC) section 21.20.040(B) requires that the Planning Commission shall review and make recommendations on the following:

“Amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20).”

WHEREAS, a Planning Commission public hearing was held on the CTR amendments on direction November 28, 2016; and

WHEREAS, following the public hearing and deliberation, the Planning Commission adopted findings and recommended amendments related to Commute Trip Reduction; and

WHEREAS, SEPA Determination of Non-Significance (DNS) was issued on the proposed CTR code amendments on November 1, 2016 with no comments received and no appeal filed; and

WHEREAS, the proposed amendments were transmitted to the State of Washington for State agency review in accordance with RCW 36.70A.106 on October 25, 2016; and

WHEREAS, on _____ 2016/2017, and _____, 2017, 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 18.88 entitled Commute Trip Reduction is hereby amended as follows:

18.88.005-010 Purpose.

The purpose of this chapter is to provide a method for compliance with the Washington State Commute Trip Reduction Law of 1991 (RCW [70.94.521](#) through [70.94.551-70.94.555](#)), and as amended in 2006 by the Commute Trip Reduction Efficiency Act. The Commute Trip Reduction Law was passed to reduce traffic congestion, air pollution, and dependency on fossil fuels through employer-based programs encouraging alternative commute methods to the single-occupancy vehicle. The Commute Trip Reduction Law shall not be used as a substitute for reviews of projects under other city requirements for compliance with the State Environmental Policy Act (SEPA).

18.88.020 Administration.

The Director of Community Development or their designee shall have the duty and responsibility to administer the provisions of this chapter with the authority to promulgate rules and regulations to implement and administer this chapter.

18.88.010-030 Definitions.

For the purpose of this chapter, the following definitions shall apply in the interpretation and enforcement of this chapter:

“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.~~ For the purpose of defining affected employees the following apply:

A. A full-time employee is a person other than an independent contractor, scheduled to be employed on a continuous basis for fifty-two weeks for an average of at least thirty-five hours per week.

B. The employee will only be counted at his or her primary worksite.

C. Seasonal agricultural employees, including seasonal employees of processors of agricultural products, are excluded from the count of affected employees.

“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 person 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\(2\)\(b\)](#).

“Alternative mode” means any means of commute transportation other than that in which the single-occupant motor vehicle is the dominant mode, including ~~telecommuting~~ ~~teleworking~~ and compressed work weeks if they result in reducing commute trips.

“Alternative work schedules” mean 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 that eliminate work trips for affected employees are an example.

“Baseline data collection” means the collection of employee trip data at a major worksite to determine the non-drive alone trips and greenhouse gas emissions per employee at the worksite. The jurisdiction uses these measurements to develop commute trip reduction targets for the major employer. The baseline measurements must be implemented in a manner that meets the requirements and timeframe specified by the city.

“Base year” means the twelve-month period that commences when the ~~city~~ City of Monroe determines an employer is required to comply with the CTR law.

“Base year survey” or “baseline measurement” means the survey, during the base year, of employees at a major employer work site to determine the drive-alone rate and vehicle miles traveled per employee at the work site. The jurisdiction uses this measurement to develop commute trip reduction goals for the major employer. The baseline measurements must be implemented in a manner that meets the requirements specified by the city.

“Carpool” means a motor vehicle occupied by at least two people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle commute trip.

“City” means the ~~city~~ City of Monroe.

“Commute trip reduction (CTR) plan” means the Ceity of Monroe’s plan and ordinance to regulate and administer the CTR programs of ~~a~~ a major employers within its jurisdiction.

“Commute trip vehicle miles traveled per employee (VMT)” means the sum of the individual commute trip lengths in miles over a set period divided by the number of full-time employees.

“Commute trips” means trips made from a worker’s home to a work site during the peak period of six a.m. to nine a.m. (inclusive) on weekdays.

“Commuter matching service” means a system that assists in matching commuters for the purpose of commuting together.

“Commuter” means a resident or employee in an affected urban growth area who is participating in the city’s commute trip reduction program, including any growth and transportation and efficiency center programs, implemented to meet Monroe’s established targets.

“Compressed work week” means an alternative work schedule, in accordance with employer policy, that regularly allows a full-time employee to eliminate at least one workday every two weeks by working longer hours during the remaining days, resulting in fewer commute trips by the employee. This definition is primarily intended to include weekly and biweekly arrangements, the most typical being four ten-hour days or eighty hours in nine days, but may also include other arrangements.

“CTR law” means the Commute Trip Reduction Law passed by the Washington State legislature in 1991 (Chapter 202, Laws of 1991) and codified in RCW [70.94.521](#) through [70.94.551](#), and amended in 1997 and 2006, requiring each county containing an urban growth area, designated pursuant to RCW 36.70A.110, and each city within an urban growth area with a state highway segment exceeding the one hundred person hours of delay threshold calculated by the department of transportation, as well as those counties and cities located in any contiguous urban growth areas to adopt a commute trip reduction plan and ordinance for major employers in the affected urban growth area, requiring counties of over one hundred fifty thousand residents, with one or more major employers, to implement a CTR ordinance and plan. All cities in such counties with one or more major employers are also required to adopt CTR ordinances and plans.

“CTR program” means an employer’s strategies to reduce affected employees’ SOV use ~~and~~, VMT per employee, and greenhouse gas emissions.

“Custom bus/bus pool” means a commuter bus service arranged specifically to transport employees to work.

“Employer” means a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district, or other individual or entity, whether public, nonprofit, or private, that employs workers.

“ETC” means employer transportation coordinator as required pursuant to RCW 70.94.531(3).

“Flex-time” is an employer policy allowing individual employees some flexibility in choosing the time, but not the number, of their working hours to facilitate the use of alternative modes.

“Full-time employee” means a person, other than an independent contractor, scheduled to be employed on a continuous basis for fifty-two weeks for an average of at least thirty-five hours per week on two or more weekdays per week.

“Goals” means a the established criteria for measuring effectiveness of employer programs as outlined in the City of Monroe’s CTR plan. purpose toward which efforts are directed.

“Good faith effort” means that an employer has met the minimum requirements identified in RCW [70.94.531](#) and this chapter, and is working collaboratively with the city/county to continue

its existing CTR program or is developing and implementing program modifications likely to result in improvements to its CTR program over an agreed-upon length of time.

“Growth and transportation efficiency center (GTEC)” means a defined, compact, mixed-use urban center that contains jobs or housing and supports multiple modes of transportation. For the purpose of funding, a GTEC must meet minimum criteria established by the CTR Board under RCW [70.04.537](#)[70.94.524](#), and must be certified by a regional transportation planning organization as established in RCW [47.80.020](#).

“Implementation” means active pursuit by an employer of the CTR goals of RCW [70.94.521](#) through [70.94.551](#)[70.94.555](#) and this chapter, as evidenced by appointment of a transportation coordinator, distribution of information to employees regarding alternatives to SOV commuting, and commencement of other measures according to its approved CTR program and schedule.

“Jurisdiction’s base year measurement” means the proportion of single-occupant vehicle commute trips by CTR commuters and commute trip vehicle miles traveled per CTR commuter on which commute trip reduction targets for the local jurisdiction shall be based. The jurisdiction’s base year measurement, for those jurisdictions with an affected urban growth area as of March 1, [2007](#)[2017](#), shall be determined based on employee surveys administered in the [2006](#)[2016](#)-[2007](#)-[2017](#) survey cycle. If complete employee survey data from the [2006](#)[2016](#)-[2007](#)-[2017](#) survey cycle is not available, then the base year measurement shall be calculated from the most recent and available set of complete employee survey data.

“Major employer” (~~formerly “affected employer”~~) means a private or public employer, including state agencies, that employs one hundred or more full-time employees at a single work site who begin their regular workday between six a.m. and nine a.m. on at least two weekdays for at least twelve continuous months.

“Major work site” (or “worksite”) means a building or group of buildings that is/are on physically contiguous parcels of land or on parcels of land separated solely by private or public roadways or rights-of-way, and at which there are one hundred or more full-time employees.

“Mode” means the means of transportation used by employees, such as single-occupant motor vehicle, rideshare vehicle (carpool, vanpool), transit, ferry, bicycle, walking, compressed work schedule and ~~telecommuting~~teleworking.

“Notice” means written communication delivered via the United States Postal Service with receipt deemed accepted three days following the day on which the notice was deposited with the postal service unless the third day falls on a weekend or legal holiday in which case the notice is deemed accepted the day after the weekend or legal holiday. Emails and Ffacsimile (fax) transmissions are a temporary notices of action that must be followed by the original document via mail or delivery.

“Peak period” means the hours from six a.m. to nine a.m. (inclusive), 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.

“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. (inclusive), as calculated using the best available methodology by the Washington State Department of Transportation.

“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.

“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.

“Target” means a quantifiable or measurable value that is expressed as a desired level of performance, against which actual achievement can be compared in order to assess progress, such as increase in non-drive alone trips and reduction of greenhouse gas emissions.

“~~Telecommuting~~Teleworking” means the use of telephones, computers, or other similar technology to permit an employee to work anywhere at any time~~from home~~, eliminating a commute trip, or to work from a work place closer to home, reducing the distance traveled in a commute trip by at least half.

“Transit” means a multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, ferry, rail, shared-ride taxi, shuttle bus, or vanpool. A transit trip counts as zero vehicle trips.

“Transportation demand management (TDM)” means a broad range of strategies that are primarily intended to reduce and reshape demand on the transportation system.

“Transportation management organization (TMO)” means a group of employers or an association representing a group of employers in a defined geographic area. A TMO may represent employers within specific city limits or may have a sphere of influence that extends beyond city limits.

“Vanpool” means a vehicle occupied by ~~from seven~~five to fifteen people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip. A vanpool trip counts as zero vehicle trips.

“Voluntary employer worksite” means the physical location occupied by an employer that is voluntarily implementing a CTR program.

“Week” means a seven-day calendar period starting on Monday and continuing through Sunday.

“Weekday” means any day of the week except Saturday or Sunday.

“Writing,” “written,” or “in writing” means original signed and dated documents. Emails and Facsimile (fax) transmissions are a temporary notices of action that must be followed by the original signed and dated document via mail or delivery.

18.88.020-040 CTR plan adoption by reference.

The Monroe CTR plan, as approved and adopted in 2000, and updated in 2008 and 2017, is adopted wholly and incorporated herein by reference.

18.88.025-050 CTR goals.

The goals for reducing Monroe's proportion of drive-alone vehicle trips and commute trip vehicle miles traveled per employee are established in the Monroe CTR plan. The city will set the individual work site goals for major employers based on how the work site can contribute to city's overall goal established in the CTR plan.

18.88.030-060 Responsible city department.

The ~~city-City~~ of Monroe ~~community-Community development-Development~~ department is responsible for implementing this chapter, the CTR plan, and the Monroe CTR program, and should be identified together with any authority necessary to carry out such responsibilities such as rule-making or certain administrative decisions.

18.88.040-070 Applicability.

The provisions of this chapter shall apply to any major employers or voluntary work sites within the corporate limits of the ~~city-City~~ of Monroe.

A. Notification of Applicability.

1. In addition to Monroe's established public notification for adoption of an ordinance, a notice of availability of a summary of this chapter, a notice of the requirements and criteria for major employers and voluntary work sites to comply with this chapter, and subsequent revisions shall be published at least once in Monroe's official newspaper not more than thirty days after passage of the ordinance codified in this chapter, or revisions.
2. Major employers and voluntary work sites located in Monroe are to receive written notification that they are subject to this chapter. Such notice shall be addressed to the company's chief executive officer, senior official, or CTR manager at the work site. Such notification shall provide ninety days for the major employer to perform a baseline survey. After the results of the baseline survey are provided to the major employer, they have ninety days to submit a CTR program to the city.
3. Major employers and voluntary work sites that, for whatever reason, do not receive notice within thirty days of passage of the ordinance codified in this chapter and are either notified or identify themselves to the city within ninety days of the passage of the ordinance will be granted an extension to assure up to ninety days within which to perform a baseline survey. After the results of the baseline survey are provided to the major employer, they have ninety days to submit a CTR program to the city.
4. Major employers that have not been identified or do not identify themselves within ninety days of the passage of the ordinance, do not complete a baseline survey within ninety days, or do not submit a CTR program within one hundred eighty days are in violation of this chapter.
5. If a major employer or voluntary work site has already performed a baseline survey, the major employer or voluntary work site is not required to perform another survey and is required to submit a CTR plan to the city within 90 days.

B. New Major Employers and Voluntary Work Sites.

1. Employers that meet the definition of "a major employer" in this chapter must identify themselves to the city within ninety days of either moving into the boundaries of Monroe or growing in employment at a work site to one hundred or more affected employees. Such employers shall be given ninety days to complete a baseline survey, and an additional

ninety days to submit a CTR program once the baseline survey results are given to the employer. The CTR program will be developed in consultation with the city and implemented not more than ninety days after the program's approval. Employers who do not implement an approved CTR program according to this section are in violation of this chapter.

2. Employers that do not identify themselves within ninety days are in violation of this chapter.

3. New major employers shall have four years from the city's acceptance of the program to meet the CTR reduction goals as stated in the city's CTR plan.

C. Change in Status as a Major Employer. Any of the following changes in an employer's status will change the employer's CTR program requirements:

1. If an employer initially designated as major employer no longer employs one hundred or more affected employees and expects not to employ one hundred or more affected employees for the next twelve months, that employer is no longer a major employer. It is the responsibility of the employer to notify the city that it is no longer an employer.

2. If the same employer returns to the level of one hundred or more affected employees within the same twelve months, that employer will be considered a major employer for the entire twelve months and will be subject to the same program requirements as other major employers.

3. If the same employer returns to the level of one hundred or more affected employees twelve or more months after its change in status to an unaffected employer, that employer shall be treated as a new major employer and will be subject to the same program requirements as other new major employers.

18.88.050-080 Requirements for employers.

Major employers and voluntary work sites are required to make a good faith effort, as defined in RCW [70.94.534](#)(2) and this chapter, to develop and implement a CTR program that will encourage their employees to reduce drive-alone commute trips and commute trip vehicle miles traveled per employee. The employer shall submit a description of its program to city and provide an annual progress report to city on employee commuting and progress toward meeting the SOV goals and targets. The CTR program must include the mandatory elements as described below.

A. CTR Program Description Requirements. The CTR program description presents the strategies to be undertaken by an employer to achieve the program goals and targets stated in the city's CTR plan~~commute trip reduction goals. The goals are stated in the city's CTR plan.~~ Employers are encouraged to consider innovative strategies and combine program elements in a manner that will best suit their location, site characteristics, business type, and employees' commuting needs. Employers are further encouraged to cooperate with each other and to form or use transportation management organizations in developing and implementing CTR programs.

At a minimum, the employer's description must include:

1. General description of the employment site location, transportation characteristics, and surrounding services, including unique conditions experienced by the employer or its employees;

2. Number of employees affected by the CTR program;
3. Documentation of compliance with the mandatory CTR program elements ~~(as described in subsection (B) of this section);~~;
4. Description of the additional elements included in the CTR program ~~(as described in subsection (B) of this section);~~; and
5. Schedule of implementation, assignment of responsibilities, and commitment to provide appropriate resources.

B. Mandatory Program Elements. Each employer's CTR program shall include the following mandatory elements:

1. Employee Transportation Coordinator (ETC). The employer shall designate an on-site transportation coordinator to administer the CTR program. The coordinator's and/or designee's name, location, and ~~telephone number~~contact information must be displayed prominently at each affected work site. ETCs shall be trained in CTR program development and administration through a program approved by the city. The ETC shall attend annual ETC training and a minimum of six hours of other training or network meetings annually, or as organized by the city. The coordinator shall oversee all elements of the employer's CTR program and act as liaison between the employer and the city. The objective is to have an effective transportation coordinator presence at each work site; a major employer with multiple sites may have one on-site transportation coordinator for all sites.
2. Information Distribution. Information about alternatives to drive-alone commuting shall be provided to employees at least twice a year. Each employer's program description and annual or biannual report must ~~identify~~report the information to be distributed and the method of distribution.
3. Annual or Biannual Progress Report. The CTR program must include an annual or biannual review of employee commuting and progress and good faith efforts toward meeting the ~~goals and targets as outlined in the CTR plan. SOV and VMT reduction goals.~~ Determination of annual or biannual reporting requirement is dependent on work site commute trip reduction performance and the city will advise the major employer of required report frequency. Major employers shall file an annual or biannual progress report with the city in accordance with the format established by this chapter and consistent with the CTR Task Force Guidelines. The report shall describe each of the CTR measures that were in effect for the previous year(s), the results of any commuter surveys undertaken during the year(s), and the number of employees participating in CTR programs. Within the report, the employer should evaluate the effectiveness of the CTR program and, if necessary, propose modifications to achieve the CTR goals and targets. Survey information or approved alternative information must be provided every two years after implementation begins. The employer should contact the city for the format of the report.
4. Biannual Survey or Measurement. In addition to the specific program baseline measurement, employers shall conduct a program data evaluation as a means of determining work site progress toward meeting CTR goals. As part of the program evaluation, the employer shall distribute and collect commute trip reduction program employee questionnaires (surveys) at least once every two years, and achieve a seventy percent response rate from employees at the work site.

5. Annual Worksite Promotion of Employer CTR Program. Major employers will hold at least one annual transportation fair or equivalent promotion, which is available to all employees at each major worksite.

6. ETC Training. ETCs will be required to attend an ETC basic training session within six months of appointment.

7. Employer Notification. Employers will be required to notify the city or designee when there are proposed changes to their CTR program, changes in ETC or contact information, and/or changes in number of employees at the worksite.

8. ETC Networking/Advanced Training. ETCs will be required to attend at least six hours of networking or advanced training per year. Training and networking sessions may include marketing CTR programs to employees, trip planning, ridesharing, joint promotions and networking meetings.

59. Additional Program Elements. In addition to the specific program elements described above, the employer's CTR program shall include additional elements as needed to meet CTR goals and targets. Elements may include, but are not limited to, one or more of the following:

- a. Provision of preferential parking or reduced parking charges, or both, for high-occupancy vehicles;
- b. Instituting or increasing parking charges for SOVs;
- c. Provision of commuter ride matching services to facilitate employee ride-sharing for commute trips;
- d. Provision of subsidies for transit fares;
- e. Provision of vans for vanpools;
- f. Provision of subsidies for carpools or vanpools;
- g. Permitting the use of the employer's vehicles for carpooling or vanpooling;
- h. Permitting flexible work schedules to facilitate employees' use of transit, carpools, or vanpools;
- i. Cooperation with transportation providers to provide additional regular or express service to the work site;
- j. Construction of special loading and unloading facilities for transit, carpool, and vanpool users;
- k. Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;
- l. Provision of a program of parking incentives such as a rebate for employees who do not use the parking facilities;

- m. Establishment of a program to permit employees to work part- or full-time at home or at an alternative work site closer to their homes;
- n. Establishment of a program of alternative work schedules, such as a compressed workweek, which reduces commuting;
- o. Promotional activities for ridesharing and transit, as well as fixed commuter information centers;
- p. Guaranteed rides in emergency situations for rideshare participants;
- q. Reduction of parking provided in accordance with the Monroe zoning code;
- r. Charging employees for parking, and/or the elimination of free parking; and
- s. Implementation of other measures designed to facilitate the use of high-occupancy vehicles, such as on-site day care facilities and emergency taxi services.

18.88.060-090 Record keeping.

Major employers shall include a list of the records they will keep as part of the CTR program they submit to the ~~city~~ City for approval. Records shall reflect the measures selected by the employer. For example, an employer providing transit and vanpool pass subsidies shall keep monthly records of pass sales; employers with parking charges and reduced rates for carpools and vanpools shall record parking pass sales by type. Employers will maintain all records listed in their CTR program for a minimum of forty-eight months. The ~~city~~ City of Monroe and the employer shall agree on the record keeping requirements as part of the accepted CTR program.

18.88.070-100 Schedule and process for CTR reports.

A. CTR Program. Not more than ninety days after the adoption of the ordinance codified in this chapter, or within ninety days after an employer qualifies under the provisions of this chapter, the employer will be given ninety days to complete baseline data collection, and an additional ninety days to submit a CTR program once the baseline data results are given to the employer. The CTR program will be developed in consultation with the city and implemented not more than ninety days after the program's approval by the city. Employers who do not implement an approved CTR program according to this section are in violation of this chapter.

AB. Document Review. Monroe shall provide the employer with written notification if a CTR program is deemed unacceptable. The notification must give cause for any rejection. The employer shall have thirty days to resubmit a modified program. If the employer receives no written notification of extension of the review period of its CTR program or comments on the CTR program or annual report within ninety days of submission, the employer's program or annual report is deemed accepted. The city may extend the review period up to ninety days. The implementation date for the employer's CTR program will be extended an equivalent number of days.

BC. Schedule. Upon review of an employer's initial CTR program, Monroe shall establish the employer's annual reporting date, which shall not be less than twelve months from the day the program is submitted. Each year, on the employer's reporting date, the employer shall submit to Monroe its annual CTR report.

CD. Modification of CTR Program Elements. Any major employer may submit a request that to the city to allow for the modification of CTR program elements, other than the mandatory

elements specified in this chapter, including record keeping requirements. Such request may be granted if one of the following conditions exists:

1. The employer can demonstrate that it would be unable to comply with the CTR program elements for reasons beyond the control of the employer, or
2. The employer can demonstrate that compliance with the program elements would constitute an undue hardship.

The city of Monroe may ask the employer to substitute a program element of similar trip reduction potential rather than grant the employer's request.

D.E. Extensions. An employer may request additional time to submit a CTR program or CTR annual progress report, or to implement or modify a program. Such requests shall be made in writing at least thirty days before the due date for which the extension is being requested. Extensions not to exceed ninety days shall be considered for reasonable causes. The city shall grant or deny the employer's extension request in writing within ten working days of receipt of the extension request. If there is no response issued to the employer, an extension is automatically granted for thirty days. Extensions shall not exempt an employer from any responsibility in meeting program goals and targets. Extensions granted due to delays or difficulties with any program element(s) shall not be cause for discontinuing or failing to implement other program elements. An employer's annual reporting date shall not be adjusted permanently as a result of these extensions. An employer's annual reporting date may be extended at the discretion of the ~~d~~Director of ~~C~~ommunity ~~D~~evelopment.

E.F. Implementation of Employer's CTR Program. Unless extensions are granted, the employer shall implement its approved CTR program not more than ninety days after receiving written notice from the city that the program has been approved or with the expiration of the program review period without receiving notice from the city.

18.88.090-110 Enforcement.

A. Compliance. For purposes of this section, compliance shall mean fully implementing in good faith all provisions in an approved CTR program.

B. Program Modification Criteria. The following criteria for achieving goals and targets for non-drive alone trips and greenhouse gas emissions per employee VMT per employee and proportion of drive-alone trips shall be applied in determining requirements for employer CTR program modifications:

1. If an employer makes a good faith effort, as defined in RCW 70.94.534(2) and this chapter, and meets either or both goals, the employer has satisfied the objectives of the CTR plan and will not be required to modify its CTR program;
2. If an employer makes a good faith effort, as defined in RCW 70.94.534(2) and this chapter, but has not met or is not likely to meet the applicable ~~drive-alone or VMT~~ goal/targets, the city/~~county~~ shall work collaboratively with the employer to make modifications to its CTR program. After agreeing on modifications, the employer shall submit a revised CTR program description to the city for approval within thirty days of reaching agreement;
3. If an employer fails to make a good faith effort as defined in RCW 70.94.534(2) and this chapter, and fails to meet the applicable ~~drive-alone or VMT reduction goal/targets~~, the city shall work collaboratively with the employer to identify modifications to the CTR program and

shall direct the employer to revise its program within thirty days to incorporate the modifications. If a revised program is not accepted, the city will send written notice to that effect to the employer within thirty days and, if necessary, require the employer to attend a conference with program review staff for the purpose of reaching a consensus on the required program. A final decision on the required program will be issued in writing by the city within ten working days of the conference.

C. Violations. The following constitute violations if the deadlines established in this chapter are not met:

1. Failure to perform a baseline measurement within ninety days of written notification from the city that an employer qualifies as a major employer, including:

a. Employers notified or that have identified themselves to the city within ninety days of the ordinance codified in this chapter being adopted and that do not perform baseline data collection consistent with the requirements specified by the city within ninety days from the notification or self-identification;

b. Employers not identified or self-identified within ninety days of the ordinance codified in this chapter being adopted and that do not perform baseline data collection consistent with the requirements specified by the city within ninety days from the adoption of the ordinance codified by this chapter;

c. A new major employer that does not perform baseline data collection consistent with the requirements specified by the city within ninety days of identification as a major employer;

2. Failure to develop and/or submit on time a complete CTR program.

3. Failure to implement an approved CTR program, unless the program elements that are carried out can be shown through quantifiable evidence to meet or exceed the goals and targets ~~VMT and drive-alone goals~~ as specified in this chapter;

4. Submission of false or fraudulent data in response to survey and data collection requirements;

5. Failure to make a good faith effort, as defined in RCW [70.94.534](#)(2) and this chapter; or

6. Failure to revise a CTR program as defined in RCW [70.94.534](#)(4) and this chapter.

D. Penalties.

1. No major employer or voluntary worksite with an approved CTR program that has made a good faith effort may be held liable for failure to reach the applicable goals and targets ~~drive-alone or VMT goal~~;

~~2.—Compliance with the requirements of this code is mandatory. The general penalties and remedies established in Chapter [21.70](#) MMC for such apply to any violation of this code. The enforcement actions authorized under this code shall be supplemental to those general penalties and remedies in Chapter [21.70](#) MMC.~~

32. A major employer shall not be liable for civil penalties if failure to implement an element of a CTR program was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith. Unionized employers shall be presumed to act in good faith compliance if they:

- a. Propose to a recognized union any provision of the employer's CTR program that is subject to bargaining as defined by the National Labor Relations Act; and
- b. Advise the union of the existence of the statute and the mandates of the CTR program approved by the city and advise the union that the proposal being made is necessary for compliance with state law (RCW [70.94.531](#)).

3. Compliance with the requirements of this code is mandatory. The general penalties and remedies established in Chapter 21.70 MMC for such apply to any violation of this code. The enforcement actions authorized under this code shall be supplemental to those general penalties and remedies in Chapter 21.70 MMC.

18.88.100-120 Exemptions and goal modifications.

A. Work Site Exemptions. A major employer may request the city to grant an exemption from all CTR program requirements or penalties for a particular work site. The employer must demonstrate that it would experience undue hardship in complying with the requirements of this chapter as a result of the characteristics of its business, its work force, or its location(s). An exemption may be granted if and only if the major employer demonstrates that it faces extraordinary circumstances, such as bankruptcy, and is unable to implement any measures ~~any measures of the approved CTR plan that could reduce the proportion of drive-alone trips and VMT per employee.~~ Exemptions may be granted by the city at any time based on written notice provided by the major employer. The notice should clearly explain the conditions for which the major employer is seeking an exemption from the requirements of the CTR program. The city shall review annually all employers receiving exemptions, and shall determine whether the exemption will be in effect during the following program year.

B. Employee Exemptions. Specific employees or groups of employees who are required to drive alone to work as a condition of employment may be exempted from a work site's CTR program. Exemptions may also be granted for employees who work variable shifts throughout the year and who do not rotate as a group to identical shifts. The city will use the criteria identified in the CTR Board Guidelines to assess the validity of employee exemption requests. The city shall review annually all employee exemption requests, and shall determine whether the exemption will be in effect during the following program year.

C. Modification of CTR Program Goals and Targets.

1. A major employer may request that the city modify its CTR program goals and/or targets. Such requests shall be filed in writing at least sixty days prior to the date the work site is required to submit its program description or annual report. The ~~goal~~-modification request must clearly explain why the work site is unable to achieve ~~each the~~ applicable goal and/or target. The work site must also demonstrate that it has implemented all of the elements contained in its approved CTR program.

2. The city will review and grant or deny requests for goal modifications in accordance with procedures and criteria identified in the CTR Board Guidelines.

3. An employer may not request a modification of the applicable goals and/or targets until one year after city approval of its initial program description or annual report.

18.88.110-130 Appeals.

Administrative interpretations and administrative approvals may be appealed, by a major employer, to the hearing examiner in accordance with MMC 21.60.010. The appeal must be in writing and state in a clear and concise manner the specific exceptions and objections to the administrative decision. The decision on the appeal shall constitute a final decision appealable to the city council.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. 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 _____, 2017.

First Reading: _____, 2016/2017
Adoption: _____, 2017
Published: _____, 2017
Effective: _____, 2017

CITY OF MONROE, WASHINGTON:

Geoffrey Thomas, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:

Elizabeth M. Smoot, MMC, City Clerk

J. Zachary Lell, City Attorney



ATTACHMENT 2

City of Monroe Findings of Fact and Conclusions of Law Staff Report and Recommendation

A. GENERAL APPLICATION INFORMATION

File Number(s):	CA2016-05 (associated with SEPA2016-13)
Project Summary:	Proposed amendments to update the Commute Trip Reduction regulations in Chapter 18.88 of the Monroe Municipal Code
Applicant:	City of Monroe
Location:	The code amendments do not apply to a specific property or properties but rather to all major employers within the entire city limits 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.
Public Hearing Date:	Monday, November 28, 2016 at 7:00 PM Monroe City Hall Council Chambers 806 West Main Street Monroe, WA 98272
Staff Contact:	Shana Restall, Senior Planner City of Monroe 806 West Main Street Monroe, WA 98272 (360) 863-4608 srestall@monroewa.gov

B. BACKGROUND AND DESCRIPTION OF PROPOSAL

In 1991, the Washington legislature passed the Commute Trip Reduction Act ("CTR Act") and incorporated it into the Washington Clear Air Act (RCW 70.94.521 through 70.94.555). The CTR Act requires certain counties and cities to develop ordinances, plans and programs to reduce Vehicle Miles Traveled (VMT) and drive alone commute trips, and thereby reduce vehicle-related air pollution, traffic congestion and energy use. The CTR Act was amended in 2006 by the Commute Trip Reduction Efficiency Act.

The Commute Trip Reduction Act (CTR) is locally initiated and enforced per the requirements of the Revised Code of Washington (RCW). Once a local jurisdiction has identified a “major employer,” defined as “a private or public employer, including state agencies, that employs one hundred or more full-time employees at a single work site who begin their regular workday between six a.m. and nine a.m. on at least two weekdays for at least twelve continuous months”, the jurisdiction also automatically becomes an affected employer and must comply with the law.

The City of Monroe is subject to these requirements. In 2000, the City of Monroe adopted Ordinance 1192, establishing the City’s Commute Trip Reduction provisions, which are contained in Monroe Municipal Code (MMC) Chapter 18.88 entitled “Commute Trip Reduction (CTR).” To implement MMC Chapter 18.88, the City has historically entered into an agreement with Community Transit to perform requirements and services of the Act on behalf the City of Monroe. Under that arrangement, Community Transit received the City’s share of the State Commute Trip Reduction (CTR) implementation funds.

On September 26, 2014, the CTR board adopted the State CTR Plan 2015 – 2019. It includes new statewide program goals and targets and new options for local goals and targets. Local jurisdictions that have recently been asked by Community Transit to update and amend their CTR regulations to incorporate the new statewide goals and target. The attached draft ordinance incorporates these amendments. For the most part, the amendments are intended to clarify, update definitions, and relate to administration of the program.

C. REVIEW PROCESS

1. Overview

As the City of Monroe’s CTR provisions are included in MMC Title 18 “Planning and Zoning”, a Planning Commission public hearing and recommendation to the City Council is required. MMC section 21.20.040(B) requires that the Planning Commission shall review and make recommendations on the following:

“Amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20).”

As the proposed amendments are contained in Title 18 (zoning code), the Planning Commission is tasked with holding an open record public hearing and drafting a recommendation on the proposed amendments to send to the City Council for consideration.

A Planning Commission briefing on the proposed code amendments was held November 14, 2016. A public hearing in front of the Planning Commission is scheduled for 7:00 PM on November 28, 2016. City Council will review the Commission’s recommendation no earlier than December 13, 2016. The Council’s decision is the City’s final action on the proposed code amendments.

Upon adoption of the ordinance by the City Council, final reviews will be conducted by the Puget Sound Regional Council (PSRC) and the WSDOT CTR Board. The 2017 – 2019 CTR plan contract cycle begins in July 2017.

2. Public Notification and Comments

- a. On October 25, 2016, the proposed zoning code amendments were transmitted to the State of Washington for State agency review in accordance with RCW 36.70A.106. Expedited review (14 days rather than 60 days) was requested.
- b. Notice of Public Hearing was provided in accordance with MMC 21.40.020, and published in the Monroe Monitor on November 1, 2016. No public comments were received as of the date this staff report was drafted.
- c. Based on the Planning Commission's direction during the November 14, 2016 briefing, qualifying CTR employers in Monroe were notified on November 21, 2016 regarding the November 28, 2016 Planning Commission public hearing.

3. State Environmental Policy Act (SEPA) Review

A State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued on the proposed zoning code amendments on November 1, 2016. The public comment deadline is November 16, 2016, with an appeal deadline of November 23, 2016.

4. Public Hearing

The public hearing on this matter is scheduled in front of the Planning Commission on November 28, 2016 at 7:00 PM in the City of Monroe Council Chambers. Public hearings shall be conducted according to MMC 21.50.060 and generally observe the following sequence of events:

- a. Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.
- b. Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the applicant.
- c. Testimony or comments by the public germane to the matter. Questions directed to the staff or the applicant shall be posed by the chair at its discretion. The chair/hearing examiner shall have discretion as to what constitutes germane testimony.
- d. Rebuttal, response, or clarifying statements by the staff and the applicant.
- e. The evidentiary portion of the public hearing shall be closed thereafter and the hearing body shall deliberate on the matter before it.

D. FINDINGS OF FACT

There are no specific criteria listed in the Monroe Municipal Code (MMC) for review of a zoning code amendment. However, MMC 21.50.040 stipulates:

...the Planning Commission shall not recommend approval of a proposed comprehensive plan or development regulation amendment unless the following findings and conclusions are made:

- 1. The proposal is consistent with the comprehensive plan and meets the requirements and intent of this code.*
- 2. The proposal is beneficial to the public health, safety and welfare and is in the public interest.*

The following Findings of Fact have been made regarding the proposed code amendments:

1. In 1991, the Washington legislature passed the Commute Trip Reduction Act (“CTR Act”) and incorporated it into the Washington Clear Air Act (RCW 70.94.521 through 70.94.555). The CTR Act requires certain counties and cities to develop ordinances, plans and programs to reduce Vehicle Miles Traveled (VMT) and drive alone commute trips, and thereby reduce vehicle-related air pollution, traffic congestion and energy use. The CTR Act was amended in 2006 by the Commute Trip Reduction Efficiency Act.
2. The Commute Trip Reduction Act (CTR) is locally initiated and enforced per the requirements of the Revised Code of Washington (RCW). Once a local jurisdiction has identified a “major employer,” defined as “a private or public employer, including state agencies, that employs one hundred or more full-time employees at a single work site who begin their regular workday between six a.m. and nine a.m. on at least two weekdays for at least twelve continuous months,” the jurisdiction also automatically becomes an affected employer and must comply with the law.
3. In 2000, the City of Monroe adopted Ordinance 1192, establishing the City’s Commute Trip Reduction provisions, which are contained in Monroe Municipal Code (MMC) Chapter 18.88 entitled “Commute Trip Reduction (CTR).”
4. The City has an inter-local agreement with Community transit to administer the requirements of the CTR Act on behalf of the City of Monroe.
5. On September 26, 2014, the CTR board adopted the State CTR Plan 2015 – 2019. It includes new statewide program goals and targets and new options for local goals and targets. Local jurisdictions have been asked by Community Transit to update and amend their CTR regulations to incorporate the new statewide goals and targets.
6. The proposed code amendments incorporate these updated statewide goals and targets. For the most part, the amendments are intended to clarify, update definitions, and relate to administration of the program.
7. As the City of Monroe’s CTR provisions are included in MMC Title 18 “Planning and Zoning”, a Planning Commission public hearing and recommendation to the City

Council is required. MMC section 21.20.040(B) requires that the Planning Commission shall review and make recommendations on the following:

“Amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20).”

8. On October 25, 2016, the proposed amendments were transmitted to the State of Washington Department of Commerce for state agency review in accordance with RCW 36.70A.106.
9. Notice of Public Hearing was provided in accordance with MMC 21.40.020, and published in the Monroe Monitor on November 1, 2016. No public comments were received.
10. A State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued on the proposed CTR code amendments on November 1, 2016. No comments were received and no appeals were filed.
11. A Planning Commission briefing on the proposed code amendments was held November 14, 2016. Based on the Planning Commission direction, CTR employers in Monroe were notified on November 21, 2016 regarding the November 28, 2016 Planning Commission public hearing.
12. Subsequent to adoption of the CTR amendments by the City of Monroe, final reviews will be conducted by the Puget Sound Regional Council (PSRC) and the WSDOT CTR Board. The 2017 – 2019 CTR plan contract cycle begins in July 2017.
13. The proposed code amendments do not modify the intent of the existing regulations, and therefore, meet the requirements and intent of the MMC. Goal 6 of the City’s Comprehensive Plan instructs the City to “Provide and promote both utility and transportation infrastructures that coincide with need, growth, and long-term objectives.” With increased growth likely to continue in the Monroe area, exploring ways to reduce single-occupant vehicle trips to increase functionality of transportation networks is consistent with the goals and policies comprehensive plan.
14. As stated previously, the proposed amendments do not change the existing CTR requirements within the City. However, reducing the number of single-occupant vehicle trips will benefit the region by reducing traffic congestion, air pollution, and dependency on fossil fuels. The proposal is beneficial to the public health, safety and welfare and is in the public interest.

E. CONCLUSIONS OF LAW

Based on the above Findings of Fact, the following Conclusions of Law have been made:

1. Pursuant to RCW 70.94.527(1), the City of Monroe is subject to CTR requirements.
2. The City of Monroe currently has identified four major employers that must comply with the CTR Act, including Canyon Creek Cabinet Company, the City of Monroe, Monroe Correctional Complex, and Natural Factors.

3. In 2000, the City of Monroe adopted Ordinance 1192, establishing the City's Commute Trip Reduction provisions, which are contained in Monroe Municipal Code (MMC) Chapter 18.88 entitled "Commute Trip Reduction (CTR)."
4. The City has an inter-local agreement with Community transit to administer the requirements of the CTR Act on behalf of the City of Monroe.
5. On September 26, 2014, the CTR board adopted the State CTR Plan 2015 – 2019 that includes new statewide program goals and targets and new options for local goals and targets. The City of Monroe, as requested by Community Transit, is updating and amending CTR regulations to incorporate these new statewide goals and targets.
6. The proposed code amendments incorporate the updated statewide goals and targets. For the most part, the amendments are intended to clarify, update definitions, and relate to administration of the program. They are neither substantive, nor do they alter current program requirements.
7. MMC section 21.20.040(B) requires that the Planning Commission shall review and make recommendations on the following:

"Amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20."

The proposed amendments are to Section 18.88 of the zoning code, and are, therefore, subject to review by the Planning Commission. A Planning Commission briefing on the proposed code amendments was held November 14, 2016. The Planning Commission held a public hearing on November 28, 2016 to consider the amendments and draft a recommendation to City Council.

8. The proposed amendments were transmitted to the State of Washington Department of Commerce for state agency review on October 25, 2016, in accordance with RCW 36.70A.106.
9. Notice of Public Hearing was provided in accordance with MMC 21.40.020. Furthermore, based on the Planning Commission direction, on November 21, 2016 a courtesy notice was sent to all CTR employers in Monroe were notified regarding the November 28, 2016 Planning Commission public hearing.
10. SEPA review was conducted on the proposal and a Determination of Nonsignificance (DNS) was issued on November 1, 2016 under 197-11-340(2) WAC. No appeals of the SEPA determination were filed.
11. Final review of the updated CTR regulations will be conducted by the Puget Sound Regional Council (PSRC) and the WSDOT CTR Board after adoption of the CTR amendments by the Monroe City Council.
12. The proposal is consistent with the comprehensive plan and meets the requirements and intent of this code.
13. The proposal is beneficial to the public health, safety and welfare and is in the public interest.

G. STAFF RECOMMENDATION

Based on the analysis and findings included herein, staff recommends to the Planning Commission the following:

1. **Recommended Motion:** Move that the Planning Commission **ADOPT** the Findings of Fact and Conclusions of Law contained in Attachment 3 to the Planning Commission agenda bill and recommend that the Monroe City Council **APPROVE** the proposed amendments to Monroe Municipal Code Chapter 18.88.
2. **First Alternative Motion:** Move that the Planning Commission **ADOPT** the Findings of Fact and Conclusions of Law contained in Attachment 3 to the Planning Commission agenda bill and recommend that the Monroe City Council **APPROVE** the proposed amendments to Monroe Municipal Code Chapter 18.88, provided that the proposal shall be modified as follows: [describe modifications].
3. **Second Alternative Motion:** Move that the Planning Commission **TAKE NO ACTION** on the Findings of Fact and Conclusions of Law contained in Attachment 3 to the Planning Commission agenda bill and **CONTINUE** the public hearing to the December 12, 2016 regular meeting.
4. **Third Alternative Motion:** Move that the Planning Commission **REJECT** the Findings of Fact and Conclusions of Law contained in Attachment 3 to the Planning Commission agenda bill and recommend that the Monroe City Council **DENY** the proposed amendments to Monroe Municipal Code Chapter 18.88.



ATTACHMENT 3

City of Monroe Planning Commission Findings of Fact and Conclusions of Law

A. GENERAL APPLICATION INFORMATION

File Number(s):	CA2016-05 (associated with SEPA2016-13)
Project Summary:	Proposed amendments to update the Commute Trip Reduction regulations in Chapter 18.88 of the Monroe Municipal Code
Applicant:	City of Monroe
Location:	The code amendments do not apply to a specific property or properties but rather to all major employers within the entire city limits 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.
Public Hearing Date:	Monday, November 28, 2016 at 7:00 PM Monroe City Hall Council Chambers 806 West Main Street Monroe, WA 98272
Staff Contact:	Shana Restall, Senior Planner City of Monroe 806 West Main Street Monroe, WA 98272 (360) 863-4608 srestall@monroewa.gov

B. BACKGROUND AND DESCRIPTION OF PROPOSAL

In 1991, the Washington legislature passed the Commute Trip Reduction Act ("CTR Act") and incorporated it into the Washington Clear Air Act (RCW 70.94.521 through 70.94.555). The CTR Act requires certain counties and cities to develop ordinances, plans and programs to reduce Vehicle Miles Traveled (VMT) and drive alone commute trips, and thereby reduce vehicle-related air pollution, traffic congestion and energy use. The CTR Act was amended in 2006 by the Commute Trip Reduction Efficiency Act.

The Commute Trip Reduction Act (CTR) is locally initiated and enforced per the requirements of the Revised Code of Washington (RCW). Once a local jurisdiction has identified a “major employer,” defined as “a private or public employer, including state agencies, that employs one hundred or more full-time employees at a single work site who begin their regular workday between six a.m. and nine a.m. on at least two weekdays for at least twelve continuous months”, the jurisdiction also automatically becomes an affected employer and must comply with the law.

The City of Monroe is subject to these requirements. In 2000, the City of Monroe adopted Ordinance 1192, establishing the City’s Commute Trip Reduction provisions, which are contained in Monroe Municipal Code (MMC) Chapter 18.88 entitled “Commute Trip Reduction (CTR).” To implement MMC Chapter 18.88, the City has historically entered into an agreement with Community Transit to perform requirements and services of the Act on behalf the City of Monroe. Under that arrangement, Community Transit received the City’s share of the State Commute Trip Reduction (CTR) implementation funds.

On September 26, 2014, the CTR board adopted the State CTR Plan 2015 – 2019. It includes new statewide program goals and targets and new options for local goals and targets. Local jurisdictions that have recently been asked by Community Transit to update and amend their CTR regulations to incorporate the new statewide goals and target. The attached draft ordinance incorporates these amendments. For the most part, the amendments are intended to clarify, update definitions, and relate to administration of the program.

C. REVIEW PROCESS

1. Overview

As the City of Monroe’s CTR provisions are included in MMC Title 18 “Planning and Zoning”, a Planning Commission public hearing and recommendation to the City Council is required. MMC section 21.20.040(B) requires that the Planning Commission shall review and make recommendations on the following:

“Amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20).”

As the proposed amendments are contained in Title 18 (zoning code), the Planning Commission is tasked with holding an open record public hearing and drafting a recommendation on the proposed amendments to send to the City Council for consideration.

A Planning Commission briefing on the proposed code amendments was held November 14, 2016. A public hearing in front of the Planning Commission is scheduled for 7:00 PM on November 28, 2016. City Council will review the Commission’s recommendation no earlier than December 13, 2016. The Council’s decision is the City’s final action on the proposed code amendments.

Upon adoption of the ordinance by the City Council, final reviews will be conducted by the Puget Sound Regional Council (PSRC) and the WSDOT CTR Board. The 2017 – 2019 CTR plan contract cycle begins in July 2017.

2. Public Notification and Comments

- a. On October 25, 2016, the proposed zoning code amendments were transmitted to the State of Washington for State agency review in accordance with RCW 36.70A.106. Expedited review (14 days rather than 60 days) was requested.
- b. Notice of Public Hearing was provided in accordance with MMC 21.40.020, and published in the Monroe Monitor on November 1, 2016. No public comments were received as of the date of the public hearing with the Planning Commission.
- c. Based on the Planning Commission's direction during the November 14, 2016 briefing, qualifying CTR employers in Monroe were notified on November 21, 2016 regarding the November 28, 2016 Planning Commission public hearing.

3. State Environmental Policy Act (SEPA) Review

A State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued on the proposed zoning code amendments on November 1, 2016. The public comment deadline is November 16, 2016, with an appeal deadline of November 23, 2016.

4. Public Hearing

The public hearing on this matter is scheduled in front of the Planning Commission on November 28, 2016 at 7:00 PM in the City of Monroe Council Chambers. Public hearings shall be conducted according to MMC 21.50.060 and generally observe the following sequence of events:

- a. Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.
- b. Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the applicant.
- c. Testimony or comments by the public germane to the matter. Questions directed to the staff or the applicant shall be posed by the chair at its discretion. The chair/hearing examiner shall have discretion as to what constitutes germane testimony.
- d. Rebuttal, response, or clarifying statements by the staff and the applicant.
- e. The evidentiary portion of the public hearing shall be closed thereafter and the hearing body shall deliberate on the matter before it.

D. FINDINGS OF FACT

There are no specific criteria listed in the Monroe Municipal Code (MMC) for review of a zoning code amendment. However, MMC 21.50.040 stipulates:

...the Planning Commission shall not recommend approval of a proposed comprehensive plan or development regulation amendment unless the following findings and conclusions are made:

- 1. The proposal is consistent with the comprehensive plan and meets the requirements and intent of this code.*
- 2. The proposal is beneficial to the public health, safety and welfare and is in the public interest.*

The following Findings of Fact have been made regarding the proposed code amendments:

1. In 1991, the Washington legislature passed the Commute Trip Reduction Act (“CTR Act”) and incorporated it into the Washington Clear Air Act (RCW 70.94.521 through 70.94.555). The CTR Act requires certain counties and cities to develop ordinances, plans and programs to reduce Vehicle Miles Traveled (VMT) and drive alone commute trips, and thereby reduce vehicle-related air pollution, traffic congestion and energy use. The CTR Act was amended in 2006 by the Commute Trip Reduction Efficiency Act.
2. The Commute Trip Reduction Act (CTR) is locally initiated and enforced per the requirements of the Revised Code of Washington (RCW). Once a local jurisdiction has identified a “major employer,” defined as “a private or public employer, including state agencies, that employs one hundred or more full-time employees at a single work site who begin their regular workday between six a.m. and nine a.m. on at least two weekdays for at least twelve continuous months,” the jurisdiction also automatically becomes an affected employer and must comply with the law.
3. In 2000, the City of Monroe adopted Ordinance 1192, establishing the City’s Commute Trip Reduction provisions, which are contained in Monroe Municipal Code (MMC) Chapter 18.88 entitled “Commute Trip Reduction (CTR).”
4. The City has an inter-local agreement with Community transit to administer the requirements of the CTR Act on behalf of the City of Monroe.
5. On September 26, 2014, the CTR board adopted the State CTR Plan 2015 – 2019. It includes new statewide program goals and targets and new options for local goals and targets. Local jurisdictions have been asked by Community Transit to update and amend their CTR regulations to incorporate the new statewide goals and targets.
6. The proposed code amendments incorporate these updated statewide goals and targets. For the most part, the amendments are intended to clarify, update definitions, and relate to administration of the program.
7. As the City of Monroe’s CTR provisions are included in MMC Title 18 “Planning and Zoning”, a Planning Commission public hearing and recommendation to the City

Council is required. MMC section 21.20.040(B) requires that the Planning Commission shall review and make recommendations on the following:

“Amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20).”

8. On October 25, 2016, the proposed amendments were transmitted to the State of Washington Department of Commerce for state agency review in accordance with RCW 36.70A.106.
9. Notice of Public Hearing was provided in accordance with MMC 21.40.020, and published in the Monroe Monitor on November 1, 2016. No public comments were received.
10. A State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued on the proposed CTR code amendments on November 1, 2016. No comments were received and no appeals were filed.
11. A Planning Commission briefing on the proposed code amendments was held November 14, 2016. Based on the Planning Commission direction, CTR employers in Monroe were notified on November 21, 2016 regarding the November 28, 2016 Planning Commission public hearing.
12. Subsequent to adoption of the CTR amendments by the City of Monroe, final reviews will be conducted by the Puget Sound Regional Council (PSRC) and the WSDOT CTR Board. The 2017 – 2019 CTR plan contract cycle begins in July 2017.
13. The proposed code amendments do not modify the intent of the existing regulations, and therefore, meet the requirements and intent of the MMC. Goal 6 of the City’s Comprehensive Plan instructs the City to “Provide and promote both utility and transportation infrastructures that coincide with need, growth, and long-term objectives.” With increased growth likely to continue in the Monroe area, exploring ways to reduce single-occupant vehicle trips to increase functionality of transportation networks is consistent with the goals and policies comprehensive plan.
14. As stated previously, the proposed amendments do not change the existing CTR requirements within the City. However, reducing the number of single-occupant vehicle trips will benefit the region by reducing traffic congestion, air pollution, and dependency on fossil fuels. The proposal is beneficial to the public health, safety and welfare and is in the public interest.

E. CONCLUSIONS OF LAW

Based on the above Findings of Fact, the following Conclusions of Law have been made:

1. Pursuant to RCW 70.94.527(1), the City of Monroe is subject to CTR requirements.
2. The City of Monroe currently has identified four major employers that must comply with the CTR Act, including Canyon Creek Cabinet Company, the City of Monroe, Monroe Correctional Complex, and Natural Factors.

3. In 2000, the City of Monroe adopted Ordinance 1192, establishing the City's Commute Trip Reduction provisions, which are contained in Monroe Municipal Code (MMC) Chapter 18.88 entitled "Commute Trip Reduction (CTR)."
4. The City has an inter-local agreement with Community transit to administer the requirements of the CTR Act on behalf of the City of Monroe.
5. On September 26, 2014, the CTR board adopted the State CTR Plan 2015 – 2019 that includes new statewide program goals and targets and new options for local goals and targets. The City of Monroe, as requested by Community Transit, is updating and amending CTR regulations to incorporate these new statewide goals and targets.
6. The proposed code amendments incorporate the updated statewide goals and targets. For the most part, the amendments are intended to clarify, update definitions, and relate to administration of the program. They are neither substantive, nor do they alter current program requirements.
7. MMC section 21.20.040(B) requires that the Planning Commission shall review and make recommendations on the following:

"Amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20."

The proposed amendments are to Section 18.88 of the zoning code, and are, therefore, subject to review by the Planning Commission. A Planning Commission briefing on the proposed code amendments was held November 14, 2016. The Planning Commission held a public hearing on November 28, 2016 to consider the amendments and draft a recommendation to City Council.

8. The proposed amendments were transmitted to the State of Washington Department of Commerce for state agency review on October 25, 2016, in accordance with RCW 36.70A.106.
9. Notice of Public Hearing was provided in accordance with MMC 21.40.020. Furthermore, based on the Planning Commission direction, on November 21, 2016 a courtesy notice was sent to all CTR employers in Monroe were notified regarding the November 28, 2016 Planning Commission public hearing.
10. SEPA review was conducted on the proposal and a Determination of Nonsignificance (DNS) was issued on November 1, 2016 under 197-11-340(2) WAC. No appeals of the SEPA determination were filed.
11. Final review of the updated CTR regulations will be conducted by the Puget Sound Regional Council (PSRC) and the WSDOT CTR Board after adoption of the CTR amendments by the Monroe City Council.
12. The proposal is consistent with the comprehensive plan and meets the requirements and intent of this code.
13. The proposal is beneficial to the public health, safety and welfare and is in the public interest.

G. RECOMMENDATION OF THE PLANNING COMMISSION

Based on the analysis and findings included herein, the Planning Commission recommends that the City Council move to **ADOPT** the Planning Commission Findings of Fact and Conclusions of Law and that the Monroe City Council **APPROVE** the proposed amendments to Monroe Municipal Code Chapter 18.88.

Dated this 28th Day of November, 2016.

Bill Kristiansen, Planning Commission Chair
City of Monroe



MONROE PLANNING COMMISSION
Agenda Item Cover Sheet

TITLE:	Zoning Code - Amendments
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DATE:		CONTACT:	PRESENTER:	ITEM:
11/28/16		David Osaki	Dave Osaki	Old Business

Discussion: 01/11/16; 01/25/2016, 02/22/2016, 03/28.2016, 4/11/2016, 4/25/2016, 05/09/2016, 05/23/2016, 06/13/2016; 07/11/2016, 07/25/2016, 08/22/2016, 09/12/2016, 09/26/2016, 10/24/2016, 11/14/2016/11/28/2016

Public Hearing: None

- Attachments:**
1. MMC Chapter 18.12 Downtown Commercial Zone amendments
 2. Draft Promenade Overlay Map

DESCRIPTION/BACKGROUND

At its November 14, 2016 meeting, the Planning Commission continued its discussion of the code amendments to MMC Chapter 18.12 Downtown Commercial Zone. An additional change was requested to the Table in MMC section 18.12.200 Downtown planning area bulk requirements to achieve consistency with the amendments proposed to the Downtown neighborhood land use matrix in MMC 18.12.170. Those revisions have been made and are included in Attachment 1.

Also, a draft map identifying the promenade area has also been prepared (Attachment 2). The proposed code amendments describe the promenade area as,

“The ground level and street level portion of all buildings facing Main Street between Madison Street and Woods Street (if extended north) and the ground level and street level portion of all buildings facing Lewis Street between Fremont Street and Hill Street shall be considered a “promenade” within the Downtown Commercial District.”

The overlay on the map is intended to reflect this promenade geography.

RECOMMENDED ACTION Discussion.
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ATTACHMENT 1
Chapter 18.12
DOWNTOWN COMMERCIAL (DC) ZONE

Sections:

[18.12.110](#) Purpose of the downtown commercial zone.

[18.12.115](#) Definitions

[18.12.120](#) Neighborhoods and maps.

[18.12.130](#) ~~Downtown Residential~~ neighborhood (~~DRN~~).

[18.12.140](#) Rails and Roads neighborhood (RR).

[18.12.150](#) Historic Main area (HM).

[18.12.160](#) ~~Berlin Park~~East Downtown neighborhood (~~BPED~~).

[18.12.170](#) Downtown neighborhood land use matrix.

[18.12.180](#) Mixed-use requirements.

[18.12.190](#) Special uses.

[18.12.200](#) Downtown planning area bulk requirements.

[18.12.210](#) General downtown commercial requirements for the Historic Main and East Downtown~~Berlin Park~~ neighborhoods.

[18.12.220](#) Downtown commercial parking.

18.12.110 Purpose of the downtown commercial zone.

The purpose of the downtown commercial zone is to integrate civic, commercial, entertainment, cultural and residential uses and increase economic and urban activity levels within the zone. Development standards or guidelines applicable to the downtown commercial zone enhance opportunities for significant growth of office, commercial, and residential projects in the city's core, where public transit and civic amenities are more concentrated and available. (Ord. 006/2009 § 3)

18.12.115 Definitions

For the purposes of MMC Chapter 18.12 only, the following definitions shall apply:

“Club, fitness” means a use featuring exercise, sports and other active physical fitness conditioning typically requiring a membership. This also includes businesses engaged in providing specific athletic related training and services for a participation fee.

“Distillery, Micro” means an operation where specialty alcohol is produced and distributed to a lesser extent than a distillery according to industry standards. The majority of the square footage of the micro-distillery building and related structures is devoted to such uses as a tasting room, restaurant and/or gift shops.

“Family day care” means a business regularly providing care during part of the 24-hour day to 12 or fewer persons, including children and/or adults, and the children, if applicable, of the day care provider, in the family abode of the person or persons under whose direct care those receiving care are placed.

“Mixed use (commercial and residential)” means a building that contains a combination of residential and non-residential land uses, as permitted in the underlying Downtown Neighborhood.

“Personal service shops “means” businesses which administer personal services including beauty and barber shops, nail salons, tanning salons, day spas, pet grooming, tailoring, shoe repair, and other similar personal service uses that are pedestrian-attracting or pedestrian-generating in nature.

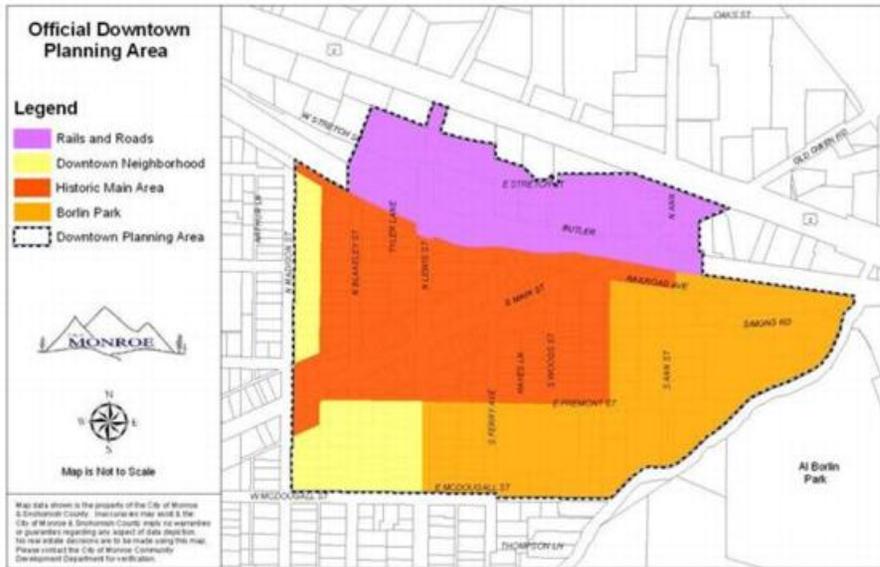
“Service establishment” means any business, professional or government office providing a substantial function of the business as on-site services, which involve personal contact with people who do not work in the office. Examples would include, but not be limited to, residential real estate sales, loan offices, medical offices and employment agencies.

18.12.120 Neighborhoods and maps.

A. Neighborhoods. The downtown commercial zone is subdivided into four distinct neighborhoods; each neighborhood is intended to implement specific aspects of the comprehensive plan that pertain to the downtown planning area. Each neighborhood contains a unique mix of uses and zoning regulations, as described in this chapter. The four neighborhoods are ~~DRN Downtown~~ Downtown Residential neighborhood, RR Rails and Roads neighborhood, HM Historic Main area, and ~~BP Berlin Park~~ ED East Downtown neighborhood

B. Official Downtown Planning Area Zoning Map. The official downtown planning area zoning map shows the boundaries of the planning area and represents the four distinct neighborhoods in the downtown commercial zone. This map shall be supplemental to the current, official city of Monroe zoning map.

[NOTE: Legend with applicable neighborhood names to be revised]



C. Planning Area and Neighborhood Boundaries. Where uncertainty exists as to the boundaries of the downtown planning area and downtown commercial neighborhoods, as shown on the official downtown planning area zoning map, the rules defined in MMC [18.04.030](#) shall apply. (Ord. 006/2009 § 3)

18.12.130 ~~Downtown Residential~~ neighborhood (~~DRN~~).

A. Purpose. The ~~Downtown Residential~~ neighborhood frames the western edge of the Historic Main area and contains existing single-family houses, multifamily buildings, and some commercial uses. This mix of uses is appropriate for this neighborhood, as a transitional edge between single-family neighborhoods and the Historic Main area, to provide a setting for small businesses and close-in housing options. Future redevelopment in this area will provide a mix of uses. Residential uses in this neighborhood are limited to single-family residences, ~~and~~ duplexes ~~and multi-family dwellings~~.

B. Residential Density. Residential density will allow up to eleven dwelling units per acre. The number of units on a specific site is calculated by multiplying the gross area by eleven units per acre. (Ord. 006/2009 § 3)

18.12.140 Rails and Roads neighborhood (RR).

The Rails and Roads neighborhood includes the lands north of the Historic Main area, between the railroad and U.S. Highway 2. Many of the properties in this area have roads along the front and rear of the property, looking both to downtown and to the commercial strip. Various commercial activities are appropriate in this neighborhood. The long-term vision for the area should make use of the rail lines by encouraging a rail stop for potential passenger service. Residential uses in the RR neighborhood are not allowed, due to the commercial nature of the area. (Ord. 006/2009 § 3)

18.12.150 Historic Main area (HM).

A. Purpose. The Historic Main area encompasses the blocks along Main Street between Madison Street and the railroad tracks and along Lewis Street between Fremont Street and the railroad tracks. The Historic Main area will be the core area for specialty commercial uses that serve the entire community and even the region. The goal for this area is to continue to have a high concentration of retail, dining, and entertainment functions, while accommodating professional services and some residential housing. Cultural and recreational facilities should also be a part of the area's mix of uses. Certain street segments in the Historic Main area limit ground floor street level uses to those land uses that promote pedestrian activity and interaction (see MMC 18.12.150(D).)

B. Residential Density. The Historic Main area allows up to twenty residential units per gross acre. To calculate the number of possible dwelling units/lots, refer to MMC [18.10.010\(B\)](#) for the single-family density calculation and MMC [18.10.020\(B\)](#) for the multifamily or mixed use density calculation.

C. Design Guidelines. All development within the Historic Main area shall comply with the design guidelines found in the downtown master plan. Design guideline review will be administrative and is subject to the requirements of MMC [18.10.130](#). (Ord. 026/2011 § 2 (Exh. 1); Ord. 006/2009 § 3)

D. The ground level and street level portion of all buildings facing Main Street between Madison Street and Woods Street (if extended north) and the ground level and street level portion of all buildings facing Lewis Street between Fremont Street and Hill Street shall be considered a "promenade" within the Downtown Commercial District. The ground level and street level portion of all buildings on these street segments shall be occupied by the uses identified in Table 18.12.170 (Downtown Neighborhood Land Use Matrix) under the column heading "Historic

Main Neighborhood Promenade”. The Director may authorize other pedestrian attracting uses to be permitted if the Director finds that such use is the same general character as the permitted uses identified in that column.

18.12.160 Berlin Park East Downtown neighborhood (BPED).

A. Purpose. The goal for this neighborhood is to promote an “urban village” character that contains pedestrian scale amenities and high-quality mixed-use and high-density residential development. Land uses will provide for a concentration of commercial, residential, and civic functions. Civic functions may include recreational and arts uses as well as education-related activities. The Berlin Park East Downtown neighborhood should contain significant, well-designed parks and open space. There are opportunities to make use of natural amenities along the eastern edge of the area that would make this a distinctive and appealing location for in-town housing. There are also opportunities to provide additional urban, civic green spaces within convenient walking distance of the Historic Main area. This combination of uses is necessary to promote the greater downtown Monroe area as a regional destination for specialty retail, dining, and entertainment.

Areas along Woods Creek and the Berlin Park East Downtown neighborhood are encouraged to provide enhanced pedestrian and bicycle connectivity. Also proposed along Woods Creek is an area for an overlook and water access at the creek itself, which would be linked into the enhanced bike and pedestrian ways. Areas of the Al Berlin Park East Downtown neighborhood, which are within the Woods Creek shoreline area, will have some development constraints due to the natural sensitivities of the creek side areas.

B. Residential Density. The Berlin Park East Downtown neighborhood allows a base density of up to twenty residential units per gross acre. Increased density of up to 24 units per acre is allowed for four story buildings. Increased density of up to 28 units per acre is allowed for five story buildings. Upper fourth and fifth stories shall be subject to design guideline requirements for stepping back. Lower stories may also be subject to requirements for stepping back. To calculate the number of possible dwelling units/lots, refer to MMC 18.10.020(B) for the multifamily or mixed use density calculation.

C. Design Guidelines. The Berlin Park East Downtown Neighborhood Design Guidelines, dated February 2009, or as amended in the future, and attached to the ordinance codified in this section, are hereby adopted and incorporated into this code by this reference as if set forth in full. All development within the Berlin Park East Downtown neighborhood shall comply with the design guidelines as adopted and is subject to the requirements of MMC 18.10.130. (Ord. 026/2011 § 2 (Exh. 1); Ord. 006/2009 § 3)

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					
Conforming Use	<u>Downtown Residential Neighborhood</u>	Rails and Roads Neighborhood	<u>Historic Main Area</u>	<u>Berlin Park East Downtown Neighborhood</u>	<u>Historic Main Area</u>	<u>Historic Main Area Promenade (see MMC 18.12.150(D))</u>
Accessory dwelling units <u>(1)</u>	P <u>(1)</u> ⁺		P ⁺	P <u>(1)</u> ⁺	P <u>(1)</u>	
Adult entertainment (business use) <u>P(2)</u>						
Amusement facility		P	C	C <u>P</u>	C	
Antique shop		P	P	P	P	P
Art gallery		P	P	P	P	P
Auto repair, minor		P				
Auto repair, major		P				
Bakery		P	P	P	P	P
<u>Bank without drive-up facility</u>		P		P	P	

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Conforming Use	<u>Downtown Residential Neighborhood</u>	Rails and Roads Neighborhood	<u>Historic Main Area</u>	<u>Berlin Park East Downtown Neighborhood</u>	<u>Historic Main Area</u>	<u>Historic Main Area Promenade (see MMC 18.12.150(D))</u>
Bank with drive-up facility		P	P	P	C	
Bed and breakfast	C (3) †		C †	C † P (3)	C (3)	
Brewery, micro		P	P	C P	P	
Church	C	P	P	P	C	
Cleaning establishment		P	P	C P	P	
Clinic, health services	C	C	C	C	C	
Club		P	P	C P	C	
Club, fitness	P	P	P	A P	C	
Coffee shop	A	P	P	P	P	P
Community open-air market		P	P	P	P	P

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Convenience stores		P	P	P	P	P
Day care center	A (4), C ²	P (4), C ²	C ²	C P (4), C ²	A (4)	
<u>Distillery, Micro</u>		P		P	P	
Drive-up/through		P	P ²	P (5)		
Drug store		P	P	P	P	P
Dwelling, duplex	P					
Dwelling, mobile home	P		C			
Dwelling, multifamily	P		P ²	P	C (4)	
Dwelling, single-family	P		C			
Dwelling, townhouse	P			P	C	

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Electrical transmission lines of higher voltage than 115 kV, in existing corridors (<u>above or below ground</u>)	P	P	P	P	P	P
<u>Electrical transmission lines of higher voltage than 115 kV, in new corridors (below ground)</u>	P	P		P	P	P
Electrical transmission lines of higher voltage than 115 kV, in new corridors (<u>above ground</u>)	C	C	C	C	C	C
Family day care	A	A	A	A	A	
Garden produce		P	P	P	P	
<u>Gas station</u>		P	C			
Government facilities	C	C	C	C	C	
Greenhouse, retail		P	C	P	P	P

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Grocery store		P	P ⁵	P <u>(6)</u> ⁵	<u>P (6)</u>	<u>P (6)</u>
Group homes, Type 1	P		C	P	<u>C</u>	
Group homes, Type 2	<u>C (7)</u> ²		<u>C</u> ²	<u>C (7)</u> ²	<u>C (7)</u>	
Halfway house	EPF		<u>EPF</u>	EPF	<u>EPF</u>	
Hardware store 1		<u>P (8)</u>	<u>P (8)</u>	<u>P (8)</u>	<u>P (8)</u>	<u>P (8)</u>
Hardware store 2		P				
Home occupations, <u>minor only</u>	P		P	P		
Hotel		P	C	<u>CP</u>	<u>P</u>	
Library		P		P	<u>P</u>	
Mixed-use (commercial and residential)	P		P	P	<u>P</u>	

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Mobile vendors		P(9) ⁶	P(9) ⁶	P(9) ⁶	P(9)	
Motel		P				
Nursing and/or convalescent home			P ⁸	P(10) ⁸		
Office, professional	P	P	P	P	P	
Parking lots (accessory use)	P	P	P	P		
Parking lots (stand-alone)	C	C	C	C	C	
Pawn shop		P	P			
<u>Personal service shops</u>		P		P	P	P
Preschool	C	C P	C	C P		
Print shop		P	P	C P	C	

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Regional transit station, including bus, train, and other high-capacity vehicle bases	EPF	EPF	EPF	EPF	<u>EPF</u>	
Restaurant		P	P	P	<u>P</u>	<u>P</u>
Retail stores		P	P^z	P^z	<u>P</u>	<u>P</u>
Retirement housing/assisted living facility	<u>P (11)</u>	P <u>(11)*</u>	P*	P <u>(11)*</u>		
Service establishment	C	P	P	P	<u>P</u>	
State and regional transportation facilities including highways of statewide significance	EPF	EPF	EPF	EPF	<u>EPF</u>	
Tavern/pub		P	P	<u>AP</u>	<u>P</u>	
Tool sales and rental		P		<u>A</u>		
Utility services	<u>P_C</u>	<u>P_C</u>	P	<u>P_C</u>	<u>C</u>	

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Veterinary clinic/animal hospital	C	P	€	P	C	

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

- P²- (1) Accessory dwelling units must meet criteria outlined in Chapter 18.40 MMC.
- P² (2) Adult entertainment facilities are subject to Chapter 5.48 MMC and are not allowed in the downtown commercial zone.
 - (3) Caretaker must be on site.
 - (4) In the Historic Main neighborhood, multifamily dwellings are only allowed in conjunction with mixed-use structures
 - (4) Limitation on number of children permitted per establishment.
- P² (5) In the East Downtown neighborhood, drive-up/through windows or areas are prohibited in any establishment serving food and/or beverages.
 - (6) Grocery stores may not exceed 13,000 square feet in gross floor area.
 - (7) Group homes that qualify as essential public facilities shall follow the regulations in Chapter 18.15 MMC, Essential Public Facilities.
 - (8) Hardware stores may not exceed 20,000 square feet in gross floor area.
 - (9) Mobile vendors must meet the criteria outlined in MMC 18.12.190(A).

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~~10) Nursing and convalescent homes shall be limited to parcels four (4) acres in size or less.~~

~~(11) Retirement housing/assisted living facility are limited to parcels four (4) acres in size or less.~~

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~~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).~~

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~~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 $\times 3 = 33$).~~

~~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.~~

(Ord. 008/2010 § 1 (Exh. 1); Ord. 006/2009 § 3)

18.12.180 Mixed-use requirements.

A. Residential Mixed-Use Requirements. The purpose and intent of requiring specific standards for residential mixed-use developments is to determine:

1. Compatibility of land uses by establishing specific standards and incentives for residential mixed-use developments to ensure and promote consistency in design, construction, and scale;

2. Proximity of housing to services by providing opportunities for residents to live close to areas of shops, offices and other urban amenities, in order to facilitate access to such services and places of employment, and also to promote pedestrian orientation while decreasing the need for automobile trips;

3. Consistent application of design standards for all new or renovated buildings within the Historic Main Street and ~~Berlin Park~~East Downtown neighborhoods, as applicable; and

4. Ensure that the residents of mixed-use developments are provided with the same amenities afforded other multifamily developments throughout the city.

B. Applicability. Residential mixed-use development is permitted as established in the Downtown neighborhood Land Use Matrix of this chapter.

1. A minimum of one floor must be dedicated to residential use to qualify as a mixed-use development.

~~2. Historic Main ground floor must be commercial.~~ (Ord. 006/2009 § 3)

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 that includes the elements described in MMC [18.82.030](#).

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.
 - 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.

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)

18.12.200 Downtown planning area bulk requirements.

Site Requirement	Downtown Commercial Zone Neighborhoods					
	Downtown Residential Neighborhood	Rails and Roads Neighborhood	Historic Main Area ¹	Borlin Park East Downtown Neighborhood	Historic Main Area ¹	Historic Main Area Promenade (see MMC 18.12.150(D))
District Symbol	DN RN	RR	HM	BP ED	HM	HM-P
Minimum Building Front/Street Setbacks (In Feet)	10 ft. – Living 20 ft. – Garage 20 ft. – Office	25 ft. from arterial 20 ft. from all other streets	None	None; except that portions of the building higher than 35 feet shall be setback from the street if the density is greater than 20 units per acre.	None	Same as Historic Main Area
Minimum Building Rear Setbacks (In Feet)	Single story – 5 ft. add 2 ft. for each additional story	As per IBC and IFC ²	As per IBC and IFC ²	As per IBC and IFC ²	As per IBC and IFC ²	Same as Historic Main Area
Minimum Building Side Setbacks (In Feet)	Single story – 5 ft. add 2 ft. for each additional story	As per IBC and IFC ²	As per IBC and IFC ²	As per IBC and IFC ²	As per IBC and IFC ²	Same as Historic Main Area
Maximum Lot Coverage of Structures and Other Impervious Surfaces	75%	None	None	85% ²	None	Same as Historic Main Area

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Site Requirement	Downtown Commercial Zone Neighborhoods					
	Downtown Residential Neighborhood	Rails and Roads Neighborhood	Historic Main Area¹	Borlin Park East Downtown Neighborhood	Historic Main Area¹	Historic Main Area Promenade (see MMC 18.12.150(D))
Minimum Landscaped Area/Landscaping Requirements	Per Chapter 18.78 MMC	Per Chapter 18.78 MMC	Per Chapter 18.78 MMC	Per Chapter 18.78 MMC	Per Chapter 18.78 MMC	Same as Historic Main Area
Maximum Height (In Feet)	35 ft.	35 ft. ⁶	35 ft.³	35 ft. ³	35 ft.³	Same as Historic Main Area
Maximum Height Bonus (In Feet) for Mixed-Use Buildings	None	None	55 ft.	55 ft.	55 ft.	Same as Historic Main Area
Ground Floor Use Requirement for Mixed-Use Buildings	None	None	Commercial	None	Commercial	Same as Historic Main Area
Design Criteria	None	None	Yes – MMC 18.12.150	Yes – MMC 18.12.160	Yes – MMC 18.12.150	Same as Historic Main Area
Minimum First Story Height (Mixed-Use)	None	None	15 ft.	15 ft.	15 ft.	Same as Historic Main Area

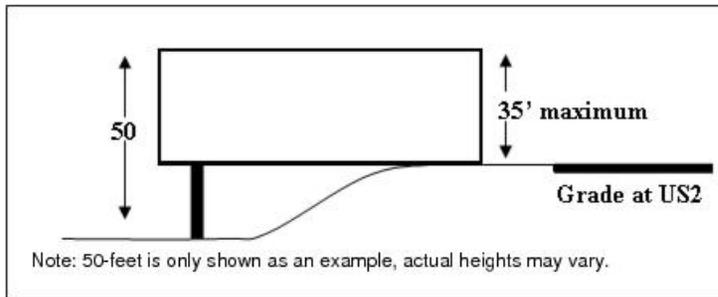
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Site Requirement	Downtown Commercial Zone Neighborhoods					
	Downtown Residential Neighborhood	Rails and Roads Neighborhood	Historic Main Area ¹	Borlin Park East Downtown Neighborhood	<u>Historic Main Area</u> ¹	<u>Historic Main Area Promenade (see MMC 18.12.150(D))</u>
Minimum Lot Area	SFR – 4,000 sq. ft. Duplex – 8,000 sq. ft. Office – 4,000 sq. ft.	None	None	None	<u>None</u>	<u>Same as Historic Main Area</u>
Floor Area Ratio (FAR)	N/A	N/A	1.7:1	1.7:1	<u>1.7:1</u>	<u>Same as Historic Main Area</u>
Bonus FAR for Residential	N/A	N/A	0.5⁴	0.5 ⁴	<u>0.5⁴</u>	<u>Same as Historic Main Area</u>
Bonus FAR for Underground Parking	N/A	N/A	0.5⁵	0.5 ⁵	<u>0.5⁵</u>	<u>Same as Historic Main Area</u>

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1. New single-family development in the Historic Main neighborhood will follow the bulk requirements for the downtown neighborhood.
2. Critical areas located on the lot count toward the FAR.
3. Mixed-use facilities may achieve twenty-foot height bonus.
4. If the structure is mixed-use, a minimum of one story must be dedicated to residential use.

- 5. Bonus FAR of 0.5 for buildings which provide one full level of parking below grade.
- 6. Maximum height of thirty-five feet is measured from the grade level at U.S. Highway 2 to the roofline for buildings fronting U.S. Highway 2



(see diagram below).

7. Portions of the building greater than 35 feet in height must be stepped back

(Ord. 026/2011 § 2 (Exh. 1); Ord. 006/2009 § 3)

18.12.210 General downtown commercial requirements for the Historic Main and East Downtown Berlin Park neighborhoods.

A. Development Standards.

1. Minimum height of ground floor shall be fifteen feet in height, from top to top of the successive finished floor surfaces on applicable buildings, as illustrated in Figure 18.12-1. Figure 18.12-1 shows a ground floor height of fifteen feet.

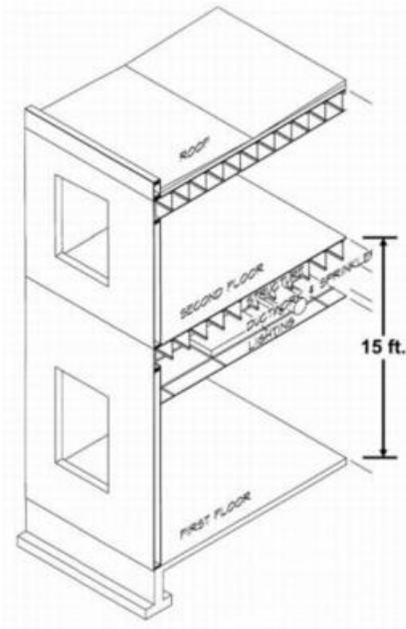


Figure 18.12-1: Ground Floor Height Measurement

2. Floor Area Ratio (FAR) Bonus. New or renovated buildings, as applicable, may attain a 0.5 FAR bonus for mixed-use buildings, if a minimum of one floor is dedicated to residential use.
3. Ground Floor. Commercial uses shall be located on the ground floor, as applicable. The elevation of the ground floor and associated entry shall be within seven inches of the grade level of the adjoining sidewalk. "Grade" shall be as measured at the entry location.
4. Exceptions and Clarifications.

a. Parking is not considered to be a commercial use for the purposes of satisfying the ground floor commercial use requirement. Ground floor parking is allowed under the following circumstances:

- i. The parking lot is behind commercial suites on the ground level.
- ii. Commercial use requirement will be satisfied on the second story.
- iii. Additional landscape screening is provided.

b. Commercial space located on the ground floor shall be directly accessible, by an entry, from the sidewalk. (Ord. 006/2009 § 3)

18.12.220 Downtown commercial parking. 

A. Off-street parking shall be provided per Chapter [18.86](#) MMC, throughout the downtown commercial zone, with the following exceptions:

1. The Historic Downtown neighborhood is exempt from off-street commercial parking requirements; however, for new construction on-site parking is encouraged when feasible.

B. 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 provides one or more of the following:

1. The applicant submits a parking study, by a qualified professional, substantiating that the parking need can be met by the proposed reduction.

2. The applicant sets aside land equal to the reduction area, which can be converted to parking, if a change in use or tenant occurs that increases the minimum required off-street parking, per MMC [18.86.050](#); in such case, the land set aside must be converted to parking.

3. For every five bicycle spaces provided, per subsection (C) of this section, or for each bicycle locker (two-bicycle capacity), the minimum motor vehicle parking space requirements may be reduced by one space up to five percent of the total required off-street parking spaces.

4. On sites where at least twenty parking spaces are required and where at least one frontage abuts a designated roadway, transit supportive plazas may be substituted for up to ten percent of required vehicle parking when:

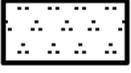
a. The plaza is adjacent to the arterial street (if there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop);

b. The plaza must be at least two hundred square feet in area and be shaped so that a ten-foot by ten-foot square will fit entirely within the plaza; and

- c. The plaza must be open to the public, contain a bench or other sitting area and shall have at least ten percent and no more than twenty-five percent landscaping.
- 5. The applicant enters into joint parking agreement, for use of a cooperative parking facility, in accordance with MMC [18.86.070](#) and [18.86.080](#). Through a joint parking agreement, the twenty percent reduction may be increased if all cooperative parking facility criteria are met.
- C. Standards for Bicycle Parking. Any bicycle parking implemented under this section must meet the following standards:
 - 1. Bicycle parking must be provided at the ground level, and may be provided in floor or wall racks that hold bicycles securely. Bicycles may be tipped vertically for storage, but not hung above the ground. If the bicycle parking is placed in the public right-of-way, it shall not obstruct pedestrian walkways or damage required landscaping.
 - 2. Where required bicycle parking is provided with racks, the racks must meet the following standards:
 - a. The rack must hold the bicycle securely by means of the frame. The frame must be able to be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels;
 - b. The bicycle frame and one wheel can be locked to the rack with a high-security, U-shaped shackle lock if both wheels are left on the bicycle;
 - c. The rack must be securely anchored to the ground or adjacent structure with theft-resistant hardware.
 - 3. Where bicycle parking is provided with lockers, such lockers must meet the following standards:
 - a. An area of at least six feet of horizontal distance shall be provided around the entrance of each locker that is free from obstructions; and
 - b. The lockers must be securely anchored to the ground or adjacent structure with theft-resistant hardware.
- D. Underground parking is encouraged throughout the downtown commercial zone. (Ord. 026/2011 § 2 (Exh. 1); Ord. 006/2009

Official Downtown Planning Area

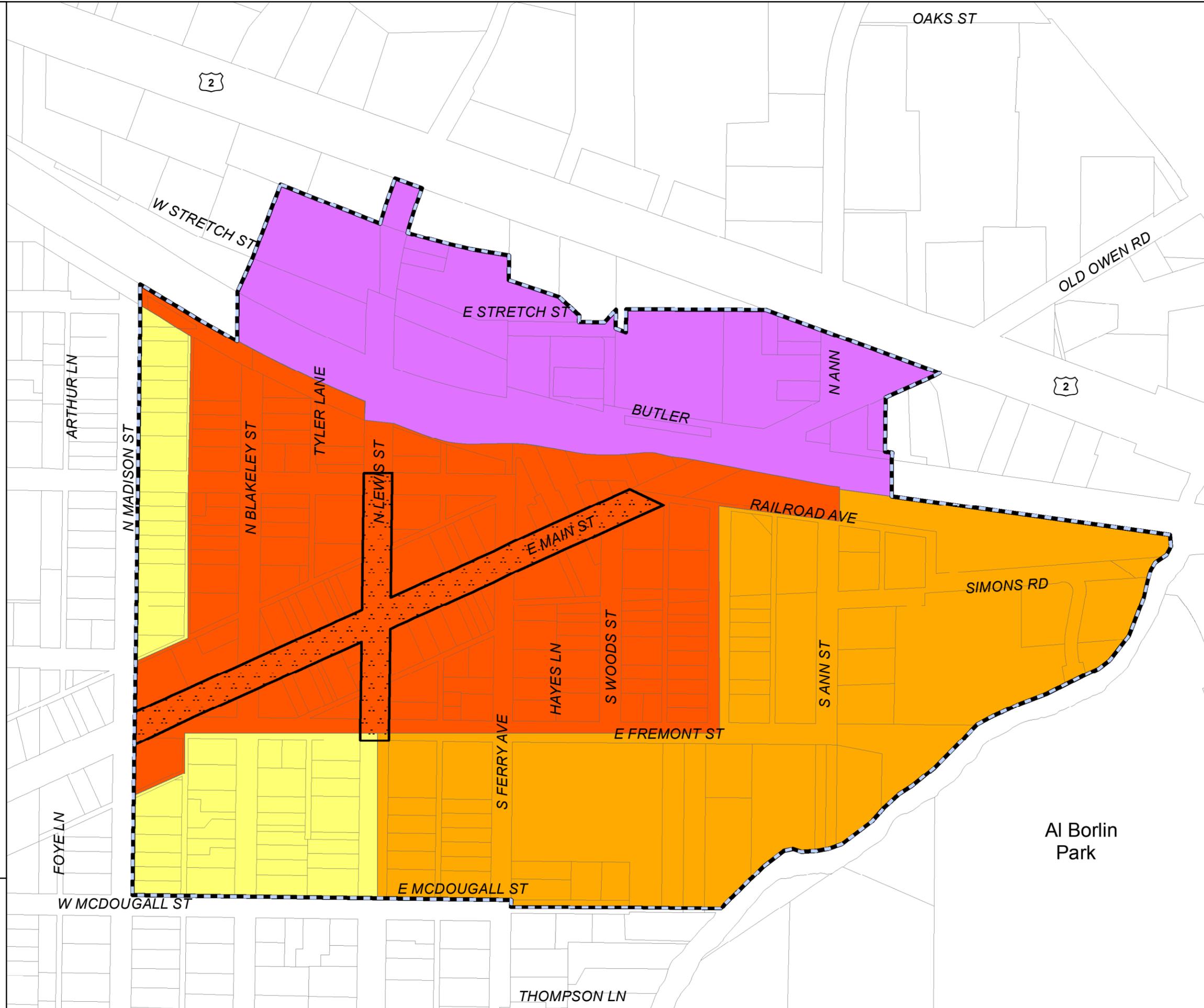
Legend

-  Downtown Planning Area
-  Historic Main Promenade
-  Borlin Park
-  Downtown Neighborhood
-  Historic Main
-  Rails and Roads



Map is Not to Scale

Map data shown is the property of the City of Monroe & Snohomish County. Inaccuracies may exist & the City of Monroe & Snohomish County imply no warranties or guaranties regarding any aspect of data depiction. No real estate decisions are to be made using this map. Please contact the City of Monroe Community Development Department for verification.



Al Borlin Park